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Abstract

Commerce and Justice: Ottoman and Venetian Courts in Istanbul during the Seventeenth Century

Tommaso Stefini

2021

"Justice and Commerce: Ottoman and Venetian Courts in Istanbul during the Seventeenth Century” analyzes legal disputes and economic transactions between Ottoman and Venetian merchants in Istanbul on a daily basis between 1600 and 1620. At that time, the Venetians constituted the largest European community in the Ottoman capital, and they engaged intensively in trade ventures with Ottoman businessmen belonging to different religious and ethnic communities, including Muslim Turks, Sephardic Jews, and Orthodox Greeks. This dissertation asks how Ottomans and Venetians cooperated in commercial undertakings and solved controversies despite the absence of a system of inter-polity law and secular legal regimes in the early modern Mediterranean. Drawing from both Ottoman and Venetian primary sources, I address this question through a comparative study of three types of courts used by Ottoman and Venetian merchants in Istanbul for certifying their property rights and regulating their disputes: Islamic forums of justice headed by a Qadi (a Muslim judge), the Imperial Council (divan-i hümâyûn) under the jurisdiction of the Grand Vizier, and the Venetian consular court.

I argue that, despite differences in the normative systems, these institutions jointly promoted trade exchange by providing distinct but complementary legal and economic
services to Ottoman and Venetian merchants that allowed commercial cooperation. Their first and foremost contribution was the certification of property rights across religious and political boundaries. I also maintain that the administration of justice for Venetian and Ottoman merchants was tightly entangled in the political and economic context of the seventeenth-century eastern Mediterranean and in the ebb and flow of Ottoman/Venetian relations. The political economy of the Republic of Venice and the Ottoman Empire affected the resolution of commercial and criminal controversies and the access of forums of justices for merchants belonging to different political and religious communities.
Commerce and Justice: Ottoman and Venetian Courts in Istanbul during the Seventeenth Century

A Dissertation
Presented to the Faculty of the Graduate School
Of
Yale University
In Candidacy for the Degree of
Doctor of Philosophy

By

Tommaso Stefini

Dissertation Director: Alan Mikhail

December 2021
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Acknowledgments

Writing this dissertation would not have been possible without the support of the many professors, colleagues, friends, and family members in the USA, Italy, Turkey, France, and elsewhere, who had faith in my capabilities to accomplish this project and accompanied me during the long journey of my PhD since fall 2014. I first and foremost thank Professor Francesca Trivellato,¹ whose guidance and constant advice has taught me much about what it means to be a professional historian and has radically changed my perspective on the past. Her customary “constructive destruction” of my papers and dissertation chapters encouraged me to keep up with the hard work and to constantly strive to expand my contribution to our knowledge of the past. My debt gratitude towards her runs deep. Special thanks to Professor Alan Mikhail, who has supported me at every stage of my graduate career and reminded me constantly to think broadly and in “imperial terms” about my research. I also thank Professor Lauren Benton for taking the time to engage with this project during this difficult year of global pandemic and for providing me with insights on that will carry it into the future. Many of the ideas of this dissertation developed from discussions with Professors Simona Cerutti and Bogaç Ergene on European and Ottoman pre-modern legal systems and analytical methodologies to study them. I thank them both for all their time spent answering my numerous queries and for their generous feedback to my dissertation chapters.

¹ Even though Prof. Trivellato left Yale in 2019 for the Institute for Advanced Study, she is still my thesis supervisor. She has followed my doctoral studies and my dissertation since coming to Yale. Since she left, Prof. Mikhail has become my official thesis director. Despite being now my dissertation codirector, Prof. Trivellato has continued to follow and support my academic progress up to the present.
At Yale History Department, I am also indebted to Professors David Sorkin, Bruce Gordon, Paul Freedman, Rosie Basheer (now at Harvard), Paola Bertucci, Keith Wrightson, and Abbas Amanat, for offering me their expertise in their fields of research and for providing me with guidance during my first teaching experiences at Yale College and Divinity School. At Yale, I found a vibrant community of scholars and friends that provided me with an invaluable opportunity for intellectual exchange and whose friendships gave me joy, much fun, wonderful adventures throughout the USA, and lifted my spirit during the hardest periods of my doctoral studies. Among them, I am particularly thankful to Tyler Kynn, Ian Hathaway, Choon Hwee Koh, Camille Cole, Yusuf Magiya, Ellen Nye, Samuel Dolbee, Brandi Waters, Nazanin Sullivan, Justin Randolph, Jennifer Strtak, Nichole Nelson, Christopher Forney, Sarah Ifft, Mallory Hope, Antonio Barocci, Barbara di Gennaro, Ferzan Tapramaz, İrem Altan, Nazım Can Serbest, and Suna Kafadar. I also thank Trip Kirkpatrick from the Yale Library for his incredible patience in helping me building a relational database that, from being at the beginning a real instrument of torture, has become an incredible tool for analyzing my historical data.

In New Haven, I am also grateful to Monika and Steve Advocate, my landlords, for their wonderful company over 7 years during many dinners and aperitives. I too thank the Lord Family—Kevin, Kerry, and Julian—for all the amazing time we spent together discussing American history over many glasses of wine and delicious food. Both the Advocate and the Lord families have been my real American families. Finally, in New Haven I also thank my special comrade Sylvia Ryerson for all her encouragement and care during the last months of revision of my dissertation and for restoring my faith in the importance of my work not only for academic circles but also for human societies in
Our adventures in Connecticut, New York, Massachusetts, helped me to take a break from my dissertation’s exhausting last revisions and to relativize the importance of my work vis-à-vis all the beautiful things that life has offered to me so far.

In Istanbul, I thank the staff of İSAM (İslam Araştırmaları Arşivi) library and the Başbakanlık Osmanlı Arşivi for helping during my archival research. At İSAM, I owe my deepest gratitude to Kenan Yıldız (now at Medeniyet University) for his friendship over many years, his interest in and constant support to my dissertation research, for sharing with me his expertise on the Ottoman legal system, and for teaching me to read sicils. I also thank Kenan Hoca’s former office colleagues—NurayUrkaç Güler, Neslihan Aracı Güler, Büşra Atmaca, Esra Muhacır, Şûheda Tokat, Hatice Karaman—for their great company during long breaks with Turkish coffee and many treats, with discussions on Ottoman/Turkish and Italian history, food, and culture. In Istanbul I also thank numerous colleagues and friends, such as Güneş Işıksel, Cengiz Yolcu, Hasan Şiringül, Gizem Şiringül, Emine Baysoy, Eda Mutluay, Merve Çakır, Mesut Sayan, Merve Arkan, Buket Köse, Nebojša Stanković, Hratch Kestenian, and Zeinab Azarbadegan. They enriched my life in Istanbul with their friendship, intellectual exchanges, and support during the low periods of my research and graduate life. They all had contributed to make Istanbul my home again after years of separation.

My debts of gratitude extend to Italy. In Venice, I thank all staff of the Venetian State Archives (Archivio di Stato di Venezia) and the numerous friends and fellow scholars of Venice I met there over many years of research. I am particularly grateful to Umberto Signori, for his friendship, support to my work, and for our continuing intellectual exchanges on Venetian and Ottoman history over many years. Other precious
friends in Venice were Cristina Setti, Pauline Guena, Erasmo Castellani, Nikos Kapodistrias, Andrew Vidali, Mauro Bondioli, Daniele Dibello, Renard Gluzman, Angela di Maria, and Anna Calia. In Europe and the USA, I also thank Guillaume Calafat, Yavuz Aykan, Işık Tamdoğan, Andrea Caracausi, Francisco Apellániz, Ayşe Baltacıoğlu-Brammer, Joshua White, Guy Burak, Antonis Hadjikyriacou, Ana Sekulić, and Evren Sünnetçioğlu for discussing my research project in its various stages, offering their expertise on legal and social history of early modern Europe and the Ottoman Empire, and for helping me in navigating the increasingly hopeless academic job market.

My research would have not been possible without the generous financial support of many American research foundations, particularly the American Council of Learned Societies, the Mellon Foundation, The Whitney and Betty MacMillan Center for International and Area Studies at Yale, the Yale Economic History Program, The Joint Center for History and Economics at Harvard and Cambridge, the International Security Studies Centers at Yale, and Yale Digital Humanities Lab.

Finally, but more important, I thank my family in Brescia (the Lioness of Italy). My aunts Audilia and Ludovica were always enthusiastic about my studies and my research, and they cheered me whenever we met in Italy and around the world. My cousins/sisters Anna and Irene Giubbini have been a constant source of comfort during the lowest periods of my doctoral life and have been invaluable companions in Brescia, on the Alps, Turkey, and in the USA. I also thank my nephews Claudio and Mattia for all the great joy they have been giving me since they came to this world. Last but more important, my wholehearted and sincerest gratitude is for my mother Carlotta Dognini and my father Leone Stefini. They have affectionately, enthusiastically, and
wholeheartedly encouraged me to pursue my study interests since 2005 and have supported my research and career in Venice, Istanbul, and New Haven. I would not have come to Yale and completed this dissertation had not been for their love and unwavering faith in my career choice and my capabilities to accomplish my life and work goals. Furthermore, their example of commitment to work and family, their humility in life and career, and their selflessness care, have been the best sources of inspiration in both my work and life that I ever had. I dedicate this dissertation to them. Ci vediamo presto Ma e Appo!
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List of Abbreviations

ASV Archivio di Stato di Venezia (Venetian State Archives)
  — ANS Auditori Nuovi alle Sentenze
  — BAC Bailo a Costantinopoli.
  — CSM Cinque Savi alla Mercanzia.
  — DT Documenti Turchi
  — LST Lettere e Scritture Turchesche
  — SDelC Senato Deliberazioni, Constantinopoli
  — SDC Senato Dispacci, Constantinopoli

BOA Başbakanlık Osmanlı Arşivi (Prime Ministry Ottoman Archives)
  — DED Düvel-i Ecnebiye Defterleri
  — MD Mühimme Defterleri
  — MMD Maliyeden Müdevver Defterleri

İSAM İslam Araştırmaları Merkezi (Center for Islamic Studies)
  — GŞS Galata Şeriyye Sicilleri
  — İŞS İstanbul Şeriyye Sicilleri
  — RSM Rumeli Sedareti Mahkemesi

SK Süleymaniye Kütüphanesi (Süleymaniye Library)

VGMA Vakıflar Genel Müdürlüğü Arşivi (Archive of General Directorate of Foundations)
Map 1: The Venetian Empire in the 1620s

Taken from Rothman, Natalie. *Brokering Empire: Trans-Imperial Subjects between Venice and Istanbul* (Ithaca: Cornell University Press 2012), XXI
Introduction

In the early modern Mediterranean, long-distance trade between Christian and Muslim states carried the prospect of great profits, and, at the same time, daunting risks. In contrast to today, no system of international law regulated inter-state political and trade relations and no inter-governmental commercial institutions, such as the World Trade Organization, supported governments and businessmen in settling trade-related controversies. Instead, Christian, Jewish, and Muslim merchants in Mediterranean trading hubs had to navigate a multitude of foreign legislations, courts, commercial customs, and linguistic groups. In both Christian Europe and the Muslim world, religion and social status played a central role in the day-to-day business activities determining the legal and economic rights of different religious communities and social groups in marketplaces and courts of justice. Technological constraints complicated business operations, slowing the flow of information, payments, and exchanges between commercial partners separated by vast distances. How could merchants understand the terms of the exchanges—such as contractual obligations and notions of value—in the politically fragmented and linguistically, culturally, and religiously diverse early modern Mediterranean? Which legal, economic, and political mechanisms allowed Christians, Muslims, and Jews to engage in protracted commercial undertakings with one another?

This dissertation addresses these questions by examining the day-to-day administration of justice performed by Venetian and Ottoman courts that served merchants and other groups in seventeenth-century Istanbul. As the capital of a world empire, the most populous city in the Mediterranean, and a major trade hub connecting European and Asiatic markets, Istanbul hosted large communities of merchants hailing
from European, Asian, and African territories and belonging to numerous religious, ethnic, and linguistic backgrounds. In the first half of the seventeenth century, the subjects of the Venetian Republic still constituted the largest community of Western European merchants residing in the Ottoman capital. Building on a long tradition, they engaged in multiple trade ventures with Ottoman businessmen belonging to different religious and ethnic communities, including Muslim Turks, Sephardic Jews, and Orthodox Greeks. In these commercial undertakings, they were helped by international treaties, active diplomacy, Ottoman and Venetian legal institutions, extensive trade networks, local middlemen, and widely shared customary norms. At the same time, from the end of the sixteenth century onwards, new mercantile communities from emerging northern European powers began to operate in the eastern Mediterranean, slowly eroding the Venetian hegemony in the trade between the Levant and western Europe. The establishment of numerous and competing commercial networks, together with increased European diplomatic activity in the Ottoman Empire and Mediterranean-wide migrations, promoted the creation of what historian Molly Greene calls a “shared world.”

Despite the production of an extensive scholarship on the relationship between law and trade in the pre-modern world, we still know very little about how justice for merchants was administered on a routine basis and the contribution of both European and Islamic legal institutions to the regulation of trade. I provide the first comprehensive study of the legal institutions that Venetian and Ottoman merchants could avail themselves when trading in Istanbul. Because of the vastness of the records available, I

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gathered data for the period 1604-1628, and below I will explain the reason for my choice. These institutions include the Venetian chancellery (*cancelleria*), a consular tribunal and notarial office, and two different types of Ottoman Islamic courts: Ottoman lower courts of justice headed by a *kadi* (a Muslim judge, a public notary, and local administrator) and the Imperial Council (*divan-i hümâyun*), a court of justice and council of state headed by the sultan’s deputy, the Grand Vizier. I show that, despite differences in the normative frameworks, each of these courts provided distinct but complementary legal and economic services to Venetian and Ottoman merchants. Their main contribution to trade regulation was the certification of property rights across religious and political boundaries. Furthermore, I demonstrate that the administration of justice for Venetian and Ottoman merchants was tightly entangled in the international political and commercial context of the eastern Mediterranean in the seventeenth century. The political economy of the Republic of Venice and the Ottoman Empire affected the resolution of commercial and criminal controversies as well as access to forums of justices and notarial offices for merchants belonging to different political and religious communities.

By focusing on courts and long-distance trade, I engage with debates in the historiography of the early modern Mediterranean and the Ottoman Empire on the relationships between European and Islamic legal systems, trade and institutions, and legal pluralism. In the scholarship of the pre-modern Mediterranean, legal institutions play an important role in grand narratives of commercialization and the different economic performances of Christian and Muslim societies over the centuries. Economic historians working in the theoretical framework of the new institutional economics focus on legal systems to explain why Western Europe witnessed substantial economic growth
from the late medieval period onwards while other states stagnated. In their view, efficient institutions protecting property rights and impersonal contract negotiations promoted commercial development by solving what Avner Greif calls “the fundamental problem of exchange,” namely, merchants’ needs for protection of their persons and goods in foreign lands and for the enforcement of their contractual arrangements, either through a system of communal responsibility or some higher legal authority. Institutions could be formal, such as state legislation and state courts, or informal, such as customary and religious norms.2

Among the numerous scholars studying trade and institutions, Greif and Timur Kuran stand out for their grand narratives of divergent economic patterns of development between western Europe and the Islamic world. By comparing two medieval merchant groups, the Genoese and North African Maghribi Jews, Greif argues that only the Genoese created an efficient system of public law based on written contracts and state courts that enforced agency contracts between strangers. In contrast, Maghribi merchants

could not rely on Islamic and Jewish courts, due to their slowness and the inefficiencies of the underlying law. Instead, they established a reputation mechanism within a closed coalition of merchants which substituted for a state-sponsored legal system to police agency relations.\(^3\) The reason for such institutional divergence, in Grief’s approach, lay in Maghribi Jews’ “collectivistic cultural beliefs”, that is, their cultural preference for community and informality, which contrasted with the Genoese “individualistic cultural beliefs’ that privileged state policing of norms.

While Greif attributes the Islamic world’s stagnation to “culture” and “beliefs,” Kuran focuses on Islamic law (Sharia) to explain the “long divergence” between the economies of Muslim states and Europe from the early modern period onwards. He claims that, due to some inherent rigidities of Islamic law, Islamic economic institutions did not develop during the early modern era as extensively as the European ones leading to economic stagnation and to the current underdevelopment in the Middle East.\(^4\) In particular, he blames impermanent Islamic business partnerships, the partible inheritance system, and weak judicial institutions. Moreover, according to Kuran, Ottoman courts were institutionally biased against non-Muslims and did not accept written evidence as legal proof. Owing to these deficiencies, they did not promote impersonal exchange and litigation and they indirectly pushed Jews and Christian to apply to European consular courts, which offered faster, cheaper, and impersonal litigation.

\(^3\) Greif. *Institutions and the Path to the Modern Economy: Lessons from Medieval Trade* (Cambridge University Press. 2006), 63-66.

\(^4\) Kuran, *The Long Divergence*. 
Both Greif and Kuran have been criticized by other economic historians for deriving their arguments more from theoretical postulates than from empirical studies of legal systems and the practice of trade as well as for simplifying available historical evidence. At minimum, it is important to note that neither of them provides a systematic analysis of the administration of justice in European courts, which they consider to be efficient institutions protecting property rights that were absent in the “East,” and the political and economic contexts in which these institutions operated. Furthermore, scholars working on trade diasporas have demonstrated that systems of public law alone did not guarantee the enforcement of contracts and that merchants were usually reluctant to use state courts in the first place. By focusing on the trade networks and the forms of business associations of a group of Sephardic Jewish merchants in eighteenth-century Livorno (Italy), Francesca Trivellato illustrates they used a combination of intra-group discipline, contractual obligations, customary norms, political protection, and state courts to enter into sustained business relations with non-Jews.

This dissertation draws insights from the rich scholarship on trade and institutions in matters of institutional analysis. However, it departs from previous studies because, rather than focusing on international treaties, legislation, or religious norms, it concentrates on the ordinary administration of justice for merchants. My starting point is

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6 Trivellato, *The Familiarity of Strangers*. For a different perspective, more centered on intra-group trade, see Aslanian, Sebouh D. *From the Indian Ocean to the Mediterranean: The Global Trade Networks of Armenian Merchants from New Julfa* (Berkeley: University of California Press, 2010).
the perspective of individuals who turned to Venetian and Ottoman courts for specific legal and notarial services, from the litigation of a commercial lawsuit to the registration of business agreements and legal acts. By analyzing the merchants’ “consumption of justice”\textsuperscript{7} in a routine basis, I challenge widely shared but empirically unproven depictions of European legal institutions in the early modern period as “efficient” and “modern” and the castigation of their Islamic counterparts as “traditional” and “unfriendly” to trade expansion.

In order to reveal the overall contribution of various tribunals to Venetian-Ottoman trade, I study the entire range of functions performed by of them. Pre-modern courts were multifaceted institutions. In addition to the adjudication of disputes, which is usually the focus of most research on trade and law, courts played an important role in certifying property rights, that is, they had a notarial function, and in identifying and classifying individuals who came to their offices. I argue throughout my dissertation, that these three functions were influenced by the legal culture of each institution and by the political economy of the Republic of Venice and the Ottoman Empire.

**Pluralistic legal regimes**

Studying the administration of law in the early modern world entails confronting a plurality of legal sources and institutions. Muslim and Christian polities in the Mediterranean were highly hierarchical but they were also segmented, meaning that that they deemed it inconsequential to accommodate multiple normative systems, jurisdictions, and conceptions of justice within the same society. All regimes, whether

\textsuperscript{7} I borrow this felicitous expression from Smail, Daniel L. *The consumption of justice: emotions, publicity, and legal culture in Marseille, 1264-1423* (Ithaca; London: Cornell University Press, 2003), 19.
world empires or city-states, contained several recognized communities, including associations of artisans and merchants, religious and ethnic groups, villages, and urban and imperial authorities. In the same locality and at the same time, there existed different forums of justice and jurisdictions often applying much different legal principles, such as customary and religious norms and state legislation. This situation resulted in a more or less centralized pluralistic legal regimes containing multiple legal orders whose jurisdictional boundaries were a source of constant conflict and negotiation among different administrative and legal authorities.

Legal and jurisdictional pluralism was, in short, a norm rather than an exception. As a conceptual paradigm, legal pluralism now constitutes a major theme in the sociology and anthropology of law as well as in legal theory. It emerged in 1970s in the analysis of colonial and postcolonial situations as a response to the dominant perspective of "legal centralism," namely the idea that the state alone promulgated and administrated law which was uniform for all persons. The advocates of legal pluralism maintain that law is not a single system necessarily linked to the state as a unified entity, but rather a complex of overlapping systems or normative orders. John Griffith defines it as "a social state of affairs" and "the omnipresent, normal situation in human society."8 The behavioral counterpart of legal pluralism is “forum-shopping,” that is, the idea that a litigant, as legal

consumer, chooses the forum which offers the best resolution to his/her dispute in a specific normative environment.9

Apart from legal theorists and anthropologists, beginning in the 2000s, historians working on empires in the premodern and modern world utilized the notion of legal pluralism to examine inter-imperial dynamics and intra-group relations in imperial and colonial societies. Historian Lauren Benton puts legal pluralism at the forefront of the study of state formation in colonial societies. She analyzes how jurisdictional conflicts among different actors, such as colonial authorities and indigenous populations, over imperial subjection, legal authority, and economic rights, shaped imperial sovereignty in different colonial contexts. In her view, legal pluralism amounted to jurisdictional complexity and provided an arena for different historical actors, either imperial authorities or subjects, to advance their goals, from the centralization of imperial power to inclusion in a political community.10

With a few notable exceptions, in the historiography of the Ottoman Empire and the Mediterranean, scholars working on legal pluralism have not followed Benton’s framework of jurisdictional conflicts and imperial sovereignty. Rather, they have focused on the relations between different courts in practice of justice administration or between

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different normative systems and the practice of forum-shopping among them. Three strands of research prevail. First, scholars working on Ottoman courts of justice illustrate the considerable use of Muslim tribunals by Christians and Jews, even for intra-group affairs such as divorce and inheritance. This evidence contradicts long-standing assumptions about the legal autonomy of non-Muslim communities in Muslim polities.

Second, as scholars of Islamic legal systems examine the interplay between different sources of Islamic law, legal schools, and courts, in the daily administration of justice and in juristic debates, they demonstrate the ill-defined jurisdictional boundaries between different types of courts and conflictual relationships among legal schools.

A third group of legal and economic historians deals with the relationship between Islamic and European legal regimes and institutions, but they diverge in their opinions. On the one hand, Kuran and his followers examine practices of legal pluralism in the Ottoman Empire to explain the decline of Ottoman legal and economic institutions.


According to them, by allowing non-Muslims to apply to European consular courts, Ottoman authorities allowed them to shift to a more “efficient” legal system characterized by impersonal litigation and the use of written evidence. On the other hand, a few legal scholars study the interplay between the Ottoman and the European legal systems. Through analyses of legal disputes, they illustrate how European merchants navigated different Ottoman and European courts and legislations showing the fallacy of old-time assumptions of the incommensurability between “modern” European and “traditional” Ottoman legal systems.

In my dissertation I draw insights from both Benton’s approach to jurisdictional complexity and the recent scholarship on the interrelations between Ottoman Islamic and European legal regimes to analyze the practice of legal pluralism for Venetian and Ottoman merchants in seventeenth-century Istanbul. Following Gordon Woodman, I define legal pluralism as “the condition” in which different social segments observe different bodies of norms. Venetian and Ottoman merchants in Istanbul were simultaneously members of different “norms-generating communities,” whether political, religious, or professional, which produced specific legal cultures and

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institutions. The boundaries between different jurisdictions were ill-defined and overlapped, and some of them possessed more enforcement power than others.

Seventeenth-century Istanbul presents elements of both “multicentric” and “state-centered” types of legal orders, to use two analytical typologies coined by Benton. In multicentric legal orders the state is among many legal authorities while in state-centered legal orders the state sustains claims to dominance over other legal authorities. In Istanbul, Ottoman law was one among many normative systems applied in the Ottoman Empire. It included both Hanafi Islamic law (Sharia)—a trans-imperial, divinely inspired, and universal source of law, whose doctrines and legal practices in the Ottoman Empire were shaped by state legal authorities and whose practitioners were state employees—and sultanic legislation (kanun)—a collection of legal, administrative, and economic norms promulgated by different sultans. At the same time, Ottoman officials allowed different social, religious, and professional groups (called taife), such as Christian and Jewish communities, groups of foreign merchants like the Venetians, and artisanal associations, to conduct their internal legal affairs according to their customs or internal regulations without the intervention of state legal authorities. However, the Ottoman state sustained claims to dominance over all legal authorities. Communal normative systems and officials operated without hindrance as long as they did not encroach on the jurisdictions of Muslim judicial authorities. Nevertheless, jurisdicational conflicts did take place, even among different Muslim legal officials. Furthermore, being state authorities, the enjoyed greater prerogative of enforcing their rulings in Ottoman territories.

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In my dissertation, I employ a legal pluralist perspective to the study of different Venetian and Ottoman legal institutions in seventeenth-century Istanbul. Such an approach enables me to study the interrelations between different types of courts and legal systems and to pinpoint the role of each of them in regulating Ottoman/Venetian trade. This pluralist perspective also provides an excellent viewpoint from which to study the phenomenon of forum-shopping among Ottoman and Venetian courts. I illustrate both the limits and the frequency of this phenomenon by analyzing the normative frameworks (customary practices, religious norms, and state legislation) and actual instances of such practice. Furthermore, legal pluralism offers an alternative to essentialist depictions of legal systems as either “modern/efficient” or “traditional” because it considers a larger legal field which provided historical actors with different legal avenues to resolve conflicts. Many studies of Islamic legal institutions and long-distance trade deal with single institutions and legal systems (above all kadı courts and Islamic law) in isolation. Therefore, they do not pay attention to other forums of adjudication or notarial offices that were available in the same historical contest.²⁰ My study of both Venetian and Ottoman courts in seventeenth-century Istanbul offers a more nuanced view of the role played by each institution in regulating long-distance trade because it takes into accounts the different institutions available to Venetian and Ottoman merchants in a single historical context.

²⁰ For instance, see Kuran, Timur and Scott Lustig. “Judicial Biases in Ottoman Istanbul: Islamic Justice and Its Compatibility with Modern Economic Life,” Journal of Law and Economics 55/3 (2012), 631–66. Kuran’s work deals mostly with kadı courts and Islamic law while he does not include other forums of justice and normative orders, such as the Imperial Council and sultanic legislation as well as customary norms of different Ottoman communities.
In order to better understand the use of Ottoman and Venetian courts by merchants, I focus on the entire range of legal and economic services they provided to private merchants, which, apart from adjudication, included notarial services. Medieval and early modern merchants sought the public certification of property rights in order to preserve the memory of business dealings and to obtain documents to use in courts in case a dispute arose. In the early modern Mediterranean, there existed a plurality of institutions for certifying property rights, such as European public and ecclesiastical notaries, consular chancelleries, kadi courts, and ship scribes. A plurality of forums to adjudicate a lawsuit corresponded to a plurality of institutions certifying property rights. This plurality notwithstanding, notarial institutions are not usually included in studies of legal pluralism in the pre-modern period.\(^{21}\) This stems, I suspect, from the fact the academic study of legal pluralism developed in American and English universities, that is, in two societies that historically lacked the institution of the public notary, which had first developed in southern Europe and played an importance role in the development of long-distance trade in the Mediterranean from the eleventh century onwards.\(^{22}\)

Notarial and judicial institutions were complementary within the same legal culture since they shared a common normative source, namely the ius commune in most of Western Europe and Hanafi Islamic law in the Ottoman Empire.\(^{23}\) Furthermore,

\(^{21}\) For a notable exception, see Aykan, *Rendre la justice à Amid*.


Christian and Muslim judges and notaries were both concerned with avoiding and settling controversies arising from credit and commercial transactions. Studying judicial and notarial institutions together allows us to understand the legal culture in which they were embedded and the often-blurred relationship between the adjudication and certification of rights in early modern legal institutions. In seventeenth-century Istanbul, the Venetian chancellery and Ottoman kadi courts operated as both tribunals and notarial offices. Through the combined analysis of their judicial documents and notarial deeds, I demonstrate that the certification of property rights was the principal reason why merchants trading between Istanbul and Venice applied to these two institutions.

**Methodology**

Another major contribution of my dissertation to the study of legal pluralism and commerce is a methodological one: the combination of quantitative and qualitative analyses. So far, scholars working on legal pluralism in the pre-modern world have privileged qualitative analysis and have eschewed quantification. This absence reflects a long-lasting suspicion against quantitative analysis in history writing. After enjoying a period of popularity in economic history during the 1960s-1980s, especially in the Annales tradition in France and in cliometrics in the United States, social and cultural historians from different intellectual backgrounds abandoned and distrusted this type of

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analysis. They faulted quantitative studies for their anachronistic categories of analysis, the positivist underpinnings of their results, the uncontextualized use of historical sources, and the general disregard for individuals’ actions in favor of social structures.

This mistrust of quantification still prevails in the legal history of the early-modern word, especially in scholarship on legal pluralism, trade, and legal institutions. Scholars working on plural jurisdictional regimes privilege a qualitative analysis of case studies, usually a single legal suit or a group of them. Such a perspective enables them to examine the reasons why individuals chose a particular court or a specific legal procedure to resolve a lawsuit in a specific historical context. However, relying on case studies alone risks overplaying the occurrence of phenomena like forum-shopping. Although some courts of justice and notarial offices were open to any individual regardless of social status, religion, and citizenship, and although historical records contain instances of disputes in which historical actors chose among different institutions, we cannot conclude that forum-shopping was a universal practice. As we will see, in seventeenth-century Istanbul, forum-shopping between Ottoman and Venetian courts was a limited occurrence that occurred among specific religious and political communities.

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A quantitative analysis offers several opportunities for the study of legal pluralism. It allows us to discern both exceptional cases and broad patterns in the use of specific courts by individuals belonging to different social, religious, and political communities, both in adjudication and in notarial services. Such patterns could relate to the socioeconomic context, state and communal regulations, legal and religious norms, commercial customs, and political circumstances. Each of these factors either facilitated or constrained the use of courts for different merchants. By uncovering trends, quantification provides the historian with an important tool to test long-term explanations of historical developments and to produce comparative studies across political boundaries and historical periods.²⁷

In my dissertation, quantification allows me to test widely held assumptions about early modern trade and legal institutions, such as the ubiquity of forum-shopping for merchants and seamen, the existence of a shared notarial culture in the early modern Mediterranean, the popularity of notarial certification for long-distance merchants, and the “unfriendliness” of Islamic institutions towards trade expansion. Furthermore, my quantitative analysis demonstrates empirically different routines in the administration of justice and notarial practice in seventeenth-century Istanbul. These routines include the specialization of Ottoman and Venetian courts in different legal and notarial services: Venetian and Ottoman merchants preferred the Venetian consular court for commercial arbitration and for the notarization of business dealings, while they turned to Ottoman

²⁷ Lemercier, Zalc, Quantitative methods, 25-27; Coşgel, Ergene. The Economics of Ottoman Justice, 26-33.
courts for criminal justice, the registration of specific types of commercial agreements, the enforcement of contracts, and for regulating long-distance trade in general.

In order to reach these results and avoid some well-known pitfalls of quantitative history, such as the distortion of the historical context and anonymous generalizations, I combine my quantitative study of the workings of Venetian and Ottoman tribunals with a micro-qualitative analysis of selected lawsuits, notarial transactions, and a few diplomatic episodes. A micro-scale analysis allows me to uncover the reasons why individuals chose specific courts and for what services in a particular historical context.\(^{28}\) My qualitative study focuses particularly on court procedure since its analysis allows me to discern the relationship between, on the one hand, social status, religious affiliation, and membership into a political community, and, on the other, the legal and economic services that individuals sought in different courts.\(^{29}\) Furthermore, studying court procedure sheds light on the legal culture in which each court was embedded, such as the summary or mercantile procedure applied in the Venetian chancellery, and Hanafi Islamic law and sultanic legislation enforced in Ottoman courts.

Lastly, I conceptualized my quantitative and qualitative analysis around the distinction made by anthropologists and linguists between emic and etic categories. The emic approach recovers the actor’s own categories and language while the etic develops


the scholar’s categories. This distinction is extremely important because the vocabulary used by scholars to refer to the protagonists of my study differs considerably from the nomenclature used by the historical actors themselves. On the one hand, a culture-specific *emic* approach helps me to better reconstruct the historical context in which the actions of the historical actors took place and to correct historical distortions arising from the historians’ use of modern analytical categories to study the past. On the other hand, an *etic* approach provides me with the tools to compare different social and religious groups.

The *emic* and *etic* approaches are central to my reading of historical sources. They are mostly collections of legal and economic documents produced in Venetian and Ottoman courts during lawsuits and commercial transactions. My quantitative and qualitative analysis of them relies on a relational database that organizes the historical information about lawsuits and notarial deeds administered by Venetian and Ottoman authorities. This tool helps me to analyze the historical data both quantitatively and on an individual and nominative way. In this database, I classify individuals and their legal and economic transactions according to *etic* and *emic* categories. For every individual, I

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32 For a detailed description of this database, see Appendix I.
show religious affiliation and political identity as they appear in the documents as well as how I, the historian, identify them. In this way, I am able to determine in which specific legal action and economic deeds did religious and political affiliation matter and fallacies of widely employed analytical categories such as “Venetian merchant” and “Ottoman merchant.” Similarly, I illustrate how court officials defined each legal act and notarial deed and how scholars would identify it. In doing so, I discern distortions arising from the use of modern analytical categories, such as the stark distinction between “adjudication” and “certification of rights” in the workings of legal institutions.

**Political Economy of Empires**

Apart from institutional analysis and legal pluralism, the last major analytical framework of my dissertation is the political economy of early modern Venice and the Ottoman Empire. Venetian and Ottoman courts in Istanbul did not operate independently from the larger complex political and economic context of seventeenth-century Istanbul and the eastern Mediterranean. The ebb and flow of Ottoman/Venetian relations, Mediterranean-wide commercial and political developments, and transformations in the Venetian and Ottoman economies jointly affected the workings of Venetian and Ottoman courts in Istanbul. By considering the political economy of the Republic of Venice and the Ottoman Empire, we can evaluate if and how far various political and economic factors influenced that openness of legal institutions to foreign merchants, the legal and notarial services that Ottoman and Venetian merchants sought there, and the procedures chosen by the courts to solve controversies.

So far, few studies of trade and courts include the political economy of states to understand the functioning of legal institutions. For instances, see Fusaro, Maria. “Politics of Justice, Politics of Trade:
My dissertation focuses on the first two decades of the seventeenth century for two main reasons. First, the early decades of that century were a pivotal period in the commercial history of Venice and the Mediterranean in general. This period represented the last time in its long history when Venice constituted a major commercial power in trade between the Ottoman Empire and Western Europe. Large communities of Venetian merchants conducted business in the empire’s major commercial hubs under the protection of their ambassadors in Istanbul (bailo, plural baili) and a centuries-old consular system. Furthermore, Venice was still the most important commercial partner of the Ottoman Empire in terms of its volume of trade well into the 1620s-1630s. Lastly, trade expansion benefitted from the long period of peace between the two states between 1573 and 1645.

However, starting from last decades of the sixteenth century, Venice’s preeminence in European-Ottoman trade had been gradually eroding due new commercial competition from northern European states, the crisis of the Venetian shipping sector, and an upsurge of piracy and privateering across the Mediterranean.


During the so-called “Northern Invasion,” groups of merchants and ship captains from England, France, and the Dutch Republic began to operate in Ottoman commercial hubs and successfully competed with Venetians, thanks to their better shipping services, cheaper merchandises, and the increasing diplomatic protection of their home governments. Although the long-term consequences of the arrival of these new merchants into the eastern Mediterranean for local commercial practices and networks are still a matter of debate, undoubtedly these European merchants made the trade between Western Europe and the Ottoman Empire much more competitive.36 Furthermore, Venice faced a new challenge from Muslim and Christian pirates and privateers from the 1580s onwards, when large-scale naval warfare between the Ottomans and Spain had ceased. Given its policies of guarded neutrality in Mediterranean conflicts and of appeasement towards the Ottoman Empire, and, due to its declining naval power, Venetian shipping suffered considerably.

In order to preserve its lucrative trade with the Ottoman Levant, Venice reversed some of his age-old commercial policies, such as the exclusion of non-Venetian citizens from the trade with the eastern Mediterranean, it strengthened its diplomatic ties with Ottoman Empire, and it promoted new commercial routes, such as the overland trade line between Istanbul and Venetian-held Dalmatia.37 I argue that this concern over the


The protection of Venetian trade and the maintenance of peaceful relations with the Ottomans, extended to the administration of justice in Istanbul. It affected the “openness” of the Venetian chancellery to non-Venetians, the procedures followed by this institution in case of disputes including influential Ottoman merchants, and the stances of Venetian ambassadors and consuls towards Ottoman legal institutions.

The second reason for focusing on the first two decades of the seventeenth century is that they corresponded to the military and political growth of the Ottoman Empire and to the development of Ottoman trade with Western Europe. Despite serious financial crises from the late sixteenth century onwards, military rebellions, and unconclusive conflicts along its European and Asiatic boundaries, the Ottoman Empire remained the major military and political power in the eastern Mediterranean and its economy continued to be largely unaffected by European commercial development. Studies of commerce and legal institutions in the Ottoman empire focus on the eighteenth and nineteenth centuries, a period of declining military and diplomatic standing in the Ottoman Empire vis-à-vis European powers.38 Focusing on the first half of the seventeenth century allows us to study the Ottoman Empire and its legal and economic systems as largely uninfluenced by European political and economic expansion. For instance, in contrast with the later periods, no groups of non-Muslim Ottoman protégés (beratlı) of European powers, with their legal and economic privileges, existed since Ottoman authorities bestowed such privileges only on very few Ottoman individuals.

Maria Baramova, Grigor Boykov, and Ivan Parvev (eds), Bordering Early Modern Europe (Wiesbaden: Harrassowitz Verlag, 2015), 63-76.

38 Van den Boogert, The Ottoman Capitulations; Artunç, “The Price of Legal Institutions.”
Furthermore, the period of peace between 1573 and 1645 of the seventeenth century witnessed the apogee of Ottoman trade with Venice, which is still a much overlooked period in the commercial history of the early modern Mediterranean. While previously Venetian merchants had monopolized trade between the Republic and the Byzantine and later Ottoman territories, military and diplomatic reversals against the Ottomans forced Venetian authorities to allow Ottoman subjects to partake in that lucrative flow of trade from the mid-sixteenth century onwards. Ottoman merchants included large groups of Jews, Christians, and Muslim belonging to different linguistic and ethnic communities. Therefore, focusing on the early seventeenth century allows us to see large numbers of Ottoman subjects turning to Venetian and Ottoman courts for their legal and business affairs.

Structure of the Dissertation

Eight chapters makes up my dissertation. Chapters 1 and 2 introduce the protagonists of our study, Venetian and Ottoman merchants, and the historical contexts of their commercial activities. Chapter 1 focuses on the complex identification of the “Venetian” in seventeenth-century Istanbul. Rather than being determined exclusively by state enactments, I argue that membership in the Venetian community was the outcome of an interplay between state legislation, diplomacy, the workings of different legal institutions, and the actions of individuals who sought to be recognized as “Venetian” to enjoy specific legal and fiscal privileges in the Ottoman Empire. In such processes of identification, Venetian and Ottoman courts played a central role. As put by Daniel Lord

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Smail, courts were “record-keeping bureaucracies:”⁴⁰ they shaped, classified, and recorded conventions or configurations of identity in a world when identification documents like passports did not exist. Chapter 2 extends this study of identification practices to the “Ottoman merchants,” an analytical category often employed by economic historians of the Ottoman Empire despite the fact that it did not exist in historical records. By describing the political and economic contexts of Ottoman trade with Venice and practices of identification employed by Ottoman and Venetian courts and by the merchants themselves, I demonstrate that state authorities in both the states considered and treated merchants from Ottoman lands not as a unitary group of “Ottoman subjects” but as different social, ethnic, and religious groups. Individual merchants strategically employed identification categories created by state authorities when seeking new economic and legal privileges in Venice and in Ottoman territories.

Chapters 3, 4, and 5 analyze the Venetian chancellery, the central institution of the Venetian community in Istanbul, which operated as both a consular court and a notarial office for an international community of merchants, shipmasters, and seamen. Chapter 3 introduces this institution by focusing on its normative system (Venetian legislation, customary mercantile norms, and international treaties), the different services it provided to merchants, and its religiously mixed clientele. I illustrate that, contrarily to our current understanding of consular justice in the early modern period, it functioned mostly as a notarial office and that nothing prevented Ottoman subjects belonging to different religious communities, including Muslims, to turn to this institution for legal and,

⁴⁰Smail, Daniel L. *Imaginary cartographies: possession and identity in late medieval Marseille* (Ithaca: Cornell University Press, 2000), XII/XIII.
especially, notarial services. Such “openness” of the court, I argue, was influenced by the Venetian efforts to promote Venetian-Ottoman trade in a period of increasing competition by newly established merchants from northern Europe.

Chapter 5 focuses on the notarial services of the Venetian chancellery, the institution’s most important contribution to the regulation of Ottoman/Venetian trade. European consular chancelleries in the Ottoman Empire are usually regarded as the promoters of an international shared mercantile culture, based on written contracts, in the early modern period Mediterranean. However, my research shows that the documents produced by the Venetian chancellery, even when sought by non-Venetian individuals, circulated mostly within the Venetian commercial system and across Venetian territories casting doubts on the existence of this alleged shared mercantile culture in the seventeenth-century Mediterranean. Furthermore, my quantitative study shows that Venetian merchants did not routinely register business dealings in this institution. On the contrary, it was Ottoman subjects or less-preeminent Venetians who mostly sought the notarization of credit and business contracts and transactions in this institution. This last finding reduces the overall importance of consular institutions to the promotion of European trade in the Levant.

Chapter 5 deals with the judicial function of this institution. It describes the different types of disputes that it handled, its legal procedures, and its jurisdictional reach in Istanbul. I argue that the Venetian chancellery offered commercial arbitration according to a fast and equity-based procedure which focused on commercial agreements and individual actions rather than on the religion and the social status of litigants. In this way, it allowed non-Venetian individuals belonging to different religious and political
communities, mostly Ottoman Jews, to litigate commercial disputes against Venetian merchants under the same procedural rules. However, despite the equity-based procedure, the political context of seventeenth-century Venice and the Ottoman Empire too influenced the workings of this institution. Venetian concerns with maintaining good relations with Ottoman officials determined the procedures adopted by the Venetian consular in cases involving preeminent businessmen, especially those with ties to Ottoman officials.

Chapters 6 and 7 shift our institutional analysis to the most important Ottoman Islamic institutions available to Venetian merchants and their Ottoman peers in Istanbul: the kadi court of Galata, the tribunal of the kazasker of Rumeli, and the Imperial Council. Chapter 6 examines the role played by the courts of Galata and of the kazasker of Rumeli in regulating trade between Venice and Istanbul by studying their judicial and notarial functions. In scholarship on trade in the pre-modern Mediterranean, kadi courts usually appear as “traditional” and “unfriendly” to cross-cultural trade due to their institutional biases against non-Muslims. I demonstrate that that, while procedural hindrances (such as the preference on oral testimony) limited the use of these courts by Venetian and Ottoman merchants for solving commercial disputes, they still played a role in criminal matters and provided specific notarial services, such as the drawing of contracts for commercial ventures within Ottoman territories, that Venetians could not obtain elsewhere. Furthermore, diplomatic and commercial concerns affected the workings of these Islamic institutions, as demonstrated by the intervention of the Venetian ambassadors in lawsuits potentially detrimental to Venetian commercial interests.
Chapter 7 studies the Imperial Council, a court of justice and a council of high-ranking Ottoman officials under the authority of the sultan’s deputy, the Grand Vizier. This institution played many roles in Ottoman-Venetian trade: it punished the mistreatment of Venetian merchants at the hands of Ottoman officials, piracy attacks, banditry, and resolved commercial disputes between Ottoman and Venetian subjects. More than other institutions in Istanbul, its workings embodied the political economies of the Ottoman empire and Venice in the early seventeenth-century. Its procedure involved Venetian ambassadors and high-ranking Ottomans and not individual merchants. The officials of this institution primarily sought to protect the smooth conduct of Venetian trade in the empire by upholding the rulings of international treaties. Such concerns are well shown by commercial disputes where the Imperial Council intervened on the behalf of Venetian merchants by prioritizing the enforcement of international treaties over the strict application of Hanafi Islamic law and by facilitating the resolution of lawsuits in favor of the Venetian sides.

Chapter 8, the final chapter, brings us to issue of forum-shopping between Venetian and Ottoman courts for both adjudication and notarial services. Relying on the findings of the previous chapters and new historical evidence, I show that the practice of forum-shopping was limited by several factors such as legal and religious norms, communal regulations, monetary and reputational concerns, the legal culture of each institution and the specific legal and economic services that they offered. All these factors affected each religious, social, and political group of merchants differently: among all merchants engaged in trade between Istanbul and Venetian territories, Ottoman Jews and Christians were the most likely to shop among different courts and notarial offices, as
demonstrated by frequent of the Venetian chancellery instead of Ottoman tribunals and communal institutions. On the contrary, Venetian subjects and Ottoman Muslims were the least capable to turn to multiple legal institutions. Overall, I argue that the little occurrence of forum-shopping between Venetian and Ottoman courts in matters of litigation and notarial deeds demonstrates that long-term commercial exchanges and practices of dispute resolution and certification of rights in Istanbul had created routines in the use of legal institutions by Venetian and Ottoman merchants. These routines allowed Venetian and Ottoman merchants to collaborate in business ventures and solve disputes without hindrances despite the absence of a system of international law and the continuous importance of religion in the social and economic life of the early modern Mediterranean.
Chapter 1: A Contested Identification: “Venetians” in Seventeenth-Century Istanbul

1—Introduction

In September 1616, Mevlana Ali Efendi, the kadı (a Muslim judge and public notary) of Istanbul’s district of Galata, conducted a census of all Western Europeans (called “Franks” in Ottoman parlance) residing in Galata and its surroundings in order to impose on them the harac, the Islamic poll tax on non-Muslim subjects of the Ottoman sultans. This act was part of the “Carazo affair,” a diplomatic crisis (1613-1617) pitting European diplomats against Ottoman authorities in Istanbul. It stemmed from the latter’s intention to impose the harac on the subjects of European powers, which was prohibited according to international treaties.¹ The Ottoman census identified 108 individuals as members of the Venetian community (Venedik taifesı). Following the drawing of this census, the bailo, Venice’s ambassador and consul in Istanbul, wrote that the entire Venetian community was actually much larger than 108 persons. In other early seventeenth-century accounts, the baili put the number of Venetian subjects at several thousands.²

Why did the baili and the Ottoman authorities disagree over the number of the Venetians residing in Istanbul? Who were the individuals identified by both the Ottomans

¹ On this episode see Krstić, Tijana. “Contesting Subjecthood and Sovereignty in Ottoman Galata in the Age of Confessionalization: The Carazo Affair, 1613-1617.” Oriente Moderno, 93 (2), 422–53. For the census, see VGMA, 1722, Galata Evkaf Tahriri, fols. 3–7. I would like to thank Professor Krstić for sharing this important document with me.

² ASV, SDC, busta 82, No 25 fols 249- 252, (12 February 1617), and “Relazione di Simone Contarini,” in Barozzi, Niccolò, and Guglielmo Berchet (eds), Le relazioni degli stati europei lette al senato dagli ambasciatori veneziani nel secolo decimosettimo. Turchia—Parte I–II (Venice: P. Naratovich, 1871–1872), 1, 229.
and the baili as members of the Venetian community? What procedures of identification did different parties adopt? This chapter addresses these questions using documents produced by Venetian and Ottoman legal institutions in Istanbul as well as international diplomatic agreements. Focusing on systems of identification enacted by different institutions and actors allows us to understand how various categories of belonging, such as religion, legal citizenship, and profession, shaped the regulation of legal conflicts and business exchanges between members of different religious and political communities. Since identification documents, like travel documents, were little used in the period under study, courts played a crucial role in the identification of individuals.

In this chapter, I put forth three interrelated arguments. First, membership in the Venetian community did not depend exclusively on state regulations but individuals too played an important role in being recognized as part of it. Second, institutions such as tribunals and notarial offices created membership in the Venetian community using classification practices. Finally, such membership was not fixed but it was dependent on constant reconfirmation and negotiations between multiple actors: individuals and Venetian and Ottoman authorities in Istanbul.

The chapter deals with processes of identification rather than their results, that is, individual identity. Procedures of identification (or classification) of individuals entailed either conferring or denying an individual membership in a particular human group such as an urban, territorial, or religious community or a lineage. They were means of inclusion into or exclusion from material and immaterial resources of a community, such as a web of social relations, occupation, trade rights, assistance and welfare, inheritance
Rights, and diplomatic support. In addition to granting access to communal resources, formal membership in a community involved several duties, including tax payment, residence, taking part in local ceremonies, and other social practices, whose performance was necessary in order to preserve one’s status.

Scholarship on identification in the early modern and modern world has expanded in the last three decades. Currently, there are two main approaches in this field of research. The first, influenced by Weberian notions of the bureaucratic state and Foucault’s concept of governmentality, focuses on the role of the state and its growing monopoly over means of identification from the late Middle Ages onwards. From this perspective, the gradual importance of identification papers, such as travel documents like passports, was the result of the birth of the modern state and modern bureaucracies. Registration procedures were uniquely a work of the state and their development was corollary to the state’s growing power to control and coerce individuals. A second strand of scholarly literature downplays the efficiency and coercive tools of pre-modern government institutions and insists instead on the forms of social control enacted by social groups. Rejecting the view that processes of registration are exclusively state-

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driven and aimed primarily at social control, this growing literature focuses on the role that individuals and communities themselves play in such processes. Individuals negotiated their membership in a community by behaving like its members, claiming its rights, and accepting its duties and not only by obtaining identification documents, such as letters of naturalization, from state authorities. From this perspective, identification assumes a “strategical nature” and individuals are critical actors in processes of identification.5

This chapter bridges the gap between these two approaches by focusing on the identification practices carried out by multiple actors in early seventeenth-century Istanbul: individuals claiming membership in the Venetian community, and Venetian and Ottoman political authorities and legal institutions. By this means, this chapter shows both limits of state power over the identification of individuals residing within its borders and the actual leeway that individuals enjoyed in such process. Moreover, this chapter aims to draw the often-overlooked Ottoman Empire into debates about identification practices in the early modern Mediterranean.6 The Capitulations (ahdname in Ottoman


Turkish), diplomatic and commercial agreements signed between the Ottoman and the Venetian governments, provided the legal framework for the conduct of long-distance trade and the safe residence of Venetian subjects in Ottoman cities and vice-versa. In particular, they stipulated the privileges and duties of the Venetians as “protected foreigners” (called in Islamic jurisprudence müstemin). However, these agreements did not contain specific instructions about how to identify Venetian subjects travelling to the empire. At the same time, Venetian citizenship laws restricted trade between the Levant and Venice to a small number of Venetian subjects, even though many non-citizens took part in this branch of trade and were publicly recognized as “Venetian merchants.” This chapter will therefore demonstrate that the identification of different individuals as Venetian subjects in Istanbul was contingent on constant negotiations between different actors and on the workings of institutions.

2—Venetian Identification Practices

In the early seventeenth century, the “Venetian nation” (natione venetiana) in Istanbul was the largest European resident community in the Ottoman capital. It was a heterogenous group of diplomats, merchants, ship captains, artisans, sailors, bandits, women, slaves, and many more individuals of different ethnic, social, economic, and religious backgrounds. These individuals hailed from the city of Venice, its mainland, 

and its overseas territories. The center of the community was the Venetian embassy in Beyoğlu, the hilly area north of the walled city of Galata. The embassy housed the Venetian chancellery, the principal institution of the Venetian community. For Catholic Venetian merchants, other two important centers of life in Galata were the commercial district of Lonca (from the Italian “loggia”) and the nearby Church of San Francesco, where most of them resided, conducted business, and worshipped.  

In an important study of the Venetian community in Istanbul during the early modern period, Eric Dursteler challenges previous accounts of homogenous mercantile communities in the Levant as composed of individuals sharing a common social and ethnic background. He distinguishes between an “official nation,” composed of Venetian citizens, and a much larger “unofficial nation” that included subjects from the Venetian mainland (Terraferma), overseas territories (Stato da Mar), and even Ottoman subjects. Members of the latter two groups enjoyed the right to trade and consular protection on par with Venetian citizens, even-though there were not legally entitled to such privileges.

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Ethnic, religious, and occupational heterogeneity supports Dursteler’s argument about the hybridity, flexibility, and social nature of identity in the early modern Mediterranean: several elements (not only religion and political status) engendered an individual identity and, depending on specific contexts, individuals shifted their identity in order to gain specific legal and economic privileges.

Dursteler’s study provides a compelling case for the flexible and dynamic nature of early modern identity. However, his stark distinction between an official and an unofficial nation implies that membership in the Venetian community was determined exclusively by a normative and top-down system imposed by state officials and that any deviation from such system was a proof of a disconnection between the law and its application. Such a distinction is inaccurate because membership in the Venetian community in Istanbul, similarly to other human groups in the early modern Mediterranean and Western Europe, was not determined exclusively by legal enactments; publicly-performed acts, too, played an important role. I contend that practices such as long-term social and business relations with Venetian citizens (both diplomats and merchants) residing in Istanbul or in Venice, participation in activities traditionally conducted by the latter, such as long-distance trade and the payment of consular duties (the cottimo and consolato), compliance with communal rules, and a recognized loyalty


11 The baili levied these taxes on goods coming to Istanbul from Venice and vice versa, either by sea or by land, on the behalf of both Venetian and non-Venetian merchants. They were meant to support the bailo’s diplomatic efforts in Istanbul and to pay the embassy’s personnel. In the early seventeenth century, the baili collected them as a single duty called only cottimo (3% on incoming goods and 1% on outgoing ones).
to Venetian officials could become markers, or “proofs,” of belonging into this community. These activities created public reputation and mutual trust and, together with written records, and identification documents produced by state institutions, in processes of identification of membership into the community. This identification did not perpetually fix membership to a community, conversely, the latter had to be publicly repeated through the performance of a variety of social acts and rituals. Furthermore, the Venetian chancellery played an important role in identification by registering individuals in its records during lawsuits and notarial transactions. Lastly, the frequent use of this institution created the mechanisms of social reputation fostering social and commercial relations in Istanbul’s business circles.12

In what follows, I illustrate how different groups of individuals claimed or negotiated membership to Venetian community on the basis of the records of the Venetian chancellery for the years 1609-1620.13 Located in the Venetian embassy, the chancellery functioned as both a civil tribunal and as a notarial office. In the years under study, 1,777 individuals belonging to different religious and political communities

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13 The records analyzed here are ASV, BAC 276, 277, 278, 279, 280, 317. Given numerous individuals with different religious, social, and economic background, I focus only on the largest groups which show common patterns of identification. I exclude from my analysis the bailo’s family and the embassy personnel. On the latter see, Dursteler, Venetians in Costantinople, 38-57.
appeared (or were summoned there) to litigate a commercial lawsuit, register a notarial deed, testify with regard to a dispute, or to provide expert opinion on a contested case.

Who is a “Venetian merchant” in seventeenth-century Istanbul?

In the early modern Venetian trading system, two key factors affected the conduct of commerce. First, since the fourteenth century Venetian laws of citizenship had been barring non-citizens (the vast majority of individuals living in Venice and in its territories in the Levant) from engaging in trade between the city of Venice and the Levant. Theoretically, only three categories of people, the patricians, native citizens (cittadini originari), and those who acquired trade privileges (citizens de intus et extra) could participate in these commercial exchanges.14 Second, in Venice and its dominions there existed no merchant guilds or charted companies and therefore merchants did not constitute a legal category but rather a social and professional one whose boundaries were not always clear. The Venetian government, not corporative bodies, remained the exclusive representative of Venetian trade interests issuing legislation and negotiating with Ottoman authorities on the behalf of private merchants.15

Most historiography of Venetian commerce often treats as “Venetian merchants” anyone trading between Venetian and foreign territories regardless of their


socioeconomic backgrounds and areas of activity.\textsuperscript{16} However, a systematic study of the chancellery records shows that Venetian officials used the taxonomy “Venetian merchants” exclusively for a specific group of individuals while they excluded from such category numerous others who traded between Venetian and Ottoman lands. In the 8 years under study, the chancellery records registered as “Venetian merchants” (\textit{mercante venetiano}) only 65 out of 1777 individuals. Such taxonomy appears exclusively in two types of records: bailo’s commandments (\textit{mandato}) to all merchants about major trade-related issues, and documents concerning the decisions of the Council of the Twelve (\textit{Consilio dei XII}), the government body of the Venetian community, to which merchants, shipmasters (\textit{patrono}),\textsuperscript{17} and ship scribes (\textit{scrivano}) took part.\textsuperscript{18} This assembly dealt with pressing issues involving the Venetian community, such as new taxes imposed by the Ottomans, shipwrecks of Venetian ships, and the election of officials of the community. Each member had the right to vote on these issues. Between 1609 and 1620, it convened 32 times. Apart from the merchants, 70 shipmasters and 35 ship scribes also often attended the council. Despite their small number, these merchants, shipmasters, and scribes, (170 individuals in total) conducted most of the trade and shipping between Istanbul and Venetian territories and took part in the community’s most important decisions. From now onwards, I focus on this group of individuals, which constituted the

\textsuperscript{16} For instance, see Dursteler, \textit{Venetians}, 41-60; Greene, \textit{Catholic Pirates}, 15-51.

\textsuperscript{17} Up to eighteenth century, in the Italian Maritime Republics the term “patrono” did not refer to specific economic actors but to individuals conducting simultaneously different naval and business activities: shipowners, captains, and shareholders (\textit{parcenvoli} or \textit{caratisti}). Zordan, Giorgio. “Le Leggi del Mare” in Alberto Tenenti and Ugo Tucci (eds), \textit{Storia di Venezia: dalle origini alla caduta della Serenissima, Temi, Il mare} (Rome: Istituto della Enciclopedia Italiana, 1991), 621-662, 644; Lo Basso, Luca. \textit{Gente di bordo. La vita quotidiana dei marittimi genovesi nel XVIII secolo} (Rome: Carocci editore, 2016), 37-39.

\textsuperscript{18} On the Council of the Twelve, see also Christ, George. \textit{Trading Conflicts. Venetian Merchants and Mamluk Officials in Late Medieval Alexandria} (Leiden: Brill, 2012), 70/71.
“core” of the Venetian mercantile community, in discerning patterns of the use of Ottoman and Venetian legal institutions.

The 65 merchants were involved in many of the legal and economic transactions taking place at the bailo’s consular court: the 66% of all lawsuits (286 out of 434 cases) involved at least an individual identified as “Venetian merchant” in the Council of the Twelve. If we sum all the lawsuits involving merchants, ship masters and scribes who also took part in the Council of the Twelve, we notice that they constitute the 78% of all the lawsuits heard by the bailo. Furthermore, these individuals appear in all the bailo’s orders (52) about trade and shipping regulations. These results show the preeminence of those individual identified as “Venetian merchants” in the economic and social life of the Venetian community: in spite of their little number, they figure preeminently among the legal and economic workings of the Venetian chancellery, and they were the main addressees of the baili’s commercial policies.

An analysis of the place of provenience and the social and economic profile of those registered as merchants shows striking results. We know the place of origin for 56 out 65 Venetian merchants. Most of them hailed from either Venice or its possessions in mainland Italy (mostly from the Lombard town of Bergamo) while a few others had been born in Istanbul. None of them were noble and only 5 of them were Venetian citizens (1 cittadino originario and 4 de intus et extra) while the rest did not hold any title of citizenship. They were mostly commercial agents (fattori), especially commission agents who resided in Istanbul for long periods and conducted business in the name of resident

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19 As we will see in Chapter 4, the situation was different in the case of notarial deeds in which Venetian merchants, shipmasters, and scribes, were a minority among all the individuals seeking such documents.
merchant in Venice (either nobles or other Venetian citizens) receiving a percentage of the profits (commissione). They constituted a closely-knit group living in Galata in the surroundings of Lonca district and worshipping in the church of San Francesco. None of these individuals registered as “Venetian merchants” hailed from the Venetian possessions in Dalmatia and in the Levant and their ranks included only individuals trading between Istanbul and Venice.

Those originating from Istanbul deserve particularly attention. Edoardo di Gagliano, several members of the Pironi family, and others, were all born and raised in Galata and were members of the local Latin Catholic community of Genoese descent (Magnifica Communità). Called “Perots” (perotti) by the Venetians, they were Ottoman subjects because they paid the Islamic poll tax on non-Muslims and other Ottoman state taxes. At the same time, they participated to commercial and shipping activities of the Venetian community by providing dragomans, wool appraisers (cernidori), and other officials, and by engaging themselves in international trade with Venice. Dursteler shows the manifold commercial activities of the Gagliano and Pironi families between 1590s

20 In the first two decades of the seventeenth century, chancellery records contain only one registered contract of commercial partnership (compagnia). BAC 277, reg. 396, fols. 76r-78r (2 September 1611). For the new social and economic profile of the Venetian merchants in the early moder period, see Tucci, “La psicologia del mercante veneziano nel Cinquecento,” in Id., Mercanti, navi, monete nel Cinquecento veneziano (Bologna 1981), 43-94.

21 The Ottoman census listed 37 of them as living either inside or in the surroundings of Lonca District. VGMA 1722, fols. 3-7. For some glances on their religious life see Dursteler, Venetians, 180-185.

22 In the sixteenth and seventeenth centuries, the Latin community of Galata enjoyed an administrate and legal status distinct from that of other Ottoman Christians thanks to the Capitulations granted to it by sultan Mehmed II in 1453. Its members paid the harac and other Ottoman taxes, but they were exempted from the child-levy (devşirme system) and they were allowed to preserve their churches. İnalcık, Halil. “Ottoman Galata, 1453–1553,” in Edhem Eldem (ed.), Première Rencontre Internationale sur l’Empire Ottoman et la Turquie Moderne (Istanbul: Éditions-Isis, 1991), 17-116; Mütler, Louis. “The Genoese in Galata: 1453-1682.” International Journal of Middle East Studies 10 (1979), 71-91; Pistarino, Geo. “The Genoese in Pera-Turkish Galata,” Mediterranean Historical Review 1 (1986), 63-85.
and 1610s. Their members held a preeminent position within their Perot community but also traded with Venetian and other Ottoman merchants, partook in the patronage networks of Ottoman officials, owned ships, used legal and economic services of the Venetian chancellery, and paid consular duties to the Venetian embassy. Clearly, they moved across multiple communal and legal regimes: the Perot community, the Ottoman imperial system, and the Venetian community. Thanks to their extensive social and economic relations with Venetian merchants and the embassy and to their trade activities they considered themselves as members of the Venetian community and were considered as such by the latter’s representatives, at least as their commercial activities are concerned. However, Ottoman authorities did not agree with such identification.

A rare petition (supplica) of a member of the Pironi family, Stefano di Antonio, in 1615 sheds lights on the negotiated and performative ritual of claiming membership in the Venetian community. Stefano petitioned the bailo to ask for protection against (unspecified) mistreatments and abuses by Ottoman authorities (avanie turchesche) which Ottoman subjects are “usually” subjected to. He claimed that himself, his father, and his ancestors had been “loyal” (devoti) towards and “humble servants” (humilissimi servitori) of Venice. According to him, his long-term commercial ventures with Venice, his regular payments of the cottimo, and by the fact that he never brought a Venetian subject to an Ottoman court represent proofs of his loyalty. He pleaded to obtain the “grace” (gratia) to enjoy Venetian “protection” like Venetian subjects and other

23 Dursteler, Venetians, 130-150.

24 BAC 317, reg. 3, fols. 81v/82r (4 September 1615).

“servants” of Venice through the issuance, at the bailo’s request, of an Ottoman imperial commandment (called hüküm) stating his status as Venetian subject. Finally, he adds that, should he enjoy such privilege, he would continue to trade benefitting the Venetian treasury and the embassy through the payment of consular duties.

This document shows how an Ottoman subject self-refashioned himself as a member of the Venetian community through the rhetorical device of a long-established loyalty to Venice by himself and his ancestors and by showing that he had already enjoyed the trade rights enjoyed by Venetian citizens and fulfilled his obligations as member of this community: the payment of the cottimo and the respect of community’s rules, such as the prohibition against suing a Venetian subject in an Ottoman court.26 These social actions produced public reputation and through them Stefano “proved” to behave like a Venetian subject and the baili effectively recognized him as a member of the community by supporting his trade ventures with Venice and allowing him, as well as his other relatives, to participate to the community’s most important decisions in the Council of the Twelve.

A last aspect of those registered as Venetian merchants deserves our attention, that is, how the identification of these individuals actually took place. In the registers of the chancellery, we find no instances of registration of “Venetian merchants” when they arrived in Istanbul for the first time. Individual registration in the Venetian chancellery

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26 We encounter a similar rhetoric of devotion and service to the Venetian community the petitions forwarded to Venetian authorities by Ottoman subjects in provincial towns who applied to become Venetian consuls. Signori, Proteggere i Privilegi, 103-135.

was not mandatory and it took place only when individuals sought to be recognized as
members of the community. This was not the case with the aforementioned Venetian
merchants. Unfortunately, our sources tell us nothing about how they identified
themselves once arrived in Istanbul. However, based on existing literature on the
medieval and early modern Mediterranean, we can put forth some hypotheses.

Firstly, in the seventeenth century, letters of recommendation were a wide-spread
instrument of identification used by merchants and single travelers. These documents
were usually written by influential individuals: in our case, the latter might have been
Venetian citizens residing in Venice, likely the principal partners of our merchants. The
bailo too issued these documents to both Venetian and Ottoman subjects of any religious
faith, sex, and occupation. Another device of identification was the fede, a legal
certificate, which, in the early modern period, registered different legal and economic
deeds as well as individual identity. Individuals obtained it by appealing to notary courts
where written document or, more likely, the testimony of their acquaintances (fidefacente) confirmed their identity. These two types of documents could have provided
the bailo and his secretary with a proof of the reputation of the merchants which, coupled
with trade activities and other social actions, made their registration in the chancellery
records unnecessary.

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28 Venetian records show several examples of letters of recommendation produced by the bailo to Ottoman subjects. For instance, see SDC, b. 75, No 23, f. 271r (20 May 1613). Documents of identification did not include safe-conducts since they constituted travel documents and Venetian subjects moving to Ottoman territories did not usually employ such documents given that the Capitulations stipulated the safety of Venetian subjects and protection of their goods. Signori, Proteggere i Privilegi, 136-138.
Despite Venetian merchants did not seek to be individually registered in the chancellery records, they occasionally recorded their goods in notarized documents (51 instances) such as bills of lading or powers of attorney. This registration took place through marks (marchi) which were stamped on the goods and which the merchants recorded at the chancellery. Such marks belonged to either the merchant applying to the chancellery or his business partner(s) in Venice or in Ottoman lands.\(^2^9\) Another procedure (in 138 cases) allowed for the registration of the ownership of merchandise, letters of credit, and commercial agreements, through the recognition by merchants in Istanbul of the handwriting (mano) of their absentee partner(s) in signature on documents (such as bills of exchange, commercial letters) which the former had notarized in the chancellery. At least two individuals, had to recognize the handwriting under oath.\(^3^0\) As these procedures show, Venetian merchants were more concerned to render their goods identifiable rather than have themselves identified in the chancellery.

Colonial subjects\(^3^1\)

The largest section of the Venetian community in Istanbul was constituted by colonial subjects coming mostly from Crete, Venice’s last major possession in the Levant, and the Aegean island of Tinos. In his final report (relazione) of his

\(^{2^9}\) For instance, see BAC 277, reg. 397, fol. 212 r (14 March 1613).

\(^{3^0}\) Ibidem, fols. 10r/11v (6 April 1612). For these procedures to register merchants’ goods, credits, and commercial letters see Mueller, Reinhold C. “Merchants and their Merchandise: Identity and Identification in Medieval Italy,” in Moatti and Kaiser (eds), *Gens de passage en Méditerranée*, 313-344; Piasentini, Stefano. “L’identificazione delle persone negli atti di un notaio veneziano del Cinquecento,” in Antonielli, Livio (ed.) *Procedure, metodi, strumenti per l’identificazione*, g15-34.

ambassadorship before the Venetian Senate in 1612, the bailo Simone Contarini recounted that more than 3,000 of individuals hailing from these two islands resided in Istanbul. However, the Ottoman census of the Europeans in Galata in 1616 registered only 71 individuals from these islands.32

In scholarly literature, Venetian subjects from the Levant are usually described as “Greeks” even though the meaning of the term “Greek” in the early modern period did not refer to a specific ethnic, political, and geographical community. “Greek” could refer to a religious group (Orthodox Christians), a linguistic group, and also a profession (such as sailors in the Mediterranean ports and merchants in the Balkans).33 In the records of the Venetian chancellery the term “Greek” is extremely rare (only 11 cases) and we trace colonial subjects only when court officials registered their place of origin (268 individuals between 1609 and 1620). The baili in their reports to Venice described these colonial subjects exclusively according to their places of origin, for instance, they call Cretans as “Candiotti” (from “Candia, the Venetian name for both Crete and its capital, the modern Heraklion) while those from Tinos are “Tiniotti.” The lack of any reference to a religious identity or to the political status of these colonial subjects makes impossible to distinguish between Orthodox and Catholics and between Venetian and Ottoman

32 “Relazione di Simone Contarini” in Barozzi and Berchet, Le relazioni, 1, 229; VGMA, 1722, fol. 13-15.

Christian subjects. Furthermore, we lack also any information about the civil status of these individuals in their hometowns which suggests a lack of a normative framework, at least in the Venetian chancellery in Istanbul, to deal with colonial subjects in the Venetian chancellery.

Colonial subjects came to Istanbul mostly to find occupation in the city’s numerous industries or in low-profile professions. The Ottoman census of 1616 registered them as 15 worked as weavers (yapağıcı), 16 as grocers (bostancı), 15 as coopers (varilci), 11 as sailors (mellah), 7 as daily laborers (ırgat), 2 as bakers (hayyat), one as an assistant of a merchant (hizmetkar), and only one as merchant (tacir). A document from the chancellery, dated 1627, described forty one of them as working in the woolen industry which, together with shipbuilding in the Ottoman arsenal, constituted the most important occupation for Venetian colonial subjects in Istanbul. The Venetian government was much concerned about the emigration to Istanbul of this workforce since it feared that it would weaken the Venetian shipbuilding industry in the Levantine colonies in a period of persistent Ottoman military threat against these territories. Consequently, in the first decades of the seventeenth century, it instructed the baili to encourage subjects to return to their native places with promises of new occupations,

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35 The same was true for the Venetian notaries in fifteenth-century Alexandria. Apellániz, “Venetian trading networks,” 165.

36 VGMA 1772, Fols. 12r/13v

37 Mentioned by Dursteler, Venetians in Costantinople, 81.
financial aid, and by granting safe-conducts to those who had been banned from the colonies.38

Another important group of colonial subjects in Istanbul was involved in the trade between Istanbul and the islands of Tinos and Crete. The officials of the Venetian chancellery never record them as “merchants” even though the records of this institution contain several examples of their commercial activities. Cretan merchants brought to Istanbul a vast array of agricultural products from olive oil, raisins, lemon juice, but, more important, the famed Cretan wines. Some of them ventured into the Black Sea, which the Ottomans had closed to European shipping since the fifteenth century, to trade with the Ottoman tributary Principality of Moldovia and the Polish-Lithuanian Commonwealth.39 These Cretan merchants played a minor role in the life of the Venetian community since they never took part to the Council of the Twelve and they show a lower social and economic profile in comparison with those registered as “Venetian merchants.”40 However, there are a few notable exceptions.

An example is the family partnership of Giovanni Battista Veveli and his sons Costantino and Luca from Rethymnon. Between 1580s and 1630s, they engaged in the

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38 For instance, see SDelC, reg. 10, fols. 128r/129v (6 February 1607). See also, Dursteler, Venetians in Constantinople, 84/85.


40 Furthermore, it is unclear whether they actually paid the cottimi to the baili because documents of the Venetian institutions dealing with these taxes (the Cinque Savi alla Mercanzia and Provveditori al Cottimo di Londra) only record their payment for goods exchanged between the city of Venice and Ottoman ports and not for goods traded between the latter and Venetian territories in the Levant.
lucrative wine trade between Crete and the Moldavian town of Kiliya (today in Ukraine), from where they dispatched their goods to Polish towns, and they imported to Istanbul and Venetian territories local products such as sturgeon, caviar, and codfish. They owned ships, sailed in the Black Sea, and entered agency and credit relations with numerous Venetian and Ottoman subjects and officials in Istanbul and Moldova. Costantino married the daughters of Moldovan princes (hospodar), played a role in the principality’s political life, and held administrative offices in that principality, such as that of chief customs official in the principality. In their trade activities, they used both Venetian and Ottoman legal institutions and appealed to the bailo when they faced problems with Ottoman authorities in Black Sea ports or when they suffered losses due to pirate attacks. These merchants clearly were major economic actors connecting the Venetian, Ottoman, and eastern European markets and entertained relations with Ottoman officials as well. Yet can we call them “Venetian merchants”? They did not trade with Venice, did not take part to any session of the Council of the Twelve, and used the legal and notarial services of the Venetian chancellery only seldom (16 cases out of 2136 court entries) and there they are never recorded as “Venetian merchants.” Overall, they did not take part to the main Venetian mercantile networks connecting Venice and the Levant, but they created new extensive ones with Ottoman subjects and authorities. In case of need, they appealed

to Venetian institutions and the baili supported them in controversies with Ottoman authorities.

There was not a prevalent migration pattern of Venice’s colonial subjects in Istanbul. Some of them went back to their native towns after a certain period of employment, others moved together with their families or they joined their kin who had already migrated there, while others married local Ottoman Christian women and started families and never returned to their native lands.42 Some merged with the large Christian community of the Ottoman capital (mostly Orthodox Greeks) accepting Ottoman sovereignty while others claimed membership in the Venetian community. In order to be recognized as Venetians they appealed to the Venetian chancellery for a certificate, called either a fede (see above) or a bollettino del carazo (a certificate of exemption from the harac), registering that they were Venetian subjects. They obtained these documents either through the testimony of other people or by presenting some written documentation, such as fedi issued by Venetian officials or preeminent individuals, such as clergymen, in their home countries.43 In the early seventeenth century, fedi/bollettini were relatively cheap as they costed 4 aspers, and this might explain why several individuals applied to them.44

42 Dursteler, Venetians in Constantinople, 77-88.
43 Unfortunately, we have little evidence of how such identification took place in the chancellery. In a rare instance, four men from Chania (in Crete) swore on the identity of a priest from the same city. BAC 278, reg. 400, 43r (05/14/1615). The bailo Ottaviano Bon (office 1604-1608) reports that he often did not grant these fedi/bollettini in order to encourage colonial subjects to return to their home country. “Relazione di Ottaviano Bon (1609),” in Pedani, Maria Pia (ed.), Relazioni di ambasciatori veneti al Senato. vol. XIV, Costantinopoli, Relazioni inedite. (1512—1789) (Padua: Ausilio Aldo 1996), 523.
44 BAC, 273, reg. 391, 12 v. In 1616, 4 aspers corresponded to 0,032 Venetian ducats (1 ducat=125 aspers in 1618). Pamuk, Şevket. A Monetary History of the Ottoman Empire (Cambridge: Cambridge University Press, 1999), 144.
In the period before the War of Crete (1645-1669), these documents survived in specific registers of the chancellery only for a few years between 1597 and 1606. Between 1601 and 1606, 333 individuals obtained to these documents: they come mostly from Crete (183) and Tinos (127). Theoretically, Ottoman authorities recognized these documents even though research so far does not show, with a degree of certainty, if this was the case and how such recognition took place. Furthermore, theoretically they lasted one year after which they had to be renewed by the holders. Yet, public reputation and social practices might have made such renewal unnecessary.

Consular registration was not obligatory, and it was not a central concern for Venetian officials, rather, it was voluntary act by individuals seeking to enjoy the status of protected foreigners in the Ottoman Empire. Apart from a very few individuals from Venice and the Terraferma (3), those seeking these documents were colonial subjects from the Levant. None of the Venetian merchants sought such certification. The typically low social and economic profile of colonial subjects and their blurred relationship with the Venetian community may explain their recourse to consular registration. Apart from paying the fees charged by the chancellery for legal and notarial services, they did not seem to have contribute much to the life of community. On the contrary of those registered as “Venetian merchants,” artisans, daily labors, and other subjects not involved in trade did not pay consular duties and they did not take part in the community’s main decisions.

45 BAC 297, reg. 1-3 (unnumbered pages) Other individuals came from the Ionian Islands of Zakynthos and Cephalonia.

46 Signori, Proteggere i Privilegi, 339.
Venetian colonial subjects also included groups of Cretan Jews. Since the medieval period, Venetian Crete hosted small but thriving communities of Romaniote Jews and, from the sixteenth century onwards Sephardic Jews as well, who were engaged in trade between the island and Byzantine and later Ottoman territories. The Venetian chancellery contain information about the legal and economic activities of a small number of Cretan Jews (21 individuals) who are registered according to their town of birth (for instance, hebreo di Candia). The relations between these Jews and the Venetian community were much blurred. Cretan Jews never applied for a fede/bollettino del carazo to be recognized as Venetian subject and the reports of the baili in the first two decades of the seventeenth century do not contain instances of baili’s defending the stance of Cretan Jews vis-à-vis Ottoman authorities. No evidence from the years of our study shows the willingness of these Jews to claim membership in the Venetian community and the Ottoman census of 1616 do not record any of them as part of the community.

Other members of the community

After free colonial subjects, the second largest group of members of the Venetian community were the convicted individuals (banditi). From the late sixteenth century onwards, hundreds of individuals, mostly men but also a few women, who had been banned by Venetian authorities in the Levant moved to Istanbul to seek occupations in city’s industries. Some of them resided in the Ottoman capitals for several years, finding occupation, marrying Ottoman subjects, and accepting Ottoman suzerainty. Others after a certain period re-claimed membership into the Venetian community by applying to the

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bailo for safe-conducts or to have their sentence repelled. In 1581, the Council of Ten (Concilio dei Dieci) authorized the baili to annul/modify sentences issued by Venetian tribunals in the Levant and to issue safe-conducts (salvocondotto) for convicted individuals enabling them to return to their home places in order to settle their controversies without being arrested or to temporarily settle in specific areas. In other cases, the latter’s freedom depended on a certain period of service, especially in the Venetian fleet.48

Only between 1609 and 1620, 873 bandits appeared before the bailo. Almost all hailed from the Venetian islands of Crete, Tinos, Cephhalonia, and Zakynthos. A few of them (16) were Cretan Jews while other 6 were Christian women. Bandits, together with manumitted slaves, are the only groups of individuals being registered in the chancellery through a physical description. Such registration procedure produced many more information than any other one about an individual because it aimed to provide more detailed identification of their carrier once in Venetian territory to avoid detention. However, it was also more prone to falsification.49 One of the reasons why the baili easily granted safe-conduct or reverse sentences was to control Venetian subjects residing in the Ottoman capital in order to avoid potential controversies with Ottoman authorities due to their actions and also their conversion to Islam. Safe-conducts and the annulment


of sentences were means through which the bailo tried to encourage these individuals to return to their native countries.

Another important group in the Venetian community were the dragomans (dragomanni), diplomatic interpreters and translators. They played an important role in the social and economic life of the Venetian community because they conducted most of the diplomacy between the baili and Ottoman authorities, the negotiations between Venetian merchants and Ottoman officials over trade-related issues, and they represented Venetian individuals in Ottoman courts.\textsuperscript{50} During the 1610s, they were 16 and they all originated from a few preeminent Catholic families of Galata. The Venetian Senate elected them through an appointment deed (patente), and they received a regular stipend from the Venetian government. Given the important services they provided to the Venetian embassy and the Venetian community in Istanbul, from the early seventeenth century onwards, they began to enjoy legal and fiscal privileges akin to those of Venetian subjects. Such development, as we see below, was at times contested by Ottoman authorities.\textsuperscript{51}

\textsuperscript{50} For the different tasks of Venetian dragomans, see Dursteler, Venetians, 35-37; Rothman, Brokering Empire; Luca, Cristian. “Some Families of Dragomans from the Italian-Levantine Community of Beyoğlu (Pera in Constantinople), Employees of the Venetian Embassy at the Porte during the 16th-17th Centuries.” In Iulian Mihai Damian, Ioan-Aurel Pop, Mihaioł St. Popovič, e Alexandru Simonu (eds), Italy and Europe’s Eastern Border (1204–1669) (Frankfurt-am-Main: Peter Lang, 2012), 201–214.

\textsuperscript{51} The first Ottoman ruling (hükıüm) establishing the privileged status of Venetian dragomans I managed to trace is ED, 13/1, s. 28/208 (13 Ramazan 1014/22 January1606). Later in the seventeenth and eighteenth century, dragomans attached to European embassies and consulates in Ottoman cities obtained deeds of appointment (berat) from Ottoman authorities specifying their privileged status. Van den Boogert, Maurits. The Capitulations and the Ottoman Legal System: Qadis, Consuls and Beratlıs in the 18th Century (Leiden: Brill, 2005), 63-67. Another groups of dragomans, usually employed for less important functions, were Venetian subjects trained in the language school of the embassy, giovani di lingua (translator apprentices), which was founded in 1551 in order to free the baili from their dependence of non-Venetian dragomans. Dursteler, Venetians in Constantinople, 37.
Why to be a member of the Venetian community?

Why did individuals of different social economic background seek to be recognized as Venetian? Which advantages did membership in the Venetian community entail? Merchants, colonial subjects, and others sought foremost the legal and economic privileges enshrined in the Capitulations issued by the Sultan to the Republic and Venetian diplomatic protection more generally. Among these privileges, fiscal exemption, inheritance, and juridical advantages played a central role. Fiscal exemption included the poll tax on non-Muslims and other taxes introduced by the Ottoman authorities from the last sixteenth century onwards.52 Venetian merchants, a minority within the Venetian community, paid only customs duties, whose amount was a constant source of negotiations between Ottoman and Venetian officials.

Inheritance privileges included immunity from the authority of the beytülmalci, an official of the Ottoman Treasury, charged with managing the estates of deceased individuals.53 As a standard procedure, when an individual died without apparent heirs in Ottoman territories, this official prepared the inventories of his estates, and waited for certain amount of time for heirs and creditors to lay claims to such properties. In the cases of Venetian subjects, the baili collected the properties of the deceased, drew inventories, and arranged for their dispatch to Venetian territories. A few (8 out of 333 documents) of the above-described certificates of Venetian subjecthood (fedi or bollettini 52 Faroqhi, Suraiya. “The Venetian Presence in the Ottoman Empire (1600 - 1630),” The Journal of European Economic History 15/2 (1986), 345–384.

del carazo) sought by colonial subjects are registered in the name of dead individuals hinting that the protection of a line of succession, especially in case of the existence of family-based commercial partnerships (called fraterna in Venice), was another reason for colonial subjects to claim membership in the Venetian community.54

Lastly, but likely the most important reason, individuals sought the baili’s diplomatic protections in case of controversies with Ottoman authorities and subjects. Venetian ambassadorial reports are replete with cases of Venetian subjects of any social and economic background seeking the baili’s support when enduring physical violence, the imposition of illegal taxes, and economic losses at the hands of Ottoman authorities and subjects belonging to any religious group in the marketplace.55 As a matter of fact, the baili strove to defend any Venetian subjects from Ottoman threats regardless of their socioeconomic and religious background.

3—Ottoman Identification Practices

In addition to the Venetian chancellery and individual actors, Ottoman legal authorities were the third entity involved in processes of identification of Venetian subjects residing in Istanbul. Such processes were contingent on both Ottoman identification practices and the diplomatic agreements with Venetian officials.

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54 BAC 297 (unnumbered pages).

55 Boogert, The Capitulations, 42-47. For instances of the baili’s intervention on the behalf of Venetian subjects vis-à-vis Ottoman authorities see and Dursteler, Venetians in Constantinople, and Faroqhi, Suraiya. “Protecting the property of foreign merchants: Venice and the Ottoman Empire in the early 1600s,” in Gherardo Ortalli and Alessio Sopracasa (eds), Rapporti mediterranei, pratiche documentarie, presenze veneziane: le reti economiche e culturali (XIV-XVI secolo) (Venice: Istituto veneto di scienze, lettere ed arti, 2017), 133-152.
In the early modern Ottoman Empire, the classification of individuals reflected the fiscal needs of the state rather than concerns with controlling the mobility of individuals. Apart from legal disputes heard in Ottoman courts and major demographic movements developing under particular military and socioeconomic circumstances, Ottoman authorities registered individuals only for fiscal reasons.\(^6\) As matter of fact, taxation constituted the main taxonomical principle in Ottoman society: regardless of religious and ethnic affiliation, the subjects of the Ottoman sultans were divided between tributary tax-payers (\textit{reaya}), mostly peasants, merchants, and artisans, and non-tax payers (\textit{askeri}), who included army and administrative officials, and jurists/scholars (\textit{ulema}).\(^7\)

Fiscal obligations affected also the other key marker of social division in the empire, that is, religion. Following the precepts of Islamic law (Sharia/şeriat), Ottoman officials conferred on Christians and Jews, called \textit{zimmi} (literally a “tributary individuals”), a discriminatory fiscal and legal standing: they had to pay a poll-tax (called either \textit{cizye} or \textit{harac} in the Ottoman context), faced several restrictions on worship, attire, and at court, and they had to pay higher rates of customs duties. Specific Ottoman tax collectors (called \textit{haraccı}) registered those non-Muslims liable to the payment of the

\(^5\) Under distressful political, economic, and social circumstances, such as during conflicts and rebellions generating large-scale immigration from the countryside into cities, the Ottoman authorities enforced checks on immigrants and registrations of individuals. White, Sam. \textit{The Climate of Rebellion in the Early Modern Ottoman Empire} (New York: Cambridge University Press, 2011), 249-275; Başaran, Selim III, \textit{Social Control, and Policing}, 106-161; Dinçer, Sinan. “From Community Registers to Domestic Passports: The Migration Regime in Ottoman Istanbul,” in Hilde Greefs and Anne Winter (eds), \textit{Migration Policies and Materialities of Identification in European Cities Papers and Gates, 1500-1930s} (New York: Routledge, Tylor & Francis, 2018), 111-131, 114-118.

harac, usually the head of a household, in particular registers (cizye defterleri). The close association between non-Muslims and the payment of the harac is evident in the term haracgüzär (“harac-payer”) which in Ottoman administrative and diplomatic documents referred to non-Muslim Ottoman subjects. Venetian officials too adopted this term (carazaro in the Venetian sources) to refer to Ottoman Christians and Jews.

The fiscal status was the most important marker of the legal and economic standing of Venetian subjects residing and conducting business in the Ottoman Empire. The Capitulations defined the condition of Venetians residing in the empire foremost according to exemption from the harac, which was the key marker of Ottoman subjecthood. For instance, the Capitulations of 1604 stated the following:

“Those coming from Venice and its territories to my Well-Protected Domains to conduct business, be married or bachelor, on a temporary basis should not pay the harac”

This clause, more than any other articles, defined the status of the Venetian “protected foreigner,” called in Islamic legal terminology müstemin. It was repeated in numerous imperial rescripts (firman or hüküm) issued whenever controversies arose about the status of Venetian subjects. As we have seen above, the status of protected foreigners entailed several privileges which distinguished the Venetians from Ottoman subjects.

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The article of the Capitulations links the enjoyment of the status of the protected foreigner to a limited duration of the permanence in the empire and to the conduction of business. According to the Hanafi legal doctrine (the official school of Islamic law of the Ottoman Empire) a müstemin was the recipient of an aman, a safe-conduct. Theoretically, the validity of such safe-conduct was limited to one lunar year after which the beneficiary would either have to leave the country or he would automatically become a non-Muslim Ottoman subject (zimmi). However, in the Ottoman case, such limitation was usually not observed and Venetians, as well as the subjects of other European states who benefitted from the Capitulations, resided in the empire for extended periods. For instance, Nicolò Soruro, one of the most active Venetian merchants of the early seventeenth century, married an Ottoman Christian woman and resided in Istanbul consecutively at least twenty-three years, from 1601 up to his death in 1624. Records of the Venetian and other European communities are replete of instances of merchants and other individuals sojourning in Ottoman cities for several years.

Nevertheless, the duration of residence at times became a matter of controversy between the Venetian and the Ottoman authorities. Especially from the early seventeenth

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61 Soruro appears in most of the sessions of the Council of the Twelve between 1601 and 1624. BAC 272, reg. 387, fol. 118r (24 January 1601) and 280, reg. 404, fols. 199v-200r (2 March 1624). For a brief sketch of his business career see Dursteler, Venetians in Costantinople, 56/57.

century onwards, the growing number and size of European communities in the empire led to periodical attempts by Ottoman officials to regulate the duration of the residence of Europeans and to restrict the number of individuals enjoying the status of protected foreigners. Such initiatives often brought about diplomatic controversies and negotiations between Ottoman and European officials over the status of the protected foreigners. At stakes was access to economic resources, such as local markets and occupation in Ottoman industries, and state sovereignty over an increasingly large number group of individuals. Ottoman and Venetian authorities differed over the requirements, such as the length of residence, marital status, and occupation, to be identified as member of the Venetian community in the empire. Controversies and negotiations to solve them represent an excellent context for understanding the points of contentions in determining membership in the Venetian community and either convergent or divergent practices of identification employed by Ottoman and Venetian authorities. Furthermore, they are another proof of the fundamentally negotiated nature of membership into European communities. We analyze here one of these episodes, the already mentioned “the Carazo Affair,” and after discuss identification practices of Venetians appearing in Islamic courts.

The Carazo Affair 1613-1617

Between fall of 1613 and the spring of 1617, the international European community in Galata was engaged in repealing repeated attempts by the kadi of Galata, Ali Efendi (office 1613-1616), to impose the harac and other Ottoman taxes on the subjects of Republic of Venice, France, England, and the Dutch Republic, including dragomans attached to the embassies of these countries. This episode, known as the
“Carazo Affair” involved joint diplomatic efforts from European ambassadors and the participation of high-ranking political and legal Ottoman authorities, two Grand Viziers (the sultan’s deputy) and two chief jurisprudents of the Ottoman Empire (şeyhülislam).\(^{63}\)

It was not an isolated episode as Ottoman attempts to levy the *harac* from foreign Europeans took place occasionally in Istanbul and in the empire’s commercial hubs till the early nineteenth century. Furthermore, it represented one of the many instances of conflict between a Hanafi law-focused interpretation of the contents of the Capitulations championed by Ottoman jurists, *kadı*, and their supporters, and another one based on sultanic legislation (*kanun*) and customary law (*örf*), which was usually promoted by those high-ranking state officials, such many numerous grand viziers, who prioritized commercial development and the establishment of peaceful relations with European powers.\(^{64}\) While other studies describe the religious and socio-economic context of such episode, I focus on the negotiation between Ottoman and Venetian officials over the definition of the protected foreigners.

The Ottoman justification for imposing the *harac* are all clear in a *fetva* (fatwa, a non-binding legal opinion) issued by the şeyhülislam Hocazade Esad Efendi (office 1615-22; 1623-25), on request of the *kadı* Ali Efendi sometimes in 1616.

**Question:** “Some infidels from the Abode of War (*harbi taifesinden*) come to the Abode of Islam (*darülislam*) with a safe-conduct either individually or by groups

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\(^{63}\) On this episode see Krstić, “Contesting Subjecthood;” Veinstein, Gilles. “Le statut de musta’min.”

of two, they reside for five, ten, twenty, and thirty years and even more, they purchase fields and vineyards producing revenues (akâr), and they marry with non-Muslim Ottoman women (zimmiye) and have children. Are they liable, according to the Sharia, to pay the harac?

Answer: “…By residing one year they become non-Muslim Ottoman subjects (ehl-i zimmet). They must pay the harac and they must be prevented from returning to the Abode of War.”

As this fetva shows, for the Ottoman authorities the key points of contention were the Europeans’ long duration of residence in the empire, the private ownership (mülk) of agricultural lands, and marriage with Ottoman women. According to the aforementioned şeyhülislam, the kadi Ali Efendi, and other Ottoman authorities who advocated for a stricter implementation of Hanafi Islamic law in the Capitulations, Europeans who sojourned one year and beyond, owned revenue-generating agricultural lands, and married local Christian women lost the status of protected foreigners and became “naturalized” Ottoman non-Muslims. In other words, these three actions demonstrated, for the Ottoman authorities, their “willingness” to definitely settle in the empire accepting Ottoman sovereignty. By becoming Ottoman subjects, they were liable to Ottoman taxes, but they also acquired the undisputed rights to own real estate, marry local women, and start a family. The enjoyment of these rights by Europeans was source of contention.

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65 SK, Kasıdecizade, Fetâvâ-yî Esad Efendi No 277, p. 76. Venetian reports too mention the issuance of this fetva as legitimizing the imposition of the harac. For instance, see SDC, b. 81, No 40, fols. 423-427 (18 September 1616).

66 The fetva specified the ownership of “revenue-producing (akâr)” agricultural lands as a marker of Ottoman subjecthood. Since they generated an income for the owner, such properties were liable to state taxation. To my knowledge, fetvas’ collections and manuals of Hanafi jurisprudence circulating in the Ottoman Empire do not contain information on whether ownership of urban dwellings or warehouses by foreigners was controversial for Hanafi jurists. For instance, see Ibrahim Halebi, İzâlí Mülteka el-ebhur tercümesi (translated by Mustafa Uysal, 3 Volumes, Istanbul: Elif Ofset Tesisleri, 1975), Vol. 3, 320/321; and Neticeatî’l-Fetava - Seyhülislam Fetvalari (derleyenler es-Seyyid Ahmed Efendi, es-Şeyyid Hafız Mehmed b. Ahmed el-Gedûsî ; hazırlayan, Süleyman Kaya [and 4 others]; editör Mustafa Demiray. İstanbul: Klasik 2014), 109.
between Ottoman and European authorities during the seventeenth and eighteenth centuries.\footnote{Boogert, \textit{The Capitulations}, 168-172, Faroqhi, “The Venetian Presence,” 366/367.}

After the issuance of this \textit{fetva}, in September 1616, the \textit{kadi} conducted the census (\textit{tahrir}) of all the Europeans residing in the I district of Galata and in its surroundings in order verify their marital status and ownership of real estate. It also included all the dragomans serving the embassies. This census was not a common Ottoman practice of identification but, rather, the product of the Carazo affair, a diplomatic controversy.\footnote{Ottoman authorities conducted a similar census of European communities (in this case throughout the whole empire) in 1759. Van den Boogert. “Ottoman Amān,” 245-265.} Ottoman authorities did not usually register European protected foreigners in Ottoman Empire since they were exempted from state taxes. Those among them practicing trade paid customs duties on the goods they both brought to and exported from Istanbul and they received from customs officials (\textit{emin}) a receipt (\textit{tezkere or temessük}) of this payment. However, to my knowledge, customs officials did not record such receipts in specific registers.\footnote{For a instance of such rare documents, see DT, busta 5, No 547 (28 cemaziyülhair 952/ 7 September 1545).}

\begin{table}[h]
\centering
\begin{tabular}{|c|c|}
\hline
Community of origin (\textit{taife}) & Number of Individuals \\
\hline
Venetian & 108 \\
\hline
French & 25 \\
\hline
English & 19 \\
\hline
Dutch & 12 \\
\hline
Total & 164 \\
\hline
\end{tabular}
\caption{The Protected Foreigners (\textit{müstemın taifesi}) in Galata in 1616 Census}
\end{table}
Table 1.2: Non-Muslim Ottoman Subjects (zimmi) in Galata in 1616 Census

<table>
<thead>
<tr>
<th>Groups</th>
<th>Number of Individuals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Franks of Galata (efrenciyan)</td>
<td>48</td>
</tr>
<tr>
<td>Immigrants from Tinos (istendilli)</td>
<td>40</td>
</tr>
<tr>
<td>Immigrants from Crete (giritli)</td>
<td>31</td>
</tr>
<tr>
<td>Dragomans (tercüman)</td>
<td>34</td>
</tr>
<tr>
<td>Others</td>
<td>1,008&lt;sup&gt;70&lt;/sup&gt;</td>
</tr>
<tr>
<td>Total</td>
<td>1,161</td>
</tr>
</tbody>
</table>

The census registered 108 individuals as belonging to the Venetian community in addition to 11 dragomans out of the 34 dragomans of European countries. Furthermore, it listed the colonial subjects (71) coming from the islands of Tinos and Crete as Ottoman subjects (zimmi). It shows physical description, marital status, occupation, and place of residence for each of them.<sup>71</sup> Those recorded as merchants (tacir) were a minority (37) while the rest of individuals were coopers, weavers, jewelers, sailors, ship scribes, tailors, grocers, and helpers and accountants of merchants, and a few other professions. Only two Venetians owned real estate (mülk) were they rest are recorded as living in rented houses belonging to local Christians and Muslims or to Muslim charitable foundations (evkaf). Among all, there were 32 married men, included two merchants.

Unlike Venetian subjects, the eleven Venetian dragomans are registered as “long-time inhabitants of Galata” (kadimden Galatalı olup) and as having avoided, with the

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<sup>70</sup> I included with the group “others” both recent immigrants and long-time residents of Galata who are listed in the census. VGMA 1722, fols. 10-60.

<sup>71</sup> Apart from fiscal censuses, Ottoman legal officials recorded physical description only for manumitted slaves. See Sobers-Khan, Nur. *Slaves Without Shackles: Forced Labour and Manumission in the Galata Court Registers, 1560-1572* (Berlin: Klaus Schwarz Verlag, 2014), 89-132.
“excuse” (bahane) of working as interpreters, paying the harac and other state taxes. They resided either in their own houses (4) or in the Venetian embassy (7). Lastly, the census excluded from the Venetian community all those Catholics of Galata (Perots), 48 individuals, who, in the records of the Venetian chancellery, we have seen as registered as “Venetian merchants.” Despite their intense trade activities with Venice, their payment of consular duties, the participation to the community’s main decisions in the Council of the Twelve, Ottoman legal and tax officials regarded them as Ottoman subjects and listed them in a separate section for the tax-paying “Franks of Galata” (nefs-i Galata taife-i efrenciyan). 72

The baili and the other European ambassadors opposed this classification and considered the ensuing imposition of the harac as a violation of the Capitulations. Their reports to Venice about the crisis shed light on the main concerns of Venetian officials: the ruin of trade and the loss of both jurisdiction over numerous individuals and of inheritance rights. Firstly, they opposed the one-year limit on the residence of the merchants as they consider it greatly destructive for the conduct of trade. Secondly, according to the the bailo Almorò Nani, despite the payment of the harac was not itself burdensome (in 1616 it equaled only to two sequins yearly), it symbolized the acceptance of Ottoman suzerainty: its imposition on the Venetians meant turning them into non-Muslim Ottoman subjects and, as a consequence, the baili would lose jurisdiction over them. 73 Furthermore, as the latter repeated during any round of negotiations with Ottoman officials, by paying the harac Venetian subjects would lose their estates, and

72 VGMA 1722, fols. 52/53.

73 The census registers the harac levied on each European subject to 545 aspers, that is, about 4 Venetian ducats. VGMA, 1722, f. 11; SDC, b. 80, No 10, fols. 83-89 (17 November 1616).
consequently those of their business principals in Venice, if they die in the empire since officials of the Ottoman treasury (the aforementioned beytülmalci) would confiscate them. The protection of a line of succession, especially when that it jeopardized the investments of Venetian citizens back in Venice, was an utmost concern for the baili.\textsuperscript{74}

The baili rejected the exclusion of married and property-owning individuals, colonial subjects, and the dragomans from the privileges of the Capitulations. They stressed the aforementioned article of the Capitulations (on page 26) which stated that the merchants included either married or unmarried were exempted from the harac, although it did not specify whether marriage with Ottoman Christian women was allowed. The Venetian Senate repeatedly instructed them to defend all Venetian subjects from the harac, even those who had married local women, owned properties in the Ottoman capital, and lived in the empire for several years.\textsuperscript{75} Furthermore, both in its letters to the baili and those directed to Ottoman authorities, it defended dragomans’ membership in the Venetian community on the grounds that, despite they were born in the empire, they served the Venetian embassy receiving a stipend and they “depended on Venice for everything.”\textsuperscript{76}

After protracted negotiations between the European ambassadors and different Ottoman authorities, a settlement was finally reached in spring 1617. The Imperial Council, the chief executive body of the Ottoman Empire and a high court, issued an imperial rescript (nişan-ı humayun) which clarified the status of the protected foreigner.

\textsuperscript{74} SDC, b. 80, No 28, fols. 273-282 (27 February1617).

\textsuperscript{75} SDel, reg. 11, fol. 94 v. (13 March 1614).

\textsuperscript{76} Ibid. fol. 170 r/v (9 November1616).
The order defines the latter as those merchants who comes to Istanbul “to conduct trade and do business” (ticaret ve kar u kesb içün) “without settling indefinitely” (mütemekkin olmayup) and “who are unmarried” (mücerred). It continues stating that “those [registered in the census] who, once in Istanbul, married local women, and purchase real estate and refuse to pay the harac with the excuse that they trade and they are not permanent residents should pay that tax…and, if they die without an heir, their movable and immovable estates should be confiscated.” Furthermore, the imperial order exempted from the harac only three dragomans of Venice and of the other European states.

This imperial order provided a more specific definition of the protected Venetian than those of the Capitulations. It restricted membership into this privileged group only to those unmarried merchants who had come to the empire and went back to their home countries after conducting business. However, it did not clarify the crucial issue of the duration limit of residence apart from the generic expression “without settling permanently” and it did not establish any procedures in this regard. If this ruling had been enforced, it would have excluded from such category all but 35 of the 108 individuals recorded as Venetians in the Ottoman census and the much larger number of individuals whom the bailo considered and treated as members of the Venetian community. In particular, all those colonial subjects who sought to be recognized as Venetian and

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77 The lengthy definition of the protected foreigner in the nişan is the following “..meşarüileyh vilayetlerinden ticaret ve kar u kesb için gelüp mütemekkin olmayup ticaret ile vilayetlerine giden tüccar taifesinden Galata ve nevahiyesindende ve makar-ı hilaferim olan İstanbul ve navahisinde gelüp tavattun etmeyup mücerred tüccar taifesinden varid olan ferman-ı şerifim mücibince harac talep olunmayup min baad recide itmeyeler.” VGMA, 1722, f. 1/2 (ahar-i Cemaziyü’l-ahir 1026/ 25June-10 July 1617). The same document can also be found in DED 13/1, s. 102, No 719.
obtained from the *baili a fede* or *bollettino del carazo* testifying their status would have lost such privileged condition.

However, from Venetian reports following the Carazo affair we do not know if or how far Ottoman authorities enforced this ruling since we do not find any complaints about the forced payment of the *harac*. It surely did not establish a lasting practice because during the seventeenth and the eighteenth centuries periodical imperial orders reinstated the prohibitions against foreign merchants marrying local women and owning real estate.\(^78\) Furthermore, Venetian and Ottoman records contain instances of Venetian subjects marrying Ottoman women who resided without major problems in the years following the issuance of 1616 prohibition.\(^79\)

**Registering Venetians in Ottoman courts: 1604-1625**

Apart from fiscal needs under exceptional circumstances, the only other reason for Ottoman authorities to register individual Venetian subjects was in case of civil and criminal lawsuits litigated in Ottoman courts or when the former turned voluntarily to these institutions to notarize legal and economic deeds. As we will see in the next chapters, the Capitulations stipulated that Ottoman courts held jurisdiction over lawsuits between Venetian and Ottoman subjects.\(^80\) In the early seventeenth century, the main

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\(^78\) For instance, in 1677 an imperial decree of the Grand Vizier Kara Mustafa Pasha prohibited European merchants from marrying local women while, more than one century later in 1791, another imperial command forbade them from owning real estate in the empire. Van den Boogert, *The Capitulations*, 171/172.

\(^79\) For instance, see MMD 6004, sayfa117, No 2 (evast-1 Receb 1034/ 18April 281625). This imperial order is striking because it specifically exempted from the *harac* a married Venetian merchant trading in Ankara. However, like the Capitulations, this ruling does not specify whether the wife of the merchant was a Venetian or an Ottoman subject.

\(^80\) Boogert, *The Capitulations*, 42-47.
Ottoman court used by Venetians in Istanbul was the kadi court of Galata. It operated as a civil and criminal tribunal and a notary office open to all Ottoman subjects as well as to protected foreigners regardless of social status, gender, and religious identity.81

Between 1604 and 1625, records (sicil) of the court of Galata contain 85 court cases involving Venetian subjects out of 10,385 documents. Most of these cases were notarial transactions (59) while the rest (26 cases) were lawsuits between Venetian and Ottoman subjects belonging to different religious communities.82 Court scribes (kâtib) registered Venetians according to their profession (merchants, Venedik taciri, 39 individuals), according only to their legal status as protected foreigner ( müstemin, 9), and, according to their place of origin and Catholic faith, as “Frank” (Efrenc/Frenk, 33). Furthermore, they recorded 4 Venetian dragomans as either Frank or Ottoman non-Muslims (zimmi) but never as Venetian protected foreigner ( müstemin) showing, once again, the contested identification of these individuals as members of the Venetian community in the early seventeenth century.83

The word “Frank” needs unpacking. The medieval term “Frank,” (Ar. ifranj, efrenc and frenk in Ottoman Turkish) which was often employed in Ottoman literary and legal texts, denoted Christian individuals originating from Western Europe and, in the

81 The other court available to Venetians was the Imperial Council headed by the Grand Vizier, the sultan’s deputy. In this chapter I deal only with the kadi court of Galata.


83 For instance, see GŞS 25, 67B (22 Cemâziyelevvel 1013/October 16, 1604).
early modern period, it could refer to both Catholics and Protestants (but not to Orthodox Christians) residing in the Ottoman Empire. Furthermore, Ottoman legal and fiscal officials used the term to refer to Ottoman Catholic subjects, especially in Istanbul and in the Aegean islands. For instance, the Ottomans called “Franks” the members of Galata’s Catholic community (Galata Frenkleri), the aforementioned Perots, who were Ottoman subjects but, thanks to Capitulations granted them in 1453 (and renewed lastly in 1625), they enjoyed some privileges inaccessible to other non-Muslim Ottoman subjects. The presence of this community complicated and blurred the differentiation, in the court records, between those “Franks” who were Catholic Ottoman subjects and the other “Franks” who hailed from Western Europe and were beneficiaries of the Capitulations granted to their home state. In the years under study, 53 individuals appeared registered as “Frank.” By focusing on the individual names of these Franks I managed to identify at least 33 Venetians among them. It is possible that this number was actually higher given the misspellings of Italian names by court scribes. It is also likely that Ottoman legal authorities may have conflated between Galata’s native Catholics and Venetian subjects. Both groups shared the Catholic faith, worshipped in the same churches, and spoke two versions of vernacular Italian.


The use by Ottoman court officials of different and overlapping categories of belonging to refer to members of the Venetian community point to the absence, at least in the early seventeenth century, of a systematic taxonomy to identify the growing number of Europeans residing in the empire. Furthermore, it shows a tension in registration practices in kadı courts between a Hanafi law-based classification of all the Western Europeans as members of a single Western European community (the “Frankish community,” frenk taifesi) enjoying the same privileges and duties, and a growing differentiation in the practice of long-distance trade and diplomatic relations between different subgroups within such community (Istanbul’s Perots, the Venetians, the French, the English, and the Dutch).86

From the names of the Venetians appearing in the court of Galata we infer that 77 of out of 85 individuals belonged to the small group of businessmen whom the Venetian chancellery recorded as “Venetian merchants” and who, as we have seen, played an important role in long-distance trade and in the administration of the Venetian community in the Council of the Twelve. Most of them were also registered as “merchants” in the Ottoman census of 1616. Furthermore, three of these Venetians were ship masters who participated in the Council of Twelve. Lastly, the already mentioned Cretan merchant Costantino Veveli is registered simply as “protected foreigner” (müstemin) in 4 different court entries showing that, as census too illustrates, Ottoman

court authorities distinguished between Venetian subjects from Venice and its Italian territories and those “protected foreigners” coming from Crete and Tinos.⁸⁷

The almost-exclusive presence of preeminent merchants among those registered as “Venetians” in Ottoman court records suggests two possible explanations. We can hypothesize that mostly high-profile merchants could apply to the kadı court of Galata given the costs of applying to this institution and their knowledge of court procedures.⁸⁸ We can also speculate that Ottoman court officials, mirroring the practice of the 1616 census, registered as “protected foreigners” only those Venetians conducting long-distance trade and enjoying a high social standing in Galata’s business community. After all, given the centrality of Hanafi legal doctrine in the workings of kadı courts, we can except that court officials strictly followed its precepts in classifying non-Muslims as either Ottoman subjects (zimmi) or protected foreigners (müstemin) in accordance with the Islamic notion of a temporary safe-conduct for merchants. The conduct of trade, their business reputation, and the payment of custom duties to the Ottoman treasury were “proofs” for court officials that they were Venetian protected foreigners. Unfortunately, given the highly formulaic character of the records, we cannot know how individuals described themselves at court, especially what role did written records, the testimony of acquaintances, or public reputation play in such identification procedures.⁸⁹ If the above-mentioned hypothesis is plausible, we can also consider that low-profile non-merchant

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⁸⁷ For instance, see GŞS 38, 4/A (24 Ramazan 1023/October 28, 1614). For other instances of Cretan merchants whom Ottoman court officials did not register as members of the Venetian community, see Bulunur, Osmanlı Galatası, 171/172 and 274.

⁸⁸ We will explore the procedures of this court in Chapter 6.

⁸⁹ The testimony of Muslim men was necessary to certify the identity of the individuals appearing in the court (ta’rif procedure). See Chapter 6, page 281.
Venetian subjects, such as the artisans and daily labors coming from colonial possessions, might have been registered as Ottoman Christians (zimmi) instead.90

Apart from Christian Venetians, the years under study the records of the kadı court of Galata contain two notarial transactions involving two Cretan Jews, Samarya veled-i Isak and Luna (?) veled-i Elyaz. Court officials registered both as “Jews” (yahudi) and they recorded the former as “member of the Cretan community” (Girid cemaatinden) and the second as “inhabitant of Crete” (Girid ahalisinden), respectively.91 We find here no reference to Venetian subjecthood: court scribes registered Jewish subjects of Venice as Ottoman Jews. Their cases suggest that, at least in the early seventeenth century, Ottoman officials might have regarded European communities as religiously homogenous groups. As shown in the texts of the Capitulations, they considered the Venetian community foremost as one among the different groups (taife) that constituted a single and universal “Christian community” (millet-i nasraniyye). However, research in the records of Galata’s kadı court for the second half of the seventeenth century shows the emergence of the taxonomy “Venetian Jew” (ex. Venedik taifesi yahudilerinden) as well as that of “French Jews” (ex. França yahudilerinden).92 These new categories point to a change in the classification procedures adopted by Ottoman kadı courts to identify members of European communities throughout the seventeenth century and it suggests a

90 Testing this hypothesis would require a careful analysis of the names of all the thousands of non-Muslims appearing at the court of Galata, a goal well beyond that of the current study.

91 GŞS 40, sayfa 22/B and 51, 48/A.

new awareness by court officials of different categories of belonging to such political
groups beyond sharing a common Christian faith.

The classification as either Venetian or Ottoman subject entailed a different legal
status in Ottoman Muslim courts. As we will analyze in detail in Chapter 6, The
Capitulations stipulated several privileges for Venetian subjects in Ottoman tribunals in
matters of legal evidence accepted by the courts, prescribed the presence of Venetian
dragomans in court proceedings, and protected the estates of Venetian subjects from the
confiscation of state officials. An inheritance-related controversy case shows how the
differences in classification affected the legal status of the litigants during court sessions.

In 1624, the already mentioned Venetian merchant Nicolo Soruro died in Galata.
His death brought about a dispute over his inheritance between his two sons Pietro, the
eldest one, and Francesco, the youngest one who had been born from a different
mother. Francesco’s mother was an Ottoman Christian (zimmiye) called Kokina. Pietro
brought to court Francesco and Kokina claiming Nicolo’s inheritance exclusively for
himself. As we have seen, according to the Capitulations the bailo had the authority to
collect the estates of Venetian subjects who died in the empire. However, the fact that the
late Nicolo had married a local Ottoman woman complicated the recovery of his estates
since his Ottoman wife and son advanced claims on his estates on the ground that,
“according to Islamic law” (şer’le), they were entitled to receive a share of his
inheritance. All court records of this controversy described Nicolo as an Ottoman subject

93 GSS 53, 69/A (12 Şevval 1033/ July 29, 1624).
(zimmi) while in commercial disputes he had been involved previously he had been recorded as a Venetian merchant (Venedik taciri).94

This difference in individual classification entailed different legal procedures. On the one hand, in the inheritance-related controversy the kadi of Galata applied standard Hanafî legal norms on inheritance, which the Capitulations prohibited in legal suits with Venetian subjects, treating Nicolo and his sons as Ottoman subjects. On the other hand, in commercial lawsuits, Nicolo was identified as a “Venetian subject” and, consequently, the kadi implemented the articles of the Capitulations in matters of legal procedure.

4—Conclusion

This chapter has illustrated how identification of Venetian subjects took place in early seventeenth-century Istanbul. By focusing on the workings of Ottoman and Venetian institutions, international treaties, individual actions, and diplomatic negotiations, it has showed both the multiple actors who played a role in registration processes of Venetians and the fundamentally negotiated and contested nature of such processes. Neither Ottoman nor Venetian authorities required the formal registration of individuals coming to Istanbul from Venice and its territories. As shown by the cases of the Venetian colonial subjects, Galata’s Catholic merchants, and dragomans, some individuals sought to be formally recognized as “Venetians” to enjoy specific legal and economic privileges and to obtain the diplomatic support of Venetian officials. However,

94 For an example of a commercial controversy involving Soruro handled by the kadi court of Galata, see GŞS 25, 143/B (14 Şaban 1013/5 January 1605).
their actual leeway in claiming Venetian subjecthood was constrained by Ottoman legal and administrative authorities.

On the Venetian side, identification as “Venetians” took place in different ways in the Venetian chancellery according to the socioeconomic background of the individuals applying to it. Merchants trading between Istanbul and Venice did not seek formal registration in the chancellery. As I argued, through their social and business ties with Venetian citizens and officials, their commercial activities, the payment of consular duties, and their role in the community’s main decisions, they were “publicly” recognized as Venetians. Such social actions played a role akin to letters of citizenship as it demonstrated by the fact that even Ottoman subjects could become recorded as “Venetian merchants” in the chancellery’s records. Conversely, non-merchants and low-profile Venetian subjects, above those coming from Venice’s Levantine territories, were more likely to apply for formal recognition as Venetian subjects since their association to Venetian community was less evident in their social actions. Overall, the Venetian chancellery played a crucial role in all these procedures of identification in different ways: by supporting a web of social relations which created social reputation, by issuing documents proving membership into the community, such as fedilbollettini del Carazo, and safe-conducts to bandits, and by offering legal and notarial services to a growing number of individuals.

Ottoman authorities and courts were the last crucial actor in these registration practices. They opposed the extension of the status of protected foreigners to both Ottoman subjects, such as Galata’s Catholic dragomans and merchants, and to an increasingly larger group of non-merchant immigrants from Venetian territories. The
Carazo affair illustrates the points of contention in delimiting membership in the Venetian community: long duration of residence in the empire, marriage with Ottoman Christian women, and ownership of real estate in the empire. For Ottoman legal authorities, these factors constituted “proofs” of accepting Ottoman sovereignty. Furthermore, the Carazo affair and the identification practices of the kadi court of Galata show the socioeconomic groups whose membership to the Venetian community was more controversial: non-merchants individuals, especially those low-profile artisans and low-skilled laborers, who migrated to Istanbul from Venetian territories and resided there for long periods. They did not conduct trade, did not pay custom duties to the Ottoman treasury, and were less associated with mobility, the three key social practices characterizing the “protected foreigners” according to Ottoman legal authorities. In the next chapter, as we move to another contested identification of a group of individuals, the Ottoman merchants, we encounter comparable differences in the identification of individuals by Venetian and Ottoman authorities and similar individual strategies of individuals claiming membership into political communities.
Chapter 2: “Ottoman Merchants” in Venetian/Ottoman Trade

1—Introduction

On 10 June 1610, the Venetian government received a petition (supplica) from 13 Jewish merchants residing in Istanbul. In the document, written in vernacular Italian, they defined themselves as the representatives of the “Jewish Levantine nation that was subject of the Ottoman sultan” (natione hebraea levantina suddita del Gran Signore). They complained against the imposition of the cottimo, a consular duty owed to the bailo, on both the goods they had sent from Istanbul to Venice (and vice versa) by caravans through Balkan Peninsula and on those merchandise that they had received from the port city of Ancona, in the Papal States. They asked to be exonerated from such duty like the “Turkish merchants” (mercanti turchi). In its reply to the petition and in its letters to the bailo, the Venetian government denied the requested exemption and affirmed that even Turkish merchants paid the cottimo. After negotiations between Ottoman and Venetian authorities in Istanbul, the Ottoman government issued an imperial decree (hükûm) commanding “[Ottoman] Jewish and Christian merchants” (yahudi ve zimmi bazirganlari) sending goods to Venice from Istanbul (and vice versa) to pay the cottimo to the bailo in Istanbul.

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1 The original petition is kept in ASV, SDelC, filza 12 (unnumbered, on the last page of the folder). As the journey from Ancona to Istanbul passed through the Adriatic Sea, the bailo stressed that the goods were under Venetian sovereignty and therefore subject to the cottimo. For the Venetian claim of sovereignty over the Adriatic Sea, see Calafat, Guillaume. Une mer jalousee: contribution à l'histoire de la souveraineté (Méditerranée, XVIIe siècle) (Paris, XIXe: Éditions du Seuil, 2019), 63-149.

2 SDelC, registro 11, fols. 5r (18 July 1610) and 26v (12 November 1610).

3 BOA, ED 013/1, sayfa 73, No 347 (15 Safer 1019/9 May 1610).
All of these documents—a petition written by a group of merchants to a foreign government, rulings of the Venetian government, and an Ottoman imperial commandment—produced during the dispute over the payment of the cottimo share a striking element: they lack an overarching identification category to refer to all Ottoman merchants regardless of religious affiliation. Economic historians of the early modern Mediterranean and of the Ottoman Empire, usually employ the term “Ottoman merchants” to denote any individual engaged in long-distance trade who hailed from Ottoman territories. However, documents issued by Venetian and Ottoman governments and courts during the sixteenth and seventeenth centuries as well as surviving petitions from private individuals, show that such identification category did not exist in the early modern period. This situation thus calls for an examination of how merchants originating from Ottoman lands identified themselves and were registered by state authorities in the Ottoman Empire and European trade hubs during commercial ventures and legal suits.

Who were the “Ottoman merchants”? This chapter examines the identification of merchants hailing from the sultan’s territories by Ottoman and Venetian authorities in Istanbul and Venice, the position of long-distance merchants in Ottoman society and its economic system, and their business activities with Venice in the sixteenth and seventeenth centuries. In doing so, this chapter introduces the business partners and opponents of Venetian merchants in Ottoman and Venetian courts chapters in legal disputes and notarial transactions in subsequent chapters, and provides an historical

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4 For instance, see the different essays in Faroqhi, Suraya and Gilles Veinstein (eds), Merchants in the Ottoman Empire (Paris; Dudley, MA: Peeters, 2008).

5 Despite the absence of the taxonomy “Ottoman merchants” in historical sources, I employ this term for the sake of simplicity since it is identification category most employed in the historiography of the pre-modern Mediterranean and the Ottoman Empire.
background of the Ottoman trade with Venice. Furthermore, by illustrating the
taxonomies employed by businessmen and state officials, this chapter shows how
categories of belonging affected the conduct of international trade in Venice and in the
Ottoman Empire, as was the case with the identification of the “Venetians” in Istanbul.

Following the category of identification most employed by Venetian and Ottoman
authorities, namely religious affiliation, I discuss three religious groups of merchants—
Jews, Muslims, and Christians that were active in the trade between Istanbul and
Venetian territories. As in the previous chapter, I employ records from the Venetian
chancellery and Ottoman courts in the first two decades of the seventeenth century, as
they provide a provide an institutional perspective on the identification of individuals, as
well as surviving petitions from individual merchants. My emic and etic analyses uncover
the complexity of categories of belonging used by different historical actors, their
employment in specific contexts —in petitioning processes, lawsuits, and notarial
transactions—and demonstrate the fallacies of analytical categories employed by scholars
today to identify the merchants in my study.

As I demonstrate, the legal identification category of “Ottoman merchants” did
not exist in the early modern Mediterranean and state authorities and institutions in
Venice and Ottoman cities classified merchants from Ottoman domains foremost
according to their religious affiliation. I argue that this situation stems from the absence
of both a corporate association of long-distance merchants in Ottoman cities and a
juridical notion of Ottoman subjecthood which included any individual regardless of
religious affiliation. Only in 1869, with the Ottoman Nationality Law, did Ottoman
officials delineate a uniform category of “Ottoman subject” (devlet-i aliyye teba’ası) that
was independent from religion. Consequently, in Venice, each religious group of Ottoman merchants established different relations with Venetian authorities as shown by different institutional arrangements devised by the latter to regulate their residence and legal and economic rights. Furthermore, Venetian officials created ex-novo legal taxonomies to distinguish between different groups of merchants from the Ottoman Empire. Similarly, Ottoman administrative and legal authorities in Istanbul and in the provinces classified different groups of Ottoman merchants as members of religious groups and thus not as a uniform professional community with a shared legal status.

Apart from religion, social status, too, played an important role in processes of identification of Ottoman merchants. Members of the Ottoman ruling group (askeri), which was composed by mostly Muslim military, administrative, and judicial authorities, and palace corps, were much engaged in Ottoman-Venetian trade in the sixteenth and seventeenth centuries. As I illustrate, both Venetian and Ottoman political and legal authorities focused on rank to describe these individuals and the latter themselves emphasized rank when petitioning to Venetian institutions. Such emphasis on social status reflects the hierarchical structure of the Ottoman Empire and reveals the association between an “Ottoman identity” and closeness to the Ottoman dynasty. As shown by intellectual historians of Ottoman Empire, the word “Ottoman” in the early modern period was employed mostly by the Ottoman intellectual elite to refer to the

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Ottoman dynasty and its closer associates, the military-administrative officials called *kul* in Ottoman parlance (literally “slaves” or “servants”) who belonged to the askeri group.7

2—Long-distance Merchants in Ottoman Economy and Society

In the Ottoman Empire, anyone could engage in international and inter-regional trade regardless of religion and social status. Long-distance merchants, called *bazırgân* or *tâcîr* (plural *tüccâr*) in Ottoman legal and administrative documents, did not constitute a separate corporate group according to Ottoman authorities and they rarely operated in unified manner with common goals. While craftsmen were organized in guild-like organizations, called *taife*,8 which controlled membership, collectively levied state taxes on their members, and imposed set prices and quality regulations on the products, merchants individually paid customs duties according to rates set by regional law codes (*kanunname*), and did not face price or quality controls on the goods they imported and exported. Where merchants’ associations (*tüccar taifesî*) did exist, as in Cairo, they regulated the commerce only of specific goods and imposed but few constraints over their members in matters of the destination of goods, their quality, and prices.9 The only

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8 The term *taife* referred to any kind of social, economic, and religious association (from occupational groups to religious communities and nomadic groups) which possessed collective identity in so far that they dealt with the Ottoman state, especially in matters of taxation. See Masters, Bruce. *The Origins of Western Economic Dominance in the Middle East Mercantilism and the Islamic Economy in Aleppo, 1600-1750* (New York: New York University Press, 1988), 43-45.

9 İnalçık, Halil. “Capital Formation in the Ottoman Empire,” *The Journal of Economic History* 29/1 (March 1969), 97–140; Masters, *The Origins*, 47-60; André Raymond, *Artisans et commerçants au Caire au XVIIIe siècle* (Le Caire: Institut français d'archéologie orientale, 1999), 521/522. Hanna, Nelly; Making big money in 1600: the life and times of Isma'il Abu Taqiyya, *Egyptian merchant* (Syracuse: Syracuse University Press, c1998), 18/19. In Cairo and Aleppo wealthy merchants held the title of *şahbandar* (“master of the port”) which was granted by the authority with an imperial diploma (*berat*). Research shows that in the early modern period this official did not have the same authority over merchants as the heads of artisanal groups (*kethüda*). Raymond, *Artisans et commerçants*, 578-582; Masters, *The Origins*, 57/58. In Istanbul,
exceptions were merchants charged by the state with supplying Istanbul and other large cities with foodstuffs. Called *kapan tüccarları* in Istanbul, these merchants obtained an importation monopoly on types of foodstuffs from a specific territory and were organized like a guild with a head (*kethüda*) and state-controlled prices.¹⁰

Because of the absence of a formal corporate structure, long-distance merchants did not constitute a legal category but only a professional and social one in Ottoman society. Anyone with capital could invest in trade ventures and there existed multiple social profiles for “Ottoman merchants.” Ottoman and European sources show socially and religiously heterogenous groups of individuals engaging in trade ventures with foreign countries or inter-regional trade: Jews, Christians, and Muslims belonging to the tax-paying Ottoman group (*reaya*) and members of the Ottoman administrative-military elite (*askeri*), such as viziers, Janissaries, ulema, and even sultans, who traded through royal agents.¹¹ In commercial centers like Istanbul, Aleppo, and Cairo, long-distance trade constituted a valuable investment for large sectors of the population.

Despite the general lack of corporative constraints, which theoretically might have given them an advantage over most of their European peers, Ottoman merchants engaging in international trade did not achieve the same prosperity and social prestige as

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European merchants. Since the 1960s, their social standing in Ottoman society, the extension and the size of their business activities, and the attitude of Ottoman authorities towards them have been the subject of a long-standing debate among economic historians of the Ottoman Empire over the “Ottoman economic mind.”\textsuperscript{12} Until recently, the prevailing view was that, irrespective of religion, Ottoman merchants did not accumulate as large a capital as their European peers, their forms of business organization did not evolve from medieval precedents, Europeans dominated trade between Europe and the Ottoman Empire, and that Ottoman authorities neither encouraged nor protected through diplomacy and military might their trade ventures with foreign countries. Scholars put the blame for this situation on either the guiding principles of the Ottoman economy or on features of Islamic law.\textsuperscript{13}

According to Mehmet Genç the foundations of Ottoman economic policies were “provisionism,” “fiscalism,” and “traditionalism.”\textsuperscript{14} By “provisionism,” Genç means an overwhelming concern by Ottoman officials with the needs of the army, the court, and the population of Istanbul, and thus with securing goods below market-level prices and discouraging exports. Fiscalism stands for the state’s concern to acquire additional

\textsuperscript{12} Halil İnalcık firstly introduced this expression in “The Ottoman Economic Mind and Aspects of the Ottoman Economy,” in Michael A. Cook (ed.), \textit{Studies in the economic history of the Middle East: from the rise of Islam to the present day} (London, New York: Oxford University Press, 1970), 207-218.


\textsuperscript{14} Genç, \textit{Devlet ve Ekonomi}; 39-62.
sources of revenues, largely through taxation, and its vision of the economy as subservient to the fiscal needs of the treasury. Lastly, by “traditionalism,” Genç refers to the state’s emphasis on the preservation of a status quo in all matters relating to politics, society, and economy, with a consequent animosity towards potentially disrupting novelties, such as the rise of merchant groups, which could alter the relation between different components of the Ottoman society.

According to Genç and other economics historians like Halil İnalçık and Murat Çızağaça, by following these economic policies state officials encouraged imports over exports, secured goods at prices below market level, set fixed prices in the market places (the narh system), and prevented the rise of wealthy merchants among both the subject population (reaya) and the ruling group (askeri) by employing different practices such as the confiscation of private properties. As a consequence of these “anti-mercantilist” policies, which show the government’s “insensitivity” towards the needs of merchants and artisans, Çızağaça maintains that merchants involved in long-distance trade could not accumulate as large a capital as their European peers.

Apart from Ottoman political economy, some scholars have focused on Islamic law and economic institutions to explain the allegedly limited Ottoman commercial expansion. Timur Kuran claims that, due to some inherent rigidities of the Islamic law,

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15 Due to these economic policies, Halil İnalcık, Donald Quataert, and Traian Stoianovich, define the Ottoman economic system as a “command economy,” in İnalcık and Quataert (eds), An Economic and Social History of the Ottoman Empire (Cambridge; New York: Cambridge University Press, 1994, Vol. 1, 1, while Çızağaça calls it a “pseudo-socialist” system. Ibid, “The Ottoman Government and Economic Life,” in Suraiya Faroqhi and Kate Fleet (eds.), The Cambridge History of Turkey, Volume II, The Ottoman Empire as a World Power, 1453-1603 (New York: Cambridge University Press, 2013), 241-275, 263-267.

16 Ibidem, 267-269. On the modest capital accumulation of Ottoman merchants in Bursa, a major Ottoman commercial center, see also İnalcık, “Capital Formation,” 109.
Islamic economic institutions did not develop during the early modern era as extensively as the European ones, thus resulting in Ottoman economic stagnation. He focuses on commercial partnerships and the Islamic inheritance system as the two clearest examples of absences in institutional evolution. Islamic commercial partnerships, he maintains, did not undergo any evolution from medieval forms until the nineteenth century, and remained small in capital, short in duration, and lacking in legal personhood. In contrast, since the Late Middle Ages, Europeans experimented with increasingly complex business forms, that culminated in the joint-stock companies. Another important reason for underdevelopment was the Islamic inheritance system, in which an individual’s inheritance was divided equally among his male heirs. According to Kuran, such a system fragmented family property and forced the dissolution of partnerships upon a partner’s death.\textsuperscript{17}

These explanations run the risk of essentialism. Economic historians supporting the idea of an “Ottoman command economy” assume a constant and uniform application of its principles throughout the empire during the entire early modern period.\textsuperscript{18} The same applies for Kuran, who assumes that Islamic business institutions operated in the same way in every Ottoman city and that Ottoman legal authorities applied legal norms equally without any influence from other normative systems such as state legislation (\textit{kanun}) and local customs. The vastness of the empire and the high degree of heterogeneity of its

\textsuperscript{17} Kuran, \textit{The Long Divergence}; and “The Islamic Commercial Crisis: Institutional Roots of Economic Underdevelopment in the Middle East.” \textit{Journal of Economic History}, Vol. 63, No. 2, (2003), 414-446. For critique of Kuran’s arguments see Çizakça, Murat, "Was Shari'ah indeed the culprit?" \textit{MRPA Paper} 22865 (University Library of Munich, Germany, 2010).

\textsuperscript{18} Çizakça too admits that, at least in the sixteenth century, the Ottoman government permitted a times substantial capital accumulation in some sectors of the Ottoman society, included long-distance merchants. Çzakça, “The Ottoman Government,” 270/271.
populations, economic and social realities, customary practices and legal traditions (even within Islamic jurisprudence) require us to study other provincial contexts farther from the heartlands of the empire as well as foreign towns frequented by Ottoman merchants.

A growing number of studies have begun to reassess the alleged uniformity and Ottoman economic policies, the unchanging and inflexible Islamic business institutions, and the European domination of the Levantine trade. Nelly Hanna deals with the business undertakings of Isma‘il Abu Taqiyya, a wealthy merchant based in Cairo in the late sixteenth and early seventeenth centuries, showing substantial capital accumulation and diversified economic activities. Bashara Doumani’s study of merchant families in Palestine during the eighteenth and nineteenth centuries demonstrates how households bypassed Islamic inheritance rules to reach collective decisions for their new family head, who formally or informally controlled the household’s wealth as joint patrimony through entail arrangements. Lastly, in my own study of Bosnian cash-

waqfs (Islamic pious foundations) and Bosnian/Venetian commerce in late sixteenth century, I illustrate that this Islamic institution provided entrepreneurial capital for large trade ventures.

Lastly, new research also challenges the long-term assumption that Ottoman authorities were unconcerned with the trade activities of Ottoman merchants outside the empire’s boundaries. That assumption derives from a still-common belief that the Ottoman Capitulations were unilateral grants of fiscal and legal privileges bestowed by

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the Ottoman on European subjects and that they did not entail reciprocal rights for Ottoman subjects trading in European territories.\textsuperscript{21} Research on Ottoman merchants in Venice shows that, at least in the sixteenth and first half of the seventeenth centuries, Ottoman officials in Istanbul often intervened on behalf of their subjects, irrespective of religious affiliation, who had incurred economic losses or endured violence at the hands of Venetian officials and authorities. Such intervention involved diplomatic missions in Venice, military and economic threats, and a great deal of diplomatic pressure on the 
\textit{baili} in Istanbul.\textsuperscript{22}

Despite this growing reassessment of Ottoman trade, it is clear that Ottoman authorities and merchants did not attain the same interest in the Ottoman-European trade as European officials and businessmen. European states conducted most of the trade between western Europe and the Ottoman Empire during the early modern era by setting up chartered companies, monopolies, and by deploying diplomacy, consuls, and a naval protection to an extent not matched by the Ottoman Empire. This did not reflect the anti-

\textsuperscript{21} On this debate, see İnalçık, Halil. “Imtiyazat”, \textit{EI} (Leiden: Brill, 1971); de Groot, Alexander. “The Historical Development of the Capitulatory Regime in the Ottoman Middle East from the Fifteenth to the Nineteenth Centuries,” in Maurits van den Boogert and Kate Fleet (eds), \textit{The Ottoman Capitulations: Text and Context} (Rome: Istituto per L’Oriente, 2003), 575-604; Eldem, Edhem. “Capitulations and Western Trade” in Suraiya Faroqhi (ed.) \textit{The Cambridge History of Turkey, 1603-1839} (Cambridge: Cambridge University Press, 2006), 284-335.

mercantile attitude of Ottoman authorities but, rather, a preference for other source of
profits by Ottoman entrepreneurs, such as internal trade and tax-farming. Revisionist
accounts of Ottoman commerce illustrate that intra-Ottoman trade was superior in value
to foreign trade in the seventeenth and the eighteenth centuries.²³

3—Jewish merchants of Istanbul

During the sixteenth and the first half of the seventeenth centuries, Sephardic
Jewish merchants constituted a prominent mercantile group engaged in trade between
Istanbul and Venice. Their ascendence in international trade was the outcome of
migration patterns across the Mediterranean, shifting Ottoman-Venetian relations, and
commercial developments during the sixteenth century.

The rise of a mercantile community

Most of the Ottoman Jews engaged in the trade with Venice belonged to different
communities of Iberian Jews (Sephardim). After their expulsions from Spain in 1492,
Portugal (1497), and from other parts of western Europe afterwards, numerous Jews and
New Christians moved to the Ottoman Empire in multiple waves in the late fifteenth and
first half of the sixteenth centuries. They settled in large numbers in Ottoman cities,
above all Istanbul and Thessaloniki. The Ottoman sultans welcomed their immigration
hoping to benefit from their financial expertise and their connections with coreligionists

²³ Raymond, Artisans et Commercents, 1, 188; Eldem, “Capitulations and Western Trade,” 305.
in European cities. Once in the Ottoman Empire, they became non-Muslim Ottoman subjects (*zimmi*) through the payment of the Islamic poll-tax (*cizye* or *harac*).24

In Istanbul, Sephardic Jews found other ethnic communities of Jews, above all Romaniote Jews, Greek-speaking Jews from Byzantine lands, and Ashkenazi Jews that had migrated to Istanbul from Central and Eastern Europe following Ottoman conquests and expulsions from Christian states.25 Differences in language, customs, ritual, and legal practices, separated these Jewish groups from one another. An Ottoman fiscal survey (*tahrir*) conducted in 1623 counted 2,180 Jewish households in Istanbul, including 908 Iberian ones. They amounted to about 10,980 Jews (among which 4,504 were Sephardim), that constituted a small minority of the whole population of seventeenth-century Istanbul which amounted to about 300,000 inhabitants.26 They settled mostly in intra-muros Istanbul in along the Golden Horn in the areas of Eminönü, Sirkeci, Tahtakale, and Balat where other Jewish groups resided. After the 1550s, Portuguese New Christians began to settle in Galata as well, which, until those years, had hosted few Jews. They shared a common Christian-European background with the Latin Catholic population of Genoese descent and with the Venetian, they spoke a romance language

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(Ladino or Judeo-Spanish), and they engaged in long-distance trade with Western Europe.\textsuperscript{27}

From the early sixteenth century onwards, Iberian Jews in Istanbul emerged as major protagonists in the trade between Italian port cities and the Ottoman Empire. Several factors favored their activities: their command of European languages, the disposition of their rabbis to recognize the legality of commercial practices that did not strictly respect Jewish law, the use of Hebrew and Ladino as languages of commercial correspondence across the Mediterranean, their ability to use bill of exchange to transfer capital between the Ottoman Empire and Europe, the presence of preeminent Jewish power brokers and businessmen in Istanbul, and, lastly, the protection bestowed on them as Ottoman subjects by the Ottoman authorities.\textsuperscript{28}

Protected by the Ottoman sultans, they created extensive commercial networks between Istanbul, Balkan cities—above all Dubrovnik and Sarajevo— and Italian cities, such as Ancona, Ferrara, and later Livorno. Some Italian states that were rivals of Venice, like the Papal States, the Duchy of Ferrara, and the Grand Duchy of Tuscany, strove to attract their business activities by granting them charters of fiscal and legal privileges that allowed them to reside in their territories to conduct business without fearing persecutions by church authorities.\textsuperscript{29}

\textsuperscript{27} Heyd, “The Jewish Communities,” 309-314; Rozen, \textit{A History}, 60/61; Bulunur, Kerim İlker, \textit{Osmanlı Galatası (1453-1600)} (İstanbul: Bilge Kültür Sanat Yayınları, 2014), 159-167.

\textsuperscript{28} Arbel, \textit{Trading Nations}, 17.

In 1541, in order to revitalize Venice’s much weakened trade with the Levant after a disastrous war with the Ottomans (1537-1540), the Venetian government allowed for the first time Ottoman Jews to reside in Venice for the purpose of trade. Called “Levantine Jews” (hebrei levantini) in Venetian bureaucratic language, they could live in a secluded area called the Old Ghetto (Ghetto Vecchio) adjacent to one created in 1516 for the first settlement of Jews. What is more, they enjoyed custom exemptions for some goods they imported from the Ottoman Empire. Venetian officials recognized them as “transient merchants” (mercanti viandanti) and restricted their residence in Venice to a few years. Ottoman Jews acquired the privilege to trade between Venice and the Levant which, until then, had been restricted to Venetian citizens. This development represented a momentous shift in Venetian commercial policies.

In 1589, the Venetian government finally regulated their social and economic status in Venice with a charter (called condotta) of privileges and duties. Similar to the Ottoman Capitulations, it had to be renewed periodically. The charters reconfirmed the privileges of the 1541’s enactment and extended them also to the New Christians coming from Spain and Portugal, called “Ponentine Jews” (hebrei ponentini) by Venetian officials. The taxonomies “Levantine Jews” and “Ponentine Jews” did not exist before

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30 This area was adjacent to, but separate from, the “Ghetto Nuovo”, the city quarter allotted in 1516 to the Tedeschi Jews (hebrei tedeschi), Jews who hailed from Germanic lands and north Italy and who engaged in pawnbroking and the trade of second-hand cloth.

the sixteenth century: they were the creation of Venetian bureaucracy which imposed them on selected groups of Jews sharing a specific geographical provenience.32

Both the Levantine and Ponentine Jews enjoyed fiscal, economic, and legal privileges unavailable to Venice’s other Jewish groups and most of the inhabitants of Venice itself. Apart from trade rights, they included exemptions from state taxes and a preferred legal standing in Venetian courts. Civil disputes involving them fell under the jurisdiction of the Venetian Board of Trade (Cinquem Savi alla Mercanzia). The tribunal of this magistracy applied summary procedure, which entailed speedy and cheap trials, the admission of written documents, and the prohibition of bot appeal to sentences and the employment of legal representatives. It aimed to improve the weak legal standing of foreigner merchants in state courts vis-à-vis local inhabitants in terms of the types of admissible evidence, as well as to accelerate the resolution of commercial conflicts in order to restore business ties.33

After 1541 and up to the first decades of the seventeenth century, Jewish trade with Venice expanded considerably. In Istanbul, Jewish merchants became competitors of Venetian merchants in they city’s marketplaces and animosity between the two groups frequently arose. Jewish merchants dominated the wholesale trade of certain products much sought by the Venetians such as wools, cloth, camlets, and alum, and forced the latter to comply with their conditions. Venetian merchants also had to rely on Jewish


33 On this procedure in Venice, on which we will return in Chapters 3 and Chapters 5, see Fusaro, Maria. “Politics of Justice/Politics of Trade: Foreign Merchants and the Administration of Justice from the Records of Venice’s Giudici del Forestier,” Mélanges de l’École française de Rome 126/1 (2014), 139-159.
merchants for the retail trade of goods they imported from Venice since the latter, with
the backing of Ottoman authorities, strove to oppose their opening of shops by the
former. Furthermore, in Istanbul and in other Ottoman commercial centers, Jewish
businessmen occupied tax-farming positions on custom duties which put them in control
of the key positions in the customs administration arousing, at times, disputes with
Venetian merchants. Lastly, Jewish merchants also engaged in the trade, mostly fabrics,
between Florence and Istanbul through the Adriatic ports of Ancona and Dubrovnik. The
imposition of the cottimo on them, which was raised at the beginning of the chapter, was
part of Venetian efforts to undermine this rival commercial route between western
Europe and the Ottoman Empire.

One of the main reasons for the commercial success of Jewish merchants was the
important role played by influential Iberian Jewish powerbrokers and entrepreneurs
throughout the sixteenth century in Ottoman diplomatic and economic life. Jewish
physicians of the sultans and viziers and wealthy Jewish merchants, like the famed
Salomon Ashkenazi and David Passi, operated as advisors and diplomatic agents for the
Ottomans and as collectors of information about European politics. Striking examples of

34 Simon, Bruno. “Contribution à l'étude du commerce vénitien dans l'Empire Ottoman au milieu du XVIe
siècle (1558-1560),” Mélanges de l'école française de Rome 96/2 (1984), 973-1020, 991/992; Arbel,

35 İnalcık, Ḥālil. “Jews in the Ottoman Economy and Finances, 1450–1550,” in Clifford E. Bosworth,
Charles Issawi, Roger Savory, Abraham L. Udovitch (eds), The Islamic World: Essays in Honor of Bernard
Centuries,” in Gerber, Haim. Crossing Borders: Jews and Muslims in Ottoman Law, Economy and Society
(Istanbul: Isis Press, 2008), 127-142; Epstein, The Ottoman Jewish Communities, 101-144; Bulunur,
Osmanlı Galatası, 252-266.

36 On this episode and the Venetian resentment against Jewish merchants in Istanbul in the early
seventeenth century, see “Relazione di Simone Contarini” in Niccolo Barozzi and Guglielmo Berchet
(eds.), Le relazioni degli stati europei lette al senato dagli ambasciatori veneziani nel secolo
influential Jewish businessmen are Doña Gracia Mendes (d. 1569) and her nephew Joseph Nasi (d. 1579), who were members of the Mendes family, a prominent Portuguese family of New Christian merchants and financiers with far-flung business connections in western Europe. Settled in Istanbul in 1550s, Doña Gracia and Joseph Nasi engaged in financial and commercial activities in the Ottoman Empire and in Western Europe and acquired lucrative tax-farms in the empire and trade monopolies in goods, such as wine. The sultan Selim II (r. 1566-1575) even invested Nasi with the Duchy of Naxos and the Cyclades with the rank of sancak beyi. He became a de facto member of the Ottoman ruling elite (askeri).37

These influential Jews operated on behalf of Jewish merchants by establishing networks of protégés and appealing to Ottoman authorities in cases where merchants suffered mistreatment in foreign cities at the hands of state officials and businessmen. Such interventions took place mostly during the sixteenth century. Scholars agree that the disappearance of such preeminent Jews from Ottoman political and economic life was one of the reasons for, together with changes in patterns of Mediterranean trade and its protagonists, the social and economic decline of Ottoman Jewry from the early seventeenth century onwards.38

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“Ottoman Jewish merchants” in Istanbul

Istanbul’s Jews that engaged in trade with Venice belonged to the city’s various Jewish communities (cemaat). Each group constituted a fiscal, administrative, and legal unity. As opposed to Ottoman Christians (Orthodox Greeks and Armenians), in early modern Istanbul Ottoman Jews were not subject to the authority of a supreme religious authority, but to the heads of each community, which possessed fiscal and legal authority.39

In the sixteenth and seventeenth centuries, Ottoman fiscal officials and the scribes of kadi courts in Istanbul recorded Jews according to either their religion alone or their community and religion combined. Tax registers distinguished between two main groups of Jews: sürgün, those who have forcefully settled in Istanbul by sultan Mehmed II (reign 1451-1480) after 1453 and who were Romaniote Jews, and kendü gelen, (literally, “those who came of their own will”), that is, those who voluntarily migrated to Istanbul (mostly Sephardic Jews). Within these two groups were various sub-groups named either for the geographic points of origin or for prominent households: for instance, the “Portuguese community” (portakal cemaati), and the “community of señora” (sinura cemaati) which was a term that referred to the extended household of the afore-mentioned Doña Gracia Mendes.40

39 Epstein, The Ottoman Jewish communities, 53-77.

40 Heyd, “The Jewish Communities,” 300-303. For two instances of Jews belonging to the communities of Portugal and señora, respectively, that appeared in the kadi courts of Galata with Venetian merchants, see İSAM, GŞS, defter 53, sayfa 89 (25 zilhicce 1033/October 8, 1624) and 62 (23 Ramazan 1033/ 9 July 1624).
Although Ottoman Jews were legally zimmi, that is, non-Muslim Ottoman subjects, documents of kadi courts and the Imperial Council applied such a term exclusively to Ottoman Greeks, the largest Christian group in Istanbul. As we have seen in the previous chapter, at least until the beginning of the seventeenth century, court officials recorded Jewish subjects of Venice from Crete only as “Jewish,” in effect assimilating them into the status of non-Muslim Ottoman subjects. It appears that in the period under study Ottoman authorities perceived all Jews residing in the empire, either temporally or permanently, as their own subjects. This point is proven by the fact that a political category of “Ottoman Jew” was also absent in the Ottoman official correspondence between Ottoman and Venetian authorities over legal and economic issues involving Jewish merchants. For instance, in 1585, an imperial letter (name-i hümayun) written by sultan Murad III (reign 1575-1595) on behalf of Yakub Kastal (Iacobbe Castiel), who travelled to Venice for some “important issues,” defined him as simply as “Jew” (yahudi).

Venetian officials in Istanbul and Venice employed different templates to classify Ottoman Jewish merchants. Between 1609 and 1620, 425 Jews (409 men and 16 women) appeared before the bailo and its secretary to litigate commercial disputes, to register notarial transactions, or as witnesses to other individuals’ legal and economic deeds. In

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42 See Chapter 1, 73. As we have seen, the situation changed in the second half of the seventeenth century with the emergence of the identification category of the “Venetian Jews”.

43 DT, busta 9, No 1065 (evâil-i Muharrem 991/12-21 December 1585). For another example, see DT, b. 13, No 1434 (evâil-i Ramazan 1042/12-21 March 1633).

44 The records analyzed here are located in ASV, BAC, busta 276, 277, 278, 279, 280.
contrast to state courts and magistracies in Venice, the scribes of the bailo’s chancellery did not employ the term “Levantine,” which held political and religious connotations and entailed specific legal and commercial privileges, to denote Ottoman Jews. None of the Jews appearing in the chancellery are identified according to their political affiliation and fewer than half of them (175 individuals, 41%) by their religious affiliation (hebreo). The place of origin appears only for 147 Jews: 101 of them hailed from Istanbul and they are registered as “Jew of Constantinople” (hebreo di Costantinopoli) and 7 as “Jew of Venice” (hebreo di Venezia). Such expressions referred exclusively to a geographical location and did not hold any political or legal connotation. As we will see in the next three chapters, all Jews appearing in the Venetian chancellery enjoyed the same legal standing regardless of geographical provenience and social status.

The most commonly used title used to refer to Jews was “rabbi” (rabi), which appeared for 342 out of 409 male Jews (83%). It could indicate a religious official of a synagogue and a scholar of Jewish law (halakha). It is unlikely that all those Jewish merchants identified as “rabbi” were scholars and religious authorities apart from being long-distance merchants. It is more plausible that such a title held an honorary function in many instances. Nevertheless, the presence of many individuals holding this prestigious

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45 In Venice Jews never acquired Venetian citizenship and the duration of their residence was theoretically temporary as their charters had to be periodically renewed and the Ponentine and Levantine Jews, officially were only “transient merchants” (mercanti viandanti)

46 “Rabbi” in Karesh, Sara E, and Mitchell M. Hurvitz, Encyclopedia of Judaism (New York: Facts on File, 2016), 410-412; A related title was “khakam” (cacam in the Venetian documents) which defined Jewish scholars and, among Sephardic Jews, also local rabbis. It appears for 45 individuals. Other titles, such “Don” (11 cases) and Donna (6) for women, show the Iberian background of the Jews. According to the scholar of Venetian Jewry Giacomo Corazzol, the term rabi in Venetian bureaucratic and legal sources actually applied to any Jewish individuals and not specifically to actual rabbis and Jewish scholars. Personal communication with Corazzol (01/10/2021). I did not find historiographical references about the use of the rabi to refer to any Jew regardless of social and occupation status.
title indicates that mostly preeminent members of Istanbul’s Jewish communities became involved in Ottoman/Venetian trade, at least as far as the records of the Venetian chancellery tell us.47

Despite the absence of the category “Levantine Jews,” in Venetian legal documents produced in Istanbul, Istanbul’s Jews strategically employed it when they appealed to Venetian authorities to ask for new economic privileges or to complain about state officials and Venetian subjects. The petition at the beginning of this chapter exemplifies this process. In 1610, in petitioning the Venetian government, a group of prominent Jewish merchants in Istanbul defined themselves as the heads of the “Levantine community,” which was subject of the Ottoman sultan. In this way, they claimed membership in a foreign mercantile community which was subject to the Ottoman Empire that Venice had established bilateral political and commercial relations with.48

4—“Turkish” merchants

In the historiography of Mediterranean trade and the Ottoman economy as whole, Muslim trade with Western Europe has long figured negligibly. Generations of orientalists and economic historians have depicted Muslim merchants as unwilling to trade outside Muslim lands on religious and cultural grounds. As “warriors of the steppes,” Muslim Turks, it was alleged, did not engage in commerce and crafts preferring

47 For another instance of a Jewish merchant group in Muslim states which was composed of socially and economic preeminent individuals of a local Jewish community, see Goldberg, Jessica. *Trade and institutions in the medieval Mediterranean: the geniza merchants and their business world* (Cambridge; New York: Cambridge University Press, 2012), 33-55.

48 For other examples of the use of this classification by individual Jews, see Rothman, *Brokering Empire*, Ibid, 218-226.
warfare and state administration and, as Muslims, they feared “contamination” from
contacts with Christians and Jews outside the empire. From the 1980s onwards, the
studies of Giorgio Vercellin, Cemal Kafadar, Gilles Veinstein, Maria Pia Pedani, and Eric
Dursteler, have rejected these culturalist accounts. These scholars present innumerable
instances of Muslim businessmen moving to Venice and residing there for long periods
during the sixteenth and seventeenth centuries in order to conduct trade with Christians
and Jews. Kafadar also demonstrates that no religious/legal authority (ulema) prohibited
Muslims from conducting business in non-Muslim territories.

The development of Muslim trade with Venice was concomitant with the growth
of Ottoman Jewish trade. The same international developments, such as the Ottoman
expansion, the bilateral nature of the Ottoman/Venetian Capitulations, and the grants of
privileges by Italian cities to merchants from the Ottoman Empire, promoted the
international trade of Ottoman Muslims, Jews, and Orthodox Christians alike. In 1514,
Ancona was the first Italian city-state to allow Muslims to reside and trade in its
territories by granting them and other Ottoman merchants a charter of fiscal and
economic privileges. Papal authorities, who from 1534 onwards were the new rulers of

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49 For a review of these culturalist explanations, see Kafadar, Cemal. “A Death in Venice (1575): Anatolian
Muslim Merchants Trading in the Serenissima,” Journal of Turkish Studies 10 (1986), 191-218, 209-212;
and Braude, Benjamin. “Christians, Jews and the myth of Turkish commercial incompetence,” in Simonetta
Cavaciocchi (ed.), Relazioni economiche tra Europa e mondo islamico (Grassina, Italy: Le Monnier, 2007),
219–40.

50 Vercellin, Giorgio. “Mercanti turchi a Venezia alla fine del Cinquecento: Il Libretto dei contratti
turcheschi di Zuane Zacra sensale.” Il Veltro 23 (1979), 243–276 and “Mercanti turchi e sensali a Venezia.”
Veinstein, Gilles. “Marchands Ottomans en Pologne-Lituanie et en Moscovie sous le regne de Soliman le
Magnifique,” Cahiers du monde russe 35 (1994), 713–38; Pedani, Maria Pia. “Between Diplomacy and
Trade: Ottoman Merchants in Venice,” in Faroqhi and Veinstein, Merchants in the Ottoman Empire, 3-21.

Ancona, renewed it. Muslim merchants were accommodated in a secluded building (a
*fondaco*).\(^5^2\) Ancona and Venice were the only places in Western Europe where Muslims
traded as a matter of routine.

In Venice, Ottoman Muslim merchants began to appear in the early sixteenth
century and by 1550s their presence became more regular, as evidenced by numerous
complaints they sent to the Ottoman sultan about damages they suffered while trading
with Venice.\(^5^3\) They hailed mostly from Ottoman Bosnia, Istanbul, and Anatolia. They
brought a vast array of goods to Venice, including camlet, woolen fabrics, silks, leather,
etc. At the outbreak of the War of Cyprus in 1570, Venetian authorities arrested all
Ottoman Muslim merchants whose number amounted to about 70 individuals.\(^5^4\)

Venetian officials called all Muslim merchants from Ottoman domains “Turkish
merchants” (*mercanti turchi*). They categorized them along linguistic and ethnic lines
into two subgroups: “Bosnian and Albanian Turks” (*turchi bossinesi et albanesi*) and
“Asiatic Turks” (*turchi asiatici*). Again, as in the case of the “Levantine Jews,” the
identificatory categories “Turk,” “Bosnian Turks,” and “Asiatic Turk” did not exist
among the Ottoman Muslims who resided in Venice, yet, this notwithstanding, the latter
employed them when petitioning to Venetian magistracies.\(^5^5\) In the Venetian bureaucratic
language of the sixteenth and early seventeenth centuries, the term “Turk” held a political

22/1 (April 1969), 28-44; Ravid, “A Tale of Three Cities.”

\(^5^3\) For instance, see the numerous Ottoman imperial rescripts on the affairs of merchants in Venice in DT,
busta 5 and 6.

\(^5^4\) They were not only Muslim merchants operating in Venice as, from the early seventeenth century

\(^5^5\) Rothman, *Brokering Empire*, 189-210, especially 194.
and religious connotation: a “Turk” was a Muslim subject of the Ottoman Empire. Other Muslims, like those coming from Safavid Iran or the Moriscos from Andalusia, were identified according to their place of provenience: a “Persian” (persiano) or “a Muslim from Granada” (granatino).56

As it was the case with the taxonomy “Levantine Jew,” being identified as “Turk” entailed trade and legal privileges in Venice. Ottoman Jews and Muslims shared the same trade rights, fiscal exemptions, and preferred legal standing in Venetian courts. However, Venetian authorities did not bestow on Ottoman Muslim merchants any charter of privileges that regulated their residential arrangements and their legal and economic status. The bilateral nature of the Capitulations and regulations issued ad hoc provided these merchants with the legal framework to reside in Venice without hindrances. Ottoman Muslims did not constitute a distinct corporate entity possessing internal administrative and legal institutions, and communal leaders recognized by the Venetian officials. When they applied to Venetian magistracies, they petitioned either as individuals or as group of Muslims from a specific region or town.57 The only exception to this rule are petitions regarding the payment of the cottimo, the due owned to the Venetian baili and consuls by any individuals irrespective of religion and social status

56 Natalie Rothman illustrates that emergence of the taxonomy of “Persian Turks” (turchi persiani) to refer to Muslims from Safavid Iran in mid-seventeenth century. Rothman, Brokering Empire, 207. I did not encounter such identification in the records produced by Venetian magistracies, such as the Board of Trade, in Venice or in Istanbul before 1630s. For instance, see the petition of the “Persian” Mehmed Bey (Maomedi Bei) in CSM, I Serie, Busta 146, 33r/34v (06/23/1623) and a document concerning the trade of merchants from Granada (mercanti granatini) based in Tunisi, Ibid, Busta 145, 18v (04/12/1619). To my knowledge, the only instance of the use of the category of Persian Turks before the mid-seventeenth century are the records of commercial brokers. Vercellin, “Mercanti turchi a Venezia,” 260, 264.

57 For instance, see a petition of a group Bosnian Muslims and one from Muslim merchants from Durrës (Durazzo, in Albania), CSV, I serie, b. 137, 68v (31 July 1582) and b.139, folio 189r (26 February 1593). Surviving original petitions of Ottoman Muslims too show the prevalence of the place of origin as a marker of communal membership. For instance, DT, b. 11, No 1210 (21 July 1620).
that traded between Ottoman lands and Venice. For instance, in 1582, the “Turk” Seidi, petitioned the Venetian government to have the amount of these duties lowered for the whole “Turkish nation” (*natione turchesca*).58

For most of the sixteenth century, Venetian authorities did not confine Ottoman Muslims in secluded buildings or spaces but allowed them to reside in hostels and inns close to the city’s main market, Rialto. After the War of Cyprus (1570-1573), following the growing number of Muslim merchants and complaints by Church authorities, the Venetian government began to regulate their residence more carefully. After decades of negotiations, in 1622 it allocated them a palace on the Grand Canal which became the famous Fondaco dei Turchi, a hostel and warehouse for Muslim merchants from the Ottoman Empire. It was divided into two sections, one for the Balkan Muslims and one for Asiatic ones. Like Venice’s Jewish Ghetto, the building was closed during the night. However, during the days the Muslim merchants were free to go to the city’s marketplaces.59

The long period of peace between 1573 and 1645 witnessed the apogee of Ottoman Muslim trade with Venice. Apart from the creation of the Fondaco dei Turchi, two other factors reflect intense commercial development. Firstly, the number of commercial brokers working with Ottoman Muslims (*sensali dei turchi*) significantly increased from the late sixteenth to the first half of the seventeenth centuries: from about 14-20 in the 1580s to 33 in 1621 out of a total of 190 brokers operating in the whole

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58 CSV, Prima Serie, b. 137, fols. 66r/67v (31 July 1582).

city. According to Venetian legislation, state-sanctioned brokers had to mediate in every commercial exchange involving Muslim merchants and to make note of them in specific books. Secondly, in the 1590s, with the support of the neighboring Bosnian Ottoman authorities, Venetian officials in Venetian-held Dalmatia opened and promoted the development of the port of Split (scala di Spalato). In the first half of the seventeenth century this port became the major Adriatic transit port for merchants trading between Venice and the Ottoman Balkans. It was the destination of merchant caravans leaving Istanbul with the goods of both Ottoman and Venetian merchants. Among the main beneficiaries of the creation of the Split were Bosnian Muslim merchants who diverted their goods there from Dubrovnik, which was Venice’s chief commercial competitor in the Adriatic Sea.

The multiple profiles of the “Turkish merchants” in Istanbul

Many social and economic profiles of the “Turkish merchant” existed. Contrary to Ottoman Jews and Christians, Ottoman Muslim merchants that engaged in Venetian/Ottoman trade belonged to both the tax-paying population (reaya) and the military/administrative/judicial elite (askeri) of the Ottoman Empire. Membership in either of these groups affected both the state-imposed identification of Muslim businessmen and their self-identification.

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60 Vercellin, “Mercanti Turchi,” 64; Kafadar, “Death in Venice,” 204; and Rothman, Brokering Empire, 29-86.

61 Paci, Renzo. La scala di Spalato e il commercio veneziano nei Balcani fra Cinque e Seicento (Venice Deputazione di storia patria per le Venezie, 1971); Costantini, Vera. “Alternative Paths Towards the Age of Mercantilism: The Venetian Project of the Scala di Spalato,” in Maria Baramova, Grigor Boykov, and Ivan Parvev (eds), Bordering Early Modern Europe (Wiesbaden: Harrassowitz Verlag, 2015), 63-76.
Between 1609 and 1620, 133 Muslim businessmen appeared in the Venetian chancellery seeking its legal and notarial services. The term “Turk” appeared only for 7 of these individuals, while 8 hailed from non-Ottoman territories. Four are registered as “Persian” (persiano) while the other four were Moriscos from Andalusia as “Muslims of Granada” (musulmano granatino). In opposition to the labels “Turk” and “Persian” that were employed in courts and state magistracies in Venice, in the Venetian chancellery in Istanbul such labels did not entail specific legal rights and all Muslims enjoyed the same legal status of other individuals, Christian and Jewish alike. Officials also registered the place of origin of 40 other individuals: Anatolian cities (mostly Ankara, Beypazar, Sivrihisar, and Tosya) that were mohair-producing centers, the international trading emporium of Aleppo, and the capital Istanbul. Apart from Edirne, no Balkan cities appear as places of origins for the merchants, showing the little role played by the Venetian consular court in the commercial ventures of Balkan Muslims.

The most important indicator of the socioeconomic status of the Muslim merchants are their honorific titles, which were the main markers of individual identity used by the officials of the Venetian chancellery. Such titles appear for 91 out of 113 individuals and they all refer to positions of preeminence in the socioeconomic life of Istanbul. These titles could indicate individuals’ membership into the military-

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62 There were also four Muslim women applying to the court to retrieve the estates of husbands or other relatives who had died while trading in Venetian territories. As in the case of Jewish women, I do not include them into my analysis in this chapter because they did not engage in trade activities.

63 For instances of Safavid and Morisco merchants, see the powers of attorney registered by the “Persian” Hacı Ali di Abdi and by the Morisco Hacı Ali Alivarez quondam Mehmet, respectively. BAC 279, reg. 401, fols. 120r (14 December 1617) and 214r (14 July 1620).

64 On Anatolian merchants, mohair manufacturers, and the trade of this product to Venice see Faroqhi, Suraiya. *Towns and Townsmen in Ottoman Anatolia, Trade, Crafts and Food Production in an Urban Setting 1520–1650* (Cambridge: Cambridge University Press, 1984), 139-143.
administrative-legal establishment (askeri), their occupational status, or simply their
economic preeminence in long-distance trade. The most common ones are “ağa,”
“çelebi,” “çavuş,” “efendi,” “hacı,” “hoca,” “beşe,” etc. Such titles shifted in meaning
over the centuries and across the empire, and, therefore, we cannot know with a degree of
certainty whether they actually corresponded to a specific profession and if they could be
attributed to individuals belonging to different social groups.65 However, as we will see
in the next three chapters, while they all indicate a substantial social and economic
position of their holders within the Muslim business community in Istanbul, they did not
confer any privileged legal standing in the Venetian consular court.

Among them, the terms “ağa” “çelebi” referred to any person of social and
economic standing in the Ottoman Empire, including preeminent export-import
merchants. A more specific term to refer to prominent long-distance merchants was
“hoca,” (from the Persian khawaja) which appears for Muslim and non-Muslim
merchants (for Armenians) alike.66 Other terms, such as “efendi” shows individuals of
some scholarly attainment, usually members of the religious-judicial administration
(ilmiyye).67 Among this group, we find also “professors” (müderris) in high-learning

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65 On Ottoman honorific titles and their changes over time, see Tülüveli, Güçlü. “Honorific Titles in
Canbakal, Hülya. Society and politics in an Ottoman town: ‘Aynāb in the 17th century (Leiden; Boston:
Brill, 2007), 61-112; Coşgel, Metin and Boğaç Ergene. The Economics of Ottoman Justice: Settlement and
Trial in the Sharia Courts (Cambridge: Cambridge University Press, 2016), 49-60.

66 Raymond, Artisans et commerçants, Vol 2, 411-415; Marcus, Abraham. The Middle East on the eve of
modernity: Aleppo in the eighteenth century (New York: Columbia University Press, 1989), 51. For an
Armenian merchant with the title of “hoca” (cogia in the Venetian documents) see BAC 277, reg. 395, 88r
(8 June 1611).

67 The religious-judicial establishment belonged to the askeri group.
colleges (*medrese*) and *kadı*. Furthermore, titles of “Janissaries” (*yeniçeri*) and “beşe” (*bassa* in Venetian documents) indicate the affiliation to the military group (*seyfiyye*).

The involvement of these members of the ruling group of the Ottoman Empire in long-distance trade, especially those belonging to military corps and to the ulema, confirms the findings of recent studies about the engagement of members of these prestigious military corps and learned elites in business pursuits.

While most of the Muslim merchants operated either individual businessmen or as members of merchant partnerships, a few of them (2 individuals) were royal merchants who traded for members of the Ottoman royal palace and commercial agents of high-ranking state officials. Venetian and Ottoman sources illustrate the presence of these categories of merchants, which is a little studied topic in Ottoman commercial history, from the second half of the sixteenth century onwards. Royal merchants, called *hassa türkcarları* or *hünkâr bazırganı* in Ottoman sources and “mercante del re” in Venetian documents, belonged to different military and administrative corps of the sultanic palace, such as the *çavuş*, *kapıcı*, *müteferrika*. Furthermore, as we will see in Chapter 5, such identification as “royal merchants” entailed a privileged legal treatment in the Venetian

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68 For instances of *müderris* and *kadı*, see BAC 279, reg. 401, 33r/34v (19 November 1615) and Ibid, 101v (27 April 1617).


70 For a few references to these individuals, see Dursteler, “Commerce and Coexistence,” 114-124; Pedani, In nome del Gran Signore, 172-176.

71 For these different palace corps, see Uzunçarşılı, Ismail H. *Osmanlı devletinin saray teşkilâtı* (Ankara: Türk Tarih Kurumu Basımevi, 1945).
chanceller since the baili aimed to solve their disputes quickly in order to avoid jeopardizing relations with Ottoman officials.

In the years under study, an example of such a merchant was Mehmed Ağa bin Abdülmennan. A Spanish renegade, in the 1610s he held the office of the customs official (gümruk emini) in Galata, the titles of kapıçabaşı and hazinedar (treasurer) in the royal palace and that of bazırganaşı (literally, the “head of the merchants”). Through Muslim and Jewish commercial agents, he traded silk textiles and camlets with Venice in the name of sultan and of other high-ranking Ottoman officials, such the Grand Vizier Nasuh Pasha (office 1611-1614), the heads of the Ottoman financial department (başdefterdar) Ekmekçizade Ahmed Pasha (o. 1606-1613) and Abdülbaki Efendi Pasha (o. 1614/1615), and the chief mufti of Istanbul (şeyhülislam) Hocazade Esad Efendi (o. 1615-22; 1623-25). In 1618, the bailo Almorò Nani even borrowed 2,000 sequins from him for his embassy’s expenditures.

Despite sharing the same religious affiliation of the Ottoman dynasty, Ottoman Muslim merchants did not define themselves as “Ottoman” and they were not recorded as such by state officials. Survived petitions sent to Venetian authorities by single individuals or groups of merchants illustrate the two main categories of self-identifications employed by Muslim merchants: the place of origin and social status, but not religion. The latter was likely self-evident in the name of the petitioner. In a group

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72 See Note 8 of this chapter for this honorary title.

73 The records of the Venetian chanceller and the baili’s correspondence with Venice are replete of references to Mehmed Ağa. For instance, see BAC 277, reg. 397, fols 297r/298v (19 June 1614), and 278, r. 400, 226r (11 July1616); and SDC, busta 72, fols. 119-135 (29 October 1611) and, for the bailo’s debt towards him, see b. 85, fol. 62r (18 April 1618). Another royal merchant was Mümin Ağa, BAC 279, reg. 402, 14v (30 December 1616).
petition written in July 1617 in Split after an attack on two merchant galleys by a Spanish flotilla in the Adriatic Sea, a group of 51 Muslim merchants (mostly from Bosnia) defined themselves only according to their place of origin: for instance, Ahmed from Sarajevo (sarayî) and Hacı Ali from Istanbul (islambollu).\textsuperscript{74} The writer of the petition, a royal merchant named Mümin Çavuş, defined himself exclusively according to his membership in a royal palace corps, the çavuş.\textsuperscript{75} Such affiliation entailed membership into the Ottoman askeri elites, which was the social group more closely affiliated to the Ottoman dynasty and, therefore, more closely associated with an “Ottoman identity” in the early modern period.

In the case of imperial rescripts (fîrman and nişan-i hûmayûn) produced by the Imperial Council and addressed to the Venetian government, religion was the main marker of identification used to define non-elite Muslim merchants while rank played a central role in defining those royal merchants who were members of the Ottoman ruling elite. On the one hand, in a letter sent by the sultan Mustafa I (reign 1617/1618 and 1622/1623) to Venice after the above-mentioned episode of the Spanish attack in the Adriatic, the aggrieved merchants are defined as “Muslim” (müslûman) hailing from Bosnia.\textsuperscript{76} On the other hand, in an imperial document, dated 1588, sent to Venice on behalf of a royal merchant, Seyyid Abdi Çavuş bin Ahmed, Ottoman officials stressed his

\begin{footnotes}
\footnotetext[74]{The term \textit{islambol}, literally “abounding of Islam,” was a term used by Ottoman Muslims to refer to the capital of the Ottoman Empire. Dankoff, \textit{An Ottoman Mentality}, 9.}

\footnotetext[75]{DT, busta 11, No 1210 (no date). For another example of a petition written by a royal merchant, see DT, b. 8, No 963 (evsat-i Ramazan 996/ 4- 13 August 1588).}

\footnotetext[76]{DT, busta 11, No 1214 (evâhir-i zilka’de 1026/20-29 November 1617).}
\end{footnotes}
ranking status (dergâh-i mu‘allâm çavuşlarından) and omitted his religion affiliation altogether.77

5—The Conundrum of the “Ottoman Christian Merchants”

The last group of merchants engaged in Venetian-Ottoman trade were different communities of Christians hailing from Ottoman territories. They belonged to various ethnic and confessional groups and maintained different relationships with the Venetian community in Istanbul, with Ottoman authorities, and Venetian officials in Venice. We can distinguish three major linguistic and confessionals groups of Ottoman Christians trading with Venice: Galata’s Catholics, Orthodox Greeks, and Armenians. Here onwards, I focus on the Greeks while I refer to other groups as well.

Among the different communities of merchants from Ottoman territories, “Ottoman Christians” constitute the most complex group to define. In contrast to Ottoman Jews and Muslims, ethnicity, confession, and place of origin all played key roles in the classification of each group of Christian merchants by Venetian and Ottoman authorities, as well as in the self-identification of the merchants themselves. Furthermore, they maintained a more tenuous relations with Ottoman authorities while trading with Western European states in matter of protection and representation vis-à-vis Christian authorities.

Among the various religious communities of the Ottoman Empire, Christians were those who managed to most strategically employ different categories of belonging—religious affiliation and subjecthood—to navigate different legal regimes in

77 DT, b. 8, No 964 (evâil-i zilhicce 996/22-31 October 1588).
the Ottoman Empires and European states as well. As by Molly Greene’s work indicates, in disputes arising from Catholic piracy, Orthodox Greeks from Ottoman lands assigned great importance to their religious identity to claim certain legal prerogatives. However, in other circumstances, for instance during trade ventures with Venetian territories, they employed political identity over religion for legal and economic advantages. Similarly, as we have seen in the previous chapter, merchants from Galata’s Catholic community (the Perots, the Franks of Galata) routinely took part to meetings of the Venetian community’s Council of Twelve in matters of long-distance trade and they applied to Venetian authorities in order to seek protection from Ottoman authorities and to be recognized as Venetian subjects.

“Ottoman Greek Merchants”

The largest group of Christians engaged in Ottoman-Venetian trade were Orthodox Greeks based in Istanbul and in mainland Greece. As we discussed in the previous chapter, in the early modern period the term “Greek” did not have a well-defined religious and ethnic connotation. Rather, it could be used to refer to a linguistic (Greek-speaking), religious community (Orthodox Christians), and or to a professional group (sailors in Venice and merchants in the Balkans).

In seventeenth-century Istanbul, Orthodox Greeks constituted the largest non-Muslim community in the city. In contrast to the Jews, all Orthodox Greeks were under


79 See pages 44/45.
the authority of the Orthodox Greek Patriarch who was based in the district of Phanar (Fener), in intra-muros Istanbul. Apart from his administrative, religious, and judicial duties within the Orthodox community, he was also responsible for the collection of state taxes, such as the Islamic poll-tax on Muslims, from the Greek population in the capital. Apart from Phanar, the other main center of Greek life in Istanbul was Galata, where most of the international community trading between Istanbul and Western Europe resided and conducted business. After the Ottoman conquest in 1453, the Latin Catholic population of Galata declined over the sixteenth and the seventeenth centuries, while Greeks established there in large numbers and operated in shipping and trade activities with the Black and the Mediterranean Sea, and with Western Europe.80

The development of Ottoman Greek shipping and trade with Venice began in the early sixteenth century and, like in the case of Ottoman Jewish and Muslim merchants, it was concomitant to the expansion of the Ottoman Empire in the Balkans and in the Eastern Mediterranean and the decline of Venetian commercial power in the latter. Already, in 1514, Ottoman Greeks from Epirus obtained charters of legal and commercial rights to trade in Ancona and to worship according to the Orthodox rite unmolested by the Catholic clergy. In the same century, other groups of Greeks moved to Venice, and, later, to the Tuscan port of Livorno, which was established in 1590s.81 As in the case of Muslims, in Venice Greeks coming from Ottoman territories were not granted charters

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80 It is important to remember that, in the seventeenth century, Greek trade and shipping activities with Western Europe was dwarfed by Greek commerce and navigation among Ottoman cities, especially in the trade routes between Istanbul and Egypt. Green, Catholic pirates, 122-137. For Greeks in Ottoman Galata, see Bulunur, Osmanlı Galatası, 154-157.

regulating their legal and economic status. Rather, they joined other communities of Greeks who had been migrating to Venice from former Byzantine and Venetian territories following Ottoman conquests from the fifteenth century onwards.

Regardless of place of origin, most of these Greeks (at least those professing the Orthodox faith) resided around the Greek Fraternity of Venice (Scuola dei Greci), established in 1498 in the area of Castello, which included an Orthodox Church. It was a religious fraternity run by lay people whose communal activities focused on religious rites, education, and charity. In the sixteenth and seventeenth centuries, it constituted the most importance center of Greek cultural and economic life outside the Ottoman territories. The members of the fraternity were mostly merchants and ship captains. In mid-sixteenth-century, individuals from Ottoman territories (mostly from Epirus) constituted a small minority among the members of the fraternity.82 The whole community of Greeks in Venice formed the largest community of non-Venetians, approximately 4,000 to 5,000 during the last decades of the sixteenth century when the population of Venice amounted to roughly 140,000 individuals.83

It is difficult to distinguish between Greeks hailing from Ottoman territories and Greeks coming from Venetian lands in the Levant. This is because, in contrast to Sephardic Jews and Muslim Turk, which the Venetian officials categorized in their records as Ottoman subjects, Greeks cannot be easily categorized, based on archival

82 Greene, Catholic Pirates, 26.
materials. Apart from the lack of charters, Venetian officials did not put Greeks under the jurisdiction of a specific magistracy, as it was the case with the Board of Trade with Ottoman Jews and Muslims. Furthermore, Venetian officials in Venice did not create a separate legal category, like as was the case with “Levantine Jew” and “Turk,” to denote Ottoman Greeks. As current research indicates, Venetian magistracies used the term “Greek” (greco) to refer to any ethnic Greek regardless of place of origin and confession. Nevertheless, towards the end of the sixteenth century, the Board of Trade began to include “Greeks” within it the capacious category of Levantine individuals alongside Ottoman Jews, Muslims, and Armenians. Such inclusion entailed trade rights between Venice and the Ottoman Empire and a privileged legal status in Venetian courts, as was the case of Muslims and Ottoman Jews. However, based on current research, it is not clear whether the “Greek” term included all the Greeks residing in Venice, those who came from the Ottoman Empire, or only those who traded between the latter and Venice.

Another major challenge in defining Ottoman Greeks in Venice in the sixteenth and seventeenth centuries is discerning how they registered themselves. We have no information about a political and juridical notion of “Ottoman subjecthood” in petitions forwarded by Greeks hailing from Ottoman territories to Venetian authorities asking for economic and legal rights or in legal and economic documents drawn in Venetian notarial offices. As studies of Greeks in Venice show, these individuals first and foremost employed faith and place of origins to identify themselves when appealing to Venetian

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84 Ersie Burke illustrates the inconstancies of Venetian classification of the “Greeks” in population censuses in the late sixteenth century. In some parishes, Venetian officials distinguished between Catholic and Orthodox Greeks, while in other parishes they lumped these two groups into a single category of “Greeks”. Burke, *The Greeks of Venice*, 185-194.

institutions. This contrasts with Ottoman Jews who, as we have seen above, employed the political category “Levantine” (that is, Ottoman subject) when appealing to Venetian magistracies.

Another instance of the absence of a legal category to denote Ottoman Greeks is the representatives of communities of Christian merchants from Ottoman territories who resided in Venetian possessions in the Levant. In the seventeenth and eighteenth centuries, merchant groups from Greek-speaking cities and territories like Patras, Aitoliko, or the island of Lefkada (Aya Mavra, Santa Maura) appealed to Venetian officials to ask for the formal appointment of representatives of their native communities in the Venetian islands of Zakynthos, Cephalonia, and Corfu. Venetian officials recorded these individuals as “Greek consuls” (console dei greci) of the community they represented. For instance, in 1605, the Venetian Board of Trade defined the representatives of the merchants from the city of Patras in Zakynthos as the “consul of the Greek nation of Patras” (console della natione greca di Patrasso).

Locating an “Ottoman Greek” commercial community in seventeenth-century Istanbul is another major hurdle. In the records of Ottoman courts, both kadı courts and the Imperial Council, the term “Greek” (rum) referred exclusively to either the Greek Orthodox Patriarch (rum patriği) or to the whole Christian Orthodox community.

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(millet-i rum) in the Ottoman Empire. Furthermore, court scribes employ the term “non-Muslim Ottoman subject” (zimmi) to mostly Orthodox Greeks, who constituted the majority of the Christians in Istanbul. However, they also distinguished other linguistic and ethnic groups of Ottoman Christians with more precise terms, such as the ethnic and confessional taxonomies of “Armenian” (ermeni) and “Galata’s Franks” (Galata frenkleri). However, there is substantial confusion and overlapping among all these categories and the same individuals could appear with different Christian templates in different court entries. Nevertheless, all these ethnic, linguistic, and confessional designations identified Ottoman subjects with the same legal and economic status in Ottoman courts and in the empire’s commercial activities.

The same confusion applies to the records of the Venetian chancellery. In the period 1609-1620 the term “Greek” is exceedingly rare appearing only in 11 cases out of 1,219 Christian individuals. Furthermore, Venetian officials did not record Christian individuals according to their confessional affiliation making difficult for us to discern confessional differences among the numerous Christian individuals involved in Venetian-

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89 For an instance of an Armenian trading with Venetian merchants, see GŞS 25, s. 137 (29 Receb 1013/21 December 1604). The Ottoman distinction between Orthodox Greeks defined as zimmi and Armenians (ermeni) applies to imperial rescripts sent to Venice on behalf of Ottoman Christians. See DT, b. 7, No 909 (evâhir-i Şaban 990/10-18 October 1582); and No (evâhir-i Rebiyülâhir 1010/25 January-2 February 1593).

90 Another identification category for Ottoman Christians was “Christian” (nasrâni). It was a purely religious taxonomy without any ethnic, confessional, or jurisdictional underpinnings. For instance, see GŞS 53, s. 69/A (12 Şevval 1033/ July 29, 1624). For an instance of a Catholic from Galata identified as zimmi instead of frenk, see GŞS 40, s. 72/A (evâstı Muharrem 1025/January 29-February 8, 1616).

91 For instance, see Gianachi Charavachisi. a “Greek cooper” (bottaro greco) in Galata, BAC 276, reg. 394 214v (31 Mart 1610).
Ottoman trade and shipping activities. The only Christian group which Venetian officials distinguished from the others are Armenians from Ottoman Anatolia and Safavid Iran. The term “Armenian” (armeno) held ethnic, linguistic, and religious connotations and it was applied to 30 individuals trading between Istanbul and Venice in 1609-1620.\textsuperscript{92} As was the case with Jews and Muslims, all the identification categories did not point to a different legal and economic status in the Venetian consular court.

Another way to identify an Ottoman Greek community is to focus on individuals hailing from Greek-speaking Ottoman territories. Out of the 1,219 Christians, 735 are designated according to their place of origins. Among them, 145 individuals were natives from Ottoman territories, mostly from Galata (54), Chios (22), the Ottoman-tributary city state of Dubrovnik (17), the Cyclades (22), and the Peloponnese (Morea, 17). In cases referring to Galata and Chios, talking about “Ottoman Greek merchants” is highly problematic given the presence of a mixed population of Catholic and Orthodox Christians while Dubrovnik’s population was mostly Catholic. Furthermore, Ottoman Galata, apart from its local Catholic and Orthodox Christian population, hosted numerous Venetian subjects, both Catholic and Orthodox, from mainland Italy and Venetian possessions in the Levant. This group of foreigners complicated the religiously, ethnically, and linguistically mixed population of Ottoman Galata.

Overall, given the multiple and overlapping designation used by Venetian and Ottoman officials to refer to confessional diversity among Christians in Istanbul and the lack of political status on the documents of the Venetian chancellery it is not possible to

\textsuperscript{92} For instances of Armenian merchants, see Grigor from Ankara, BAC 278, reg. 400, fol. 138v (13 January 1616) and Avidich from Julfa in Isfahan, BAC 276, reg. 395, fols. 61r/62v (19 January 1611).
locate a community of “Ottoman Greeks” in Istanbul (and elsewhere) who engaged in
Ottoman/Venetian trade.93 Different normative communities (like Istanbul’s Christian
Orthodox community, the Venetian community), the place of origin for immigrants, and
the Ottoman overlordship played roles in defining categories of belonging for those
individuals referred to in most of the scholarship as “Ottoman Greeks.” These categories
notwithstanding, all Christians residing in the Ottoman Empire, with the exception of
European protected foreigners, enjoyed the same legal and economic standing in Ottoman
courts.

Dimitri Toderini is a telling example of how complex it is to identify Ottoman
Christians. Originally from the city of Trikala, in Ottoman Thessaly, during the 1610s
and 1620s he partook in many trade ventures between Istanbul, Venice, and North Africa
as a shipmaster (patrono). He owned a ship (called Nave Toderina), co-owned Venetian
ones, had a network of business associates in Venice which included close relatives, and
sailed between Venetian and Ottoman territories carrying the goods of Venetian and
Ottoman merchants, including Jews and Muslims. In the 1610s he appeared in the
Venetian chancellery to litigate lawsuits (13 instances) and to notarize legal and business
deeds (26 cases). In 1613, he sailed as far as Livorno, Tunis, and Algiers where he
purchased ginger and sugar for some Ottoman officials in Istanbul and, while there, he
freed some Christian slaves on the behalf of Tuscan and French individuals in Livorno.
Furthermore, in 1620, he played a key role in brokering a deal between the Venetian
bailo and some preeminent Ottoman merchants that where backed by Grand Vizier Ali

93 Greene, Catholic Pirates, 49/50.
Pasha (office 1619-1621), who had suffered losses at the hands of a Spanish flotilla in the Adriatic in July 1617.  

Dimitri was clearly an important economic actor in shipping and trade between the Ottoman lands and Western Europe. But can we call him an “Ottoman Greek”? In Venetian diplomatic correspondence, the baili referred to him as simply as a “Greek captain” (capitano greco) while the records of the Venetian chancellery referred to him with the title of dominus, a prestige title used usually for Venetian merchants and officials of the Venetian community. Neither diplomatic documents nor court records referred to him as an Ottoman subject while scholars of the early modern Mediterranean call him a “Greek.” Only his place of origin links him to the Ottoman Empire.

6—Conclusion

Long-distance merchants in early modern Venice and the Ottoman Empire shared two key features of categorization. First, in contrast to their peers in many European polities, they did not belong to a formal corporate body like merchant guilds or charted regulated companies. Second, like elsewhere in the early modern world, they were not members in a uniform political community which included all individuals born and living in Ottoman or Venetian territories irrespective of religion and social status. Therefore, a

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94 Stefini, Tommaso. *Seeking Redress at the Signoria: Ottoman Merchants in Dispute with the Republic of Venice in the Early Modern Era* (Master Thesis, Boğaziçi University, 2013), 146/147. For instances of his legal and business affairs in the Venetian chancellery, see BAC 278, reg. 400, fol. 285v/r (27 September 1616) and BAC 280, fol. 92v (15 September 1619); and, for his commercial expedition in North Africa, see CSM, Prima Seria, b. 29, fols. 149v/150r (13 March 1613) and b. 30, fol. 149r (13 June 1613).

95 Stefini, *Seeking Redress*, 146. I did not find references to him in Ottoman sources so far.

legal category to define “Ottoman merchants” and “Venetian merchants” did not exist and political and legal authorities in both states classified long-distance merchants foremost according to their social status and religious affiliation, the two most important markers of belonging in the pre-modern world.

In the Ottoman case, given the vastness of the empire and its ethnically, religiously, and occupationally highly diverse population, merchants that engaged in Venetian/Ottoman trade belonged to different religious communities and social groups. Three main ethnic and religious groups prevailed in this branch of commercial activity: Sephardic Jews, Muslim Turks, and Orthodox Greeks. Ottoman legal and administrative authorities classified them according to their religious affiliation, as Jews, Christians, and Muslims, and dealt with these communities separately, as is shown by imperial rescripts sent to Venetian officials on their behalf. However, as the case of royal merchants suggests, Ottoman authorities also distinguished Ottoman merchants according to their social status as either tax-paying subjects or the administrative-military-judicial elites of the empire. The last group, the askeri, was the social unit most strongly associated to the Ottoman dynasty and, therefore, with the early modern notion of “Ottoman identity.” The emphasis on rank, rather than on religious affiliation, and their affiliation with the sultan and his household prevailed in the petitions written by askeri merchants to Venetian officials.

In contrast to Ottoman authorities, Venetian officials in Istanbul and Venice created ex-novo categories of belonging to classify different groups of merchants coming from Ottoman territories. In the case of Ottoman Jews, they coined the term “Levantine Jews,” which combined Ottoman subjecthood and Jewish faith. As for Muslim
merchants, in the sixteenth and early seventeenth centuries, Venetian authorities employed the term “Turk” exclusively to refer to Muslims hailing from Ottoman lands. The “Turks” par excellence were the Muslim subjects of the Ottoman sultan. In the case of Ottoman Christians, Venetian authorities distinguished among different confessional, ethnic, and linguistic groups, such as “Greek,” “Armenians,” and “Perots.” Many of these categories of belonging used by Venetian authorities, such as that of “Levantine Jews” and “Turks,” were not used by the merchants to identify themselves. Nevertheless, the merchants employed them when applying to Venetian authorities to obtain legal and economic benefits or to complain about episodes of mistreatment at the hands of Venetian officials. Furthermore, in Venice classification categories played an important role in the social and economic life of Ottoman merchant groups. Only those classified as “Levantine Jews,” “Turks,” and other few groups, enjoyed the rights of trading between Venice and the Ottoman Empire, they were exempted from state taxes, and they were subject to a privileged legal status in Venetian courts of justice.

How did all categories of belonging discussed in this and in the previous chapter affect the use of courts by Venetian and Ottoman merchants in seventeenth-century Istanbul? Did religion, social status, and subjecthood determine legal status and courts procedures in Venetian and Ottoman courts? If yes, how so? The following three chapters will answer these questions by examining legal disputes and notarial transactions among Venetian and Ottoman merchants in early seventeenth century Istanbul.
Chapter 3: “A Frankish Court” in Ottoman Istanbul

1—Introduction

On August 14, 1618, the Rabi Iacob Abeniacar and the two Venetian merchants and business partners (compagni), Nicolò Soruro and Andrea Rizzoli, appeared before the bailo Almorò Nani in the chancellery (cancelleria) of the Venetian embassy in Beyoğlu, north of the walled city of Galata. Iacob demanded that Nicolò and Andrea pay him 264 sequins for a bill of exchange (lettera di cambio) drawn by the latter on June 21, 1617. The bill ordered the two brothers Zuanne Battista and Lorenzo Cigala to pay that sum to Iacob’s business associates in Venice. The Cigala brothers had accepted the bill on January 1, 1618 and had presented it to the Consuls of the Merchants (Consoli dei Mercanti), one of the Venetian merchant courts. Yet six months later they had yet to pay it. Thus, on March 18, 1618, Iacob presented a document (scrittura) to the Venetian chancellery in Istanbul indicating that Zuanne Battista and Lorenzo had agreed to pay the bill. By means of a different piece of written evidence, Nicolò and Andrea rejected Iacob’s request. After listening to the depositions of all the litigants, and having read the various documents that they produced, the bailo issued a sentence (sententia) against Iacob, freeing Nicolò and Andrea from his claims but inviting him to pursue legal action against the Cigala brothers in Venice instead. Dissatisfied with the sentence, Iacob appealed to a tribunal in Venice which specialized in legal review, the Auditori delle Sentenze.¹

¹ ASV, BAC 279, registro 402, fol. 191v/r. All parties appointed legal representatives (procuratori) to represent them in the appeal process in Venice. Ibid., reg. 401, fols. 144r (23 Aug. 1618) and 145v (27 Aug. 1618).
The short paper trail left by this case in the Istanbul chancellery raises several questions. Why did Iacob sue two Venetian merchants in the Venetian embassy, a European consular court in the capital of an Islamic empire? As we have seen in the previous two chapters, Jewish merchants in Istanbul were considered Ottoman subjects: they paid the *harac* (the Islamic poll-tax levied on non-Muslims) and were not included among the members of the city’s Venetian community. Why did Iacob not use Muslim courts to retrieve his credit instead? In principle, as an Ottoman subject, he could have expected better treatment there than the one accorded by an Ottoman judge to a European. In short, what made the Venetian consular court attractive for an Ottoman subject, in particular, for an Ottoman Jew? Was it the body of law that was applied or maybe was it the role that this institution played in regulating the trade between Istanbul and Venetian territories?

The present and following two chapters answer these questions through an examination of the surviving registers of the bailo’s chancellery for the period of 1609 to 1620. While scholarly interest in Ottoman justice has considerably expanded in the past thirty years, historians and legal scholars have generally neglected European consular courts operating in the empire’s commercial hubs.² Such neglect stems from the still widely-held assumption that European consular justice operated independently from the

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Ottoman court system and that only Europeans or the protégés of European countries could apply to consular courts. The only notable exception is Maurits Van den Boogert’s important work on the relationship between the Ottoman legal system and Dutch consular justice in the eighteenth-century Ottoman Empire. More recently, a handful of economists who have focused on European consular courts have identified the so-called “jurisprudential shift.” According to this thesis, in the eighteenth and nineteenth centuries, Ottoman Christian and Jewish merchants abandoned the Ottoman Islamic legal system in favor of European consular jurisdiction, which provided them with more equitable and cheaper justice. These scholars argue that European consular courts promoted the development of impersonal exchange and more complex forms of business associations, and contributed to the economic modernization of the Middle East.

Like van den Boogert, I maintain that Europeans did not enjoy extraterritoriality in the early modern Ottoman Empire and that consular courts operated within, rather than outside of the Ottoman court system. However, my analysis departs from his study in two main ways. First, instead of focusing exclusively on notable disputes, I conduct here a


quantitative analysis of the records of the Venetian consular over the period of eleven years (1609-1620). This approach uncovers patterns in the use of this court by individuals belonging to various religious and political group that an exclusive reliance on notable case studies fails to show. Second, I include notarial transactions in my analysis, which allows me to demonstrate that the notarial function of the Venetian chancellery was the main reason that individuals applied there.

This chapter introduces the bailo’s chancellery while the next two chapters analyze the notarial transactions and lawsuits handled by its officials. Here, I deal with the office of the bailo, Venetian legislation and customary commercial norms, the types of services provided by this institution, court costs, and the religious affiliation and social status of its clients. As I show, the jurisdictional reach of the Venetian consular court was determined by international treaties (the Capitulations), but the body of laws applied by this court was an unwritten mixture of Venetian state legislation, and mercantile customary norms. Furthermore, I illustrate that this institution charged substantial fees to its users, limiting both access to this institution and the frequency of its operations, every after year. This notwithstanding, the presence of numerous Ottoman clients shows a substantial “openness” of this institution, which I relate to the Venetian efforts to promote Venetian-Ottoman trade despite the competition of these individuals against Venetian subjects.
2—The Bailo, the Capitulations, Venetian Law

The bailo’s office

The bailo was the permanent ambassador of the Republic of Venice in the Ottoman capital and the chief consul of all Venetian subjects residing in Istanbul and in the Ottoman Empire as a whole. His embassy was the oldest-established permanent Western European mission in Ottoman Istanbul (from 1454): the origins of the office of the bailo (called bailaggio, the “bailate”) date from Byzantine times (the eleventh century), when Venetian merchants and diplomats firstly established themselves in Byzantine Constantinople.5

The baili hailed from the Venetian patriciate, the ruling group of the aristocratic Venetian Republic.6 As most of the Venetian noblemen, the future baili obtained a humanist education, often in prestigious universities such as those in Padua. Their education did not specialize in law but, rather, it centered upon topics such as rhetoric, letters, philosophy, and others. Furthermore, in contrast to the medieval period, very few baili in early modern Istanbul had conducted trade before assuming their office, a factor that might have limited their knowledge of trade affairs.7 After completing their formal


7 This was a consequence of the progressive withdrawal of Venetian patricians from directly participating to trade ventures from the early sixteenth century onwards. Dursteler, Venetians in Constantinople, 45; Gullino, Giuseppe. “I patrizi veneziani e la mercatura negli ultimi tre secoli della Repubblica” in Giorgio
education, Venetian noblemen could acquire political knowledge by travelling to European courts. At age of 25, they entered the Grand Council (Maggior Consiglio) of the Venetian Republic. From there onwards, they took up different offices in the administration of Venetian territories, the navy, and in foreign embassies. The bailate was one of the most prestigious offices for a Venetian patrician and could provide his holder with access to more important offices within the Venetian state.

The office of the *bailo* played different roles in Ottoman-Venetian relations as well as in the commercial life of Venetian communities in the Ottoman Empire. The *bailo* was, first and foremost, an ambassador representing Venice’s political interests vis-à-vis Ottoman authorities. He spent most of his time in office dealing with political, military, and commercial issues between Venice and the Ottoman officials. Furthermore, as an ambassador, he was charged with collecting and relaying information to Venice about Ottoman politics and military operations. The *bailo’s* final reports of their ambassadorship (*relazioni*) and their regular reports to different Venetian magistracies (*dispacci*) are some of the most celebrated historical sources on Ottoman diplomacy and politics in the early modern period.\(^8\)

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Scholars have mostly focused on these ambassadorial duties of the bailo, thus neglecting this office’s second main task: his consular duties. The bailo promoted Venetian trade and operated on the behalf of Venetian merchants in Istanbul and throughout the empire. As member of the patriciate, he was particularly concerned with protecting the commercial interests of the remaining Venetian noblemen who still engaged in the Levantine trade. Furthermore, as the chief Venetian consul in the Ottoman Empire, the bailo appointed and had jurisdiction over Venetian consuls in many Ottoman cities, above all Izmir, with the exception of the consuls of Aleppo and Cairo, which were selected by Grand Council.9 Other consular duties included the liberation of slaves, the adjudication of disputes between Venetian subjects, and the collection of the estates of dead Venetians.

The Capitulations and consular jurisdiction

Ottoman authorities allowed a degree of autonomy to various social, occupational, and religious groups (called taife), in handling their internal affairs and solving controversies among their members according to their “customs” (adet or örf). These groups included Jewish and Christian communities, marketplace associations of craftsmen, nomadic groups, villages, and more. Communal authorities, such as Jewish rabbis, Christian patriarchs and metropolitans, stewards of artisanal groups (kethüda), and

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chieftains of nomadic groups, exercised the authority to arbitrate intra-group controversies without the intervention of Ottoman legal officials. However, as numerous studies of Ottoman Christians and Jews and craftsmen demonstrate, members of these communities often evaded the juridical authority of their group leaders, and instead applied to Ottoman courts—even for intra-group controversies.10

The same arrangement also applied to those European communities that benefitted from the Capitulations. European ambassadors and consuls had jurisdiction over civil and criminal cases between the subjects of their rulers. In these disputes, they administered justice according to their home state’s laws and local customs.11 The Capitulations formalized consular jurisdiction. For instance, the Venetian Capitulations of 1604 state:

“If two Venetians are in dispute, their baili should hear their case according to their customs (adetlerince) and nobody should interfere”12


Ottoman authorities incorporated European communities into the empire’s legal system by bestowing on their leaders judicial authority and by treating the laws of their own states like the “customs” that regulated intra-group affairs of Ottoman Christian communities.13 As we will see in the Chapters 6 and 7, local customs were among the sources of Ottoman law (together with Hanafi Islamic law and dynastic legislation, kanun) and they played a role in controversies handled by Ottoman courts. In fact, Ottoman authorities employed the same legal arrangement to European and Ottoman Jewish and Christian communities. Therefore, consular justice should be considered among the different normative orders that composed the pluralistic Ottoman legal system.

The “law merchant” and Venetian legislation

What were the Venetian “customs” mentioned in the Capitulations? What body of laws did the bailo apply in commercial and other types of disputes? To answer these questions, we should refer to the debate on the law merchant and to the idiosyncratic Venetian legal system.

European maritime and commercial law in the early modern Mediterranean developed from customary norms and statutory rules that had emerged in the medieval period, especially during the expansion of long-distance trade from the tenth century onwards, the so-called “Commercial Revolution.”14 In spite of a long tradition of legal scholars who have argued for the existence of a uniform, private, and transnational law

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merchant (*lex mercatoria*), historical evidence does not support this hypothesis.¹⁵ In Mediterranean and European ports, customs concerning navigation and trade developed in an independent fashion, even though there were substantial similarities resulting from operational requirements of shipping and transacting. State authorities incorporated these customs into their statutes and created new norms. Until the *Ordonnance du Commerce* of 1673 issued by the French king Louis XIV, no European state had issued a comprehensive legislative and administrative regulation of the law merchant which before belonged to customary norms and to the municipal statutes of different European cities. Two famous collections of maritime customs, the Rhodian Sea Law of the seventh-century Byzantine Empire and the Catalan Consulate of the Sea (*Consolat de Mar*, compiled around 1348), codified the law merchant but their actual diffusion among European merchants is a matter of debate. Furthermore, they contained norms mostly regarding maritime law.¹⁶

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In the Venetian case, medieval statutes and norms issued *ad hoc* by Venetian magistracies throughout the late medieval and early modern periods regulated the maritime and commercial life of Venetian subjects. Scholars of Venetian law so far have focused on the Middle Ages, specifically on the twelfth and thirteen centuries, because during this period the Venetian government issued a series of statutes regulating the administration of civil and criminal justice and navigation, which, until 1797, constituted “Venetian law.”\(^{17}\) The 1255’s Statute of the Doge Zeno included a set of maritime norms but its application and validity in the following centuries is a matter of debate.\(^{18}\) Only in 1786 did the Venetian government issue the first comprehensive collection of maritime norms.\(^{19}\) These statutes and collections of customary norms concerned mostly shipping while commercial justice was not the subject of codification efforts by the Venetian authorities. Different Venetian magistracies enacted specific norms on long-distance trade without much coordination among them.\(^{20}\)

Despite the absence of a uniform law merchant in early modern Europe and across the Mediterranean, there existed procedural similarities in the resolution of commercial disputes. During the medieval and early modern periods, merchant courts

\(^{17}\) The most famous statute was the Statute of Jacopo Tiepolo issued in 1242. Zordan, Giorgio. *L'ordinamento giuridico veneziano* (Padova: Imprimitur, 2005), 153-165.

\(^{18}\) Some scholars claim that it was forgotten in the Late Middle Ages and that the Venetians had tacitly adopted the maritime regulations of the Consulate of the Sea like their Genoese rivals, but others disagree on both points. See Lane, Frederic C. “Venetian Maritime Law and Administration, 1250-1350,” in *ibid*, *Venice and History: the Collected Papers of Frederic C. Lane* (Baltimore: Johns Hopkins Press, 1966), 227-246; Zordan, *L'ordinamento giuridico*, 164/165; Pansolli, Lamberto, *La Gerarchia delle Fonti di Diritto nella Legislazione Medievale Veneziana* (Milano: Dott. A. Giuffrè Editore, 1970), 57-59.


(consolato) in Venice and other European cities applied summary procedure, also called “commercial procedure” (alla mercantile), which distinguished commercial justice from ordinary justice. It entailed fast and cheap trials, a less formalist approach to legal evidence, and the absence of witnesses, lawyers, and other legally trained professionals. Merchant courts first and foremost aimed at establishing compromise between the litigants and issued sentences based on the so-called “nature of things,” (or “truth of the fact,” veritas facti) the manifest truth according to shared notions of equity. This contrasted with the “quality of the person,” that its, an individual’s social status and personal reputation in a given location, which played a central role in the procedures of ordinary European courts applying the ius commune. In other words, “facts” such as contractual obligations or actions performed by the parties after drawing them were the basis of judgment in merchant courts. Overall, summary procedure allowed for a more equitable justice for foreign merchants since it annulled the legal privileges enjoyed by local inhabitants which were related to their public reputation and social status. In

Venice, the city’s authorities applied this procedure exclusively to selected groups of merchants whose commercial activities they aimed to encourage.22

In addition to Venetian maritime and commercial law and Mediterranean-wide customary practices, we should also refer to Venice’s idiosyncratic legal system to better understand the functioning of the Venetian consular court. The two main peculiarities of this system were Venice’s rejection of external sources of law and a strong connection between the administration of justice and politics. In contrast with the rest of Europe, except for England, Venetian administrators did not formally include the *ius commune* into the hierarchy of legal sources employed by state tribunals as well as foreign collections of maritime norms, such as the Consulate of the Sea. The town’s statutes, analogy, approved usage, and the judge’s discretion (*arbitrum iudicis*), were the most important legal sources of Venetian law that emanated exclusively from Venetian legislators.23 However, despite their absence in city’s statutes, the *ius commune* constituted the *de facto* basis of Venetian law in judicial and notarial practice, like in the rest of Europe, while Venetian merchant courts followed the regulations of the Consulate of the Sea.24


24 Cozzi, “La Politica del Diritto;” 23. For the employment of Consulate of the Sea in Venice, see Fusaro, Maria. “Migrating Seamen, Migrating Laws? An historiographical genealogy of seamen’s employment and states Jurisdiction in the early Modern Mediterranean,” in Stefania Gialdroni, Albrecht Cordes, Serge
The formal exclusion of external legal sources reflected the conception of law of
Venetian administrators. Venice lacked a class of jurists and both legislation and judicial
administration were the exclusive prerogative of the patriciate, the ruling elite of the
Republic of Venice. Venetian noble judges in the metropole and in the subject territories
were foremost politicians with little legal training, and they adjudicated disputes
primarily following the political and economic interests of the Republic, which coincided
with that of the patriciate. In the words of a specialist, for Venice law was “the best
possible solution available in a given time in answer to the needs of substantive justice
and political necessity, it is an instrument, not an immutable dogma; it is the result of
political reasoning, not of a technical-jurisprudential elaboration.”

Such preoccupations led to a flexible and pragmatic application of law by
Venetian judges, especially outside the metropole, and they explain the importance of the
judge’s discretion as a source of Venetian law. Scholars disagree over the actual degree
of such discretion. Some conceive of it as the judge’s power, in the absence of statuary or
custumary norms or in the impossibility of analogue procedure/instance based on a
custom or a norm, to adjudicate according to his own best judgment (bona conscientia).

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Dauchy, Dave De Ruysscher, Heikki Pihlajamäki (eds), *Migrating Words, Migrating Merchants, Migrating Law trading routes and the development of commercial law* (Leiden; Boston: Brill, 2020), 54-83, 70/71.

Others consider the judge’s discretion as his faculty to arbitrate a dispute in a way acceptable to the litigants. As we will see in Chapter 5, political and commercial concerns played a central role in the procedure followed by the *baili* in solving commercial dispute between Venetian and Ottoman subjects.

Finally, it is important to mention that the Venetian chancellery had been operating in Istanbul since the medieval period, when there existed Byzantine courts applying Roman law and the consular courts of other Italian maritime republics. Since the early fourteenth century, the Genoese colony of Galata had its own statutes (*Statuti di Pera*) regulating the administrative, legal, and economic life of the colony. Such statutes prescribed summary procedure in commercial controversies demonstrating that this procedure had been known in Istanbul since the medieval period. We do not know how long they remained valid within the Galata’s Genoese community (now called the “Franks of Galata”/Perotti) after the Ottoman conquest in 1453. Research shows some continuation of Genoese judicial practices, although without the presence of Genoese magistrates, at least in the years right after the conquest. The same applies for Byzantine commercial law and customary practices, a subject that still lacks systematic

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study. Therefore, the Venetian consular court in seventeenth-century Galata operated in a historical context where different legal traditions—the Roman/Byzantine, Genoese, and (the most recent entry) Ottoman Islamic—coexisted.

Examples of a Normative Framework

Did the Venetian consular court apply the norms of the Consulate of the Sea, Venetian statutes, summary/mercantile procedure, or local customs? Court rulings do not usually contain reference to either bodies of norms or to customary mercantile practices. From the records it is not clear whether there existed a body of merchant law. Between 1609 and 1620, only in three legal suits do we find reference to customary norms and to state legislation. I present two of them here.

On May 7, 1609, Costantino Gialuri, from Rethymnon in Crete, and his partners brought to court Zuanne Veveli, from the same city, the ship master (*patrono*) and joint owner (*parcenevole*) of the vessel San Nicolò. Costantino demanded that Zuanne compensate him for 130 kilograms of linseed that had been found spoilt on Zuanne’s ship which had just arrived in Istanbul from Crete. According to Costantino, the reason for the damaged goods was the poor condition of the vessel. Zuanne rejected these charges claiming that, rather than the bad state of the ship, seawater leaks caused by the heavy sea during navigation had been responsible for the bad state of the goods. He also brought to court a text of the Consulate of the Sea, the Catalan medieval collection of maritime customs, to support his defense that, under such circumstances, he was no obliged to compensate Costantino. The latter responded that the Consulate was not acceptable in
that situation. After demanding that Zuanne prove through witnesses his innocence for
the bad shape of the goods, the bailo freed him from Costantino’s charges.29

In another case from November 1619, the Venetian merchant Ieronimo Grattaruol
sued another merchant, Pietro Pencini, over an unpaid bill of exchange valued at 346
ducats. Ieronimo had drawn the bill of exchange to Pietro with the instructions that
Pietro’s brothers in Venice pay the sum to a man named Santo Fonte, Gieronimo’s
business associate. In Venice, Pietro’s brothers publicly accepted the bill at the
magistracy of the Consuls of the Merchants, but he had not paid it yet. Ieronimo therefore
asked to be repaid for that sum. After reading a ruling (capitolare) of that magistracy
(dated 14 December 1593) according to which the payment of bills drawn in the Ottoman
Empire had to be done in Venice, the bailo freed Pietro from Ieronimo’s claims. Ieronimo
subsequently asked his partner Santo to recover the sum of money from Pietro’s
brothers.30 This case shows how rulings of single Venetian institutions constituted law in
commercial controversies in the Venetian chancellery in Istanbul.

We can explain the general absence of a normative framework in the court’s
rulings by referring to summary procedure. By basing judgment on the “facts”, like
commercial agreements and individual actions, this procedure valued “practice” as a

29 BAC 276, reg. 394, 56v (7 May 1609) and 63r/64v (14 May 1609). The records do no show which
articles of the Consulate of the Sea Zuanne showed in court on his defense and it is not clear how this
collection of maritime costumes played a role in the bailo’s sentence. Another similar case, which involved
the principle of general average (avaria), see BAC 279, 402, 83r/v (3 July 1617), 103r/104v (2 August
1617), and 111r (14 August 1617).

30 BAC 280, reg. 403, fol. 104v (2 November 1619). The magistracy of the Consuls of the Merchants had
jurisdiction over disputes arising from unpaid bills of exchange and insurance contracts. Nani, Filippo.
Prattica civile delle corti del palazzo veneto (Venice, 1694), 255/256; Ferro, Dizionario, Vol. 2, 553.
source of law more than specific jurisprudence, local customs, or precedents. In my view, the lack of reference to norms is an indicator of the application of this procedure in the resolution of most commercial controversies solved in the Venetian chancellery.

3 — The Court: the Personnel, the Fees, and the Types of Documents

The Personnel

The Venetian chancellery was located within the Venetian embassy, which was known as casa bailaggia (the “bailo’s residence”), in Beyoğlu, a hilly area located north of the walled city of Galata that hosted all the European embassies. The chancellery was therefore separate from the commercial district of Lonca (Loggia) which was positioned within the walls of Galata near the docks and around the Catholic church of San Francesco. Lonca was the commercial center of the Venetian community in Istanbul. Merchants had to climb up to Beyoğlu to use the legal and notarial services of the Venetian consular court. In contrast, the main kadi court of the district of Galata was located near the area’s main mosque (the Arab Mosque, Arap Camii) in the proximity of the Lonca district.

31 Cerutti, Giustizia Sommaria, 27.

Many officials assisted the *bailo* in his judicial role and carried out other duties. Among them the most important was the secretary of the *bailo*. He was both the Chancellor (*cancelliere*) of the Venetian embassy, a public notary, and a diplomatic agent. He was a Venetian citizen belonging to *cittadini originari*, a citizen sub-elite immediately below the patriciate. He was a member of the Ducal Chancellery (*Cancelleria Ducale*) from which he was elected to accompany the newly appointed *bailo* to Istanbul. His office ended with the expiration of a *bailo*’s ambassadorship which usually lasted between three years.\(^{33}\)

The secretary conducted many tasks in the Venetian embassy. He handled the transfer of information between the bailo, the Venetian government, and other magistracies and with Venetian consuls and officials in Venetian territories in the seaborne Stato da Mar. At times he also substituted the bailo in diplomatic missions at the Ottoman court and collected information about Ottoman politics. In the chancellery, he operated as a public notary for the Venetian community and for individuals hailing from other Christian and Muslim polities. Unlike the bailo, who did not receive specialized legal training, the secretary was trained in law like other Venetian notaries in the schools of the Venetian bureaucracy. Given his many duties, the secretary took an assistant (coadiutore) to help him with the most menial tasks in the chancellery, such as keeping the notarial records and writing correspondence.

After the secretary, the most important official was the court’s bailiff (called cavaliere), who assisted the bailo in his judicial and consular duties. He travelled between the court and intra muros Galata to deliver summons and other legal communications to single individuals, he conducted investigations, and interviewed witnesses before the bailo in civil and criminal disputes. He also executed the rulings of the bailo within the limits imposed by the Ottoman legal system. For instance, he seized confiscated merchandizes, sold goods at audits in the chancellery (incanto), and had the power to imprison convicted debtors and criminals in the embassy’s prisons. In these

34 Pedani, Maria Pia. “Veneta Auctoritate Notarius:” Storia de notariato veneziano (1514-1797) (Milano: Dott. A. Giuffè Editore, 1996), 59-78. In the years under study, the secretaries were Alvise Vellutello (1609-1612), Gabriele Cavazza (1612-1615) and Ieronimo Alberti (1615-1620).

35 Dursteler, Venetians in Constantinople, 34.

36 Ibid, 38.
executive duties, the bailiff was helped by the Janissaries (yenİceri, an elite Ottoman military corps) employed by the Venetian embassy that carried out the actual arrest of convicted individuals. Like the secretary, the bailiff was elected in Venice as a member of the entourage of a newly elected bailo and his office lasted as long as the bailo’s.37

The other members of the courts were the dragomans, who operated as both diplomatic interpreters and translators. As we have seen in Chapter 1, most dragomans belonged to Galata’s preeminent Catholic families. They played a vital role in the chancellery as they operated as interpreters during court proceedings, and they translated a variety of documents—Ottoman court documents and commercial letters in Ladino/Judeo Spanish and Demotic Greek—into vernacular Italian. Unlike to the secretary and the bailiff, dragomans did not come in and out of power with each new bailo. Rather, they worked under different baili. Dragomans hailing from local families had been in the service of Venice for generations.38 Therefore, they likely possessed expert knowledge in local legal practices and customary norms. Despite the fact that our court records are silent about the role of the dragomans in legal processes taking place in the Venetian consular court, we cannot neglect to acknowledge that the bailo and his court officials might have consulted with dragomans on local legal customs during lawsuits.

37 We do not know how such election took place and whether the court bailiffs were Venetian citizens or not. In the years under study, the bailiffs were Francesco Platina (1609-1612), Francesco di Franceschi (1612-1615) Tadio Baldavini (1615-1620).

### Costs

Table 3.1: Fees Charged by the Venetian Secretary in 1604.  

<table>
<thead>
<tr>
<th>Types of legal and notarial services</th>
<th>Price (in aspers)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civil Sentence (<em>sententia civile</em>)</td>
<td></td>
</tr>
<tr>
<td>- Up to 12 ducats (1.400 aspers)</td>
<td>60</td>
</tr>
<tr>
<td>- From 25 to 50 ducats (3.000 to 6.000)</td>
<td>120</td>
</tr>
<tr>
<td>- From 50 to 100 ducats (6.000 to 12.000)</td>
<td>240</td>
</tr>
<tr>
<td>- From 100 to 500 ducats (12.000 to 60.000)</td>
<td>1.5%</td>
</tr>
<tr>
<td>- Above 500 ducats (above 60.000)</td>
<td>1%</td>
</tr>
<tr>
<td>Criminal sentence (<em>sententia criminale</em>)</td>
<td>74</td>
</tr>
<tr>
<td><em>bailo</em>’s ruling (<em>terminazione</em>)</td>
<td>18</td>
</tr>
<tr>
<td>Power of attorney (<em>procura</em>)</td>
<td>60</td>
</tr>
<tr>
<td>Subpoena (<em>citatione</em>)</td>
<td>3</td>
</tr>
<tr>
<td>Registration of proxy (<em>scritto in corte</em>)</td>
<td>5</td>
</tr>
<tr>
<td>Court injunction (<em>intimatione</em>)</td>
<td>3</td>
</tr>
<tr>
<td>Court’s commandment (<em>Commandamento di mandato e con pena</em>)</td>
<td>5</td>
</tr>
<tr>
<td>Testimony of witnesses in chancellery (<em>esame di testimoni</em>)</td>
<td>12</td>
</tr>
<tr>
<td>Confiscation of goods (<em>sequestro</em>)</td>
<td>5</td>
</tr>
<tr>
<td>Embargo against an individual (<em>battellazione</em>)</td>
<td>120</td>
</tr>
<tr>
<td>Public Instrument (<em>instrumento publico</em>)</td>
<td></td>
</tr>
<tr>
<td>- Up to 100 ducats (12.000 aspers)</td>
<td>120</td>
</tr>
<tr>
<td>- From 100 to 500 ducats (12.000 to 60.000)</td>
<td>240</td>
</tr>
<tr>
<td>- From 500 to 1000 ducats (60.000 to 120.000)</td>
<td>360</td>
</tr>
<tr>
<td>- Above 1000 (120.000)</td>
<td>1%</td>
</tr>
<tr>
<td>Registration of private documents (<em>registro di scritture</em>)</td>
<td>8</td>
</tr>
<tr>
<td>Will Registration (<em>registro di testamento</em>)</td>
<td>110</td>
</tr>
<tr>
<td>Protest of bill of exchange (<em>protesto di lettera di cambio</em>)</td>
<td>120</td>
</tr>
</tbody>
</table>

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39 BAC 274, reg. 391, fols. 11v/12r (22 November 1604). In 1604, 1 Venetian ducat amounted to 120 Ottoman aspers.
The chancellery charged fixed fees for its legal and notarial services. Court users paid different fees to both the secretary and the court’s marshal. These dues constituted the actual stipend of these two officials. The Venetian Board of Trade (Cinque Savi alla Mercanzia) decided the amount of fees. The first set of prices (tariffa) dates from 1479, but two new sets appeared in 1598 and 1604 following inflationary movements. The two lists shown above, in Tables 3.1 and 3.2, belong to the 1604 tariff.

Table 3.2: Fees Charged by the Court Bailiff in 1604

<table>
<thead>
<tr>
<th>Types of Deeds</th>
<th>Price (in aspers)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Execution of civil sentence or any bailo’s ruling (sententia civile)</td>
<td></td>
</tr>
<tr>
<td>➢ Less than 50 ducats (6,000 aspers)</td>
<td>8</td>
</tr>
<tr>
<td>➢ More than 50 ducats</td>
<td>15</td>
</tr>
<tr>
<td>Execution of criminal sentence (sententia criminale)</td>
<td>36</td>
</tr>
<tr>
<td>Report (relatione)</td>
<td>5</td>
</tr>
<tr>
<td>subpoena of defendants (mandato)</td>
<td>3</td>
</tr>
<tr>
<td>Summon of witness (citatitone)</td>
<td>5</td>
</tr>
<tr>
<td>Injunction of sentence (intimatione di sententia)</td>
<td>3</td>
</tr>
<tr>
<td>Injunction of bill of exchange (intimatione di lettera di cambio)</td>
<td>3</td>
</tr>
<tr>
<td>Public auction (incanto)</td>
<td>36</td>
</tr>
</tbody>
</table>

40 BAC 274, reg. 391, fols. 12r/13v (22 November 1604).


42 BAC 274, reg. 391, fols. 11v-13r (22 November 1604) The tariffs of 1479 and 1598 can be found in Ibid, fols.5-11 and the 1598 also in CSM, Prima Serie, busta 26, fols. 187-190 (11 March 1597). The secretary charged a fee for 71 different varieties of legal and notarial services while the marshal for 22 acts. I Tables 3.1 and 3.2, I provide only some instances of prices of services.
Court records do not contain information on the actual fees charged by the court for each and every judicial and notarial act. Therefore, we cannot know whether the official rates reflected the actual costs of the consular court. Furthermore, we do not know if, during a dispute, litigants purchased these services in bundles or separately. However, we do know that the looser of a legal suit had to pay all the expenses of the court proceedings.43

How expensive was the Venetian chancellery in early seventeenth-century Istanbul? In the 1610s, an Istanbul’s skilled worker earned around 23 aspers per day, an unskilled one 14 aspers, and a Janissary (a member of an elite military corps), 15 aspers.44 If the officially-set court prices reflect the historical reality, the legal and economic services of the Venetian chancellery might have been a significant investment for the majority of merchants based in Istanbul, except for well-to-do Ottoman merchants.45 Litigants and individuals seeking the court’s notarial services had to pay distinct fees to summon the defendant to court, produce witnesses, notarize private writings, and obtain the bailo’s sentence. Even in the case of a legal victory, a litigant had to pay other fees to have this sentence enforced by the bailiff. The combined costs of all these operations might have been a conspicuous investment and must have played a role in the choice of this institution for litigating a commercial dispute and for notarizing

43 For instance, see, BAC 279, reg. 402, fols, 58r/59v (18 May 1617). It is not clear whether the payment of court expenses befell every convicted individual or only in particular circumstances.


45 Notarial records show several examples of well-to-do Jewish and Muslim merchants. For instance, in 1616 a Muslim merchant named Ömer Çelebi quondam Ahmet Çavuş registered a series of commercial transactions taking place between 1612 and 1614: they together valued more than 2,000,000 aspers. BAC 278, reg. 400, fols. 236v-247v (29 July 1616).
business transactions. Furthermore, considerable costs of court operation contradict the nature of summary procedure in European merchant courts, which was characterized by cheap court proceedings.

Within the Venetian community, only Venetian merchants must have found court fees affordable. In the legal suits and notarial records of the court, contested credits and commercial transactions of Venetian merchants mostly involved sums superior to 10,000 aspers. A rare survey—dating from 1615—of the monetary value of the goods sent from Venice to merchants in Istanbul through land caravans provides a rare insight into the volume of commercial exchanges: 11 business partnerships (compagnie) of Venetian merchants based in Istanbul, each made up of two merchants, received different goods whose overall value ranged from 92,000 to 667,600 aspers while the goods of two individuals merchants (Ieronimo Boneri di Zuanne Antonio and Zuanne Paolo Zois quondam Zuanne) was 407,000 and 32,000 aspers, respectively.

The types of legal acts and notarial deeds

Apart from years of wars, the surviving records of the Venetian chancellery begin in 1580 and continue until 1797, the year of the fall of the Venetian Republic. They

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46 In this dissertation I do not conduct a statistical analysis of the monetary value of all legal suits and notarial transactions handled by the Venetian chancellery. I only provide the highest and lowest sum of money shown in these two varieties of records.

47 SDC, Filze, No 78, fols. 202v-222v (22 January 1615). This list does not include the goods that Venetian merchants received by ships.

constitute an exceptionally important source for the history of Venetian and Ottoman commercial relations, Mediterranean trade, and European consular justice.

Between 1609 and 1620, the registers of the Venetian chancellery recorded 3,574 entries concerning civil and criminal lawsuits, notarial transactions, safe-conducts for Venetian bandits, bailo’s orders to merchants, correspondence between the bailo and Venetian magistracies, etc. Indexes (rubrica) in the registers classify different documents according to 9 categories.

Table 3.3: Types of Legal Acts and Economic Deeds Conducted in the Venetian Chancellery (1609-1620)—Emic Classification

<table>
<thead>
<tr>
<th></th>
<th>Intimatione, commandamenti, risposte di commandamenti, protesti, note, e depositioni in the cancelleria</th>
<th>Subpoena, judicial orders, answers to such orders, protests, depositions in court</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Sententie, terminazioni, appellationi, sovvenzioni</td>
<td>Sentences, bailo’s rulings, appeals, subsidies</td>
</tr>
<tr>
<td>3</td>
<td>Salvacondotti, realditioni, patenti, fedi, elezioni</td>
<td>Safe-conducts, patents, sworn-declarations, elections of officials</td>
</tr>
<tr>
<td>4</td>
<td>Registro di lettere, scritture, polizze di cambio, accrescimento ai dragomanni e altri</td>
<td>Notarization of letters, private documents, bills of exchange, stipend increase for dragoman and other Venetian officials</td>
</tr>
<tr>
<td>5</td>
<td>Sequestro, intromissioni, bolli, incanto, remotioni</td>
<td>Confiscation, interposition, application of marks, public audit, removal of confiscation</td>
</tr>
<tr>
<td>6</td>
<td>Consiglio dei XII, ordini diversi del bailo, eletzione di periti e relationi loro</td>
<td>Summon of the Council of the Twelve, bailo’s orders, elections of experts and their relations</td>
</tr>
<tr>
<td>7</td>
<td>Deposito di dinaro, scritture, atti volontari di piezzarie, di notare avvocati in corte, confessioni, elevationi di depositi</td>
<td>Deposit of money, private documents, surety and agency contracts, depositions, and end of deposit</td>
</tr>
<tr>
<td>8</td>
<td>Battellazioni, inventari, e testamenti</td>
<td>Embargo against individuals, notarization of inventories and wills</td>
</tr>
<tr>
<td>9</td>
<td>Proclami e Recognizone di persone</td>
<td>Bailo’s orders for the whole Venetian community, recognition of individuals</td>
</tr>
</tbody>
</table>

---

49 From BAC, 274, reg. 391, fols. 1r-32r (1604-1608, no days).
As Table 3.3 illustrates, court officials used different criteria from those employed by today’s historians, legal scholars, and by modern courts of justice to distinguish among different legal, economic, and public acts. The sharp distinction put forth by scholars between legal and notarial records does not apply to the documents produced by the Venetian chancellery, as was the case in Ottoman courts and all pre-1800 European tribunals as well. As we will see in the next two chapters, in contrast to today, the functions of adjudication and certification of rights were interchangeable in the workings of the Venetian consular court. The beginning of procedures of debt collection, for instance by notarizing a commercial contract and intimating its enforcement to a partner, did not always signal the existence of a social conflict between two merchants. Rather, such action might have aimed to publicly certify a claim. Regardless of the types of the document, the chancellery’s secretary organized all court entries in two different registers covering the entire office of one bailo.

For the sake of my analysis, I distinguish three categories (etic classification) of documents: lawsuits, notarial transactions, and what I term “public acts.” The last are all those actions performed by the bailo as the representative of the Venetian government and as the chief Venetian in the Ottoman Empire. They include the issuance of safe-

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51 I employ here the records belonging to five registers, BAC 276-280 and 317. The vast archives of the Venetian consulate contain many more varieties of documents, such translations of Ottoman imperial order (firman), registers of the embassy’s expenditures, and miscellaneous collections of private and official documents brought to the court during lawsuits and diplomatic controversies. In this study I analyze only the registers of legal acts and economic deeds performed before the baili (protocolli atti e sententie).
conducts to individuals who had been convicted by Venetian judges in the Levantine colonies, the proceedings of the Council of the Twelve, commandments to Venetian merchants about trade regulations and payment of consular duties, instructions to captains on sea voyages from Istanbul to Venice, letters to consuls, etc.

Table 3.4: Types of Legal Acts and Economics Deeds Conducted in the Venetian Chancellery (1609-1620)—Etic Classification.

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lawsuits</strong></td>
<td>434</td>
<td>13%</td>
</tr>
<tr>
<td><strong>Notarial Transactions</strong></td>
<td>1,702</td>
<td>51%</td>
</tr>
<tr>
<td><strong>Public Acts</strong></td>
<td>1,190</td>
<td>36%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>3,326</td>
<td>100%</td>
</tr>
</tbody>
</table>

As Table 3.4 illustrates, the Venetian chancellery carried out different tasks. It primarily operated as a notarial office and, secondly, as a tribunal. This shows that individuals used this institutional mainly to certify property rights in order to prevent future disputes and to produce evidence before suing an individual in court. Among the numerous public acts performed by the chancellery, the issuing of safe-conducts played a central role, with 878 (73%) out of 1,190 documents of public acts. Henceforth, I do not deal with these public acts, but I focus exclusively on notarial transactions and legal suits.

Between 1609 and 1620, individuals litigated on average 40 disputes and performed 154 notarial transactions every year in the Venetian chancellery. This amounted to a total of 194 legal and notarial services every year. This number is not high considering that, in the years understudy, at least 65 Venetian merchants were active in

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52 The total number of records shown here 3,326 is less than the sum of all entries (3,574) in the registers of the chancellery since I count as one case all the entries related to the same lawsuit.
Ottoman/Venetian trade together with hundreds of other individuals, including Ottoman subjects and low-status Venetians. How much does it relate to the workload of other tribunals and notarial offices in Ottoman Istanbul? Regrettably, we lack quantitative studies on other European consular courts operating in early modern Ottoman capital. Such comparisons would greatly contribute to our understanding of consular justice in Ottoman Istanbul, especially with regard of the use of different European chancelleries made by European and Ottoman subjects and the frequency of the phenomenon of forum shopping which constitutes an important topic of debate in the legal history of the pre-modern world.

Here, I propose a comparison only with the main Ottoman court of the district of Galata, the tribunal and notarial office of the kadi of Galata, and two European merchant courts. The court of kadi of Galata was used by the inhabitants of the district of any religious affiliation and, as I show in Chapter 6, by a few European individuals too. The archives of these court for the dates 1604 to 1625 contain 13,353 records of legal suits and notarial deeds. On average these number amounted to about 741 court services for every year against the 186 services provided by the Venetian chancellery.53 The difference in the number of legal disputes and notarial deeds handled by these two courts likely stems from the high population of the district of Galata, which amounted to a few thousands in the seventeenth century, and to the fact that the kadi of Galata handled many types of disputes, including criminal cases, while the Venetian chancellery specialized in commercial arbitration.

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53 In this dissertation I did not differentiate between lawsuits and notarial transactions in counting the total number of documents produced by the kadi court of Galata.
However, if we compare our data with that of other merchant courts in other Mediterranean and European cities, we find no striking differences in the workload of these institutions and that of the Venetian chancellery. For instance, England’s Admiralty Court, the country’s high court for maritime and commercial deeds, ruled in 1657 over 96 trade- and navigation-related disputes.54 Given the centrality of this court in the maritime life of all English merchants, captains, and sailors, this number is not strikingly higher than the 40 lawsuits handled by the Venetian consular court every year. In another context, in seventeenth-century Ottoman Tunis, merchants, ship captains, seamen, and others registered in the chancellery of the French consulate 249 notarial deeds in the years 1652/1653 and 175 in 1704-1705.55 These notarial transactions are, per year, moderately fewer than those performed in the Venetian chancellery (154) between 1609 and 1620.

We will need more quantitative studies of consular chancelleries to ascertain the overall workload of these institutions in different political and commercial contexts. However, these two last examples and that of the Venetian chancellery in Istanbul points to the absence of an overworking of these institutions in contrast to ordinary courts, like kadi courts in the Ottoman Empire and civil courts/notarial offices in Western Europe. As scholars of early modern Europe illustrate, the sixteenth and seventeenth centuries witnessed a steep rise of in the use of state courts by the population at large. Records of


English and Spanish courts illustrate that ordinary courts of handled thousands of civil disputes every year.56

Lastly, going back to the Venetian chancellery, a few words must be said on the language of the records. The documents are written in vernacular Italian. When translating documents from Ottoman Turkish, Ladino and Hebrew, and Demotic Greek into Italian, Venetian dragomans call this language “lingua franca,” literally, the “language of the Franks”—that is, Western Europeans residing in Ottoman cities.57 The term “lingua franca” is the subject of a long-term scholarly debate over the alleged existence of a pidgin Romance language used by people around the Mediterranean for commerce and diplomacy in the medieval and early modern periods.58 This is not the place to engage with such a debate but it is important to remark that, up to the nineteenth century, vernacular Italian played an important role in the commercial life of both the Levant and the Western Mediterranean, as well as in Ottoman/European diplomacy. This resulted from the centuries-old commercial preeminence of Italian maritime republics in the eastern Mediterranean. The use of such language by the Venetian chancellery, which was known by many merchants and diplomats in the early modern Mediterranean, might actually have been a reason compelling non-Venetian individuals to choose this


57 For instance, see BAC 277, reg. 397, fols. 302r/303v (10 July 1614). See Chapter 1 on the complex identification of the “Franks” in seventeenth-century Istanbul.

institution—especially all for Sephardic Jews who spoke another romance language, Ladino/Judeo-Spanish.

4—Court Clients

Religion, Subjecthood, Social Status

Table 3.5: Religion of the Clients of the Venetian Chancellery (1609-1620)

<table>
<thead>
<tr>
<th>Religious Group</th>
<th>Number of Individuals</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Christians</td>
<td>1,219</td>
<td>69%</td>
</tr>
<tr>
<td>Jews</td>
<td>425</td>
<td>24%</td>
</tr>
<tr>
<td>Muslims</td>
<td>113</td>
<td>7%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>1,777</td>
<td>100%</td>
</tr>
</tbody>
</table>

Between 1609 and 1620, 1,777 individuals appeared in the Venetian chancellery or were summoned there. Court clients belonged to different political and religious communities, and they included 43 women. As shown in Table 3.5, non-Muslims constituted a substantial group of individuals (578 persons, 31%) appealing to this institution. Religious affiliation appeared only for a minority of individuals (231, 13%), almost all Jews, and we are left to pinpoint their religion according to their names or honorific titles, such as “Rabbi” in case of Jews or “Ağa” for Muslims.

Religion constitutes the most important element to distinguish the political affiliation of non-Muslims. As we have seen in the previous two chapters, in the seventeenth century, Jews residing in Istanbul paid Ottoman taxes and were neither included in the city’s Venetian community nor they tried to be. Furthermore, in Venice state authorities recognized them only as “transient merchants”—just like Venetian merchants for Ottoman authorities. In the case of Muslims, no stable Muslim population
lived in Venetian territories and elsewhere in early modern Europe. However, in the case of Christian individuals, discerning membership in a political community is much more complicated. The officials of the Venetian chancellery rarely described individuals according to notions of citizenship or subjecthood. Consequently, we cannot classify with a degree of certainty different Christian individuals (1,219 individuals) according to their political affiliation.

The scant mention of religious affiliation in the records of the Venetian chancellery contrasts with the central role played by religion in classifying individuals in Ottoman courts. Furthermore, the lack of both religion and political affiliation differs with the documents of state courts in Venice which, as we have seen in Chapter 2, employed Venetian bureaucratic terms referring to political status, such as “Levantines” (a political and ethnic taxonomy) to define different groups of Ottoman subjects, mostly Sephardic Jews. In both state courts in Venice and in Ottoman tribunals, religious affiliation and political membership, together with social status, played an important role in the openness of legal institutions to specific groups and in the procedure employed in their legal cases.

The absence of references to citizenship/subjecthood and the rare use of religion in identification practices in the legal and notarial documents of the Venetian chancellery bring us to question the overall importance of these two factors in the workings of this institution. It is my contention that the legal culture of this institution influenced how the latter classified individuals. As we have seen above, summary procedure in merchant courts in medieval and early modern merchant courts allowed businessmen belonging to different political, religious, and social groups to litigate commercial dispute as a result of
its fast and equity-based proceedings. Its rulings focused on “facts”—business contracts and the actions of individuals—rather than on the religious affiliation of individuals, their membership in political communities, and their social status. Consequently, factors such as religion and subjecthood/citizenship played a little role in this “supranational” legal culture, and therefore their recording in the court records was not a priority for its scribes, who instead focused on the source of the dispute. The lack of identification categories of religion and subjecthood/citizenship is evidence that elements of summary procedure, as the legal culture of a mercantile community, was adopted by the Venetian consular court.

Table 3.6: Identification Markers in Venetian Chancellery (1609-1620)

<table>
<thead>
<tr>
<th>Classification Types</th>
<th>Number of Individuals</th>
<th>Percentages of 1,777</th>
</tr>
</thead>
<tbody>
<tr>
<td>Honorific titles</td>
<td>1,421</td>
<td>80%</td>
</tr>
<tr>
<td>Place of Origin</td>
<td>801</td>
<td>45%</td>
</tr>
<tr>
<td>Occupation</td>
<td>426</td>
<td>24%</td>
</tr>
<tr>
<td>Religion</td>
<td>231</td>
<td>13%</td>
</tr>
<tr>
<td>Citizenship/subjecthood</td>
<td>5</td>
<td>0.3%</td>
</tr>
</tbody>
</table>

While religion and political identity appear rarely, honorific, and professional titles are the most used identification markers in the Venetian chancellery. They illustrate the socioeconomic status of individuals turning to this institution by indicating the profession and social identity of groups. However, we should read these titles with

59 The number of the individuals in this chart is 2,884, which is more than the total number of individuals who appeared in the chancellery in the period under study (1,777). This discrepancy is a consequence of the fact that court officials could record the same individual with more than one marker of identification.

60 All these five individuals are Venetian citizens from the elite-group cittadini originari: three are the secretaries of the baili, one is accountant (rasonato) of the bailo Valier (Francesco Girardi), and the last one is the renegade Giacomo Bianchi /Mehmet Ağa. For the latter see, BAC 279, r. 401, 13v-15r (17 June 1615).
caution since membership in administrative, military, and religious groups, did not always correspond to an actual occupational status.

A close analysis of individual titles shows differences across religious groups in the social and economic standing of individuals appearing in the Venetian chancellery. Among Christians, we find titles of high social standing, such as “magnifico,” “Illustissimo,” or “Clarissimo”, for nobles (12 individuals),

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high-ranking officials (28) of the Venetian and other European embassies, and for clergymen (21).62 Most of the Christians (1,158 out of 1,219) held titles such as “signore,” “dominus,” or “messer,” and, in the case of women, of “Madonna” and “chira” (kira, lady).63 They are all titles of respect. The term “messer” (303 cases) was applied only to lower-profile individuals, such as members of ship crews, helpers of merchants, skilled workers like tailors, coopers, sail makers, and wool appraisers, while the titles “signore” and “dominus” (579 cases) applied to more well-to-do individuals, irrespective of their occupations, such as merchants, shipmasters and scribes, court officials like bailiffs, and a few other individuals.64 However, there is also some overlapping between these groups as 136

61 Only one (Zuanne Boldù di Antonio) out of 12 nobles belonged to the Venetian patriciate. For instance, see BAC 277, reg. 397, fol. 16r (28 April 1612). The other nobles hailed from the Venetian-held island of Zakynthos, Florence, France, Rome, and the Ottoman tributary-state of Dubrovnik.

62 An example of honorific title for clergymen was “Reverendissimo.” BAC 280, reg. 402, fols. 4r-6r (23 October 1618).

63 The Greek term kyra/kira (“lady”) was a title of respect for a woman. In the late sixteenth-century Istanbul, it was applied to a group of influential Jewish women who had access to the Imperial harem and played an important in Ottoman/European diplomacy. Pedani, “Safiye’s Household,” 11/12.

64 Dennis Romano claims that in late medieval Venice the term dominus was used both to denote patricians and wealthy commoners. Patricians and Popolani: the Social Foundations of the Venetian Renaissance State (Baltimore: Johns Hopkins University Press, 1987), 37/38. A few skilled workers too (23) held titles of “dominus” pointing that not only merchants and shipmasters possessed such title of prestige.
individuals held both the title of “signore” and “messer.” Lastly, 276 other Christians did not hold any honorific/professional title suggesting a low social status.

Overall, the Christian clients of the Venetian chancellery were a socially heterogenous group of individuals: high-ranking individuals constituted a small minority (61 out of 1,219 persons, 5%) while the rest of individuals were equally split between those individuals who engaged directly in trade and shipping activities (579, 48%) and lower-status individuals (551) who supported the former in such activities or were involved in lower profile economic pursuits at the margin of the Venetian mercantile community in Ottoman Galata.

Unlike Christians, nearly all the Jews and Muslims turning to the Venetian consular courts were prominent individuals in their religious and professional communities. As we have seen in the previous chapter, most of the Jewish and Muslim merchants (83% of 425 Jews and 81% of 113 Muslims) appealing to the Venetian chancellery held honorific and professional titles demonstrating a somewhat high public reputation and social and economic status. They include the titles of “rabbi” for Jews, and that “hoca” which was employed by well-to-do merchants in the Ottoman Empire. A few Ottoman merchants also belonged to the Ottoman ruling group (askeri), like Janissaries and members of different administrative and military corps of the royal palace.

The presence of socially and economically affluent businessmen among non-Christian users of the Venetian chancellery raises questions about the access to this institution by non-Christian businessmen who resided in Istanbul and were Ottoman subjects. It is possible that, among other factors, the substantial costs of applying to this institution limited its use to not well-to-do Ottoman individuals. This appears plausible
considering the above-mentioned low wages of Istanbul’s workers and soldiers in comparison with the fees charged by the Venetian chancellery. Furthermore, the early seventeenth-century Ottoman Empire witnessed the rapid debasement of its silver currency (akçe/aspers) and substantial price increases which must have made long-distance trade with Western Europe and the use of European courts, which charged fees in foreign currencies, even more expensive.\textsuperscript{65}

Reasons of “openness”

At least the 31\% (578)\textsuperscript{66} of all the individuals appearing in the Venetian chancellery were Ottoman subjects who traded between Istanbul and Venetian territories. They partook in the lucrative Levantine trade, which had been the main source of the wealth of Venice during the Middle Ages, and, still in the seventeenth century produced substantial gains for its citizens and subjects. Until the mid-sixteenth century, lucrative commerce between Venice and the eastern Mediterranean had been restricted to Venetian citizens but in the period under study, both non-citizen Venetians and Ottoman subjects partook in this flow of trade.\textsuperscript{67} As we saw in Chapter 2, Ottoman trade with Venice was a major commercial development in the sixteenth-century Mediterranean.

\textsuperscript{65} Pamuk, Şevket. \textit{A Monetary History of the Ottoman Empire} (Cambridge: Cambridge University Press, 1999), 112-130.

\textsuperscript{66} I am counting here only Ottoman Jews and Muslims. Given the uncertainty about the subjeethood of Christians individuals, I do not count them there. It is likely that many of the 1,219 Christians were Ottoman subjects, especially the 54 individuals from Galata, 17 from Chios, and 17 from the Dubrovnik.

Given this new competition, the “openness” of the Venetian chancellery to Ottoman merchants raises questions. Why did the baili arbitrate commercial disputes involving Ottoman subjects and why did his secretary offer them notarial services? Why did they not exclusively support the commercial undertakings of Venetian subjects? In studies of trade and institutions, the use of legal institutions by merchants belonging to different social and religious communities is often taken as a marker of the development of impersonal trade and modern economic life in general.\textsuperscript{68} In my case, I relate the presence of many non-Venetians to the political economy of Venice in the early seventeenth century. To preserve its position as the major commercial partner of the Ottoman Empire in the Mediterranean and avoid further territorial losses to the former, Venice strove to preserve peaceful relations with Ottoman authorities by avoiding any potential source of tension between the two states. The permission given to Ottoman merchants to trade with Venice was among the most important features of this policy of appeasement. This policy of guarded neutrality and trade encouragement was even more important giving the growing commercial competition by newly arrived merchants from France, England, and the Dutch Republic.

The adjudicative and notarial functions of the Venetian chancellery, I argue, were part of this Venetian strategy to safeguard its position as a commercial power. By arbitrating commercial disputes of Ottoman subjects and by registering their business dealings and contracts, the bailo and his court officials aimed to regulate and encourage

the trade activities of Ottoman merchants with Venice. In this way they promoted the centrality of the trade route between Istanbul and Venice in the trade between Western Europe and the Ottoman Empire as a whole. Furthermore, by actively supporting Ottoman subjects in their trade activities, Venetian officials showed Ottoman authorities a willingness of the Venetian government to maintain peaceful relations and neutrality in an international context of competing empires and decreased Venetian diplomatic standing. The fact that such politics of justice and trade added new competitors to Venetian merchants mattered less to Venetian authorities than preserving both Ottoman-Venetian trade and peaceful relations with the Ottoman sultan. As I show in the next two chapters, this Venetian policy is embodied both in the procedure chosen by the baili to solve commercial disputes and by notarial services provided by the chancellery’s secretary, which almost exclusively included the registration of contracts and commercial dealings for trade ventures taking place with Venetian territories.

5—Conclusion

The Venetian chancellery was the central institution of the Venetian community in seventeenth-century Istanbul, operating as both a consular court and a notarial office. International agreements stipulated its jurisdiction exclusively over intra-Venetian disputes, to which it could apply “Venetian customs.” These “customs” were an unwritten mixture of Mediterranean merchant customary norms (such as the Consulate of the Sea) and Venetian legislation on trade and shipping activities. The essential absence of references to a normative framework in its judicial records as well as to precedents

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For another case of the political use of justice by Venetian authorities to promote the city state’s commercial interests, see Fusaro, “Politics of justice/Politics of trade.”
points to the application of summary procedure in the resolution of commercial controversies. Such procedure, which entailed fast and equity-based legal proceedings, was the default mode of legal action in medieval and early modern Italian courts of merchants, and it was implemented already in the Venetian and Genoese mercantile communities of Byzantine Constantinople.

Despite being the consular court of the Venetian community, the Venetian chancellery offered its judicial and notarial services to an international and socially and religiously diverse community of merchants, shipmasters, sailors, and other individuals who engaged in trade and shipping activities between Istanbul and Venetian territories. They included Istanbul’s numerous prominent Jewish and Muslim merchants hailing from Anatolia (the 31% of all court clients). This “openness of the court” to non-Venetian individuals, I argued in this chapter, was not a sign of “modernity” or the “secular nature” of Venetian institutions. Rather, it stemmed from the baili’s efforts to promote Ottoman/Venetian trade in a period of increasing international competition and to protect Venice’s peace with the Ottomans by supporting the commercial undertaking of their subjects. As a matter of fact, Venetian and Ottoman merchants and other economic operators benefitted from the same legal and economic services provided by this institution, despite the fact that the latter, by the seventeenth century, had become a significant commercial competitor for Venetian merchants.

Apart from the legal framework and the cosmopolitan clientele, this introductory chapter has uncovered other important features of the workload of the Venetian chancellery. First, this institution operated mostly as a notarial office for merchants and other individuals. Therefore, its main contribution to trade regulation was the public
certification of property rights rather than the adjudication of lawsuits, which is usually
the focus of studies of consular chancelleries. Second, the legal and notarial services of
this court were costly in seventeenth-century Istanbul. This limited access to this
institution to mostly well-to-do individuals, especially on the Ottoman side, as we will
see in more detail in the following two chapters. Third, and partly related to the second
finding, the yearly workload of this institution in Istanbul was not substantial: only 40
disputes and 154 notarial deeds every year. These numbers contrast with the total number
of legal suits and notarial transactions handled by the kadi court of Galata, the main
Ottoman forum of justice in the district inhabited by Venetian subjects. However, the
workload of the Venetian chancellery resembles that of other European merchant courts
Chapter 4: Certifying Property Rights between Istanbul and Venice

1 – Introduction

On March 9, 1611, Ömer Çelebi, the son and only heir of the late Ahmed Çavuş from Istanbul, appeared in the Venetian chancellery before Alvise Vellutello, the secretary of the Venetian embassy. Ömer registered a declaration (confessione) in which he stated that he had received 50 thalers from the late Iacob quondam Tatar, an Armenian from Ankara, as repayment for the latter’s debt to Ömer’s father. Iacob had left a silver cross as a collateral (pegno) in Venice in the hands of Marco Morato, Ömer’s commercial agent (commesso). Furthermore, Ömer declared that, since he had been paid by Iacob, the cross should be handed to the heirs of the late Iacob. Four witnesses, a Venetian merchant, a Venetian dragoman, and two Muslim individuals (the Janissaries at the service of the Venetian embassy) testified to the registration of Ömer’s declaration. The following day the wife and brother of the late Iacob, Agipula and Caser, went to the chancellery to appoint Vassili, an Armenian residing in Venice, as their legal representative (procuratore) to recover the cross from Marco.¹

These two short documents—a registration of payment and a document of power of attorney—illustrate the main function of the Venetian chancellery, the notarization of business dealings and legal documents of individuals engaged in Ottoman/Venetian trade and shipping. Like the embassies and consulates of other European powers in Istanbul and other Ottoman towns, the Venetian chancellery registered contracts, witness statements, bills of lading, wills, and other types of documents that were important for

¹ ASV, BAC 276, reg. 394, fols. 74v/75r (9 March 1611).
long-distance merchants and seamen. This notarial activity reflected the bailo’s consular duty to promote and regulate Venetian/Ottoman trade. Furthermore, as the episode above shows, non-Venetian individuals also appealed to the Venetian chancellery for its notarial services, despite the existence in Istanbul of different scribal institutions for various social and religious groups.

Since the 1960s, the notarial function of the European chancelleries in the Ottoman Empire during the early modern period has attracted the attention of numerous legal and economic historians studying commercial relations between western European states and the Ottoman Empire, as well as pluralist legal regimes across the Mediterranean. Generally, scholars agree that by producing business and legal documents accepted in European courts of law for an international clientele of merchants, European chancelleries in the Ottoman Empire promoted commercial development, and, in particular, cross-cultural trade across the Mediterranean. According to John Wansbrough, the circulation of consular records in the Mediterranean contributed to the progressive formation of a shared mercantile and legal “lingua franca” created from a

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(mostly Italian) notarial culture. Timur Kuran goes as far as to argue that the chancelleries of European consulates contributed to the diffusion of European legal and business practices as well as institutions. According to Kuran, Ottoman Christians and Jews—but no Muslims—adopted the use of written contracts, impersonal adjudication, and durable forms of commercial partnerships in the Ottoman Empire during the eighteenth and nineteenth centuries. By promoting impersonal exchange, consular chancelleries played a central role in the “modernization” of Ottoman economic life and in the decline of the “traditional” Islamic commercial system based on oral agreements and personal exchange between members of the same religious community.

Despite the importance attributed to it by legal and economic historians, so far, the notarial activity of European consulates has not been the focus of systematic analysis. We still know little about, at least, two critical issues: first, the types of legal and economic transactions most sought out by merchants and other individuals, and, second, the circulation of documents produced in European chancelleries across the Mediterranean and in Western Europe. What varieties of notarial deeds did merchants accomplish in consular chancelleries? Did European and non-European merchants routinely register their business dealings, from business contracts to sale/purchase transactions? Or did they apply there exclusively for specific services? How far did the documents produced by consular chancelleries circulate in the early modern

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Mediterranean? Studies of Mediterranean trade share the assumption that these notarial documents held uncontested legal validity in the courts of law of European polities.5

Focusing on the notarial function of the Venetian chancellery in the decade 1609-1620, this chapter addresses these two interrelated issues, which are crucial to our understanding of the role played by European chancelleries in the social and economic life of European communities residing in Ottoman cities and as well as European-Ottoman trade. I examine the clientele of merchants, shipmasters, seamen, and others applying to the Venetian chancellery to certify their property rights, the types of notarial deeds that they sought there, the actual destinations of the notarial documents drawn in the chancellery, and the relationship between the notarial and judicial duties of the Venetian chancellery. My goal is then to test the alleged “universality” of notarial acts—in this case, those produced by a Venetian institution—in the seventeenth-century Mediterranean, and to assess the overall contribution of such documents to Ottoman/Venetian trade.

Employing quantitative analysis of the notarial records, I uncover patterns in the use of the notarial office of the Venetian embassy by individuals belonging to different political and religious communities. I illustrate that Venetian merchants, who were the economic elite of the Venetian community in Istanbul, used the notarial function of the chancellery less frequently than both Ottoman businessmen and less socially preeminent Venetian subjects. I argue that this situation stems from changing registration practices of

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Venetian merchants and their European peers from the late medieval period onwards which made the use of notaries less important for long-distance trade.

Furthermore, I demonstrate that, irrespective of the religious affiliation and the political status of clients, the documents produced by the Venetian chancellery circulated mostly within Venetian territories and the Venetian commercial system. This last finding casts doubts about the actual existence of a shared notarial culture across the early modern Mediterranean, even across Western European states. Rather than a shared notarial culture, I argue in this chapter, there existed a commensurable European notarial tradition built on the same legal basis, the *ius commune*. This tradition allowed the circulation, albeit limited, of notarial documents among those polities, such as Italian maritime republics, Spain, and France, whose legal systems was based on this legal culture which developed during the late medieval period.

2 – Venetian Notaries in the Eastern Mediterranean

Venetian notaries appeared in the eastern Mediterranean commercial hubs following the expansion of the Venetian trade with the Levant in the eleventh century. In the fourteenth century, they were active in Alessandria, Damascus, and Byzantine Constantinople.6

In the medieval and early modern Venetian legal system, there existed different categories of notaries. There were notaries employed by state magistracies (*notai di ufficio*) and public notaries (*notai ordinari*) who offered their services to private

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individuals in return for a fee. After the fifteenth century, the former group became known as the “secretary” (secretario) group. Members of both groups were drawn from the estate of the cittadini originari, the upper echelon of Venetian society from which the higher ranks of state bureaucracy were filled. Despite differences in occupation, both groups shared the same type of education, which did not include any formal legal training in universities, but, rather, it involved the acquisition of skills that focused on the practical acts of drawing documents and humanistic topics in the schools of the Venetian bureaucracy. The secretary of the bailo’s embassy belonged to the group of secretaries: he held the office of the chief chancellor of the Venetian embassy and a public notary for the Venetian community.

The second major distinction was between “Venetian notaries” and ecclesiastical and imperial notaries. Until the seventeenth century, in Venice and its territories, there existed notaries appointed by the authorities of the Holy Roman Empire and the Papacy. Their education and their socioeconomic background differed from those of Venetian notaries. Imperial notaries drew documents according to imperial norms (more imperii) while Venetian notaries followed Venetian legislation (more veneto). The validity of the documents drawn by imperial notaries was theoretically universal (ubique terrarum), at least in the lands under the nominal sovereignty of the Roman Empire. The notaries active in Venetian communities in the Levant during the late medieval period belonged to

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8 Pedani, “Veneta Auctoritate Notarius,” 59-68.

this group. In 1612, the Venetian government prohibited imperial notaries from operating in both the city of Venice and its territories. Already in the previous century, public notaries had disappeared in the Levant and had been replaced by the secretaries-chancellors of the Venetian embassies and consulates. This last development is noteworthy because, while public notaries worked for the public and not for agencies of the state, secretaries-notaries of the Venetian chancelleries were bureaucrats whose activity was tightly controlled by state authorities.

All these different categories of notaries shared the authority of producing documents endowed with “public faith” (*publica fides*) which made them acceptable in courts of justice without the need for recourse to witnesses. Such documents were called “public instrument” (*instrumentum publicum*). The validity of notarized documents uncorroborated by oral testimony distinguished the notarial systems of medieval and early modern southern European states from those of the Byzantine Empire and Muslim states, where, as we will see in Chapter 6, notarial documents needed to be corroborated by witnesses to serve as legal proof in court. Such “triumph of writing” and the office of the European notary itself alike did not have Roman ancestry. Rather, their emergence was a medieval phenomenon: the product of the simultaneous development of Mediterranean trade and the construction of the *ius commune* in European law faculties from the eleventh century onwards. Notaries served both the administration of state and the ascending groups of merchant groups firstly in southern European cities, especially in

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North Italy, Provence, and Catalonia, and later their offices spread to the advanced commercial regions of north Europe, such as the Low Countries.\textsuperscript{12}

Notarial practice and the use of notaries by private individuals were not uniform in all the European countries where the institution of the notariate spread. Despite common legal notions drawn from Roman law, cities and guilds statutes, princely ordinances, and locally applied notarial formularies, regulated the activity of notaries in specific contexts. Furthermore, specific social and economic circumstances, the legal system, and the political regime, influenced both the clientele of notaries and the acts that they sought from them.\textsuperscript{13} All these factors affected the actual probative value of notarial documents which, well into the seventeenth century, was still a matter of debate among jurists of Roman law irrespective of the public faith endowed in the documents. Oral testimony still played an important role in courts applying the \textit{ius commune} during the early modern period.\textsuperscript{14} This notwithstanding, there is a general tendency among scholars to consider notarial documents as having an uncontested validity in courts of law.

\footnotesize


\textsuperscript{13} Nussdorfer, \textit{Brokers of Public Trust}, 5-7.

As far as long-distance trade is concerned, the use of notaries by European merchants underwent substantial changes throughout the late medieval period and in the early modern period. Italian scholars working on Genoa, Florence, and Venice illustrate that merchants, from the early thirteenth century onwards, increasingly neglected notaries to register their commercial dealings.\textsuperscript{15} They did continue to use notaries but only for specialized services. The reason of this development was the gradual acceptance of private commercial documents as holding full legal validity in merchant courts. Such documents included merchant correspondence, bills of exchange, accounting books, and others which were signed by the merchants and not sealed by a public notary.\textsuperscript{16} This change allowed merchants to avoid the time and the costs of turning to a notary as well as the rigidity of contracts drawn by notaries, who employed legal language and formulas.

As we will see in the next chapter, private documents constituted most of the written evidence produced by Venetian and Ottoman merchants during lawsuits in the Venetian chancellery, a merchant court. The establishment of private commercial documents as legal proof and a more restricted use of notaries by merchants took place at different paces and modalities in different Italian states and, from the late medieval


\textsuperscript{16} For the doctrinal aspects of such change, see Fortunati, Maura. \textit{Scrittura e prova: I libri di commercio nel diritto medievale e moderno} (Rome: Fondazione Sergio Mochi Onory per la storia del diritto italiano, 1996).
period onwards, it spread to the other Western European countries, such as the Low Countries.  

3 – Types of Notarial Documents

Like state-sanctioned notaries in Venice, the secretary of the Venetian embassy in Istanbul had to follow Venetian legal norms (*more veneto*) when documents. The latter included the beginning of the new year on March 1, the use of initials as the notarial seal (*signum tabellionis*), and other stylistic features. Being also the chancellor of the embassy, the secretary had the duty of registering any important document concerning Venetian trade, Ottoman-Venetian relations, the administration of Venetian territories in the Levant, etc.

The secretary did not formally distinguish between judicial and notarial deeds accomplished in the chancellery. This raises the question: what constituted a “notarial document?” The organization of his registers, which are called ‘protocols’ (*protocolli*), provides some clues on this matter. The secretary of each bailo kept two separate registers bearing the same name (*protocolli di atti e sentenze*). One of them contained only a small number of varied documents, which included contracts of power of attorney, registration of debts, and business agreements and transactions of sale/purchase. The secretary drew up these documents in the presence of witnesses. The other register,

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19 Being endowed with public faith, all documents produced by a notary were “public instruments” (*instrumento pubblico*). However, the Venetian secretary used this label inconsistently to refer deeds of
which was much more voluminous, included lawsuits, the documents that I defined as “public acts” in Chapter 3, and a large variety of documents such as court injunctions (like the protests of bills of exchange), confiscations acts, legal mandaments, and private merchant documents like letters of debts, chartering contracts, inventory of estates, etc. This third group of documents constitute single entries in the registers and were unrelated to the any of the lawsuits recorded in the same book.

Such organization of notarial protocols suggests that the secretary distinguished between notarial records drawn by himself which were unrelated to disputes litigated in the chancellery, and those documents that, instead, constituted the beginning of procedures of debt recovery, which could potentially lead to a lawsuit. Through obtaining an injunction of payment or the sequestration of the debtor’s merchandises, or through the notarization of a private business document such as a commercial agreement, a creditor registered in the chancellery a claim against another individual turning it into “public knowledge” in the mercantile community trading between Ottoman and Venetian territories. In this way, the creditor publicly urged the debtor to respond to his/her claim by paying a debt or fulfilling a clause of a business agreement to avoid a possible lawsuit with its related monetary and reputational costs. Therefore, this group of isolated documents unrelated to lawsuits represent extrajudicial deeds performed before the secretary/notary at the beginning of processes of debt recovery or execution of business agreements. Even if they did not lead to a lawsuit, these extrajudicial deeds resulted in

sale, business agreements, and payment of debts, for which he also at times employed different taxonomies such as “confessione” or “dichiaratione,” “promessa,” or “accordo.” The index (rubrica) of all the legal and notarial acts performed in the chancellery during the office of a single secretary and the tariff of the fees charged for these deeds do not contain such different taxonomies but only that of “public instrument.” See Chapter 3, 147.
the public certification of one individual’s debt or contract anyway and this is why I consider them “notarial deeds.”

In my study, I analyze these two groups of notarial documents together and classify each act according to the content of the record. However, I also show the taxonomy employed by the secretaries. My etic classification of the “notarial deeds” conducted in the Venetian chancellery includes a large group of confiscation mandates (278) and egal mandaments (59), which did not result into a lawsuit. Like court injunctions, sequestration orders and legal mandaments represented extrajudicial deeds, which individuals performed before beginning formal procedures of litigation in order to prevent it. Similarly, I include sworn statements of individuals (fede) concerning commercial dealings and events taking place during navigation and commercial ventures.

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21 On sequestration in Venetian law as both a preemptive action pursued before a lawsuit and as a judicial decision taken during the litigation or after the final sentence, see Ferro, Marco. Dizionario del Diritto Veneto (2 Volumes, Venice: Santini e Figlio, 1845), Vol. 2, 684-686.
Table 4.1: Types of Notarial Acts in the Venetian Chancellery (1609-1620)—Etic classification

<table>
<thead>
<tr>
<th>Types of Notarial Act</th>
<th>Number of Cases</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Powers of Attorney</td>
<td>438</td>
<td>26%</td>
</tr>
<tr>
<td>Commercial Dealings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drawing of documents</td>
<td>293</td>
<td>35%</td>
</tr>
<tr>
<td>Notarization of documents</td>
<td>318</td>
<td></td>
</tr>
<tr>
<td>Extrajudicial Acts</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Court injunctions</td>
<td>283</td>
<td>36%</td>
</tr>
<tr>
<td>Sequestration acts</td>
<td>278</td>
<td></td>
</tr>
<tr>
<td>Legal mandaments</td>
<td>59</td>
<td></td>
</tr>
<tr>
<td>Others(^{22})</td>
<td>33</td>
<td>3%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>1,702</td>
<td>100%</td>
</tr>
</tbody>
</table>

I distinguish between three main groups of notarial documents: grants of power of attorney, the registration of commercial dealings, and extrajudicial deeds. The latter two groups contain other important subdivisions. As Table 4.1 shows, the single most requested notarial service was the registration of power of attorney. However, a substantial number of the documents I classify as “notarial documents” were extrajudicial acts. Individuals started legal proceedings to recover debt without going to litigation. Furthermore, the secretary registered many private documents (318) related to credit and commercial transactions. These two types of cases show the interdependence between the notarial and judicial functions of the Venetian chancellery: this institution registered private documents concerning business dealings, its notarized complaints of creditors,

\(^{22}\) I include within the group “others” sworn declarations (fedi) by individuals about single occurrences, such as weather conditions or the actions of Ottoman officials, that happened during navigation and commercial transactions.
issued injunctions of payment and mandates of confiscation of the debtor’s assets, and lastly oversaw litigation.

4 – Religious Affiliation and Other Categories of Belonging

Between 1609 and 1620, 1,702 persons turned to the Venetian chancellery for notarial services. They included Venetian subjects of different social and economic status, individuals belonging to Ottoman Muslim, Christian, and Jewish communities, and subjects from various European cities, and 54 women of different religious affiliation. Venetian legislation about notaries does not include specific norms concerning notarial deeds drawn by or including non-Christians and non-Venetian subjects. Matters related to religious diversity and political affiliation, such as the use of non-Christian witnesses, were dwelt with ad hoc during notarial practice. Although Roman law prohibited Jews from serving as witnesses in lawsuits and contracts involving Christians, the notarial documents of the Venetian chancellery contain numerous documents with Jews, and, in a fewer cases also Muslims, testifying to the composition of legal and economic documents about mixed transactions between Christians and non-Christians. Furthermore, to my knowledge no legal norm or religious prohibition prevented Muslims

from appealing to European notaries, a practice that took place in medieval trade centers under the sovereignty of the Mamluk dynasty as well. 24

Table 4.2: Religious Affiliation of the Users of the Notarial Services of the Venetian Chancellery (1609-1611)

<table>
<thead>
<tr>
<th>Religion</th>
<th>Number of Individuals</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Christians</td>
<td>1,243</td>
<td>72%</td>
</tr>
<tr>
<td>Jews</td>
<td>341</td>
<td>20%</td>
</tr>
<tr>
<td>Muslims</td>
<td>118</td>
<td>7%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>1,702</td>
<td>100%</td>
</tr>
</tbody>
</table>

As shown in Table 4.2, non-Muslim individuals constituted a considerable segment of the individuals who applied to Venetian chancellery (27%, 459 cases) for notarial services. In the case of Muslim merchants, notarial transactions constitute the main reason why they used this institution in the first place (118 out of 128 legal and economic deeds).

In the case of Christian individuals, we find significant differences in the social and economic profile of court users for notarial deeds and for legal suits. First, Venetian merchants appear in a minority of notarial acts (433 out of 1,702) while they were involved in more than 66% of all the lawsuits. If we sum the notarial deeds of Venetian merchants, shipmasters, and scribes (569) we notice that they constitute about the 35% of all the notarial transactions performed in chancellery (702 out of 1,702 transactions) while, in the case of lawsuits, these were 78%. These individuals were the core of the Venetian mercantile community in terms of the volume of trade and shipping activities.

24 Apellániz, *Breaching the Bronze Wall*, 102-134.
and given that they routinely participated in the decisions of the Council of Twelve, the
governing body of the Venetian community in Istanbul. These results raise questions
about the overall use of this consular chancellery as a notarial office for long-distance
merchants and economic operators involved in shipping activities.

Second, many more Western Europeans applied to the Venetian chancellery to
register business dealings and contracts than for lawsuits: 123 notarial deeds (7% of all
documents) against 5 lawsuits. Among them, the largest groups were Genoese (48),
French (23), and English (14). This shows Western Europeans were more interested in
the notarial function of the Venetian chancellery than in its judicial authority. As we will
see below, most of these Europeans recorded legal acts and business dealings for
commercial dealing with Venetian territories.

Lastly, the records of the chancellery also contain a small group of European and
Ottoman high-ranking individuals (18 individuals) who sought the notarization of legal
and commercial deeds in their name. They include twelve noblemen from France, Venice
(only one), Zakynthos, Dubrovnik, Florence, Rome,25 who registered debts—mostly
contracted for their manumission from captivity in Ottoman cities—or grants of power of
attorney, as well as the French and English ambassadors, who used the Venetian
chancellery to record expenditures for some consular duties. The French ambassador
Achille de Harlay (in office 1611-1620) used the notarial services of the Venetian
chancellery in 9 instances despite the fact that his embassy also had a notarial office.26

25 The only Roman noble appearing in the Venetian chancellery was the famous traveler and scholar Pietro
della Valle (d. 1652). BAC 279, reg. 401, fols. 18r-20r (8 July 1615).

26 For instance, see BAC 278, reg. 398, fol. 6 (29 April 1612).
Ottoman officials include the admiral of the imperial fleet (*kapudan paşa*) Cafer Pasha (office 1605-1608), who was engaged in Ottoman-Venetian trade in the 1610s, and the Orthodox Patriarch of Constantinople Timothy II (office 1612-1620). In the case of the last three individuals, the Venetian secretary went to their residencies in the districts of Beyoğlu, Beşiktaş, and Fener, respectively.  

In seventeenth-century Istanbul there existed a plurality of scribal institutions performing notarial services. *Kadi* courts, the most common Islamic legal institution in Ottoman cities, also operated as public notarial offices for individuals regardless of religion, subjecthood, social status, and sex, in the district under their jurisdiction. The documents issued by them (*hüccet*), if corroborated by witnesses, were valid in Ottoman Hanafi courts of justice elsewhere in the Ottoman Empire. Non-Muslim communities also had their own internal scribal or secretariat component, like Church officials, communal scribes, and the *sofer* among Jews. Furthermore, the subjects of other European states with a permanent diplomatic representation in Istanbul had access to the chancelleries of their own country’s embassy. Overall, apart from *kadi* courts, we know little about scribal institutions in Istanbul and other Ottoman cities in the early modern period.

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27 BAC 276, reg. 395, fols. 22r/23v (13 November 1609) and BAC 279, reg. 400, fols. 106r/107r (11 July 1617).

28 Before the Ottoman conquest, in Levantine commercial hubs there existed the institution of the *udul*—a Muslim notary and professional witness in a community. Differently from European notaries, his written records did not possess public faith and they needed to be corroborated by witnesses to constitute legal evidence in court. Apellániz, *Breaching the Bronze Wall*, 361/362.

29 For instance, see Greene, *Catholic Pirates*, 138-149; Burns, *Jews in the notarial culture*, 43-49.
Other individuals charged with drawing documents for European and Ottoman merchants and seamen were ship scribes. In the Venetian case, medieval statutes prescribed that two scribes (*scrivano*) appointed by Venetian magistracies had to accompany every Venetian ship on which they had authority to certify documents with his oath and to draw contracts, wills, and bills of lading. They kept two separate registers logbooks (*cartolario*) containing these transactions. In the early modern period, this legislation became obsolete and, instead of Venetian officials, it was the ship owner(s) who appointed one scribe and his helper (*scrivanello*).\(^{30}\) The records produced by them, such as bills of lading, were used as legal proof in the *bailo*’s chancellery during lawsuits.

In the Ottoman context, despite the little knowledge about the office of the ship scribes, existing evidence point to the common practice of keeping cargo books. As with any other type of written documents, these books alone did not constitute legal evidence in Ottoman Muslim courts. Rather, witnesses had to testify on their contents. The documentation produced by the scribes of Ottoman ships increased during the seventeenth and the eighteenth centuries.\(^{31}\)

Despite this plurality of scribal institutions, individuals engaged in Venetian-Ottoman trade applied in large numbers to the Venetian chancellery. Below we analyze the different notarial transactions performed there and the socioeconomic profile of the

\(^{30}\) Tucci, “Il documento del mercante.”558/559. The Consulate of the Sea, a medieval collection of maritime customs, contain several articles about the duties of ship scribes. For instance, see Chapters 97 and 98 in Zanetti Daniele e Compagni. *Il consolato del mare: nel quale si comprendono tutti gli statuti & ordini, disposti da gli antichi per ogni caso di mercantia & di navigare: così a beneficio di marinari .... : con l'aggiunta delle ordinationi sopra l'armate di mare, sicurtà, entrate, & vscite* (Venice 1576), 42/43.

court users. I focus primarily on non-Christian groups and Venetian merchants, shipmasters, and scribes.

5–Powers of Attorney

With 438 documents (about 30% of all notarial deeds), the registration of power of attorney (procura) was the most requested notarial service most by Venetians, Ottomans, and other individuals. By appointing a legal representative (procuratore), individuals in Istanbul aimed to recover credits, settle disputes, collect inheritances, and resolve other affairs in Venetian territories, other Ottoman towns, and, in a few cases, also in European cities. Notarizing the nomination of a legal agent was not mandatory since the grantor could have communicated his/her delegation to the grantee through a private letter or by the means of a third party. However, formal registration might have made it imperative for the grantee to accept his/her commission. Furthermore, it produced written evidence of the agency relationship between the two parties which could then be used in courts of justice in order to verify and enforce property rights.

As in Roman law, in Venetian legislation there existed two main categories of power of attorney according to the extant mandate given by the grantor to his or her representative: “general power of attorney ” (procura generale), in which the mandate extended to all the legal and business affairs of the grantor, and “special power of attorney” (procura speciale), in which the latter committed his prosecutor to perform a specific task.32 Our records lack this formal categorization but, judging on their contents,

32 For these two categories of power of attorney in Venetian law see, Ferro, Dizionario, Vol. 2, 532-538, and, for acts of power attorney in early modern European commercial practice, see Malynes, Gerard. Consuetudo, vel, Lex Mercatoria (London, 1622), 106-110. For studies of powers of attorney in medieval and early modern Europe, see Lopez, Robert S. “Proxy in Medieval Trade,” in William C. Jordan, Bruce McNab, Teofilo F. Ruiz (eds). Order and innovation in the Middle Ages: essays in honor of Joseph R.
they contain only instances of the second type of power of attorney. Generalized agency was usually established through business correspondence. In Mediterranean commercial practice, the grant of generalized agency often constituted the formal establishment of contracts of commission agency between two merchants. In the cases of special power of attorney, the degree of authority and freedom of action given to the prosecutor in specific issues could vary from case to case, but it usually included substantial latitude in the procedures to accomplish the designated task.

An instance of specialized power of attorney with a substantial degree of freedom for the prosecutor is the commission granted by a Jewish woman named Arcondupula in on January 1, 1619, to her nephew David. Arcondopula was the widow of the late Rabbi David Abudente, a Jewish merchant, and the mother and legal guardian (governante et tutrice) of their six children. According to David Abudente’s testament, which had been notarized in the chancellery a few days before, he had left credits and merchandises in Istanbul, Sarajevo, Venice, and other places, in the hands of several commercial agents. She committed her nephew David to recover such credits and goods “everywhere” and from “anybody,” and, in order to fulfill such a task, she authorized him to trade goods and negotiate with third parties in her name “as if she had been conducting such operations by herself.” She also allowed him, if necessary, to appear before any

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34 “come potria fare la suddetta S.ra Arcondopula di propria persona.”
magistracy, city council, and in both “Christian and Muslim tribunals” (*foro cristiano et turchesco*).35

Table 4.3: Religious Affiliation of those Registering a Power of Attorney in the Venetian Chancellery (1609-1620)

<table>
<thead>
<tr>
<th>Religion of the Applicants</th>
<th>Number of Powers of Attorney</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Christians</td>
<td>274</td>
<td>64%</td>
</tr>
<tr>
<td>Jews</td>
<td>82</td>
<td>18%</td>
</tr>
<tr>
<td>Muslims</td>
<td>82</td>
<td>18%</td>
</tr>
<tr>
<td>Total</td>
<td>438</td>
<td></td>
</tr>
</tbody>
</table>

An analysis of the religious affiliation of the individuals registering power of attorney in the Venetian chancellery shows substantial numbers of Ottoman Jews and Muslims (164 records, 36%). The records including Muslims are particularly important because they contain valuable information about the still little-known organization of business activities of Muslim merchants in Western Europe. The granting of power of attorney was the main reason why Muslim merchants applied to the Venetian chancellery between 1609 and 1620: 82 out of 128 documents (118 notarial transactions and 10 lawsuits).

Muslim merchants usually appointed legal representatives among a small of number of individuals (5 persons in the years under study) that included both Venetian merchants and commercial brokers specializing in dealing with Muslim merchants.

35 BAC 279, reg. 401, fol. 156r/v (1 January 1619). The testament of Rabbi David Abudente is in Ibid, 152r-155v (2 February 1619). In the latter, David appointed his wife as legal guardian of their children.
These individuals operated in Venice as the commercial agents (commesso) of these merchants, receiving and trading their goods and purchasing and shipping other ones to Istanbul. They communicated through mercantile correspondence, which, in case of dispute or accident, was recorded by the Venetian chancellery. By granting power of attorney, Muslim merchants based in Istanbul instructed their agents in Venice to carry out specific tasks, such as the performance of business dealings and the recovery of goods or credits from other business associates.

For example, on October 1, 1615, Hoca Mesud quondam Ramazan from Tosya registered a commission for two merchants in Venice, Giacomo Morato and Giacomo Merlo. One year before, a Janissary named Halil Beşe had conducted 26 camlet boards (tavola) to Venice and had delivered them to Andrea Fontana, a commercial broker working for Mesud. The latter had instructed Andrea to sell the camlets for 8 ducats for each bolt (pezza) of fabric together with other 34 boards of camlet, which Andrea had received a few month later from two Armenians, Deli Kurt and Giusuf, for 30 ducats for bolt. Andrea sold neither load of goods. Mesud commissioned the two aforementioned merchants to recover all the boards of camlet from Andrea and trade them for the

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36 Vercellin, Giorgio. “Mercanti turchi a Venezia alla fine del Cinquecento: Il Libretto dei contratti turcheschi di Zuane Zakra sensale,” Il Veltro 23 (1979), 243–76; Rothman, Natalie. Brokering Empire: Trans-Imperial Subjects between Venice and Istanbul. (Ithaca: Cornell University Press 2012), 29-60. In the years under study these commercial agents were Andrea Fontana, Cesare Nicsia, Michiel Siro, Giacomo Morato, and Giacomo Merlo. The first three of them were commercial brokers for Muslim merchants.

37 For instance, see BAC 277, reg. 396, fols. 32v/33r (06/26/1610). These commercial agents might have operated as commission agents for their principals in Istanbul by trading in their name and receiving a fixed percentage of the earnings as the commission for their service. Unfortunately, in our sources we have no information about the nature of their contracts. For the contract of commission agency in the late medieval and early modern Mediterranean and Western Europe, see Lane, Frederic C. Andrea Barbarigo, merchant of Venice, 1418-1449 (New York: Octagon Books, 1967), 93-99; Trivellato, The Familiarity of Strangers, 153-155; Gelderblom, Cities of Commerce, 78-83.
abovementioned prices. They had the authority to appeal to the Venetian Board of Trade (*Cinque Savi alla Mercanzia*) and other state tribunals to retrieve those goods.  

Among 274 Christian individuals, Venetian merchants, ship captains, and scribes, appear only on 74 of documents of power of attorney, the 17% of these types of notarial deeds. Overall, they notarized commissions less frequently than Jewish and Muslim merchants and less-socially preeminent Christians. It is possible that they mostly appointed legal and commercial representatives for specific tasks and general agency through commercial letters. As we have seen above, during the early modern period European merchants increasingly employed business correspondence since it acquired full legality in European merchant courts. Furthermore, the strength of the Venetian postal service between Venice and Istanbul in the sixteenth and seventeenth centuries, which was used by other European communities as well as by Ottoman authorities, must have made the circulation of these documents quicker and more reliable.  

38 BAC 279, reg. 402, fols. 31r/32v (1 October 1615).

Moving from religion to the destination of the documents of power of attorney, we notice that most of these documents entailed the performance of different tasks in Venice and its territories (83% of all the documents). The second largest group of this variety of notarial records (46 cases, 10%) included commissions in Istanbul (25 cases) and other Ottoman territories. They involved Venetian merchants leaving Istanbul for Venice and appointing agents to recover credits and goods left in the Ottoman capital, and a few cases of Ottoman and Venetian merchants based in Istanbul registering commissions for different task to be performed in other Ottoman cities, above all Izmir (8 cases). Both Venetian and Ottoman merchants granted freedom to their legal agents to appear before the *bailo*, Venetian consuls, and to use Ottoman tribunals as well.

Regardless of the religious and political affiliation of the grantor, the commissions for Ottoman cities always involved Ottoman-Venetian commercial affairs. For instance, in 1611 Murat Reis, a Cypriot renegade previously named Pietro Sansonetto, appointed the royal merchant Mehmed Ağa to recover goods and credits coming to Istanbul from Venice. He granted the latter the authority to appear before the *bailo* and Ottoman

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40 I include the city-state of Dubrovnik (4 cases) and the Principalities of Moldovia and Wallachia (3 cases) within the Ottoman territories given their tributary status vis-à-vis the Ottoman sultan.
tribunals to recover his belongings. The rare intra-Muslim commission registered in the Venetian chancellery is connected to Venetian trade by the origins of the goods/credits in question.\textsuperscript{41}

The few documents (18 cases) of power of attorney which did not deal with Ottoman/Venetian trade altogether involved commercial expeditions and other matters with other European states. In 6 cases, Venetian merchants appointed agents to carry out specific services in Lviv (today in Ukraine), an important commercial center in the Polish-Lithuanian Commonwealth.\textsuperscript{42} The other cases (12) concern non-Venetian individuals and their legal-commercial affairs in Western Europe. I provide two examples of these rare documents.

In 1609, Norigian di Veligian, an Armenian from New Julfa in Isfahan, appointed the Reverend Cazadur from Yerevan, who resided in Portugal, to recover 17,000 thalers from Avanis, another Armenian from Yerevan. In another example, dating from 1619, the French Ambassador Achille de Harlay de Sancy (office 1611-1620) granted power of attorney to Giovanni Andrea and Bartolomeo Lumaghi, two banker brothers (\textit{banchieri}) residing in Paris, to recover from the French king, Louis XIII, an unspecified sum of money which the king Louis XIII had assigned to him for the expenses of the embassy.\textsuperscript{43}

The few instances of these non-Venetian-related documents of power of attorney demonstrate that the only exceptionally merchants and other individuals used the Venetian chancellery for notarizing this type of documents for trade ventures and other

\textsuperscript{41} BAC 276, reg. 395, fol. 99r (20 October 1611).

\textsuperscript{42} For instance, see BAC 278, reg. 398, fol. 32v (8 February 1613).

\textsuperscript{43} BAC 276, reg. 395, fol. 22v (22 December 1609) and BAC 279, reg. 401, fol. 159v (2 February 1619).
matters that were independent from Ottoman/Venetian trade. All the cases mentioned so far involved Venetian individuals or commercial transactions with Venice and its territories. The documents of commission to agents drawn in the Venetian chancellery were valid in Venetian courts, but we cannot ascertain their validity in non-Venetian tribunals. Furthermore, the few cases of non-Venetian-related records of power of attorney involved Catholic states, such as the Spanish Empire and France, whose legal systems were based on the *ius commune*.\(^44\) Despite Venice’s formal rejection of the *ius commune* as a source of Venetian law, its notarial culture developed from this legal tradition as it was the case with other Italian commercial centers. The shared legal background might explain why only countries applying the *ius commune* were the destinations of all the documents of power of attorney drawn in the Venetian chancellery.

6—Registering Commercial Affairs

Business contracts and commercial transactions constituted the second largest group of notarial records registered in the Venetian chancellery (611, 35%). Venetian law did not mandate the registration of commercial dealings and contracts in notarial offices. Rather, it was the choice of Venetian merchants to see, should they ever want written evidence of their dealings to use in case of disputes. Furthermore, international agreements (the Capitulations) required Venetian and Ottoman merchants to notarize transactions between themselves in Ottoman *kadı* courts.\(^45\) This notwithstanding, the

\(^{44}\) The other 10 instances are for Ancona, Genoa, Rome, Vienna, and Naples.

\(^{45}\) See Chapter 6, 286/287.
records of the Venetian chancellery are replete of notarial transactions between Venetian and Ottoman subjects.

Notarized credit and commercial dealings contain many types of deeds. I distinguish between, on the one hand, those dealings/agreements drafted by the secretary as a public notary in front of witnesses, and, on the other hand, the notarization of private or public documents treating business dealings. The secretary recorded commercial documents drawn by himself, including debt recognizance, power of attorney, and sales in one register, while he registered private business documents in another register containing lawsuits and public acts. As I noted above, this division likely stems from the fact that notarized private documents could be used as evidence for future (possible) legal actions. Furthermore, my distinction also follows the different costs of drawing a notarial document for business and legal dealings in the court and notarizing private or public documents.

Documents drawn by the Venetian secretary

<table>
<thead>
<tr>
<th>Type of Document</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Debt Recognizance</td>
<td>131</td>
<td>45%</td>
</tr>
<tr>
<td>Quittance</td>
<td>111</td>
<td>38%</td>
</tr>
<tr>
<td>Business Contract</td>
<td>11</td>
<td>4%</td>
</tr>
<tr>
<td>Sale/Purchase</td>
<td>22</td>
<td>7%</td>
</tr>
<tr>
<td>Will</td>
<td>6</td>
<td>2%</td>
</tr>
<tr>
<td>Others(^{46})</td>
<td>12</td>
<td>4%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>293</td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

\(^{46}\) I include in the category “others” the registration of delivery of goods and waivers (rinuntia) of credits.
The secretary drew up almost half of the commercial dealings registered in Venetian chancellery: 293 cases. They include 105 transactions (36%) registered by non-Christian individuals, including 26 cases by Muslims and 65 cases by Jews. Other non-Venetian individuals included the subjects of some European states (58 cases), mostly the Republic of Genoa and France, those of the Ottoman tributary city state of Dubrovnik (8), and Christian individuals hailing from different Ottoman territories (7). Altogether, transactions recorded by non-Venetian individuals amount to more than half (at least, 178 cases, 47) of all the business dealings drafted by the Venetian secretary in the years under study.

The Venetian subjects included 41 colonial subjects, and, collectively, ship masters and scribes 13, while Venetian merchants appear only in 28 business dealings. The small number of Venetian merchants, like it was the case with documents of power of attorney, shows that, while conducting business in the Ottoman capital, they might have avoided formally registering most of their commercial dealings and contracts opting instead for keeping private records of the latter. As noted above, the recourse to notaries by Italian and other European merchants for notarizing commercial affairs declined from the late medieval period onwards due to the growing acceptance of private records as legal proof in merchant courts. Our records seem to demonstrate this historical development. Such limited use of notaries by Venetian merchants in the Levant contrasts with the more common practice of registering business dealings at Venetian notaries by

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47 These are exclusively those individuals that I managed to identify as non-Venetians with a degree of certainty.
Venetian merchants, including nobles, in Byzantine Constantinople.⁴⁸ Those who turned to the Venetian chancellery to record business transactions and agreements were individuals with weaker ties to the Venetian mercantile community in matter of commercial activities, or who were separated from their creditor/debtor in terms of religious affiliation, membership in a political community, and social status.

What were individuals recording in the Venetian chancellery? Our record shows that individuals mostly registered debt recognizances and quittances (242 records, the 82%). These two types of records are called either confessione or dichiaratione.⁴⁹ Unfortunately, they do not contain much information about the circumstances of the business transactions. The monetary value of such transactions varies from 10 sequins (1,200 aspers) to 6,300 sequins (756,000 aspers).⁵⁰

The largest sums involved preeminent non-Venetian individuals. For instance, in 1614, Gasparo Gratiani, a dragoman and diplomatic agent for different European ambassadors in Istanbul, and later the governor (voyvoda) of the Ottoman-tributary Principality of Moldova (office 1619/1620), declared to be indebted for 168,000 aspers.

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⁵⁰ The highest amount of money (6,300 sequins) recorded in the chancellery was the debt of Atanasio, described as the “Patriarch of Bulgaria, Serbia, and Macedonia,” towards a nobleman from Koper (Capodistria), in Venetian-held Istria, Alessandro Mugello. BAC 277, reg. 395, fol. 10r (24 April 1609).
towards two Venetian merchants, Francesco Girardi and Ieronimo Boneri. He committed himself to repay his debt within four months and he pledged a ship owned by him, which was kept by the English ambassador Paul Pindar (office 1611-1620), for the repayment of his debt. Notarial documents of debt recognition follow this template: an individual formally declared that he owed his creditor a sum of money as loan or for specific merchandise, and then he registered the terms of payment. He also usually provided particular security for the debt, usually his movable and immovable goods in the Ottoman Empire or elsewhere.51

In 43 cases, debt recognitions and quittances involved newly manumitted captives/slaves (schiavo) who either recorded the sum of their ransom and promised to repay it or they registered the payment for their redemption by a third party. Such documents shed valuable information on the daily practice of captive/slave ransoming and trade in early modern Istanbul.52 There were 27 Genoese individuals and 16 other individuals from Dubrovnik, France, and Sicily ex-slaves of Ottoman grandees. No Venetian subjects appear among the manumitted captives and the same applies for Jewish and Muslim individuals.53 For instance, in 1609, two French knights of Malta registered

51 For instance, BAC 279, reg. 401, fol. 65r (12 December 1614).


53 In the Venetian case, it possible that, given that the bailo’s ambassadorial responsibility for freeing Venetian slaves/captives, the Venetian chancellery kept specific registers with information about the manumission of Venetian subjects. For the organization of captive ransoming in early modern Venice, see Davis, Robert C. “Slave Redemption in Venice 1595–1797,” in John J. Martin and Dennis Romano (eds), Venice Reconsidered: The History and Civilization of an Italian City-State, 1297–1797 (Baltimore: Johns Hopkins University Press, 2002), 454–487.
their liberation for 250 sequins each from Murad Bey, the governor of Alessandria, by the French ambassador. They promised to pay their debt once in Malta to the Grand Master of the Knights of Saint John. In another instance, in 1611 Battista Cassini from Portofino, in Genoese territory, declared that the Venetian merchant Ludovico Vidali had paid 40 sequins for freeing him. Ludovico had received the order to rescue Battista from two Genoese merchants who operated in Venice, Paulo and Vicenzo Giustiniani.54

Another category of commercial deed recorded in the Venetian chancellery were the sale of merchandise and ships. Their little number (22 cases) shows that such registration of such transactions was rather exceptional in the commercial practice between Istanbul and Venice. No Venetian merchants performed such actions whose actors were Frenchmen, Englishmen, Jews from Istanbul, and Christian individuals from Crete and Aegean islands. Out of 22 cases, 16 involved the sale of ships or shares of them, while in three cases individuals notarized the sale of goods.

The documents of ship sale constituted the most expensive business dealing ever recorded in the Venetian chancellery. For instance, in 1617 Manoli di Dimitri from Patmos sold his ship, called San Giovanni Evangelista, to Dimitri Toderini, a ship master from Thessaly that was involved in shipping between Istanbul and Venice, for 7,000 ducats (854,000 aspers in 1617). Dimitri paid 3,000 ducats immediately in court and pledged to pay the other 4,000 in Venice to an agent of Manoli.55 This is the highest-priced transaction ever registered in the Venetian chancellery in the years under study.

54 BAC 277, reg. 395, fols. 12r (13 June 1609) and 86v (16 May 1611).

55 BAC 279, reg. 401, fol. 95r (16 March 1617).
Lastly, a small number of notarial deeds (11 cases) are credit and commercial contracts. In the years under study, the Venetian secretary did not draft specific types of commercial partnerships and credit contracts which merchants in the Mediterranean employed during the medieval and early modern period. Venetian merchants and their peers from European states and the Ottoman Empire could employ a vast array of credit and commercial agreements which were recognized by European and Ottoman legal institutions, respectively.\(^56\) In the early modern Venetian trade system, the most spread forms of business associations were family partnerships (*fraterna*), the single-venture capital partnership (*collegantia*), temporary joint-ventures (*compagnia*), commission agency, while joint-stock or regulated companies did not exist.\(^57\)

Venetian merchants and others engaged in Venetian-Ottoman trade did not draw up any of these contracts in the chancellery in the years under study. This absence, at least in part, stems from the fact that, since 1535, Venetian merchants were required to record their business associations in Venetian magistracies.\(^58\) However, the small number of contracts drawn in the chancellery by both Venetian and Ottoman merchants also suggests that, conversely to the Middle Ages, notarial drafting of business partnerships

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\(^{56}\) No legal impediment prevented Venetian merchants from employing Islamic forms of business partnership, but as will see in the next chapter, they registered such contracts only in Ottoman courts.


\(^{58}\) From 1535 onwards, merchants in Venice had to registers their contracts of business associations (both *compagnia* and *colleganza* but not *fraterna*) at the magistracy of the provveditori sopra banchi. One of Venice’s merchant courts, the Consuls of the Merchants (*consoli dei mercanti*), had jurisdiction over controversies arising from these contracts. Bigalea, *Capitulare*, 54/55. On the practice of registering commercial partnerships in Venetian magistracies, see Panciera, Walter. *Fiducia e affari nella società veneziana del Settecento* (Padova: CLEUP, 2001), 17/18.
was not common practice in Ottoman/Venetian trade.\(^5^9\) Again, this phenomenon likely originates from the probative value acquired by private business documents in European courts of law in the late medieval period and by the willingness of merchants to avoid both the costs of drawing up contracts in a notarial office and the formulaic formats of contract templates.

Most of the few commercial agreements (8 out of 3) drawn in the chancellery concern the trade of grain between the Ottoman Empire and Venetian territories in Levant, above all in Crete. These transactions reflect the Mediterranean-wide famine during the 1590s and 1600s which severely afflicted Venetian possessions and forced Venetian authorities to purchase grain from the rival Ottoman Empire.\(^6^0\) The baili were charged with obtaining a special permission from Ottoman authorities to allow merchants to purchase wheat, whose export was prohibited in the Ottoman Empire, in Ottoman ports.\(^6^1\) Wheat trade therefore constituted a specific branch of trade under the control of Venetian authorities. The records in Venetian chancellery from the 1590s onwards contain credit agreements for wheat trade. They involved Venetian merchants and other individuals affiliated with Venice who lent money to Ottoman ship captains, both

\(^{59}\) Notarial records from Byzantine Constantinople illustrate Venetian merchant registering business contracts, like sea loans and colleganza, at Venetian notaries. For instances, see Morozzo della Rocca and Lombardo, Documenti del commercio veneziano, Vol. 1, 13, 71, 84, 228.


Muslims and Christians, to purchase wheat in specific Ottoman cities, ship it to Venetian territories, and sell it according to specific instructions.62

For instance, in 1610 Manoli Pasquali and Paleologo Sevasto two Christians from the Ottoman-held Aegean island of Lesbos (Midilli) and co-owners (parcevenoli) of a ship, registered a credit agreement (called accordo) with Gianuli Piperi, a Cretan merchant who was also the Venetian consul in Milos, for grain trade with Crete. Gianuli committed himself to pay in advance 500 sequins to Manoli and Paleologo to go to the port of Volos, in Thessaly, and to invest the sum in grain to be conducted later to the city of Chania in Crete. Once there, the latter had the freedom to sell the grain, earn a profit, and divided it among themselves, as they wished. They pledged in solidum their own persons and all their belongings, both movable and immovable properties (mobili et stabili), as surety for the execution of the expedition.63

Apart from grain trade-related agreements, we have only two instances of a business contracts drawn by the Venetian secretary. For instance, in 1611, Anastasio Nichita and Zuanne Lappo from the Venetian island of Zakynthos registered a partnership (compagnia) for the sale of a load of sturgeon. Anastasio had invested 302 sequins while Zuanne 108 sequins to purchase the merchandise in an unspecified location. In the agreement, Zuanne granted Anastasio authority to go with the load of sturgeon to any Levantine port he wished, from Syrian ports to Cretan ones, and to sell it

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62 For instances of credit agreements with Muslim ship captains (reis) from 1590s, see BAC, 317, reg. 1, fol. 27v/r (5 October 1591).

63 BAC 276, reg. 395, fol. 5v (12 September 1610).
there and purchase any other goods “as he wished for their common enterprise.” After that, Anastasio would go to Zakynthos to sell what he had bought after selling the sturgeon and the two partners would divide the earnings according to each other’s share of the initial investment.

Lastly, the 293 commercial documents drawn by the Venetian secretary include 25 (8%) commercial documents drawn by the Venetian secretary which involved neither Venetian subjects nor Venetian-Ottoman trade. Out of 25 documents, 23 are registration of debts for the liberation of slaves/captives, mostly at hands of the French ambassador (12 cases) and merchants of Dubrovnik and Genoa, while 2 are instances of a credit agreement and a ship leasing contract (*noleggiato*) for the same commercial venture. This small number, like it was the case with the documents of power of attorney, shows the limited circulation of documents produced by the Venetian secretary in the seventeenth-century Mediterranean outside of Venetian territories and the Venetian trading system. Again, these few cases of non-Venetian-related notarial documents features commercial expeditions with western European states that applied the *ius commune*.

For instance, in January 1616, Cipriano Dani, a Genoese residing in Istanbul who owned a ship called *Nave Bonavetura*, registered a leasing contract with two English merchants, Riccardo Haris and Edoardo Chirchen, for a round trip between Istanbul, Messina, and Naples, in Spanish-held southern Italy. The two Englishmen committed themselves to load on the ship 2,500 pieces of leather (*cuori*) and 450 *kantars* of wool by 15 days and to pay the freight rates (*nolo*) once in Messina and Naples. According to the

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64 “*come a lui meglio parerà a vantaggio commune*”

65 BAC 276, reg. 395, fols 88r/89r (18 June 1611).
contract, the ship had to stay in Messina 15 days, during which the two Englishmen had the liberty to buy new goods and load them on the ship paying new freight rates for them.

Once in Naples, the ship had to remain docked for 30 days, during which time the merchants had to unload all their goods. Both parties pledged themselves and their movable and immovable goods as surety. Two months later, the two English merchants recorded a credit agreement with a French merchant, Marco Michael, for the purchase of and sale of the wool in Naples. The latter was to go to Naples and deliver the goods to an English merchant living in Naples, who acted as a commercial agent of the two other Englishmen.67

Notarization of private and public documents

Apart from drawing commercial documents, the Venetian secretary, at request of merchants and other individuals, also notarized private documents, or those produced by Venetian and Ottoman courts concerning business dealings and lawsuits. The archives of the Venetian embassy of Istanbul include several boxes containing thousands of loose and uncatalogued legal and commercial documents—from commercial correspondence, letters of credits, to the records of Ottoman and Venetian tribunals—written by private individuals or drawn up in Venetian and Ottoman courts. They are mostly in vernacular Italian, but there are also a substantial number written in Judeo-Spanish, Ottoman Turkish, and Demotic Greek. They were likely brought to court when starting

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66 BAC 279, reg. 401, fols. 85r-97v (21 January 1617).

67 Ibid, fols. 97r/98v (17 March 1617). In 1617, no formal diplomatic agreements existed between the Spanish and the Ottoman Empires. This may explain why these English merchants registered these two contracts in the chancellery of Venice which maintained diplomatic relations with both states.

68 For the years under study, see BAC 318, 324 I, 324 II, 345 I, 346, 347.
procedures of debt recovery or during lawsuits to serve as legal proof. In the years under study, the Venetian secretary notarized 318 of these types of documents, under request of private individuals, in the court protocols. I focus my analysis exclusively on these notarized documents.

Table 4.6: Private Papers Notarized in the Venetian Chancellery (1609-1620)

<table>
<thead>
<tr>
<th>Types of document</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Debt Recognizance</td>
<td>86</td>
<td>27%</td>
</tr>
<tr>
<td>Power of Attorney</td>
<td>35</td>
<td>11%</td>
</tr>
<tr>
<td>Arbitration Sentence</td>
<td>28</td>
<td>9%</td>
</tr>
<tr>
<td>Merchant correspondence</td>
<td>23</td>
<td>7%</td>
</tr>
<tr>
<td>Commercial/Credit agreement</td>
<td>25</td>
<td>8%</td>
</tr>
<tr>
<td>Bill of exchange</td>
<td>25</td>
<td>8%</td>
</tr>
<tr>
<td>Bill of lading</td>
<td>18</td>
<td>6%</td>
</tr>
<tr>
<td>Venetian court document</td>
<td>17</td>
<td>6%</td>
</tr>
<tr>
<td>Inventory of estates</td>
<td>10</td>
<td>3%</td>
</tr>
<tr>
<td>Will</td>
<td>7</td>
<td>2%</td>
</tr>
<tr>
<td>Ottoman court documents</td>
<td>6</td>
<td>2%</td>
</tr>
<tr>
<td>Other documents</td>
<td>38</td>
<td>11%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>298</td>
<td>100%</td>
</tr>
</tbody>
</table>

69 With “private papers” I mean here those documents possessed by the court users about their business dealings and legal actions. Either the former or state authorities produced them, but their preservation was the decision of the businessmen themselves.

70 I include among “commercial/credits agreements” credit contracts, commercial partnerships, as well as ship leasing contracts.

71 They include receipts of payments, documents written by Venetian officials in the Levant about legal cases, petitions (supplica) of individual to the bailo for specific services, and records of Catholic clergymen, etc.
Registering one’s own business papers in a public office was not a common procedure for long-distance merchants in the early modern period. It entailed registration fees and the disclosure of one’s own business dealings. It took place when individuals aimed to retrieve a credit or goods from business associates and other individuals. If out-of-court oral/written communication between creditor and debtor did not work, the next step for the former would have been to certify his/her property rights by recording with the Venetian chancellery credit obligations, business agreements, merchant correspondences, court records and notarial deeds, and other documents. The notarization of these documents turned a claim into a public and legally enforceable obligation. It could have been followed by an out-of-court settlement, a judicial mandament or a sequestration order issued by the bailo at request of the creditor, or, in case the debtor refused to pay/deliver goods, by a lawsuit. In the latter event, the notarized document constituted legal evidence during the ligation process.\(^72\)

Only in 14 cases did a lawsuit follow the notarization of these business deeds. This suggests that notarizing credit and commercial dealings might have functioned as an important deterrent against launching a lawsuit. The public nature of the notarized documents made fulfilling an obligation even more compelling because its non-accomplishment might have jeopardized a merchant’s business reputation in the mercantile community trading between Istanbul and Venetian territory.\(^73\) Registering private documents in the Venetian chancellery was also cheaper than having the secretary


\(^73\) Smail, Daniel L. The Consumption of Justice, 150-153; Muldrew, The Economy of Obligation 121-185.
draw up a business or legal document: it costed 8 aspers against 120 for the cheapest public instrument drafted by the secretary. This may explain the great number of these notarized commercial and legal documents in the years under study.

As illustrated in Table 4.6, individuals sought to notarize mostly (177 documents, the 71%) private writings of commercial dealings, above all letters of debt cognizance, merchant correspondence, and commercial agreements. For such private documents, the notarization entailed the sworn declaration of, at least, two individuals over the authenticity of the signature (mano) of the document’s author. These witnesses belonged to the same religious community of the document’s writer and their administered oath on their holy texts or epithets and names of God. For instance, in 1611, the Venetian merchants Francesco Bestici and Francesco Girardi, registered a private document of debt cognizance written by the Jewish Rabbi Iuda Abensusem, in which the latter declared he was indebted towards them for 128 sequins for a load of Venetian textiles that they had sold to him. Three Jews from intra muros Istanbul, Rabbi Mose di Lazaro, Rabbi Eliau Lion, and Rabbi Mose Sasson were present when the letter of debt was notarized and swore “on their laws” (secondo la loro legge) that the signature under the document was that of Iuda Abensusem.

The process of recognizing one’s handwriting was not used for documents produced by Venetian notaries and magistracies in Venetian territories. The signature

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75 BAC 276, reg. 396, fols. 91r/92v (12 October 1611).
(signum tabellionis) of the notary or the seal of Saint Mark validated the documents in the Venetian chancellery. However, in the case of the notarization of Ottoman court records (sicil), documents show that witnesses came to court to testify about the proceedings in those courts and the contents of the translated court records. For instance, in 1609, Ömer Çelebi from Istanbul registered a court document (hüccet, cozetto in vernacular Italian) drawn by a deputy judge (naib) in intra muros Istanbul in which Hacı Mehmed from Tosya declared that he had borrowed 200 sequins from Ömer for a commercial voyage to Venice. Two other Muslims, Ibrahim Beşe and Mehmed, swore that they had been present to the composition of the document and that the translated content was faithful to the original. Our records do not illustrate on what the two Muslim individuals swore, but, given their religion, it must have been either a Quran or names and epithets of God.  

Finally, differently from the credit/commercial dealings drafted by the Venetian secretary, Venetian merchants appear in a substantial number of notarized private documents (125, 42%). Together with ship masters and scribes (53 individuals), they appear in more than half (59%) of all these records (298 documents). While they mostly refrained from drawing business contracts and transactions, they did register private commercial documents in substantial numbers because they likely aimed to use them in processes of debt recovery and contract enforcement. The fact that these individuals mostly recorded private documents illustrates that they used notarial services of the Venetian chancellery foremost when beginning processes of debt recovery or the

76 Ibid, reg. 394, fols. 113v/q114v (7 August 1609). The hüccet is dated 16 Rabiülevvel 1016 (7 August 1607).
enforcement of business contracts, rather than upon the signing of legal and economic agreements.

7—Extrajudicial acts

The final category of notarial records are what I refer to as “extrajudicial acts.” Individuals applied to the Venetian chancellery to register a claim asking, through the intervention of court officials, that a business associate pay a debt, deliver goods, or perform other actions according to a previous agreement. If the debtor fulfilled his/her obligation, the claim did not turn into a legal suit. I therefore include them among notarial deeds of the Venetian chancellery because of the registration of the claim at court. Extrajudicial acts are divided into injunctions, sequestrations, and judicial orders. The bailo issued all these varieties of acts after assessing the soundness of the claims based on the evidence produced by the creditors, and the Venetian secretary notarized the deeds in his registers.

Court Injunctions

Our court records contain 283 instances of court injunctions, called either protesto or intimidatione in the registers of the Venetians secretary. Through this procedure, a businessman entered a complaint against another individual about an unfulfilled credit or commercial agreement asking for its enforcement. If the bailo, after evaluating the claim of the creditor, approved the request, the court bailiff (cavaliere) notified the obligation to the debtor at his/her residence or publicly (per stridore) in the commercial district of

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77 The tariff of the chancellery included only the term intimidatione to refer to court injunctions while collections of Venetian legal and notarial norms and regulations use only the term protesto. The only exception were the notarized protests of bill of exchange. Ferro, Dizionario, Vol. 2, 551-553.
Galata (Loggia di Galata, Lonca) and in the nearby Church of San Francesco. A general injunction, that is, about any type of credit/commercial agreement, was a relatively cheap transaction costing three Ottoman aspers (0.025 ducats) in 1604, while a specific form of injunction, the protest of bill of exchange, costed up to 120 aspers.  

The most common form of injunction was the protest of a bill of exchange (protesto di lettera di cambio), the subject of 118 documents (42% of 283). This important credit instrument fulfilled many roles in early modern commercial centers: it enabled merchants to transfer capital between business partners separated by long distances, to lend money, to purchase goods on credit, to exchange currencies, and to conduct speculative undertakings. In the years under study, the mercantile community trading between Istanbul and Venice used it as means of capital transfer and of credit.  

A typical bill of exchange involved 4 individuals: the drafter/drawer in Venice who received a sum of money from another individual (the deliverer/remitter) and the beneficiary/payee in Istanbul who received the bill and presented it to the payer/addressee to obtain the payment in a different currency of the original sum by a specific deadline.  

Between 1609 and 1620, Venetian and Ottoman merchants protested 118 bills of exchange, almost all of which had been drawn in Venice. This was a common notarial
procedure in most early modern European commercial centers taking place when a merchant (the addressee of the bill) could not pay the bill within the time of payment stipulated in the letter or refused to pay it altogether. By protesting a bill of exchange, the beneficiary of the bill notarized a credit obligation and threatened his/her debtor (the addressee of the bill) to issue a contra-protest (*ricambio*) directed to the individual (the drafter/drawer) who had issued the bill in Venice. If the addressee of the bill refused to pay, a lawsuit could follow, or the creditor issued the contra protest. Only in 28 cases did unpaid bills of exchange lead to a dispute, even though only 4 of such bills had been protested before the beginning of the procedures of litigation.

The format of the protested bill is the same for all these documents. For instance, on September 6, 1618, at the insistence of the Venetian merchants Pietro Amadio and Pietro Arrigoni, the court bailiff protested a bill of exchange to two other Venetian merchants, Nicolo Soruro and Andrea Rizzoli. In the bill, drawn in Venice on July 19 of the same year, Michiel Vidali had instructed Nicolo and Andrea to pay 1,700 Hungarian florins (*ungari*) to the two Pietros after 90 days from the date of the drawing of the bill for a sum of money (both the currency and the sum are unspecified) that he had changed in Venice with Bernardino Bencio. The same day Nicolo and Andrea registered a declaration (*nota*) that they refused the payment on the grounds that they did not have

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81 For the procedures of protest and contra-protest of bills of exchange in early modern Europe, see Malynes, *Consuetudo*, 398-401. For Venice, see Ferro, *Dizionario*, Vol. 2, 552/553. In Venice, the court of the of the Consuls of the Merchants had jurisdiction over disputes arising from unpaid bills of exchange.

82 For instances, see BAC 279, reg. 402, fol. 191v/r (14 August 1618).
enough currency at that moment. They eventually paid the 1,700 sequins in two different installments, on October 9 and December 14.  

Table 4.7: Religious Affiliation of Actors involved in Protesting Bills of Exchange in the Chancellery (1609-1620)

<table>
<thead>
<tr>
<th>Creditor’s Religion</th>
<th>Debtor’s Religion</th>
<th>Number of Protests</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Christian</td>
<td>Christian</td>
<td>21</td>
<td>18%</td>
</tr>
<tr>
<td>Christian</td>
<td>Jewish</td>
<td>9</td>
<td>7%</td>
</tr>
<tr>
<td>Jewish</td>
<td>Christian</td>
<td>51</td>
<td>43%</td>
</tr>
<tr>
<td>Jewish</td>
<td>Jewish</td>
<td>35</td>
<td>30%</td>
</tr>
<tr>
<td>Muslim</td>
<td>Christian</td>
<td>2</td>
<td>1%</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>118</td>
<td>100%</td>
</tr>
</tbody>
</table>

As table 4.7 shows, Ottoman Jews were the religious group that protested the highest number of bills of exchange in the Venetian chancellery: 86 out of 118 documents. They performed such action against both Christian and other Jews. For instance, on April 12, 1612, Rabbi Cacam Aron Ishaque protested two bills of exchange to Rabbi David Alemano. In the bills, both drawn in Venice on 13 October 1611, another Jew, Salvador Belforte, instructed David to pay 200 sultani (the Ottoman gold pieces) to Aron for each bill in either aspers or Dutch thalers for money that he had changed in Venice with David Abeniacar after two months from the issuance of the bills. Salvador specified the exchange rates of the currencies: 120 aspers for 1 sultani and 80 aspers for 1

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BAC 279, 402, fol. 202v/r (6 September 1618).
thaler. David rejected the injunction claiming that he did not possess credits/goods belonging to Salvador. We do not how the two parties eventually settled the payment.84

The use of bills of exchange by many Jewish merchants demonstrates the employment of this credit instrument, which firstly developed in medieval Western Europe, by the Istanbul’s Jewish merchants who traded with Venice.85 Furthermore, they illustrate that these Jewish merchants were familiar with the notarial procedure of protesting bills of exchanges, and they used the Venetian chancellery to accomplish this task. In the years under study, they performed such action more often than Venetian merchants: 96 cases against the 16 cases of protest conducted by the latter (out of all the 35 protests performed by Christians).

In contrast to the Jews, Muslims appeared in protests of bill of exchange only in two instances, both as the creditors of bills drawn in Venice. They involved the same individuals. For instance, in February 1612, Fatima Obex, the wife of the late Muhamad Obex (also known with the Christian name of Ieronimo Obex) protested a bill of exchange valued at 464 Hungarians to the Venetian merchants Antonio Albrici and Agostino Pina. According to the bill, drafted in Venice almost a year before (on 11

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84 BAC 277, reg. 397, fols. 13v/14r (12 April 1612). For the different currencies employed in the sixteenth-and seventeenth-century Ottoman Empire and their changing exchange rates see Pamuk, Şevket. A Monetary History of the Ottoman Empire (Cambridge: Cambridge University Press, 1999), 59-158.

March 1611), Zuanne Antonio Daffin had instructed Antonio to pay that sum to Fatima 15 days after they received the bill for a sum of money that the former had changed with the late Muhamad in Venice. The two Venetian merchants rejected the payment on the grounds they did not hold credits or goods belonging to Zuanne Antonio.86

Economic historians of the medieval and early modern Muslim states agree on the limited use of this credit instrument by Muslim businessmen.87 They advance different explanations focusing on Islamic law’s opposition to charging interest from credit agreements (a procedure which was involved in the drawing of bills of exchange), on different Muslim commercial practices, and on Islamic alternatives to accomplish goals similar to those offered by the European bills of exchange, such as the havale/süftece (Ar. hawala/suftaja, letter of credit). Much less studied is the role played by the commercial networks established by Muslim merchants trading with Western Europe and the credit instruments that these businessmen employed in their undertakings.

Apart from protests of bills of exchange, other court injunctions (165 cases) involved the notarization and the formal notification of claims against unfulfilled clauses of business agreements, such as the collection or the delivery or the payment of goods, custom duties and freight rates, and other business-related issues. Like the protests of bills of exchange, such injunctions were not followed with a lawsuit, suggesting that

86 BAC 276, reg. 396, 141v (24 February 1612). The other bill, protested by Fatma and her husband, is in Ibid, fol. 86v (7 October 1611).

creditors and debtors might have found an agreement out-of-court. Furthermore, they too contain a threat in case the debtor did not abide by the claims of the creditor.

For instance, in July 1617, on the request of the Venetian merchant Nicolo Soruro, the bailo issued an injunction (protesto) against the Jewish brothers, Rabbi Iosef and Rabbi Abraam Soloni, for the payment of an unspecified amount of silver blades (lame). The court’s marshal, holding a document of this obligation (polizza), notified the protest to the two brothers at their shop (bottega) in Galata, urging them to collect the blades from Nicolo and pay for them in three days. Otherwise, the injunction continues, Nicolo would sell the blades at a public auction (publico incanto) in the Venetian chancellery to the detriment of Iosef and Abraam.88 In another instance, in December 1612, Zorzi Ruggiero and Dimitri Zimia, the shipmaster and the scribe of the galleon Balbi, respectively, filed an injunction (intimatione) to demand that five Venetian and three Jewish merchants pay the brokerage fees (massetteria) for the goods they had unloaded on the galleon. In case the latter did not pay, Zorzi and Dimitri threatened to borrow money through bills of exchange to pay the fees and to commit the goods of the merchants to the payment of such a loan to the detriments of all the merchants.89

Contrary to the protests of bills of exchange, this last type of court injunction involved mostly Christians, 145 out of 165 (87%) individuals, while the rest (20 cases) were Jews. Among the Christians, Venetian merchants, ship masters, and scribes obtained court injunctions in 103 cases. As was the case with the notarization of private documents, the procedure of obtaining a court injunction aimed to have a credit or

88 BAC 279, reg. 402, fol. 86v (4 September 1617).

89 BAC 277, reg. 397, fol. 221v (2 December 1612).
business agreement registered in court, notified to the debtor, and then enforced without filing a lawsuit.

Sequestrations and judicial orders

Two other two types of extrajudicial deeds are orders of confiscation (sequestro, 278 cases) of an individual’s assets and judicial mandaments (commandamento, 59 cases). Since these deeds did not evolve into a dispute, I consider these actions performed by individuals who sought to retrieve credits or to have business agreements enforced. Sequestrations and mandaments aimed foremost to put pressure on business associates by the means of court intervention in order urge the latter to uphold their commitments. They were costlier than court injunctions, 5 aspers each against the 3 aspers of the latter, and they entailed more reputational risks and business disruptions for the merchants who suffered from them.

All the sequestration orders issued by the bailo involved three main parties: the creditor seeking the freezing a debtor’ assets, the debtor himself, and one or two individuals whose assets were confiscated because they possessed the goods or credits of the debtor. The court’s marshal was the official in charge of communicating the order to its victims in their residence or publicly (per stridore) in the marketplace in Galata. In case the victims did not possess the goods/credits of the debtor, he/she registered a declaration (risposta or constituto) with the marshal.90 According to Venetian legislation, the confiscation lasted three days, by which time the debtor had to respond to his

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90 In Venice, such declaration entailed an oath. Our records do not show any oath when an individual rejected a confiscation order. Ferro, *Dizionario*, Vol 2, 685.
creditors’ demands in the chancellery. However, as our records show, exceptions were made when the victims of confiscation ordinances were outside Istanbul.91

Orders of confiscation are short documents which do not provide much information about the circumstances of an act of sequestration, such as the specific reasons of asking for such order. They contain only the names of the actors and vague information about the contested goods and credits. For instances, in November 1619, on request of the merchant Ieronimo Grattaruol, the bailo proclaimed the confiscation of the goods/credits of another Venetian merchant, Zuanne Piero Martinelli, which were held by Rabbi Isdrael Coen. Four days later, Ieronimo registered in the chancellery that he had revoked the sequestration suggesting that he had found an agreement with his debtor Giovanni.92 In another instance, in 1611, Rabi Iacob Coen obtained the confiscation of five Venetian fabrics belonging to Cacam Comano, which were held by the Venetian merchants Nicolo Soruro and Zuanne Maria Parente. Iacob was indebted to Cacam Comano for an unspecified sum. The two Venetians replied to the court’s bailiff that at that moment they did not possess anything belonging to Iacob’s debtor.93

The issuance of a confiscation order and its enforcement must have entailed substantial reputational costs for businessmen. Its procedure entailed the formal notification of the confiscation order and the freezing of one’s goods and credits, and it forced the debtor to respond to the command and, therefore his creditor’s claims, in order

91 Ibid, 284-286. For an instance of an extended confiscation mandate, see BAC 277, reg. 396, fol. 80v (5 September 1611)

92 BAC 280, reg. 403, 107r. (11 November 1619).

93 BAC 277, reg. 396, 86r (5 November 1611).
to retrieve them. Equally important, it involved several other individuals like the business
partners of the debtor who fell victim to confiscation actions through no fault of their
own but due the former’s debts with another party. It took place in 278 circumstances in
11 years, about the same number of court injunctions (283 cases) that by the average of
27 sequestration mandates per year.

Contrary to sequestration acts, judicial mandaments that were not part of a lawsuit
took place in only 59 occasions.\textsuperscript{94} Individuals sought such order for the same reasons
they asked for court injunctions and ordinances for sequestration: to retrieve credits and
have business partners fulfill specific clauses of commercial agreements before starting a
lawsuit. It was another common procedure in medieval and early modern European
courts of law.\textsuperscript{95} Mandaments differed from the other two categories of extrajudicial acts
since, being the official commandments of the Venetian \textit{bailo}, the head of the Venetian
community, they possessed more authority, and they included a pecuniary fine imposed
by the \textit{bailo} in case of noncompliance. The \textit{bailo} issued up to three mandaments before
imposing and collecting the fine which he later allocated to the liberation of Venetian
slaves or the development of the Venetian arsenal.\textsuperscript{96}

For instance, in the spring of 1615 the Venetian Iseppo Vidali arrived in Istanbul
to recover, on his father Stefano’s behalf, credits and goods belonging to his brother, the
late Ludovico who had died in October 1613. Between April and October, Iseppo

\textsuperscript{94} In our documents, judicial mandaments appears as either \textit{commandamento} or \textit{mandato} while the
chancellery tariff calls them \textit{mandato di commandamento penale}. They all have the same structure.
Furthermore, they bear the same name of any \textit{bailo}’s orders for Venetian subjects in matters of trade,
consular taxation, and navigation.

\textsuperscript{95} Smail, “Notaries, Courts,” 30-40, and \textit{The Consumption of Justice},” 43/44

\textsuperscript{96} Ferro, \textit{Dizionario}, Vol 1, 423/424.
obtained 4 different mandaments against his brother’s previous business associates. For example, on September 9, the bailo commanded Zuanne and Zuanne Paulo Zois, fraternal Venetian merchants, to submit, in three days’ time, to the chancellery 19,800 aspers for a commercial dealing between the latter and Ludovico which had taken place two years before. The same day the court bailiff notified the order to Zuanne and Zuanne Paulo at their residence. The order included a fine of 200 sequins in case of nonconformity and followed a court injunction (intimatione) issued in the previous days that had urged the Zois brothers to deliver to the chancellery any sum of money and quantity of goods that had that belonged to Ludovico.97 It is likely that the judicial mandament aimed to strengthen the mandate of the court injunction.

In the years under study, the bailo issued judicial mandaments against non-Venetian individuals as well, such as Ottoman Jews (11 cases) but not against Muslim merchants. For instance, in February 1610 the Venetian merchants Nicolo Soruro and Zuanne Maria Parente obtained a commandment demanding that Rabi Iuda Coen pay them for an unspecified credit within three days. If Iuda did not comply, the order continues, the bailo would declare a boycott (battellazione) against him according to which no member of the Venetian community could trade with him. As we will see in the next chapter, the bailo possessed no judicial authority over non-Venetian subjects to be able to enforce his rulings. For this reason, in the case of the judicial mandament against Jewish merchants, he did not threaten them with a pecuniary fine but with the issuing a boycott against them. In the years understudy such threat never materialized signaling

97 BAC 278, reg. 400, fol/ 99v (9 September 1615). The court injunction is on Ibid, 98r (25 September 1615). This registers also contain several lawsuits started by Iseppo Vidali to retrieve’s his brother assets.
that judicial orders carried an important reputational weight over those who received them.

Table 4.8: Litigants’ Religious Affiliation and Sequestration Acts in the Venetian Chancellery (1609-1620)

<table>
<thead>
<tr>
<th>Litigants’ Religion</th>
<th>Number of Documents</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Christian/Christian</td>
<td>197</td>
<td>70</td>
</tr>
<tr>
<td>Christian/Jew</td>
<td>37</td>
<td>12</td>
</tr>
<tr>
<td>Jew/Christian</td>
<td>16</td>
<td>8</td>
</tr>
<tr>
<td>Jew/Jew</td>
<td>25</td>
<td>9</td>
</tr>
<tr>
<td>Muslim/Christian</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>TOTAL</td>
<td>278</td>
<td></td>
</tr>
</tbody>
</table>

Table 4.9: Litigants’ Religious Affiliation and Judicial Mandaments (1609-1620)

<table>
<thead>
<tr>
<th>Litigants’s Religion</th>
<th>Number of Documents</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Christian/Christian</td>
<td>46</td>
<td>78</td>
</tr>
<tr>
<td>Christian/Jew</td>
<td>11</td>
<td>18</td>
</tr>
<tr>
<td>Jew/Christian</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>TOTAL</td>
<td>59</td>
<td></td>
</tr>
</tbody>
</table>

As Tables 4.8 and 4.9 show, mostly Christian individuals sought ordinances of sequestration and judicial mandaments in, respectively, 254 out 278 cases and 57 out 59. Among these Christians, Venetian merchants, ship captains, and ship scribes appear in roughly half of the cases for sequestrations (134 out of 278 cases) and judicial orders (35 cases out of 59). These numbers illustrate that, like in the case of court injunctions (with exception of protests of bill of exchange), the most important members of the Venetian mercantile community applied mostly to extrajudicial acts of Venetian chancellery. In other words, they used the Venetian chancellery to begin processes of
debt recovery or for the enforcement of a business agreement rather than registering their commercial dealings and legal acts for future memory.

In contrast to Christian individuals, Ottoman Jews appear in conspicuous numbers only as the authors of sequestration mandates (41 cases) against Christians and their own coreligionists. However, they rarely sought judicial ordinances (only 2 cases). Muslims appeared in only 3 of 298 mandates of confiscation and never as seeker of mandaments. These results reflect those of court injunctions and illustrate that, among different political and religious groups, only Istanbul’s Jews seem to have been familiar and confident with the procedures of debt recovery and business enforcement in the Venetian chancellery.

8—Conclusion

As a notarial office, the Venetian chancellery office played an important role in supporting and regulating long-distance trade between Istanbul and Venetian territories. It recorded and issued a vast variety of legal and economic documents that long-distance merchants and other individuals employed in their commercial undertakings and legal affairs. Its international and multi-religious clientele sought many notarial services, above all the registration of grants of power of attorney, debts, quittances, and private documents concerning trade. Credit agreement and commercial partnerships were rare. Furthermore, as shown by court injunctions and sequestration mandates, individuals notarized business dealings when they started processes of debt recovery. This demonstrates the interdependence between the notarial and the adjudicative functions of the Venetian chancellery: it recorded the claims of creditors, notified them to debtors, and, when the latter rejected them, oversaw the litigation of a lawsuit. Even if
individuals’ claims did not transform into a legal suit, the chancellery registered the business dealings and agreements of its users.

The types of notarial services sought by the chancellery’s clientele changed according to the social and professional status of the individuals. Venetian merchants, shipmasters, scribes—that is, the most prominent economic actors of the Venetian community—turned to this institution to certify their property rights less frequently than Venetian subjects with a lower social/occupational status, Ottoman subjects, both Jews and Muslims, and several individuals from Western Europe. As I have argued in this chapter, one explanation for this phenomenon is the gradual acceptance of merchant documents as proofs in European courts of justice in the early modern period which made having them publicly certified superfluous. However, as the case of notarized private documents, court injunctions, and sequestration mandates illustrate, Venetian merchants did use the notarial services of their embassy mostly when they aimed to enforce credit and commercial agreements. Therefore, they mostly registered their business dealings not to preserve the memory of past economic transactions but when they began procedures of debt collection which could bring about a lawsuit.

This limited use of the chancellery as a notarial office for long-distance merchants and economic operators raises questions about the overall role of European consular chancelleries in the Ottoman Empire in regulating European/Ottoman trade. My case study illustrates that the main businessmen of the Venetian community did not routinely register their commercial business contracts and dealings with their consular chancellery. On the contrary, as we will see in the next chapter, and as it is demonstrated by sequestration mandates, courts injunctions, and notarized business documents, they used
this institution primarily as a forum of commercial arbitration. Unfortunately, lacking
other quantitative studies of European chancelleries in the Ottoman Empire, we cannot
know if my results reflect a wider trend towards avoiding public certification of business
dealings by long-distance merchants in the early modern Mediterranean. In contrast to
Venetian merchants, the notarial services of the Venetian chancellery were mostly sought
by Ottoman merchants and Venetians of a lower social status. In other words, it was
those individuals with a weaker relationship, in term of religion affiliation, political
identity, and social status, with the Venetian community and its commercial elite who
mostly sought the public certification of business dealings.

Lastly, my research also illustrates the limited circulation of notarial documents
produced in the Venetian chancellery across the seventeenth-century Mediterranean. The
Venetian secretary drafted numerous economic and legal documents for a cosmopolitan
clientele of individuals. However, these documents circulated mostly in Venetian
territories. Only in minority of cases did individuals seek documents, such as grants of
power of attorney or receipts of debt payment, to use in non-Venetian territories. This
phenomenon casts doubt on the existence of a shared notarial culture in the
Mediterranean developed out of Italian commercial expansion in the late medieval
period. As shown by the few cases of documents circulating across different states, it did
exist a degree of commensurability among southern European notarial cultures in the
early modern Mediterranean thanks to the common legal background (the *ius commune*).
However, the few examples of such circulation suggests that European mercantile
communities in the Ottoman Empire privileged their own notarial systems which should
be studied in their own terms.
Chapter 5: A Court for Merchants

1—Introduction

On February 19, 1619, Antonio Allegratti, a ship master (*patrono*) from the Ottoman tributary city-state of Dubrovnik (Ragusa), and Rabi David Abudente, a Jewish merchant in Istanbul, appeared before the *bailo* Almorò Nani. Antonio demanded that David load on his ship, called the *Santa Maria*, the full amount of leather and other goods set by a charter contract (*noleggiato*) they had signed because David had failed to do so. David responded that he would load the goods only after Antonio produced surety (*piezarìa*) that, “being himself a subject of Dubrovnik,”¹ he would go with his ship to Venice and not to Naples. The capital of a Spanish viceroyalty, Naples in the 1610s and 1620s maintained strained relations with Venice while it conducted regular diplomacy with Dubrovnik.² The *bailo* ruled that Antonio should provide such surety. After their court session the two parties did not find an agreement and the voyage to Venice was called off. Eventually, on May 16, they turned again to the *bailo*’s chancellery to register a declaration (*quietanza*) according to which they renounced to any claims against one other over the above-mentioned charter contract.³

This dispute raises several questions about the administration of justice in early modern Istanbul. Neither of the two litigants was a Venetian subject. However, they voluntarily submitted their controversy over a shipping contract to the *bailo*’s judgment.

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¹ “…che essendo raguseo.”


³ BAC 279, reg. 403, fol. 280v (19 February 1619); and 280, reg. 402, fol. 156r (16 May 1619).
The only element of this case linking the two sides to Venice was the destination of the goods. What did they expect to obtain from the bailo? How could the bailo enforce his rulings in Ottoman Istanbul?

This chapter examines the reasons why individuals chose the Venetian chancellery to settle their disagreements and the function of this court in the commercial life of seventeenth-century Istanbul. I put forth two main arguments. First, regardless of religious and political affiliation, individuals appeared before the bailo’s consular court to solve disputes pertaining to trade with Venice because of the court’s specialization and its summary/commercial procedure. Characterized by fast proceedings, individual responsibility, a focus on the “facts” rather than on the legal status of litigants, the court’s summary procedure allowed individuals of different social status and religion to quickly solve their controversies and repair their business relations. Such procedure was not peculiar to the Venetian consular court but was characteristic of merchant courts in medieval and early modern Europe. However, in the Venetian consular court in Istanbul it presented some unique characteristics. Secondly, the political economy of Venice played a central role in both the procedure followed by the court in both solving dispute and the court’s access to different individuals. The protection of Ottoman-Venetian trade and Venice’s preoccupation with keeping peaceful relations with the Ottomans influenced both the international clientele of the court and the solutions chosen by the bailo to settle controversies. This concern is especially clear in disputes involving preeminent businessmen that were connected to Ottoman officials.
2—Defining a “Lawsuit”

Between 1609 and 1620, the *baili* Simone Contarini, Cristoforo Valier, and Almorò Nani heard 434 lawsuits in the consular court. Before we begin our analysis, we should clarify what constituted a lawsuit in the *bailo*’s consular court. Among 2,136 legal and economic deeds for the years 1612-1620, it is complicated to neatly distinguish between lawsuits and notarial acts. This institution could handle a commercial dispute and notarize agency or business contracts in the same day. The *bailo* (the judge), the secretary (the notary), and the bailiff worked together in court when solving disputes. As we have seen in previous chapters, the secretary did not distinguish between lawsuits and notarial deeds in the indexes (*rubrica*) of all the acts taking place in the Venetian chancellery.

This lack of a neat distinction between notarial transactions and lawsuits was a normal feature of pre-modern courts of justice in Europe and the Muslim world. Like in the tribunals of early modern Europe and the Ottoman Empire, a key function of the Venetian chancellery as a court of justice was to certify business agreements that had been conducted orally out of court without turning to a public notary.⁴ Adjudication of a legal suit and certification of rights were interchangeable, and they cannot be separated from one another. As we saw in the previous chapter, creditors did not always start court

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proceedings against a debtor—for instance by seeking a summon, an injunction, or a confiscation of the debtor’s assets—exclusively to pursue a sentence against the latter. Rather, their goal might have been to have a previous agreement with their debtors certified by the court and to then retrieve their credit through an out-of-court settlement. In other words, applying to the court to collect a debt did not always amount to a social conflict. Certification of rights was all the more important because in Istanbul and the other commercial centers of early modern Europe and the Middle East business agreements, especially those involving small sums, were not usually registered in notarial offices due to the costs of this operation or the personal nature of many transactions.\(^5\)

As a consequence of the blurred separation between legal suites and notarial actions, it is highly complicated to identify each court’s entries, such as an injunction of payment or a goods delivery, a protested bill of exchange or a business agreement, as either part of a “dispute” or as a “notarial transaction” aimed to certify property rights. The same applies to the registration of private documents, such as letters of credit or commercial correspondence: often we do not know whether individuals had them notarized during a lawsuit at the chancellery or as a precautionary measure in case of possible future dispute.

For the sake of my analysis, I list 434 lawsuits among 3,231 court documents. I call them “disputes” because they either resulted in a final sentence (sententia or terminatione) of the bailo, or they contained information that allow us to understand that

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a litigation process took place, such as a specific reference to a “lawsuit” (*causa*, *differentia*, *contradditorio*), the presence of different phases of the resolution of a dispute, such as a summon, a deposition, a confiscation of a debtor’s estates, and judicial orders of payment or goods delivery. I include in my analysis neither single court injunctions nor single protests of bills of exchange or business agreements because, as I showed in the previous chapter, they were not followed by other legal actions in the court, and they might to have constituted the certification of a debt/obligation and not an actual suit. The same applies for single judicial mandaments (59 cases) and acts of confiscation (278), since we know nothing about the contest in which the court issued them, and, therefore, we cannot know whether they resulted in a legal suit. Finally, I do not include here those disputes that were settled through an out-of-court arbitration, which the parties later notarized in the court. Instead, I study only those cases in which the *bailo* himself chose arbitration as a course of action to settle them.

We encounter a similar difficulty in classifying the different types of disputes. The officials of the Venetian chancellery did not make formal distinction between different types of disputes, rather they lumped together any legal actions conducted before the *bailo*. This was the case with other courts in medieval and early modern Europe and the Ottoman Empire. Furthermore, with a very few exceptions, most plaintiffs or their legal representatives never justified their suit through reference to a particular law or statute. The same applies to the rulings of the *bailo*. Consequently, any

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6 About the difficulty of classifying civil lawsuits in medieval and early modern European courts of law, see Smail, Daniel L. *The consumption of justice: emotions, publicity, and legal culture in Marseille, 1264-1423* (Ithaca; London: Cornell University Press, 2003), 38/39; Shaw, *The Justice of Venice*, 147-158.
attempt to categorize the different suits heard by the bailo is a complex and necessarily arbitrary undertaking. I provide here my own categorization of 434 disputes.

Table 5.1: Types of Disputes handled by the Venetian Chancellery (1609-1620)

<table>
<thead>
<tr>
<th>Type of Dispute</th>
<th>Number of Cases</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Debt</td>
<td>300</td>
<td>70%</td>
</tr>
<tr>
<td>Delivery of Goods</td>
<td>81</td>
<td>18%</td>
</tr>
<tr>
<td>Spoilt Goods</td>
<td>15</td>
<td>3.5%</td>
</tr>
<tr>
<td>Unclear</td>
<td>36</td>
<td>8.5%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>434</td>
<td>100%</td>
</tr>
</tbody>
</table>

As shown in Table 5.1, at least in their external form, most disputes appear as instances of debt litigation (300 cases, thus 70%). In many legal suits, the records contain too little information for us to understand the context of these controversies. Among these cases, we can discern cases concerning unpaid bills of exchanges, cases about broken commercial agreements, inheritance-related controversies, and few instances of disputes over the payment of the wages of sailors (3 cases).\(^7\) No cases concerning contracts of either agency or maritime insurances appear in the years under study. Another major source of litigation was disagreements over the delivery of goods (81 cases) between business associates, that is, about the timing of the delivery and the quantity of the goods delivered. These two categories of disputes point to disagreements in the terms of credit and commercial contracts.

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\(^7\) These are those legal suits about which we possess no clear information about actual reason of the dispute.

\(^8\) For an instance of this last type of dispute, see BAC 276, reg. 394, fols. 122r/123r (17 August 1609).
Furthermore, in the years understudy no criminal lawsuit appear in the record of the Venetian chancellery, even though criminal sentences do appear in the index of all the legal services provided by this institution. It is possible that the Venetian secretary kept separate registers for criminal disputes. If this is the case, to my knowledge they have not been preserved in the archives of the Venetian ambassadorships in Ottoman Istanbul.

3—The Religion, Political Affiliation, and Social status of the litigants

Lacking the political status for most of the individuals appealing to the court, we focus here on different religious communities and how their members engaged in lawsuits. Religion indicates the subjecthood with a degree of certainty only for Muslims and for most of Jews as well.9

Table 5.2: Religion of the Litigants in the Venetian Chancellery (1609-1620)

<table>
<thead>
<tr>
<th>Plaintiff</th>
<th>Defendant</th>
<th>Number of Lawsuits</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Christian</td>
<td>Christian</td>
<td>278</td>
<td>64%</td>
</tr>
<tr>
<td>Christian</td>
<td>Jew</td>
<td>74</td>
<td>17%</td>
</tr>
<tr>
<td>Jew</td>
<td>Christian</td>
<td>59</td>
<td>14%</td>
</tr>
<tr>
<td>Jew</td>
<td>Jew</td>
<td>13</td>
<td>3%</td>
</tr>
<tr>
<td>Muslim</td>
<td>Christian</td>
<td>10</td>
<td>2%</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>434</td>
<td>100%</td>
</tr>
</tbody>
</table>

As Table 5.2 shows, most of the disputes took place between Christian individuals (64%), while those including at least a Christian as either a litigant or a defendant amounted to 88% of the lawsuits. High-ranking individuals, like nobles, are extremely

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9 As we have seen in Chapters 1 and 2, only the legal and political status of Jews from Venetian Crete was extraordinarily complex.
The individuals identified as “Venetian merchants” in the records of the chancellery appeared in 286 out of 434 lawsuits (about 66% of all cases). As described in Chapter 1, this small number of merchants, whose number amounted to 65 individuals (out of 1,777 using the Venetian chancellery), constituted the most active group of individuals engaged in trade between Venice and Istanbul and took part in the Council of the Twelve, the government body of the Venetian community. If we sum up all the lawsuits involving merchants, ship masters and scribes that also took part in the Council of the Twelve, we notice that they constitute 78% of all the lawsuits heard by the *bailo*. This shows the dominance of merchants and economic operators engaged in shipping—the core of the Venetian mercantile community—in the disputes solved by the Venetian consular court.

Most of the Christian litigants belonged to Istanbul’s Venetian community. Again, the lack of political affiliation does not allow us to clearly distinguish the numerous “Venetians” and “non-Venetians” from within the group of Christians. We must rely on other information to ascertain their blurred political status, such as their presence within the Venetian community in the Ottoman census of 1616 of all Europeans, their places of origins, and their business connections with Venetians. The non-Venetian Christians whom I have been able to identify with a degree of clarity appeared in a small number of disputes: 28 cases involving Galata’s Catholics (the so-called “Franks of Galata,” or “Perots”), 9 disputes with subjects of Dubrovnik (Ragusa), and 5 separate cases involving

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10 The only three lawsuits started by high-ranking individuals include two cases with a noble from Venice and Dubrovnik, respectively, and one by the Catholic bishop of the Venetian island of Tinos. BAC 276, reg. 394, fol. 95v (17 July 1609); BAC 317, reg. 3, fols. 9r (21 August 1614), BAC 276, reg. 394, fol. 97r/98v (27 July 1609).
French, English, and Florentine individuals engaged in trade between Istanbul and Venetian territories. Considering all these factors, the total number of mixed cases with Ottoman subjects amounted to at least 198 individuals, that is, the 45% of all legal suites handled by the Venetian *baili* in the period under study.

The 5 cases involving French, English, and Florentine merchants are notable as they are examples of disputes among members of different European communities. For instance, in 1612, the French merchant Pietro Gervasio sued the Venetian merchant Andrea Orlandi over a load of wool, whose quality, according to Pietro, had not been correctly appraised by Venetian officials specialized in such an operation (*cernidori ordinari*) before Andrea sold it to him. Andrea complained about the alleged low quality of the wool, and he demanded that Andrea compensate him. After the latter rejected the claim and brought a witness to testify to the appraisal of the wool, the *bailo* Cristoforo Valier ruled that experts (*periti*) should evaluate the quality of that wool. We do not know how this case ended, as the court registers do not contain further records of activity pertaining to it, but this may suggest an out-of-court settlement.

The Capitulations of the sixteenth and seventeenth centuries do not contain instructions about the resolution of disputes among members of different European communities. According to the customary practices used by European merchants in the Levant, the principle of *actor sequitur forum rei*, which derived from Roman law, mandated that the ambassador or the consul of the defendant had to hear the case and

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11 BAC 277, reg. 397, 119r (22 November 1612). We do not know how this dispute ended eventually. For another lawsuit involving a Frenchman, see BAC 276, reg. 394, fols. 277v/278r (29 July 1610), for one with an English merchant Artor Gania, see BAC 279, reg. 402, fols. 57v/58r (17 May 1617); and for a case with a Florentine noble see BAC, 280, reg. 403, fol. 116r (10 February 1620).
pass judgment. In the 5 instances of these types of mixed cases included in our study, French, British, and Florentine litigants were always the plaintiffs. In these cases, the bailo applied the same procedure he followed in intra-Venetian or Venetian-Ottoman controversies.

The only non-Christian group that litigated a lawsuit in the court in high numbers were Ottoman Jews (34% of all the lawsuits). They sued and were sued by Christians almost in the same number of disputes (75 and 59 respectively), and they even took their own coreligionists to court in a few cases (13, 2%). Jews won 25% of all their lawsuits against Christians (60 cases) which ended with a final sentence.

The 72 cases in which Jews appear as plaintiffs suggest a degree of knowledge of the Venetian chancellery and confidence in its judicial procedure. Jews in Istanbul had a variety of legal institutions to use to solve civil and criminal disputes. First, Jews had the right to adjudicate intra-communal civil cases, including trade-related controversies, in their congregations’ own courts (beit din), which operated under the judicial authority of rabbis and applied Jewish law (halakha). Secondly, as Ottoman subjects, they had to turn Ottoman courts, both kadi courts and the Imperial Council, if they wanted to sue Muslim and Christian individuals for civil and criminal matters. Furthermore, despite admonitions by rabbis against such practice, individual Jews also brought business- and family-related

lawsuits against coreligionists before the *kadi*. Research shows the spread use of Muslim courts by Jews and Christians in seventeenth-century Istanbul.\(^{13}\)

The Venetian consular court constituted another forum of justice where they could file complaints against both non-Jews and their own coreligionists. In theory, apart from Jewish law and rabbis’ injunctions, nothing prevented Istanbul’s Jews from suing a Venetian subject in a Muslim court. As a matter of fact, the Capitulations stipulated that *kadi* courts were the forum for mixed Venetian-Ottoman controversies regardless of the religious affiliation of the Ottoman subjects. Furthermore, the Venetian consular court had limited enforcement power in Ottoman Istanbul vis-à-vis Ottoman courts. Nonetheless Ottoman Jews applied to the Venetian chancellery to benefit from some of the procedural features, such as summary procedure and the role of the *bailo* as an arbiter in commercial disputes.

In contrast to the Jews, Muslims appeared in only 10 cases but always as plaintiffs and they won the only three cases ending with a final sentence.\(^{14}\) We have no instance of Muslims and Jews prosecuting one another in the court, or of Christians suing Muslims there. Despite their limited number, the presence of Muslims among the litigants is


\(^{14}\) For these three disputes, see BAC 276, reg. 394, fol. 40v/r (28 March 1609), BAC 317, reg. 3, fol. 11v (27 August 1614), and BAC 279, reg.403, fol. 64r (23 May 1617).
particularly important for the study of Mediterranean trade and the history of Muslim economies. According to established wisdom, in the pre-modern period Muslims were barred from European legal institutions on religious and legal grounds. According to some economic historians, such prohibition prevented Muslim merchants from conducting business under the allegedly more efficient legal systems of Western European states which was based on impersonal adjudication and the use of written legal evidence.15

This alleged prohibition has never been empirically proven. To my knowledge, research on *fetva* (fatwa) collections (legal opinions of Muslim jurists, *müfti*) from the early modern period has, so far, not produced any examples of specific rulings against Muslims’ use of Christian and Jewish legal institutions.16 Studies of consular justice focus on the eighteenth and nineteenth centuries, a period characterized by an overall decline of Muslim commercial activities with western Europe. Furthermore, they deal with states such as the Dutch Republic, France, and England with which Muslim merchants either conducted limited trade or were outright barred from trading. In contrast, in the sixteenth and seventeenth centuries, Venice constituted the most important place of Muslim commercial deployment in Western Europe.


16 For instance, see the Pehlül Düzenli-edited *collection of fatwas* concerning non-Muslims (including their affairs in Muslim courts) issued by the chief muftis of the Ottoman Empire (*şeyhülislam*) between the sixteenth and the end of the late eighteenth centuries. *Gayrimüslimlere Dair Fetvalar* (İstanbul: Kolektif, 2015).
The records of Venetian chancellery show a few cases of disputes involving Muslim merchants engaged in trade with Venice and there exist also other historical contexts, such as early modern Aleppo and Tunis, and nineteenth-century Morocco, which illustrate the practice of Muslims using non-Muslim legal institutions in Muslim lands. I am not suggesting the Muslim merchants routinely applied to the legal services of European consulates/embassies like Ottoman Jews and Christians did: the few recorded instances of such practice undoubtably prove the opposite. However, these cases demonstrate that no religious or legal prohibition prevented Muslim entrepreneurs from applying to European courts when such course of action was best suited to their business interests.

Overall, this use of the Venetian consular court as a civil tribunal by Ottoman subjects calls into question the established belief that, in order to gain access to European consular jurisdiction, Ottoman subjects had to first obtain a berat (a deed of appointment) issued by Ottoman officials. Its holders (called beratlı), usually the dragomans attached to European embassies and their descendants (Jews included), acquired fiscal and legal privileges akin to those enjoyed by the subjects of a European state which benefited from the Capitulations and they became “protegees” of an European states. This system


developed in the eighteenth and nineteenth centuries, a period marked by growing European commercial activities in the Ottoman Empire and by a steady weakening of the latter’s military and diplomatic standing in Mediterranean and European politics.

In the period under study, the seventeenth century, such a system did not exist yet. As Chapter 1 illustrates, the status of the Venetian dragomans as “naturalized” Venetian subjects was a matter of contention between Venetian and Ottoman authorities. Furthermore, no distinctive group of berat-holders who engaged in long-distance trade operated in Istanbul in this period. The Ottoman practice of granting berats to dragomans and other individuals close to European embassies and consulates had not developed yet. Despite the lack of berat, our records show numerous Ottoman Jews, Christians, and a few Muslims too, turned to bailo’s consular court to litigate a lawsuit and this practice did not arouse the complaints of Ottoman authorities in the period 1600-1620.

Finally, in the year understudy, there is single noteworthy example of a woman who turned to the bailo’s chancellery court to bring her complaints against indebted merchants. Named Elena, she hailed from Heraklion (Candia in Crete) and lived in Beyoğlu, outside the walls of Galata. Both her individual title of respect “Chira” (from the Greek Kira, “lady”) and her appellative “sultana” suggests a high-social standing in the Christian community of Galata. Between 1612 and 1620, she engaged in commercial exchanges between Crete and Istanbul and credit operations with different Venetian merchants and ship masters. 19 She appeared personally without a legal tutor in court in 20 different occasions to sue debtors and to register credits and contracts of power of

19 We know little about her private life apart the fact that, in 1614, she was divorced from an individual called Magna who lived in Heraklion (Candia), Crete, her place of origin. BAC 317, reg. 3, fol. 29r (20 October 1614).
attorney. In each of the five civil disputes she was always the plaintiff, and she employed legal representatives on only one occasion. For instance, in October 1615, she brought to court the Venetian merchant Francesco Spiera over a credit agreement and, after a few rounds of litigations together with her legal representative (avvocato) Zuanne Zecheni, she managed to have Francesco sentenced to pay her 270 sequins. The procedure applied to her legal suits did not differ from those implemented in all-male cases.

4—Court Procedure

Court Procedure played a central role in the choice of the Venetian consular court by Venetian and Ottoman subjects. In the Chapter 3 we discussed that merchant courts in medieval and early modern Europe applied summary or “merchant-style” procedure. It entailed speedy trials, individual legal responsibility, a limited role played by witnesses, the absence of law professionals such as lawyers and jurists, and a general disregard of the formalities of positive law. Judges passed judgment according to the “nature of things” and the “truth of the facts,” and not according to laws, customs, and previous cases. As a legal proof, they generally accepted written evidence (including private documents) and probative oaths performed by the litigants. In this way, this procedure eliminated the privileges, such as the ability to produce local witnesses, enjoyed by those individuals who resided in a locality and possessed strong local connections.

Did the Venetian consular court apply the same procedure? As we have seen, we do not possess documents attesting to a normative framework about the procedure applied in this court and the latter’s records very rarely refer to specific legal norms and

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20 For this dispute, see BAC 278, reg. 400, fols. 110v (19 October 1615) and 114v/115v (29 October 1615).
customs and they never mention summary justice and its principles such as the “nature of
the things” or “equity.” Therefore, we must reconstruct the procedure starting from the
legal documents produced by the court.

Quick Court Proceedings

The Venetian consular court shows several elements of summary justice. Firstly,
the court procedure was usually quick. A plaintiff appealed the court either by submitting
a document (called memoriale) about his claims or presenting them orally. The bailo then
issued a subpoena (citatione) for the defendant: the court’s bailiff notified the latter at his
residence or publicly (per stridor) in both the commercial district of Lonca and the
nearby Church of San Francesco in intra-muros Galata. If the defendant did not appear at
court, the bailo’s would issue two other subpoenas. After three unanswered subpoenas,
the bailo would pass judgment in absence (sententia in absentia) sentencing him to fully
comply with plaintiff’s demand.21

We do not know how much time passed between the three different subpoenas but
given the nature of trading, we can hypnotize that the court issued them within a few
days. The public nature of the subpoena, which took place in the commercial district of
Gala and in its surroundings, made answering to them more urgent to protect one’s
business reputation. A rare case illustrates the short length of the process of subpoenaing
a debtor. On January 18, 1616, on request of the Venetian merchant Iseppo Vidali di

21 In merchant courts in Europe, in case of a sentence in absence, a plaintiff had to take an oath since his
opponents did not show up in court. Our records do not show such procedure. Malynes, Gerard.
Consuetudo, vel, Lex Mercatoria (London, 1622), 425; Cerutti, Giustizia sommaria, 64. For the procedures
of summon and trial in absentia in Venice, see Ferro, Dizionario, Vol. 1, 152-158 and 385-392,
respectively.
Stefano, the bailiff publicly subpoenaed Rabi David Campo in the district of Lonca but the latter did not come to court. After twelve days from the first summon, on January 30, the *bailo* sentenced against David over a load of uncollected Venetian textiles.\(^{22}\)

Another procedure was for a creditor to first register a credit or an unfulfilled commercial agreement and then have the *bailo* issue an injunction (*intimatione*). If the defendants did not comply with the injunction a legal suit would follow. For instance, on June 7, 1615, Zeno Papadopulo, a ship master from Crete, registered in the chancellery a bill of lading (*polizza di cargo*) and obtained a court injunction for another Cretan, Zorzi Mathoneo, to collect several barrels of lemon juice from his ship by the following day. The same day, Zorzi appeared in court to reject such request on the grounds that his business partners in Chania, Crete, had not instructed him to receive those goods and that they were also spoilt. On June 16th, the *bailo* ruled against Zeno’s claims but compelled Zorzi to formally renounce any claims over the contested barrels.\(^{23}\)

Another proof of the generally fast procedure of the Venetian consular court is provided by those lawsuits that were resolved over different court sessions. Out of 434 disputes, 184 cases entailed different phases of a litigation process, such as the issuance of court injunction, the appointment of a legal representative, the *bailo*’s request to produce evidence, the final sentence, and the enforcement of latter, etc. Each of these phases took place on different days. The average number of phases for the 184 disputes is about 3 each.

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\(^{22}\) BAC 279, reg. 400, fol. 151r (30 January 1616).

\(^{23}\) BAC 279, reg. 400, fols. 76r (14 July 1615) and 80r (16 July 1615).
Table 5.3: Duration of the Lawsuits handled by the Venetian Chancellery (1609-1620)

<table>
<thead>
<tr>
<th>Duration Time</th>
<th>Number of Disputes</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 day</td>
<td>250</td>
<td>57%</td>
</tr>
<tr>
<td>2-18 days</td>
<td>126</td>
<td>30%</td>
</tr>
<tr>
<td>More than 20 days</td>
<td>58</td>
<td>13%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>434</td>
<td></td>
</tr>
</tbody>
</table>

By examining the duration of the lawsuits, we notice that the bailo resolved more than half of them in a single day and court section (57%). In another substantial number of cases (126, the 30%) the resolution of a lawsuit lasted between 2 and 18 days. I set 18 as limit of days of “quickly” resolved disputes because this number appear, on average, as the highest number of the days of litigation. Only in 58 cases did litigation drag on more than a month. Twenty of these cases are examples of disputes that bailo ruled on but the convicted individual failed to comply with and, on the request of the winner, the bailo issued a court injunction, an order of confiscation of assets, or a legal mandament demanding compliance.

Among other long-lasting disputes, 38 cases are exceptionally complex lawsuits that involved multiple actors, claims and counterclaims, the presentation of different types evidence, and different modalities of resolution, such as arbitration panels ordered by the bailo and the intervention of courts of appeal in Venice. Their low number (13% of all the lawsuit) proves that their occurrence was negligible in the years under study.

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24 There exists the possibility that the chancellery’s secretary might have not recorded in his registers all the different phases of the litigation process of all the disputes handled by the bailo. He might have lumped together different moments of a lawsuit into a single court entry. However, if this were true, we are left wondering why he registered the different episodes of dispute resolution only for selected legal suits.

25 For instance, see BAC 276, reg. 394, fols. 40r (28 March 1609) and 80r (15 June 1609).
while most of the disputes handled by *bailo* were usually resolved within a short time. Lengthy litigation in a court of law was potentially detrimental to the business activities of long-distance merchants since it could interrupt commercial transactions, damage business relations, engender the secrecy of commercial dealings, and cast shadow over one’s reputation in the commercial community of seventeenth-century Galata.26 Furthermore, a long resolution process in the Venetian consular court was also costly since each different phase of litigation, from the notarization of evidence in court, the testimony of witnesses, court orders, and the final sentences, had a different price which was not negligible in seventeenth-century Istanbul. Litigation costs might explain why all the 38 long disputes involved Venetian merchants, the most economically preeminent members of the Venetian community.

**Limited Use of Proxies**

In small a percentage of cases (67 out of 322 disputes, that is, about 20%), litigants employed legal representatives to act on their behalf during litigation processes. Court records refer to them as “avvocato,” “commesso,” “interviente”, or “procuratore,” without a clear distinction of duties between these terms and often interchangeably for the same person. In 54 cases, individuals registered their legal agent in court (*scritto in corte*) at the beginning of the litigation. An analysis of the religious status of these proxies shows that litigants mostly chose to be represented by individuals belonging to

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the same religious group (62 out 67 disputes). Furthermore, in 16 cases, Venetian merchants employed other fellow merchants as representatives.

Among the legal representatives, those called “avvocato” are noteworthy since they often appear together with their principal in court. This suggests that, alongside providing representation, they may have operated as legal consultant in court. A few individuals appear in court only as “avvocato” showing a specialization in legal services for the users of the Venetian consular court. For instance, in 1615/1616 a man named Zuanne Cecheni from Chania (Crete) operated on behalf of 12 different individuals, including Venetian merchants and Ottoman subjects. 28

27 The five cases in which the litigants and his/her proxy belonged to different religious communities include three cases of Jews representing Venetian Christians, one case of a Christian representing a Jew, a case of Muslim representing a Christian, and a case with a Jew representing a Muslim. For an example of a Jew representing a Christian, see BAC 277, reg. 397, fol. 31v (15 May 1612); for a case of a Jew acting on behalf of a Muslim merchant, see BAC 280, reg. 403, fol. 189v (08 August 1618).

28 For instance, see BAC 270, reg. 400, fol. 138r (13 January 1616) and fol. 55v (30 May 1615).
Legal Proofs

Table 5.4: Proofs in the Lawsuits heard in the Venetian Chancellery (1609-1620)

<table>
<thead>
<tr>
<th>Proof</th>
<th>Number of Cases</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Documents</td>
<td>234</td>
<td>64%</td>
</tr>
<tr>
<td>Eyewitnesses</td>
<td>21</td>
<td>6%</td>
</tr>
<tr>
<td>Oath</td>
<td>19</td>
<td>5%</td>
</tr>
<tr>
<td>Expert Witnesses</td>
<td>13</td>
<td>3%</td>
</tr>
<tr>
<td>Oral Deposition</td>
<td>38</td>
<td>10%</td>
</tr>
<tr>
<td>No Proof Mentioned</td>
<td>46</td>
<td>12%</td>
</tr>
<tr>
<td>TOTAL NUMBER OF DISPUTES ENDING WITH A SENTENCE</td>
<td>171</td>
<td>100%</td>
</tr>
</tbody>
</table>

As in European merchant courts, the Venetian chancellery employed written evidence as the most important type of proof during lawsuits. As illustrated by Table 5.4, among the disputes ending with a bailo’s ruling—371 out of 434 cases—documents appear in 63% of the legal suits.

Litigants produced different varieties of documents during lawsuits. Out of 183 cases with written evidence, only 14 cases included sealed documents produced by Venetian tribunals and notaries. No documents issued by non-Venetian courts, either European or Ottoman, were used during disputes in the years under study, even though, as we saw in the previous chapter, individuals did at times notarize these types of

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29 With the label “No proof” I refer to those cases legal suits for which our records do not show with a degree of clarity the basis of a ruling by the bailo. They are generally cases ending with a sentence in absence or when the bailo ruled that the plaintiff produce evidence on his behalf.

30 For instance, see BAC 279, reg. 403, fol. 38v (4 March 1617).
documents to certify loans or identify themselves. Most documents brought to court during legal suits were private writings such as letters of debts, bills of exchange, business agreements, accounting books, bills of lading, and commercial correspondence.31

In 98 disputes, documents are simply called “writing” (scrittura), and, given the few details on them, we cannot ascertain the nature of such documents. For example, on April 6th, 1617, the bailo ruled in a debt-related dispute between the brothers Matteo and Stefano Pironi, two natives of Galata (Perots), and the Venetian merchants Francesco Girardi and Giulian Boneri. The Pironi brothers demanded that the latter pay the remainder of two “writings” (scritti) dated, respectively, 1612 and 1613. The bailo sentenced the Venetian merchant to such payment “after hearing and carefully considering the opponents’ depositions and also after reading the documents.”32

This dispute also illustrates that documents did not necessarily play a more important role than oral utterances role in court procedures. Despite the submission of documents in most of court cases, in each lawsuit the bailo considered both them and the depositions of litigants before passing judgment. Oral utterances and written evidence reinforced each other as legal proof and court records do not show a clear ascendancy of documents over orality in the decisions taken by the bailo.


32 “…il tutto udito e maturamente considerato et veduti parimenti et letti i medesimi scritti…” and BAC 279, reg. 402, fol. 86r (06 April 1618). For a similar ruling, Chapter 3, 122.
Conversely to written evidence, the testimony of witnesses played a limited role in the resolution of the commercial controversies brought before the bailo (in 21 cases, 6%). This is another hallmark of summary procedure. In both European and Ottoman ordinary courts of justice, both eyewitnesses and reputation witnesses played a central role in adjudication processes during the early modern period. The ability of producing witnesses to testify on one’s behalf was a legal privilege enjoyed by the long-term residents of a town. Witnesses could testify on a merchant’s professional reputation, and, therefore, could considerably affect the resolution of a commercial controversy. Foreign merchants in transit, given their mobility and the resulting lack of a web of strong social connections in a locality, enjoyed little public reputation and therefore suffered major disadvantage in court. Summary procedure, by attributing validity to documents and focusing on the “truth of things” rather on individual reputation within a resident population, allowed them to offset such disability.

Unfortunately, court officials do not usually register the name of the witnesses and therefore we cannot know their social and religious status. In a rare example from 1616, the Venetian merchant Simon Tosi sued the Jewish brothers Rabi Iuda and Saltiel Coen over a commercial agreement (bazaro) involving an exchange of a variety of fabrics from Venice and other European cities for an amount of raw leather and camlets from Anatolia. The two parties disagreed over the terms of the delivery of the goods, and


34 Cerutti, Giustizia Sommaria, 58-63.
they produced different (unspecified) documents on their behalf. The Jewish brothers also brought to court two commercial brokers (sensali), Cacam Iosef Abencabib and Rabi Saul Mevorac, who were questioned by the court’s bailiff (esame di testimoni) over the contested clauses (capitoli) of the written agreement between the two parties. They had been previously employed to enable the business transaction between the two parties and, therefore, they had direct knowledge of the facts in contention. After their testimony, a third individual, Cacam Iosef Abeneraf, had the two witnesses swear on the Ten Commandments of the Hebrew Bible\(^\text{35}\) about the truthfulness of their testimonies. After their oath, the bailo passed sentence against Simon requiring him to comply with the original agreement.\(^\text{36}\)

Apart from illustrating the whole process of testimony in the bailo’s court, this dispute is noteworthy as it shows the operational logic of the bailo’s court. According to Roman and Canon laws, Jews could not act as witnesses in a lawsuit involving a Christian but only in intra-Jewish controversies. Ordinary courts in medieval and early European upheld such principle.\(^\text{37}\) Prioritizing the assessment of the facts under dispute (in this case a commercial transaction) rather than the application of fixed and generally applicable rules, the court procedure allowed non-Christians to testify in mixed cases.\(^\text{38}\)

\(^\text{35}\) “..dieci commadamenti del testamento vecchio in lingua ebraica..”

\(^\text{36}\) For the sentence, see BAC 278, reg. 400, fol. 211r (9 June 1616), for the notarized commercial agreement, see Ibid, fols. 196v/197v (5 May 1616). For another rare instance of a lawsuits in which the names of the witnesses are recorded, see BAC 276, reg. 394, fols. 56v-58r (5 May 1609).

\(^\text{37}\) For instance, see Smail, The Consumption of Justice, 53.

\(^\text{38}\) I did not encounter cases of Muslim witnesses in the chancellery. However, Muslims too could produce witnesses (Christian) to testify on their behalf. For instance, in the years before our study, see Hacı Davut from Aleppo, BAC 324 I (15 October 1607) (unnumbered page and document).
The other type of oral testimony was provided by the expert witnesses (*periti*, 13 cases, 3%). Either the *bailo* or the litigants summoned them to court in case of controversies about the quality, the value of goods, or services in navigation or commercial undertakings. They were either merchants or individuals with an expertise in dealing with particular goods, such as wool appraisers (*cernidori*). After offering their expert opinions, the *bailo* would rule over the contested goods and the services and the parties would accept the opinion without the continuation of formal legal proceedings.\(^{39}\)

For instance, on February 4, 1614, Michele Cavaco from Chios brought Marco di Mutio, the scribe of a Venetian ship named *nave paradisa*, to court. Michele demanded that that latter compensate him for the damages suffered by two bales of paper that had just arrived to Istanbul on that ship. Marco rejected Michele’s claims and the *bailo* ruled that the litigants should choose two experts each among the Venetian merchants (*mercanti della nazione*) to examine the paper. In the chancellery, the two parties appointed Giacomo Brachi and Zuanne Battista Orlandi as the two experts. After analyzing the two bales of paper, which had been spoilt by seawater entering into the ship, they declared on paper that Marco should pay 51 ducats. On May 21, Michele registered their declaration (*dichiaratione*) in court. The case did not produce further documents, suggesting that Marco had likely accepted the outcome of the examination of the paper.\(^{40}\)

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\(^{40}\) BAC 277, r. 397, 245r/v (2 April 1614) and 251v (14-05-1614). For a case in which the opinion of experts constituted the basis for the sentence of the *bailo* see BAC 279, r. 402, 154v (02/19/1618).
Apart from written evidence and testimony, another proof in commercial disputes was the decisive oath of the defendant. In merchant courts in early modern Europe, the oath of a litigant, constituted full proof and it was often used in combination with oral agreements. In the years under study, 19 (5%) cases ended after the administration of a decisive oath. The defendant could swear that he or she rejected the claims of the plaintiff on the request of the latter, or the bailo could instruct him/her to do so in order to promptly resolve the case. The administration of an oath remitted the decision over a controversy to the conscience of the oath-giver. Litigants swore over religious texts, the four Gospels in the case of Christians, the Hebrew Bible for Jews. We do not have any evidence of Muslims giving oath in the chancellery.

For instance, on January 26, 1606, Mustafa Ağa from Athens brought to court Andrea Benitio, the scribe of a galleon called *Tapino*, over an unfulfilled commercial agreement. Mustafa claimed that, near Athens, Andrea had loaded on the galleon with 3,000 cantari of valonia oaks instead of the 5,000 that they had agreed upon, and he demanded that Andrea compensate him for the missing 1,500 cantari. The latter rejected Mustafa’s pretentions on the grounds that the ship was overloaded and that those missing oaks were rotten. He also added that in Venice he had compensated Mustafa’s business partners as proven by a letter signed by Andrea’s principals. Mustafa then demanded that

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Andrea swear that he had not broken their agreement. The bailo ruled that, after Andrea take the oath on the four gospels, he should be liberated from Mustafa’s charges.42

In cases involving Christian witnesses, confessional identity could affect the religious object over which witnesses took their oath. In court in March 1618, Antonio Marcillo from Venice demanded that his business partner Zorzi Masacopo from Crete deliver him a load of silk just arrived from Heraklion (Crete) claiming that these goods belong to him in according to their partnership (compagnia). Zorzi replied that he had brought that amount of silk in his name. As Antonio did not show any written evidence of their commercial agreement, the bailo sentenced Zorzi to swear on who he had bought the silk from and its quantity. Since probably Zorzi was an Orthodox Christian, he swore over an image of the Virgin Mary (likely an icon) instead of the four Gospels. Under oath he declared that had purchased the silk from his daughter-in-law in Heraklion and he specified the quantity.43

Legal Responsibility

The procedure of subpoenaing and the prevalence of writing in court procedures indicates a conception of justice based on individual legal responsibility. The rulings of the bailo were based mostly on business agreements and the actions of individuals (the nature of the things), instead of the public reputation of the litigants (the quality of the persons).

42 Despite taking place a few years before our period of study, I describe this case to demonstrate that the court applied the same procedure in legal suits involving Muslim litigants. BAC 275, reg. 393, fols. 64r/65v (26 January 1606).

43 BAC 279, reg. 402, fol. 162r/v (20 March 1618).
Individual responsibility in court procedure was defined in a precise temporal and spatial contest: the time and the location where a commercial transaction took place.\footnote{Cerutti, \textit{Giustizia Sommaria}, 63-68.}

However, court cases contain mixed evidence about the application of individual responsibility, which for some economic historians is a hallmark of European “efficient” legal systems.\footnote{For instance, see Greif, Avner. \textit{Institutions and the Path to the Modern Economy: Lessons from Medieval Trade} (Cambridge: Cambridge University Press. 2006), 309-349.} On the one hand, the \textit{bailo} usually passed sentence based on oral or written commercial contracts stipulating the relations among different business partners. On the other hand, the practice of confiscation against business partners of a debtor/convicted illustrate that elements of communal responsibility too existed in court procedure. Unfortunately, the almost absence of both partnership contracts in court records and of specific reference to them in litigation processes hinders our understanding of the nature of all the contractual associations among different individuals. However, records show two kind of business partnerships: joint ventures among non-kin individuals and family partnerships.\footnote{For Venetian commercial partnerships, see Lane, Frederic C. “Family Partnerships and Joint Ventures” in ibid, \textit{Venice and History. The Collected Papers of Frederic C. Lane} (Baltimore: John Hopkins University Press, 1966), 36-55.}

An example of liability-related controversy is the dispute between the Venetian merchant Zuanne Bernardis and four Jews—Mose Sami, Mose Abravanel, Salomon Abravanel, Iosua Verioti—in 1609 over a business dealing (\textit{mercato}). This group of Jews had jointly (\textit{in solidum}) purchased 12 Venetian silk cloths from Zuanne, but, among them, Salomon had not paid the latter for the cloth he had received. Zuanne brought
Mose Sami and Mose Abravanel to court and demanded his credit from them. The defendants rejected his demand on the grounds that Salomon was not their partner (compagno). However, the bailo sentenced them to make payment because the four Jews had taken part to the commercial dealing in solidum.47 This case shows how, sometimes, the liability extended only to the business associates involved in the commercial transaction at issue.

In another dispute, in December 1615, a Galata’s native Zuanne Turiglia, sued the Venetian Iseppo Vidali over a credit of 26,855 aspers. which he owed towards his late brother Ludovico. According to Zuanne, Iseppo, being brother and heir of his creditor, was responsible for the latter’s debt. Iseppo’s legal representative (avvocato), Andrea Timon, submitted to the court a document of power of attorney (procura) drawn by a public notary in Venice in which Iseppo’s father, Stefano Vidali, appointed him, as his representative to collect Ludovico’s estates in Istanbul. Since the document specified Stefano as the only heir of Ludovico and not Iseppo, the bailo ruled against Zuanne, but invited him to recover his credit from Ludovico. Again, the bailo’s ruled following a contract stipulating the agency relations of everyone engaged in a business transaction.48

However, the mandates of confiscation show an important element of communal responsibility in the procedures of the Venetian consular court. In 436 cases, upon the request of a creditor, the bailo ordered the seizure of the goods and credit of a debtor

47 BAC 276, reg. 395, fols. 123v/124v (19 August 1609).

48 BAC 278, reg. 400, fols. 128v/129r (9 December 1615).
from the hands of a third individual which possessed them at that moment. This practice affected a third party who was not responsible for the controversy between the two parties. This third party could complain against such confiscation since it might disrupt his commercial activities and he could start a lawsuit against the creditor/plaintiff over the removal of the confiscation.

An instance of this practice is the dispute of the Venetian merchants Nicolo Soruro and Zuanne Maria Parente against the French merchant Cristoforo Daschiere over the ownership of a jeweled box in 1610. The two Venetians had received this box from the heirs of the late Venetian merchant Ieronimo Pianella for a debt owed to them by latter. In January 1610, Cristoforo had the bailo sequestrate the jeweled box since he owed a credit of 60,000 aspers towards Ieronimo, claiming that the latter had delivered the box to him in the previous year. In July, Nicolo and Zuanne appeared in court with Cristoforo to remove the confiscation mandate. The bailo, after examining the will of Ieronimo, ruled in favor of the two Venetians, and he invited Cristoforo to retrieve his credit from Ieronimo’s heirs.

An analysis of the names of the third parties who were victims of seizure orders shows that they were mostly (368 of 436 individuals, 84%) Venetian and Ottoman long-distance merchants, ship masters, and scribes, and other individuals providing services to them, such as wool-appraisers, commercial brokers, and sailors. In other words, such mandates for the seizure of goods and money took place mostly within the professional

49 Among 436 orders of confiscation, 158 (36%) were issued during the litigation of a lawsuit. The rest of these orders, 278 (64%), are single entries in the court registers. I analyzed them in the previous chapter.

50 BAC 276, reg. 394, fols. 277r/278v (29 July 1610).
community engaged in long-distance trade between Venetian and Ottoman lands.\textsuperscript{51} As our records indicate, communal responsibility for debts and other commercial issues generally did not extend to individuals who were not engaged in commerce and shipping. This notwithstanding, sequestration mandates represent a clear example of how features of communal responsibility persisted in the administration of justice in European merchant courts. In court procedures, they served the goal of accelerating the recovery of credits, the fulfillment of business contracts, and the resolution of lawsuits by endangering the commercial activities and the business reputation of the debtor in the mercantile community of Galata.\textsuperscript{52}

The \textit{bailo} as a commercial arbiter

A final key feature of the procedure was the role of the \textit{bailo} as an arbiter. Venetian and Ottoman merchants voluntarily applied to him to arbitrate their controversies according to widely known court procedures in commercial matters. As an arbiter, a third-party neutral actor, the \textit{bailo} mediated a solution to a dispute in order to satisfy both parties.\textsuperscript{53} His foremost concern was to promote the smooth conduct of trade and his rulings aimed to repair business relations rather than terminate them. Accordingly, he sought to find a quick solution which was acceptable to both parties.

\textsuperscript{51} I have been unable to identify the social and economic connections of the rest of the individuals (68).

\textsuperscript{52} Cerutti, \textit{Giustizia Sommaria}, 404. In studies of merchant courts, I have been unable to find reference to a similar procedure of seizing the monetary assets or goods of a debtor possessed by a third party.

\textsuperscript{53} On the role of the judges of merchant courts and European consuls as arbiters see Cerutti, \textit{Giustizia Sommaria}, 36; Calafat, Guillaume. “La juridiction des consuls français en Méditerranée” in Bartolomei, Arnaud, Guillaume Calafat, Mathieu Grenet, and Jörg Ulbert (eds), \textit{De l'utilité commerciale des consuls: l'institution consulaire et les marchands dans le monde méditerranéen} (XVIIe-XXe siècle) (Rome; Madrid: École française de Rome, Casa de Velázquez, 2018), 155-172, 157; Kessler, \textit{A Revolution in Trade}, 101-104.
according to shared notions of equity in commercial practice without referring to any state’s law, customs, or precedents.\textsuperscript{54} This settlement was not meant to penalize one side, rather, it allowed the two litigants to continue their commercial dealings. Such an arbitral role implied less-formalistic procedure on the bailo’s part, which aligned with the needs of long-distance merchants: quick proceedings and equity-based rulings.

The role of the bailo as commercial arbiter is evident in his judicial decisions. They are divided into two categories: sentences (sententia) and what I call “bailo’s rulings.” (terminatione).\textsuperscript{55} They differed from one another, first, in their costs: the rulings had a fixed price (18 aspers) while the costs of sentences changed according to the amount of the claims in dispute. Second, the rulings mostly instructed the litigants to follow a specific course of actions in order settle the controversy—by ordering them to produce proof, make an oath, produce surety—while sentences obligated an individual to fulfill a business obligation after it had been proven in court. Both types of rulings show the bailo’s goals to promote a speedy resolution of a controversy. Numerically, court rulings appear more numerous than sentences: 216 cases against 155 (out of 371 disputes ending with a final ruling/sentence by the bailo).

All the disputes described so far point to this outcome-oriented (quick settlement, continuation of business relations) approach of the bailo. Another telling examples is the following case. On August 7, 1614, Rabi Salomon Abeatar demanded that Pietro Miani

\textsuperscript{54} For the notion of equity in medieval and early modern merchant groups, see Donahue, Charles Jr. “Equity in the Courts of Merchants,” Tijdschrift voor Rechtsgeschiedenis [The Legal History Review] 72 (2004), 1-35.

\textsuperscript{55} In the indexes of all the services of the Venetian chancellery, these two types of legal acts belonging to the same category of acts (sentenze et terminiationi). BAC, 274, reg. 391, fols. 9v-13v (1604-1608, no days).
and Giacomo Rossi, the commercial agents (commessi) of the Venetian merchant Stefano Manzoni, pay him 83,000 aspers for two bills of exchange drawn in Venice by the merchant Pietro Siro to be paid by Stefano in Istanbul. Stefano did not pay Salomon, so he, first, protested the two bills in court, and, secondly, summoned Stefano there. Pietro and Giacomo responded that they could pay the bills in one of three ways: they could pay them after selling a load of leather in the port city of Izmir; by borrowing money from Salomon and committing the goods to the repayment; or by sending the goods to Venice in Salomon’s name at the latter’s risk since they did not want to pay to insure the goods. Salomon replied that he preferred to advance credit to Pietro and Giacomo and that he decided that this credit should be transferred to another Jew, Isaac Romano. The bailo ruled that the two Venetians should pay their credit to Romano in one of those three manners.\footnote{BAC 317, reg. 3, fol. 3v (7 August 1614).}

**Arbitration**

In the medieval and early modern Mediterranean arbitration was a preferred means to solve commercial conflicts. In arbitration, a third party out-of-court mediated between two parties following a flexible and less rule-bound procedure that aimed to reach a solution considered equitable by both sides. This procedure allowed a speedy resolution of a controversy, preserved the confidentiality of commercial transactions, and offered the possibility of healing rifts without irreparably damaging business relations and
reputation. Merchant manuals and preserved contracts of partnership instructed merchants to choose arbitration rather than court litigation to settle their controversies.

In the European legal tradition, there existed two forms of arbitration according to their protagonists, the arbiter and the arbitrator. The arbiter (arbiter ex compromisso) was a legal expert who ruled according to the prevailing law of a location. The arbitrator was the amicable restorer (amicabilis compositor) charged with reconciling the parties by proposing a compromise that they voluntarily chose to embrace. He ruled independently from local laws based on a vague but flexible principle of equity. The powers of both arbiters and arbitrators were voluntary: they were chosen by the parties who placed themselves under their determination at the time of election in an agreement contract called “compromise” (compromissum). This contract clarified the competencies and the procedures the arbiter/arbitrators would follow, stipulated the time they had to issue a decision, the determination of a penalty in case a litigant did not obey to the sentence. Their sentence (called laudum) was theoretically unappealable and it constituted a contract which state courts recognized and enforced.


58 For example, see Cotrugli, Benedetto. Il libro dell’arte di mercatura (edited by Ugo Tucci, Venezia: Arsenale, 1990), 219; Savary, Jacques. Le parfait négociant: ou Instruction générale pour ce qui regarde le commerce des marchandises de France, & des pays étrangers (Paris: Jean Guignard, 1675), 363. For an example of a contract of commercial partnership (compagnia) between Venetian merchants that stipulated arbitration as the means to solve any conflict between the business partners (compagni), see BAC 277, reg. 396, fols. 76r-79v (2 September 1611).

59 Venetian legislation stipulated the irrevocability of the arbiters’ rulings. Nani, Filippo. Pratatica civile delle corti del palazzo veneto (Venice, 1694), 252/253; Marrella/Mozzato. All’Origine dell’Arbitrato, 77.
In the records of the bailo’s consular court, all the individuals charged to arbitrate a controversy are called “arbiter” (\textit{giudici arbitri}) and their decision as “arbitration sentence” (\textit{sententia arbitraria}). Henceforth, I will refer to them as “arbiters”. In the years 1609-1620, the records of the Venetian chancellery include 51 instances of arbitration. In 23 cases, the bailo ruled that a lawsuit should be solved through arbitration and he either urged each side to elect an arbiter or he himself chose arbiters among Venetian merchants.\(^60\) In 28 instances, individuals brought to court an arbitration sentence for registration. Before doing this, they also notarized the contract of arbitration agreement (\textit{compromesso}). The number of arbiters was usually two, but arbitration contracts contained a clause that, in case of disagreements between them, the two arbiters could elect a third arbiter. They were all preeminent members of the mercantile community trading between Istanbul and Venice including mostly Venetian merchants and dragomans and Jewish merchants.

<table>
<thead>
<tr>
<th>Religion of the Litigants</th>
<th>Number of Disputes</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Christian Litigants</td>
<td>36</td>
<td>70%</td>
</tr>
<tr>
<td>Mixed Christian/Jewish Litigants</td>
<td>12</td>
<td>23%</td>
</tr>
<tr>
<td>All Jewish Litigants</td>
<td>3</td>
<td>7%</td>
</tr>
<tr>
<td>Total Number of Cases</td>
<td>51</td>
<td>100%</td>
</tr>
</tbody>
</table>

Table 5.5: The Religious of the Litigants in Disputes Decided by Arbiters (1609-1620)

There was disagreement among medieval European jurists over the unappealable nature of the rulings produced by arbiters/arbitrators. See Kuehn, “Law and Arbitration,” 25/26. This notwithstanding, evidence from commercial litigation in medieval European trading cities shows that appeals to arbitration sentences took place. Soldani, Maria E. “Arbitrati e Processi Consolari Fra Barcellona e L’Oltramare nel tardo Medievo” in Elena Maccioni and Sergio Tognetti (eds), \textit{Tribunali di mercanti e giustizia mercantile nel tardo Medioevo} (Biblioteca storica toscana, serie I, 2016). 83-105, 87/88.

60 For this form of top-down arbitration in European merchant courts, see Kessler, \textit{A Revolution in Commerce}, 70, 167; Soldani, “Arbitrati e Processi,” 88.
Arbitration took place among Venetian and Ottoman subjects for trade-related commercial matters. In 38 cases there was at least one Venetian merchant as a litigant, 10 of these cases involved disputes between them. In 12 cases, there was arbitration in disputes between Jews and Christians, while in other 3 cases it took place in an intra-Jewish conflict. No Muslims were involved in arbitration procedures. Arbitrations between Christians and Jews include 5 cases in which Jews chose Christian arbiters. However, in two disputes Jewish individuals operated as arbiters for Christians as well. The submission of Jews to the judgment of Christian arbiters and their role as arbiters in cases involving Christian litigants are a noticeable phenomenon since, according to Venetian legislation, Jews were excluded from processes of arbitration in Venetian courts. As it was the case with the testimony of Jews against Christian merchants, the role played by Ottoman Jews in commercial arbitration demonstrates the arbitral nature of the bailo’s judicial administration, which focused on the mediation of commercial conflicts rather than on the strict observance of legal norms.

An example of top-down arbitration is found in case from June 23, 1615, which involved the Venetian merchants Iseppo Giustiniani, Agustin Pina, and Nicolo Soruro. Before the bailo, Iseppo demanded that Agustin pay him 12,420 aspers to payout a credit of 42,360 aspers borrowed by Agustin in the name of the late Zuanne Maria Parente.

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61 In the years under study, the only non-commercial dispute settled with an arbitration was an inheritance-related dispute between two brother Venetian dragomans. BAC 277, reg. 397, fols. 294r-296r (16 June 1614).

62 For an instance of a Jewish merchant appointing a Christian arbiter and for one of a Christian merchant appointing a Jewish arbiter, see BAC 277, reg. 397, fols. 146 (26 March 1613) and 145v (12 March 1613).

Until his death, Zuanne Maria had been the commercial partner (compagno) of Nicolo, while Agustin was a helper (giovine di casa) of the two merchants charged with keeping records of their business transactions. Agustin rejected Iseppo’s demand, claiming that records of the alleged credit did not exist, and he asked him to show confirmatory documents. Nicolo suggested that Agustin bring to court accounting books (libri di compagnia) of the partnership between Nicolo and Zuanne Maria. The bailo ruled that each party should appoint a Venetian merchant to analyze the books and other records to resolve the controversy. He added that, if the arbiters disagreed over the resolution, they should appoint a third arbitrator. On July 15, the two arbiters, the Venetian merchants Zuanne Paolo Zois and Zuanne Battista Orlandi, issued an arbitral ruling out of court in Galata. According to it, Nicolo was expected to compensate Iseppo for latter’s credit towards the late Zuanne Maria. The arbiters encouraged Nicolo to settle the credit issue with Agustin. Several months later, on January 13, 1616, Agustin registered the arbitral decision in the chancellery.64

The bailo also appointed arbiters in dispute involving Jews. In 1615, Rabi Salomon Nassi sued the ship captain (capitano) Michielin Poliducati from Chania (Canea, in Crete), asking him to pay 47,040 aspers for a commercial agreement between himself and the late brother of Michielin, Manoli Poliducati. According to this agreement, notarized in the Venetian chancellery in 1606, Manoli had bought from Salomon an amount of leather valued 56,000 aspers and had committed himself to repay the latter 40,000 aspers in one year and 16,000 aspers sixteenth months later. After going to Chania, Manoli did not honor his commitment. Three years later, Manoli’s brother

64 BAC 278, reg. 400, fols. 65r (23 June 1615) and 138v (13 January 1615).
Nicolo Poliducati came to Istanbul and Salomon brought him to court. They reached an out-of-court agreement that stipulated that Nicolo pay 9,000 aspers immediately to Salomon and promise to pay 6,000 aspers yearly to extinguish Manoli’s debt. Three Jews witnessed this agreement. Later, Nicolo died, and Salomon demanded the payment from Michielin as the heir and partner of the late Nicolo. On August 26, the bailo delegated the dispute to the Venetian merchants Zorzi Giana and to the Venetian dragoman Tommaso Navone. They analyzed the public instrument of the original commercial transaction and heard the three Jewish witnesses while Michielin presented a power of attorney issued in Crete, which registered that he was the commissioner of the late Nicolo. The two arbitrators ruled that Michielin should pay Salomon 12,000 aspers. They also recommended that Salomon take the heirs of the late Manoli Puliducati to court—wherever they are to be found—to retrieve the goods and the credits owed to him.\footnote{BAC 278, reg. 400, fols. 89v (13 August 1615), 92r (26 August 1615), and 92r-94v (28 August 1615). In 3 cases the bailo also appointed a Jewish arbiter in intra-Jewish dispute. For instance, see BAC 278, reg. 400, fols 22r (8 April 1618) and 47r/48v (20 May 1615).}

Most of the arbitrations (28 cases) took place without the intervention of the bailo and the litigants used its chancellery only to register the arbitration sentence. These out-of-court arbitrations often took place among business partners (compagni). For instance, on July 10, 1613, the long-time partners Stefano Manzoni and Gabriele Siro registered an arbitration agreement over a controversy in the clearance of the accounts of their partnership (compagnia). They appointed two Venetian merchants, Iseppo Bozza and Giulio Antonio Alberti, as arbiters to analyze the accounting books of their partnership (libri di compagnia) and determine the credits for each of them and the division of the profits arising from different commercial transactions. On December 12, the arbiters
turned to the chancellery and verbally stated their decision. They ruled that Gabriele remained the debtor of 66,924 aspers towards Stefano for the transaction of a load of camlets sent to their agent there, Rocco Benedetti, in Venice, and that they equally divide the profits from the sale of a small ship (saettia) jointly owned by them as well as the credits owed to their partnership by third parties.\footnote{BAC 277, reg. 397, fols 222r/223v (12 December 1613)}

As mentioned above, individuals could appeal the decisions issued by arbiters. This happened in two instances when new proof became available. For instance, on January 15, 1613, the Venetian merchants and brothers Pietro and Lorenzo Arrigoni and Rabi Leon Bianchi elected two Venetian merchants, Zuanne Paulo Zois and Francesco Pencini, to solve their dispute over the price of a load of wool and some spoilt silk Venetian textiles, which were the objects of a commercial agreement between the two parties. After hearing Jewish witnesses (the brokers of the transaction) and reading (unspecified) documents produced by both sides, the arbiters decided that Leon had to pay 260 aspers for pick (pico) for a number of Venetian fabrics, but that he remained exempted from the payment of two dyed silk cloths (archimia) because the Arrigoni brothers had failed to produce evidence that those goods were part of their original agreement.

On March 25, Pietro turned to the chancellery asking the arbiters to hear the case again since he had two new witnesses and new proofs on his behalf. Leon rejected the request on the grounds that the arbiters’ sentence was unappealable according to their arbitration agreement. However, the bailo ruled that Pietro should swear an oath that
previously he had not known about the new witnesses and the proofs that he wanted to produce, and that, after the oath, the arbiters should rehear the case and pass judgment within three days. On March 29, the arbiters Francesco and Zuanne Paulo registered the new arbitration sentence in court. According to it, after hearing two new witnesses, the Venetian merchant Ludovico Vidali and the wool appraiser (cernidore) Ippolito Perla, the arbiters confirmed their previous decision.67

Overall, arbitration, either chosen by the bailo or by the litigants themselves out-of-court, took place in fewer instances than formal litigation in the Venetian chancellery: 51 disputes in 11 years—5 disputes every year—while the 23 cases of top-down arbitration constitute only 5% of all the lawsuits litigated in the Venetian chancellery.68 The limited use of arbitration contrasts with the popularity of arbitration in merchant manuals and the related emphasis by scholars that it was a preferred way to solve trade-related controversies.69 As far the top-down arbitrations are concerned, one of the reasons of their scarce occurrence vis-à-vis litigation in court might have been the length of the procedure itself. 15 of the 23 disputes that the bailo decided to be solved through arbitration entailed more than 3 different phases, such as the appointment of arbiters, the

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67 BAC 277, reg. 397, fols. 146v-149r (26 March 1613), 151r/152v (20 March 1613), and 155v (30 March 1613). The long arbitration sentence included ten matters (capo) of dispute over which the arbiters issued a decision. For another instance of appeal to the decision of arbiters see BAC 278, reg. 400, fol. 151r (30 January 1616).

68 It is also plausible that businessmen did not register many out-of-court arbitrations due to avoid the costs of notarization. However, unregistered arbitration decisions could not constitute legal evidence in court.

69 For instance, see Gelderblom, Cities of Commerce, 108.
litigants’ submission of evidence to them, and the sentence and its enforcement after the 
bailo issued a warrant (intimatione) for it. 70

 Appeals to Venice

Another type of procedure in the bailo’s chancellery was appealing to Venetian 
magistracies in the metropole. In Venetian territories in Italy and the Levant, the 
possibility of appealing sentences imposed by local judicial officials was a nodal point in 
Venice’s governing policy. Any Venetian subject, irrespective of social status and 
religious affiliation (for instance, the Jews of Crete), could appeal to Venice. In the 
seventeenth century, the two principal courts in Venice that heard appeals from Venetian 
territories were the Auditori Nuovi alle sentenze (for civil disputes) and the Avogaria di 
Comun (for criminal cases). The appellate system allowed Venetian magistracies a degree 
control over the administration of justice in the subject territories limiting the judicial 
power of Venetian officials and it constituted a unifying element throughout the 
administratively and jurisdictionally heterogenous Venetian domains. 71

Venetian and Ottoman subjects in Istanbul too enjoyed the right to appeal the 
bailo’s verdicts to Venetian magistracies. Between 1612 and 1620, such procedure took 
place in 27 cases. In 11 instances, Ottoman Jews appealed to the sentence of the bailo

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70 For an instance of a lengthy arbitration process, see BAC 276, reg. 394, fols. 75v/76v (1 June 1609); 105r 
(3 August 1609), 126v (1 September 1609), 171r (6 December 1609), 173r (15 December 1609).

71 On the Venetian appellate system, see Cozzi, Gaetano. “La politica del diritto nella Repubblica di 
Venezia,” in Gaetano Cozzi (ed.), Stato, società e giustizia nella Repubblica Veneta (sec. XV–XVIII) 
(Rome, Jouvence, 1980), 15-145, 69/70 and 114-121; O’Connell, Monique. Men of Empire: Power and 
Negotiation in Venice’s Maritime State (Baltimore: Johns Hopkins University Press, 2009), 84-95; Lauer,
Rena N. Colonial Justice and the Jews of Venetian Crete (Philadelphia: University of Pennsylvania Press,
2019), 90/91; Setti, Cristina. “L’Avogaria di Comun come magistratura media d’appello.” Il diritto della 
regione. Il nuovo cittadino. Rivista bimestrale 1 (2009), 143-171; Ferro, Dizionario, Vol. 1, 117-123; Nani,
Prattica civile, 166-205.
while no Muslims ever used this procedure. Most of the appeals (23) were addressed to the *Auditori Nuovi* while the rest (4 cases) went to the Venetian Board of Trade (*Cinque Savi alla Mercanzia*). This latter magistracy had jurisdiction over lawsuits involving Ottoman Muslims and Jews residing in Venice. Despite this regulation, in 7 cases, Jews appealed to the *Auditori* instead. In the seventeenth century, this latter institution heard appeals only in disputes with claims smaller than 100 ducats (120,000 aspers in 1615). For larger claims, they transferred cases to the *Quarantia Civil Nova.*

An instance of appeal to the *Auditori* is the dispute, started in April 1620, between two Venetian merchants, Ieronimo Grattaruolo and Teodoro Lusi over the sale of a necklace made up of forty pearls (146 carat each). On April 28, Ieronimo demanded that Lusi pay for pearls since, according to a commercial agreement, the former’s principals in Venice, Zuanne Vendramin and Taddeo Stella, had instructed him to do. Lusi replied that he had sold the necklace, he had sent a bill of exchange to Venice valued 608 Hungarian florins (*ungari*), and that he had instructed his son Francesco to settle the transaction with the principals. The *bailo* sentenced Teodoro to deposit in the chancellery the monetary value of the pearls while awaiting news from Venice about the settlement of the transaction. On May 2, Teodoro appealed the *bailo’s* ruling to the court of the *Auditori*. As it was the norm in instances of appeals to Venetian courts, the *bailo* wrote a

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letter to the *Auditori* to accompany a copy of his sentence and the appeal demand written by Teodoro. Unfortunately, we do not know how the case eventually ended in Venice.\(^{73}\)

All four appeal disputes heard at the Board of Trade stemmed from the same episode of shipwreck. On May 17, 1617, a group of 8 Jewish businessmen brought to court Dimitri Toderini, a shipmaster from Trikala (in Thessaly), who was engaged in shipping between Istanbul and Venice in the 1610s and 1620s. Divided in pairs of business partners (*compagni*), the plaintiffs filed four separate lawsuits against Dimitri over the payment of four bills of exchanges (valued at 871, 420, 400, and 435 sequins, respectively) drawn by him in June 1614. Dimitri had committed himself to pay back the bills to the Jewish lenders with the condition (*obbligo*) that, while sailing back from Venice to Istanbul, he would carry on his ship (called *nave naranzera*) a load of Venetian fabrics belonging to the lenders. While returning to Istanbul, the ship had sunk near the Aegean island of Bozcaada (Tenedos), and the Jews in court demanded the Dimitri repay their credit. He rejected the request on the grounds that the “the obliged fabrics in the agreement took a risk” (*correvano il risio*) during the navigation. The *bailo* ruled in favor of Dimitri but his Jewish creditors appealed to the Venetian Board of Trade.\(^{74}\) After several months, on December 2, this court reviewed the evidence and passed sentence reconfirming the *bailo*’s sentence.\(^{75}\)

\(^{73}\) BAC 280, reg. 403, fols. 138r (28 April 1620) and 143 (2 May 1620). During a preliminary research of the extensive archives of the *Auditori Nuovi* I was unable to find documents about the *bailo*’s sentences appealed in this institution. So far, I checked the 5 registers for the years 1612-1617. ANS 217-221.

\(^{74}\) BAC 279, reg. 403, fols. 55v-59 r (17 May 1617).

\(^{75}\) CSM, Prima Serie, busta 30, fol. 257r (1 December 1617). Unfortunately, the records of this institution contain no information about the procedure of legal review, and they tell us only the court’s final decision.
Appealing sentences of the bailo to Venetian tribunals was a rare practice in the years under study: it took place in only 27 of all 434 lawsuits (that is, 6%) handled by the Venetian consular court. The costs of this procedure, which entailed fees for the use of the Venetian chancellery and the appellate courts in Venice, the costs of employing legal agents in the latter to conduct the appeal trial, and the overall length of the whole procedure, which lasted several months, must have been substantial. Given these two factors, an appeal procedure must have interrupted business transactions between litigants and harmed business relations. It is also likely that it constituted an escalation of a conflict, and it could have aimed at either delaying possible sanctions or promoting out-of-court settlements to avoid damaging business relations.76

5—Enforcement and the Limits of the Court Jurisdiction

How could the bailo enforce his sentences? According to international treaties, he possessed judicial authority only over disputes between Venetian subjects. However, as this chapter has amply demonstrated, he ruled over many disputes involving Ottoman subjects belonging to different religious communities. In theory, nothing could have stopped an Ottoman subject from refusing to appear in the Venetian consular court when subpoenaed or, if he had been convicted by the bailo, from disregarding the sentence. What were the actual limits of his jurisdiction? How could he get non-Venetians to comply with his decisions?

76 Working on the judicial systems of the late medieval and early modern Low Countries, Oscar Gelderblom maintains that the length of the appeal procedure was responsible for the little number of appeals to higher courts by local and foreign merchants. Cities of Commerce, 126-133.
Court records contain only two instances of individuals rejecting the jurisdiction of the bailo or declining to conform to his judgment. For instance, on October 30, 1623, the Venetian merchant Francesco Lioni sued two Muslims, Piyale Beşe and Ahmet Beşe, who accompanied the merchant caravans travelling between Istanbul and the Adriatic port of Split (Spalato) in Venetian-held Dalmatia. In the chancellery, Francesco demanded that Piyale and Ahmet pay him 200 ducats for some goods which, he claimed, they had not delivered to Split. Ahmet and Piyale rejected the charge on the grounds that they did not recognize the judicial authority of the bailo but only that of the kadi.\(^7\)

Such instances of outright rejection of the bailo’s jurisdiction are exceptional. There existed two formal ways to require a litigant to conform to the bailo’s judgment. First, at the beginning of a lawsuit, a litigant (or the bailo through a judicial order) asked the other to produce surety (piezaria) that he would abide by the bailo’s sentence. For instance, in October 1616, Rabi Iacob Camiz and Rabi Isaac Aluf were in dispute with the shipmaster Dimitri Toderini over an unpaid bill of exchange (871 sequins). Another Jew, Rabi Isaac Castiel in court agreed to serve as surety that the two Jewish plaintiffs would comply with the sentence of the bailo and would not go to the Ottoman courts with the condition that, within three days, Dimitri had to produce a guarantor.\(^7\)

Second, one litigant or the parties could agree to register in court that they promised to submit themselves to the bailo’s judicial authority. The registered

\(^7\) “riconosciamo solo la giustizia del Cadi.” BAC 346 (unnumbered document). Despite taking place outside the years of this study, I show this rare case as it shows the rationale for not accepting the jurisdiction of the bailo by Muslim defendants. The other case involves a French ship captain, BAC 279, reg. 402, fol.133r (14 October 1617).

\(^7\) “…che staranno al giudizio del bailo e non andranno alla giustizia turchesca.” BAC 278, reg. 400, fol. 294v (26 October 1616).
commitment was called *constituto* or *obbligazione*.\(^{79}\) For instance, in 1616, the brothers Rabi Isaac Navon and Rabi Iacob Navon brought to court the Venetian merchant Simon Tosi to demand him the fulfillment of a business agreement. Before the *bailo*, they voluntarily declared that they recognized the *bailo*’s jurisdiction, and, subsequently, they asked that the *bailo*’s sentence be unappealable. The parties notarized the agreement in the chancellery.\(^{80}\)

However, these two procedures took place only in 16 disputes and involved only Jewish and Muslim individuals. In the rest of religiously mixed cases (133 cases), litigants did not formally pledge to accept the judgment of the *bailo*. This suggests that, rather than constituting a usual practice, registering a contract of surety or a commitment might have constituted only an additional guarantee that the adversary would comply with the final sentence. The few instances of formal commitment shows how matters of reputation within the mercantile community of Ottoman Galata influenced judicial practices. The Venetian consular court was an old and well-known institution of commercial arbitration in Ottoman Istanbul, which was employed by long-distance merchants engaged in the Ottoman/Venetian trade. Failing to abide by his rulings must have had entailed serious reputational costs for the businessmen and it might have endangered future commercial operations. Such costs might have been provided litigants with strong incentives for self-enforcement.\(^{81}\)

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80 BAC 278, reg. 400, fol. 140r (13 January 1616).

If the convicted party did not comply with the bailo’s sentence, the latter could order his arrest and imprisonment at the hands of the Janissaries at the service of the embassy. There was a prison on the premises of the Venetian embassy for Venetian subjects convicted by the bailo or by Venetian officials in the metropole or the Levant. While the court’s marshal had the authority of communicating the sentence to convicted individuals, only the embassy’s Janissaries were responsible for arresting convicted individuals. The role of the Janissaries, who were members of an elite military corps of the Ottoman Empire, shows the involvement of Ottoman officials in the operations of the Venetian consular court. Unfortunately, we do not know whether, in such capacity, the embassy’s Janissaries operated in consultation with or without the knowledge of other Ottoman authorities, like the kadi or the executive officials of Galata (ehl-i örf).

In the years under study, we find only three cases of imprisonment of individuals: they were all low-status Christian individuals who could not pay their debts and went bankrupt. The amount of such debts was not higher than 60 sequins (7,200 aspers). No Venetian merchant was imprisoned for bankruptcy. An arrest was highly detrimental to one’s business reputation of a businessman because it entailed public shaming with the physical arrest and the sequestration of the defaulter’ assets. Furthermore, the arrest of a debtor could endanger future business operations with him.

For instance, on January 12, 1616, Grigor, an Armenian from Ankara, applied to the chancellery to retrieve a credit and he obtained from Alessandro de Luca the

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83 On Venetian law and bankruptcy, see Cassandro, Giovanni. Le rappresaglie e il fallimento a Venezia nei secoli XIII-XVI (Turin: S. Lattes, 1938), 89-136.
confiscation of several wine barrels that belonged to Rabi Salomon Masariti, a Jew living in Chania (Crete). Alessandro was the agent of Salomon in Istanbul. Salomon was indebted to Grigor for an unspecified previous business exchange. The following day, the two parties appeared in court and the bailo sentenced Alessandro to pay Grigor 60 ducats for a bill of exchange drawn by Salomon in 1613 and to pay custom duties for the wine barrels. Alessandro was then unable to pay that sum, and he was imprisoned in the bailo’s embassy. Two weeks later, an agent (intraviente) of Alessandro paid the sum to Grigor, and, on January 26, the bailo released the former from prison.84

Apart from imprisonment, another way for the bailo to enforce his judicial decisions was, at least theoretically, pronouncing a boycott (batellazione) against a convicted individual. According to this order, no member of the Venetian community could have business dealings with the boycotted individual, otherwise they would be fined to pay a substantial monetary fine. Like the arrest, a boycott entailed substantial reputational and economic damages for the victim. In the years under study, we do not find instances of this practice for individuals who failed to obey the sentence of the bailo. The only instances of boycotts (5 cases) were made upon the request of Venetian merchants against Ottoman subjects, both Jews and Muslims, who were indebted towards the former and had refused to pay their debts, or when Ottoman subjects failed to pay consular duties (cottimo) to the bailo.85

84 BAC 278, reg. 400, fols. 138v (12 January 1616) and (13 January 1619), and 147r (26 January 1619).
85 For instance, see a boycott against the Muslim tanner (“tabaco,” tabak) Hoca Bekir from Üsküdar who was indebted to two Venetian merchants. BAC 280, reg. 403, fol. 236v (14 December 1620) and that against a group Jewish merchants who had failed to pay the cottimo duties to the bailo, BAC 276, reg. 394, fols. 238r/239r (2 July 1610). On the practice of boycotts in Venetian communities in the Levant during the late medieval period, see Ashtor, Eliahu. *The Levant Trade in the Later Middle Ages* (Princeton: Princeton University Press 1983), 400; and Tucci, Ugo. “Mercanti veneziani e usi di piazza ad Alessandria alla fine
Finally, apart from enforcement restrictions, another limit of the bailo’s jurisdiction was the actual type of dispute he could deal with. As noted above, the bailo exclusively adjudicated disputes concerning Ottoman/Venetian trade and arising from trade- and shipping-related controversies. Could he hear cases unrelated to commerce? The following dispute provides clues on this question that can help to answer this question.

On September 3, 1610, Madonna Caterina Pirone, the wife of Benetto Salvago (a Venetian dragoman), her mother Madonna Teodora Pirone, her brother Stefano Pironi, and Gianesino Salvago, another Venetian dragoman, and his brothers appeared before the bailo. The Pirone and Salvago families were two prominent Catholic families of Galata, whose members engaged in Venetian-Ottoman trade and served as dragomans for the Venetian embassy. Stefano Pironi demanded that Gianesino and his brothers pay the dowry of his sister Caterina. Gianesino rejected such demand on the grounds that Caterina and her husband Benetto were “Ottoman subjects” (sudditi turcheschi) and that they had received her dowry according to “local customs” (l’uso del paese). He added that Caterina and Benetto should go to the Ottoman tribunals (foro turchesco) to pursue their claims against him and his brothers. Caterina then intervened, stating that, despite the fact that she, her husband, and her brother were Ottoman subjects, she wanted to produce surety that she and her husband would comply with the bailo’s sentence in that dispute. After hearing the two sides, the bailo ruled that, with Caterina and her husband

being Ottoman subjects, the Ottoman courts and not a bailo should hear her demands. He then gave permission to the dragoman Gianesino to apply to these courts.86

This dispute shows both the limits of the bailo’s jurisdiction and his politics of justice. The defendants rejected the bailo’s jurisdiction over the case by claiming that plaintiffs were Ottoman subjects and Ottoman tribunals should handle the case. This last argument reflects the article of the Capitulations that stipulated that Ottoman legal institutions had jurisdiction over mixed Ottoman-Venetian cases.87 This case is one of the very few occasions in court records when litigants in the courts strategically used political affiliation as an argument in their defense. Both Benetto Salvago and Gianesino Salvago were Venetian dragomans. As we have seen, in Chapter 1, the baili in the seventeenth century strove to have their membership in the Venetian community recognized by Ottoman authorities. The same individuals appear in other lawsuits without claiming their Ottoman subjecthood.88

The bailo rejected to hear this case since the plaintiffs were “Ottoman subjects.” This is the only instance I have encountered in which the bailo refused to deal with a lawsuit using such an explanation. Furthermore, he allowed his dragomans to appeal to Ottoman courts—another rare procedure. As we have seen throughout this chapter, the bailo passed judgment in many legal suits involving Ottoman subjects, especially Ottoman Jews. Rather than the political affiliation of the litigants, the refusal to deal with this case likely stems from the nature of the lawsuit itself, a dowry-related controversy.

86 BAC 276, reg. 394, fols. 237v/238v (3 July 1610).
87 See Chapters 3 and 6 on the Capitulations’ rulings on mixed Ottoman-Venetian disputes.
88 For instance, see BAC 277, reg. 396, fol. 39r (13 May 1611).
The *bailo* as a Venetian consul operated as arbiter in disputes concerning Ottoman-Venetian trade following merchant customs and Venetian legislation. Dealing with a contested dowry required him to engage with the family’s customary norms of Galata’s Catholic community, which lay outside his customary and officially recognized jurisdiction. In other words, it was the nature of the case rather than the group membership of the litigants that determined the actual jurisdiction over this dowry-related dispute.

6—The *Baili* and their Politics of Justice

The equity-based procedure of the Venetian consular court allowed long-distance merchants to solve their controversies under the same legal procedure irrespective of religious, social, and political status. However, the court operated within the wider political and economic context of the seventeenth-century Mediterranean. Venetian efforts to maintain peaceful relations with the Ottomans and to promote Venetian and Ottoman trade in a period of growing commercial competition by European competitors unavoidably affected the administration of justice in the Venetian chancellery. While in the previous two chapters we discussed the openness of this court to non-Venetian merchants, here I provide evidence of the interrelations between political/economic concerns and the procedure chosen by the *bailo* to settle disputes.

On May 23, 1617, Şeyh Hacı Ali, a merchant from Aleppo, brought to court two Venetian merchants, Ieronimo Agosti and Iacomo Lioni over a surety contract. Three years before, in June 1614, Zorzi di Lazzaro and Marco Mutio, respectively the shipmaster and the scribe of a Venetian ship (*Nave Paradisa*), had borrowed 3,500 ducats
from Ali and four other individuals (three Muslims and a Jew) for the expedition of the
said ship from Istanbul to Venice. They had drawn up five bills of exchange and
promised to pay that sum, once in Venice, to the brothers Alessandro and Niccolò
Nobiloni, the commercial representative (commesso) of Ali. Furthermore, they committed
the ship with its setup (arredi) to that payment. However, in Venice, Zorzi and Marco
remained debtor of 435 ducats towards the Nobiloni brothers. Consequently, in March
1615 in Istanbul, Ali, who represented himself and the other creditors (the Jewish one
included), complained with the bailo about his credit, and, in the chancellery, he
registered a legal representative (procuratore) to recover his credit in Venice from the
Nobiloni brothers.

The bailo informed the Venetian government and the Board of Trade about this
case, urging it to expedite the resolution of the controversy—especially since Ali had
threatened to conduct “acts of retaliation” (rapresaglia) against Venetian merchants. We
do not know what these threats consisted of, but we can hypothesize that they might refer
to Ali’s appeal to Ottoman courts and authorities. The Board of Trade investigated the
case, and, seemingly in a way to appease the creditors, in November 1615 it ruled that
two Venetian merchants had to stand surety for Ali’s credit as long as the shipmaster and
scribe did not fully pay the Nobiloni brothers. Following this ruling, in June 1616, in the
bailo’s court the merchants Gironimo Agosti and Giacomo Lioni agreed to stand surety
for the credit of the Muslim businessmen. Eleven months later Hacı Ali had not retrieved
his credit yet and he brought to court the two Venetian merchants. After evaluating all
existing evidence, which included the private correspondence between Hacı Ali and the
Nobiloni brothers and a public instrument of a Venetian notary over the credit, at the end
of May 1617 the bailo sentenced Gironimo and Giacomo to pay Hacı Ali for their surety contract.\(^8^9\)

The procedure followed by the bailo to settle this controversy involved, on his request, the intervention of the Venetian government and a special Venetian magistracy, namely the Board of Trade. This procedure place exclusively in important cases in the years under study. Such rare instances (only 3 cases) involved affluent Muslim businessmen in Galata who threatened the Venetian mercantile community by appealing to Ottoman authorities, or who had business connections with Ottoman grandees like royal merchants.\(^9^0\) Given the potential risks for Venetian-Ottoman trade from such disputes, the bailo strove to involve other Venetian officials to settle them as quickly as possible without the intervention of Ottoman legal and administrative authorities.

Venetian and Ottoman records from the second half of the sixteenth century onwards, are replete of examples of important trade-related controversies involving well-to-do Ottoman Christian, Jews, and Muslims, that led to diplomatic crises between Venice and the Ottoman Empire and threats to interrupt trade.\(^9^1\)

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89 This dispute produced several entries in the archives of the bailo’s chancellery and of other Venetian institutions. For the notarization of the four bills of exchange, see BAC 277, reg. 397, fols 296r/297v (17 June 1614); for Ali’s power of attorney, see BAC 279, r. 401, fol. 74 (26 October 1616); for the surety contract, see BAC 278, r. 400, fol. 219 (27 June 1616); for the bailo’s sentence, BAC 279, r 402, folio 64 (23 May 1617); and, for the ruling of the Venetian Board of Trade, see CSM, Prima Serie, busta 144, fols 61r/62v (26 November 1615). For the letter of bailo to the Venetian government over the controversy and Ali’s threats against Venetian merchants, see SDC, filza 80, No 8 (3 October 1615).

90 For instance, see the lawsuit of Resul Ağa ibn Abdülgani, a merchant with connections to the şeyhülislam Esad Efendi. BAC 280, reg. 403, fol. 220v (21 November 1620), and LST, Filza IV, No 608 (25 September 1618). For the third case, which involved the royal merchant Mehmed Ağa, see Chapter 8.

91 For other important trade-related disputes, see Arbel, Trading Nations, 95-144, and “Maritime Trade and International Relations in the Sixteenth-Century Mediterranean: The Case of the Ship Ghirarda (1575-1581)”, in Vera Costantini and Marcus Koller (eds), Living in the Ottoman Ecumenical Community. Essays in Honour of Suraiya Faroqhi (Leiden: Brill, 2008), 391-408; Stefini, Tommaso. “Ottoman Merchants in
6—Conclusion

In seventeenth-century Galata, regardless of religious and political affiliation, social status, merchants, shipmasters and scribes, and other individuals who were engaged in trade and shipping activities between Istanbul and Venetian territories shared a common need: how to quickly solve disputes arising from the every-day conduct of long-distance trade and navigation, and to repair business ties in order to continue commercial and shipping activities. The Venetian consular court addressed this specific need by offering its clientele a fast and equity-based procedure that allowed individuals belonging to different religious and political communities to solve their trade-related disagreements without the procedural burdens of positive law. Despite the limited enforcement power of this court in Istanbul, individuals filed a lawsuit there and they usually respected its sentences since this institution constituted an old-established forum of commercial arbitration in the Ottoman capital which served a professional community of merchants, shipmasters, scribes, and other individuals involved in long-distance trade and shipping between Istanbul and Venetian territories.

The fact that individuals belonging to different religious and political communities chose to litigate a dispute in the Venetian chancellery does not point to the existence of an international law merchant in the seventeenth-century Mediterranean. All lawsuits stemmed from commercial undertakings between Venetian and Ottoman territories. The lack of disputes unrelated to Ottoman/Venetian trade demonstrates that this court was not a Mediterranean-wide and open-access institution of commercial

arbitration despite its fast, equitable, and document-based legal proceedings. Rather than referring to an international law merchant, we should talk about a set of well-known procedures of dispute resolution that had been applied in the Venetian trading system in Istanbul and in the eastern Mediterranean since the medieval period. Within such system, any individual regardless of religious affiliation, membership in a specific political community, and even gender, was subject to the same rules in litigating lawsuits arising from long-distance trade and navigation.

However, the justice administered by the Venetian consular court had its own limitations which contradicted its principles of equity. First, the numerous instances of confiscation mandates against individuals who possessed the goods and credits of businessmen in dispute with other individuals indicate an important element of communal responsibility in the working of this institution. The victims of such practice had their goods and credits confiscated through no fault of their own and they suffered from business damage. Second, as the disputes involving affluent Ottoman Muslim businessmen show, the diplomatic and commercial setting of seventeenth-century eastern Mediterranean could affect the procedure of dispute resolution in the Venetian consular court. In order to safeguard Ottoman-Venetian trade and peaceful relations with Ottoman officials, in such cases the bailo endeavored to quickly solve complex commercial controversies by applying special procedures favoring one litigant which contradicted the equity-based summary procedure of his consular court.

Lastly, most of the individuals who initiated a legal suit in the Venetian consular court were preeminent members of the cosmopolitan professional community who traded between Istanbul and Venetian territories. They were Venetian merchants, shipmasters,
scribes—that is, the core of the Venetian mercantile community—as well well-to-do Jewish and Muslim merchants holding prestigious honorific and professional titles. We can explain the presence of such individuals as litigants, among other factors, by referring to the costs of court services in the Venetian chancellery. As we have seen in Chapter 3, court fees were substantial for many sectors of Istanbul’s population in the seventeenth century and might have limited the use of the Venetian chancellery for both low status Venetian and Ottoman subjects. The high price of court services is another element contradicting the principles of summary/mercantile procedure.

Overall, these limitations complicate our common description of European consular courts as the embodiment of impersonal judicial practices and points to the importance of local circumstances and judicial practices as well as international political and commercial contexts in the daily administration of justice for merchants.
Chapter 6: Venetians in Istanbul’s Kâdi Courts (1604-1625)

1—Introduction

On January 5, 1605, two Venetian merchants and business associates (şerîk), Nikola veled-i Soruri and Cama Mara veled-i Paranda (Nicolò Soruro and Zuanne Maria Parente), and an Ottoman Christian (zimmi) named Simun veled-i Marku appeared in the kâdi court of Galata (mahkeme-i şer'). The Venetians sued Simun over an unpaid load of broadcloth (çuka) worth 275 sultani and 60 aspers, which the latter and his partner Kostantin (another Ottoman Christian) had jointly (ber vech-i ıştıarak) bought from them in September 1604 but had yet pay for. The two Venetians submitted to the court a legal certificate (hüccet) issued by a deputy kâdi (naib) named Hüsam Efendi bin Mehmed, which certified their credit toward Simun. However, the latter rejected the validity of the hüccet and demanded evidence (beyyine) for his debt. Therefore, Nikola and Cama Mara brought to court two Muslim eyewitnesses from intra-muros Istanbul, Abdülkadir Hoca bin Hacı and Piri bin Nebi, who testified that they were present when Hüsam Efendi drew the document. Upon hearing their testimony, the kâdi ruled in favor of the two Venetian merchants.1

This brief episode from the extensive archives of the court of Galata shows an instance of commercial lawsuit started by Venetian subjects in an Ottoman Muslim court. Despite the fact that the Venetian community enjoyed considerable administrative, fiscal, and legal autonomy, it did not benefit from privileges of extraterritoriality. According to the Capitulations, Ottoman judicial officials had full jurisdiction over controversies

1 İSAM, GŞS 25, 143/B (14 Şaban 1013/5 January 1605).
between Venetian and Ottoman subjects. However, as we have seen in the previous two chapters, the bailo ruled over trade-related cases involving Ottoman subjects. Why then did Nikola and Cama Mara sue Ottoman Christians in a Muslim tribunal instead of the bailo’s consular court? What bodies of norms regulated the standing of Venetian subjects in Ottoman courts? Did Venetians, as subjects of a Christian foreign power, enjoy specific legal immunities and procedural privileges? What specific legal and economic services did they seek there?

This chapter addresses these questions by analyzing the use of kadı courts made by Venetian subjects in Istanbul in the first three decades of the seventeenth century. It focuses on the procedures followed by Ottoman courts during lawsuits—the methods of dispute resolution, the admitted proofs, and the role of out-of-court actors in judicial processes—and on the specific legal and economic deeds performed by Venetian subjects there. In this way, it illustrates how factors such as religion, membership in a foreign political community, and the political economy of Venice, might have affected the standing of Venetian subjects in kadı courts and the reasons why they appealed to either these or other forums of justice/notarial offices in early seventeenth-century Istanbul.

I put forth three main arguments. Firstly, despite the fact that the Capitulations introduced some important procedural privileges that improved the legal standing of Venetians in Ottoman courts, in the period under study Istanbul’s kadıs still applied standard Hanafi procedure in dealing with the lawsuits of Venetian merchants. This shows a marked degree of assimilation of Venetian subjects into the status of Ottoman non-Muslims (zimmi), at least as far as their interactions with Ottoman legal institutions are concerned. At the same time, the application of standard Hanafi legal procedure
constituted one of the main reasons why Venetian subjects overall made little use of kadi courts. Secondly, I demonstrate that, as it was the case with the Venetian chancellery, Venetian merchants principally sought notarial deeds in Ottoman courts rather than the adjudication of lawsuits. Thirdly, these courts did not operate independently from the political and socioeconomic context of early-seventeenth century Istanbul and Ottoman-Venetian relations. As shown by the intervention of Venetian baili in the resolution of civil and criminal disputes of Venetian subjects in kadi courts, major political and commercial concerns such as the smooth conduction of long-distance of trade could affect judicial processes in these tribunals.

By studying the legal and economic deeds of Venetian subjects in Ottoman kadi courts, this chapter contributes to current debates within the historiography of the early modern Ottoman Empire and the Mediterranean on the Ottoman legal system, the interaction between non-Muslims (in our case, Europeans) and Islamic institutions, and, more generally, on the interrelationship between long-distance trade and state institutions. First, it engages with current research on the relationship between the two main branches of Ottoman law—Hanafi Islamic law (Sharia) and sultanic legislation (kanun, which included the Capitulations)—in the administration of justice in kadi courts.2 By examining the legal and economic affairs the Venetian subjects in kadi courts, this

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chapter provides new evidence on how Hanafi Islamic law and *kanun* shaped legal practices in these Muslim tribunals.

Second, the chapter expands the still-limited literature on commercial and maritime litigation in early modern Ottoman Empire courts by showing how *kadi* courts dealt with legal controversies between Western Europeans and Ottoman subjects. Third, it illustrates the little-known role of Ottoman courts as notarial offices for international merchants. While there is a significant body of scholarship on the interactions between foreign merchants and state institutions regulating their activities for western Europe, we still have few studies for the Ottoman Empire, despite the fact that the latter was the destination or the origin of much European shipping in the Mediterranean.³

Lastly, this chapter contributes to these debates and venues of research through its quantitative approach: instead of focusing on a few significant case-studies of disputes or commercial transactions, it offers a study of all the legal and economic affairs of Venetian subjects in *kadi* courts of Istanbul over an uninterrupted series of years, 1604-1625. By these means, I uncover previously unnoticed patterns in the use of the *kadi* courts by European merchants, such as the prevalence of notarial transactions and the overall little use of this institution by them which contrasts with the much more prevalent use of this institution by Ottoman non-Muslims.

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2—Hanafi Islamic law and the Capitulations

In early modern Istanbul, Ottoman Muslim courts headed by 

_śadis_ and the Imperial Council ( _divan-i hümâyún_ ), a legislative and executive court under the authority of the Grand Vizier (the sultan’s deputy), handled civil and criminal disputes involving Venetian and Ottoman subjects. In addition to this adjudicative function _śadi_ courts also operated as notarial offices. Contrary to some contemporary European trade centers, such as Venice or Amsterdam, in Istanbul and other Ottoman commercial hubs the Ottomans did not create specialized courts, like boards of trade and admiralty courts, that dealt with commercial and maritime controversies and applied legal procedures distinct from those employed in ordinary state courts. Rather, the aforementioned two types of legal forums dealt with all types of controversy among Ottoman subjects as well as between Venetians and Ottomans alike, and applied the same bodies of law to all. The legal standing of Venetians in Ottoman courts was determined by the norms of the Hanafi Islamic law concerning non-Muslims and by rulings of the Capitulations on Ottoman justice, which belonged to the sphere of dynastic law ( _kanun_ ), the second domain of Ottoman law.\(^4\)

\(^4\) The Ottoman approach to the legal affairs of European merchants differed from that employed by the Mamluk rulers in medieval Egypt and Syria. The latter created special courts ( _siyasa_ ) manned by state officials to deal with disputes of Europeans with less formalistic legal procedures that those applied by _şadis_. See Apellániz, Francisco. “Judging the Franks: Proof, Justice, and Diversity in Late Medieval Alexandria and Damascus.” *Comparative Studies in Society and History* 58/2 (2016), 350-378.

Hanafi Islamic Law

According to Hanafi Islamic law, the official legal school of the Ottoman Empire, the beneficiaries of the Capitulations (called müstemin or “protected foreigners”) enjoyed a legal status akin to that of Ottoman non-Muslims (zimmi) in Ottoman courts in matters of “civil law” with a few different rulings regarding testimony and inheritance. In matters of “criminal law,” the Hanafi doctrine hesitated, and jurists held different opinions on the prosecution of specific offenses.

Like Ottoman Jews and Christians, Venetians and other protected foreigners suffered from the same key disability in Muslim courts, namely, the notorious ban on their testimony on the behalf of Muslims. Jews and Christians could testify only on non-Muslims. This disability was of utmost importance since, according to Hanafi jurisprudence, oral testimony (şehâdet) played a central role in judicial procedures in Ottoman courts. The testimony of at least two adult male Muslim eyewitnesses (udûl-i müslimîn)

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constituted evidence par excellence in civil and criminal lawsuits, and it also enabled the authentication of private documents in courts. Documents such as legal and business contracts and property titles alone did not amount to legal proof. Rather, they were instruments of litigation that needed to be corroborated by witnesses before a kadi in order to constitute legal evidence in adjudication processes.8

The testimony of Muslim men was also necessary to certify the identity of the individuals appearing in the court (ta’rif procedure) and to assess the honesty and social reputation of ocular witnesses (tezkiye-i şuhûd procedure). Lastly, Muslim procedural witnesses (şuhûdüllâh) had to be present during any court session in order for the court hearing itself to be legally valid.9 Being unable to act as witnesses, non-Muslims were excluded from all these important court procedures, and they had to hire Muslim witnesses to bring them to court to both support their stance during a lawsuit and to register legal and business contracts for the use in potential future disputes.10

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In the case of protected foreigners, their inability to testify against Muslims was coupled with a ban on their testimony against Ottoman Jews and Christians. According to the *Mülteka’l-ebhrur* penned by the jurist Ibrahim Halebi (d. 1549), one of the most important legal manuals for Ottoman *kadı*s, a *zimmi* could testify in favor or against a protected foreigner, while the reverse was prohibited. However, two protected foreigners could testify against one another as long as they hailed from the same country.11 The same rules can be found in many *fetva*s issued by *şeyhülislams* in response to queries of individual litigants during the entire early modern period.12

The explanation of such prohibition lies in Hanafi law’s rules over the admissible witnesses in court procedures. According to Hanafi jurists, the legitimate witness, even if he was non-Muslim, had to possess a series of moral attributes (above all trustworthiness and personal rectitude, *adl*) and performed religious and social duties that were officially recognized by judicial authorities and the members of the community in which he resided. At court *kadı*s inquired into the witnesses’ moral character before admitting their testimony by summoning members of the community to testify on their character.13 Protected foreigners lacked a locally established social and business reputation since, at least in the theoretical situations hypothesized by the Hanafi jurists, they resided in


Muslim lands only temporarily without establishing lasting social networks within their host society.

The territoriality of Islamic law also restricted the appeal to Muslim courts for disputes over business transactions that had taken place outside Muslim lands. The *Mülteka* states that if an Ottoman merchant (either Muslim or not) moves to the Abode of War (*dârü'l-harb*) to conduct business and becomes embroiled in a dispute with the subject of a non-Muslim ruler over a debt or an unlawful appropriation of one’s goods or capital (*gash*), and they later both move to the Abode of Islam, Muslim courts cannot hear their case. The same ruling applies to commercial disputes between two protected foreigners over business exchanges that had taken place in their native lands.\(^\text{14}\) According to Hanafi jurists, since the contested legal or economic transaction had occurred in non-Muslim lands, it had not been conducted according to Islamic legal norms. Therefore, the jurists-conceived divide between the Abode of Islam and Abode of War played a central role in attributing the jurisdiction of Muslim courts over the legal disputes of protected foreigners and Ottoman subjects alike trading abroad: *kadıs* and jurists considered as legally valid only those legal or business transactions conducted within the borders of Muslim polities, regardless of the religious and political affiliation of the litigants, and they heard lawsuits originating from them alone.\(^\text{15}\)

\(^\text{14}\) Halebi, *Mülteka*, 597/598. *Fetva* collections contain numerous queries over disputes originating from legal and economic transactions occurred in non-Muslim lands. For instances, see Yahya Efendi, *Fetava*, 100-114, and Düzenli, *Gayrimüslimlere Dair Fetvalar*, 353 No 1850, 355 No 1861, 357 No 1874.

The Capitulations

The Capitulations provided more specific rulings than legal manuals and fetva collections over the standing of Venetian subjects and other protected foreigners in Ottoman courts of justice. These diplomatic and commercial agreements fell within the sphere of dynastic law (kanun), the second main source of Ottoman law, which was tightly related to or directly derived from the third one, local customs (őrf). They were the product of the political, administrative, and judicial authority of the sultan (siyaset-i şeriyye, Ar. siyasa shariyya) and they represented continuation of pre-Ottoman customary practices employed by Muslim rulers in the eastern Mediterranean to deal with Western European communities.

The articles of the Capitulations concerning the administration of justice established the competencies of different Ottoman tribunals and the procedures to be followed there during lawsuits between Ottoman and Venetian subjects. Specific imperial orders and general decrees issued at the request of the baili during major commercial and criminal controversies added new norms in specific matters of legal procedures which were not covered by the texts of the Capitulations that also became part of the

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16 The complex relationship between Hanafi Islamic law and kanun constitutes a long-time debate within the historiography of the Ottoman Empire. For a critical summary of this debate, see Ergene, Boğaç. “Qanun and Sharia,” in Rudolph Peters and Peri Bearman (eds) The Ashgate Research Companion to Islamic Law (Burlington: Ashgate, 2014), 109-120.

17 On the Capitulations in the Ottoman legal system, see De Groot, Alexander “The Historical Development of the Capitulatory Regime in the Ottoman Middle East from the Fifteenth to the Nineteenth Centuries,” in Kate Fleet and Maurits van den Boogert (eds), The Ottoman Capitulations, Text and Context (Rome: Istituto per l’Oriente C.A. Nallino 2003), 1-46, 1/2; Panaite, Viorel. The Ottoman law of war and peace: the Ottoman Empire and tribute payers (Boulder: East European Monographs, 2000).
capitulatory system thereafter. Overall, the rulings concerning court procedures for
Venetians, constituted an example of the intervention of a ruler and his representatives in
the administration of justice at the local level—an intervention that Ottoman judicial
authorities at times opposed.\(^\text{18}\)

Concerning the jurisdiction of Ottoman courts over Venetian subjects, the
Capitulations stipulated that \textit{kadi} courts had jurisdiction over any dispute between
Ottoman and Venetian subjects. A Venetian dragoman had to be present during court
proceedings otherwise a \textit{kadi} could not hear the legal suit.\(^\text{19}\) In the event of a lawsuit
brought against the Venetian \textit{bailo} and Venetian consuls, the \textit{kadi} could not hear trials
that fell under the competence of the Imperial Council. The same rule applied for
controversies involving the heads of non-Muslim Ottoman communities and high-ranking
state officials.\(^\text{20}\) The Imperial Council also had jurisdiction over private disputes with
claims larger than 5,000 aspers.\(^\text{21}\) Lastly, these two courts could not prosecute either a
Venetian subject or the \textit{bailo} for the debt of another Venetian. The prohibition of

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\(^{18}\) In the sixteenth and the seventeenth centuries, the interventions of the Ottoman central government into
the administration of justice in provincial towns aroused the opposition of local jurists. See Meshal,
“Antagonistic Sharī' as;” Burak, Guy. \textit{The Second Formation of Islamic Law: The Hanafi School in the
Early Modern Ottoman Empire} (New York: Cambridge University Press, 2015); Baldwin, \textit{Islamic Law and
Empire}, 72-98.

\(^{19}\) See the Capitulations of 1606, lines 39/40. Theunissen, Hans. “Ottoman-Venetian Diplomatics: The Ahd-
names. The Historical Background and the Development of a Category of Political-Commercial

\(^{20}\) The same rule applied for controversies involving the heads of non-Muslim Ottoman communities and
high-ranking state officials. Wittman, \textit{Before the Qadi and the Grand Vizier}, 183.

\(^{21}\) The English Capitulations of 1601 firstly introduced this rule for claims larger than 4,000 aspers. Van
den Boogert, \textit{The Capitulations}, 48/49.
collective reprisals was of utmost importance for the smooth conduction of Venetian trade, and it was included in the Venetian capitulations since the fifteenth century.  

As far as court procedures are concerned, the Capitulations improved the weak standing of Venetian subjects in Ottoman courts in matters of legally admissible evidence. Firstly, they introduced the important ruling that testimony of Venetian subjects against Ottoman Christians was permissible. The Capitulations of 1604 states:

“Some Venetians are in dispute with non-Muslim Ottomans (harâçgûzar) and have Venetian witnesses residing in locus (ikâmêt idûp) but, at court, the Ottoman subjects maintain that only the testimony of local non-Muslims can be accepted and that of those Venetian Christians is invalid. Since all Christians belong to a single religious community (nasârâ millet-i vâhide), in a lawsuit the Venetian party can bring to court any resident Christian and their testimony is valid according to the Sharia.”

This ruling is striking since it overrules the Hanafi law’s prohibition against the testimony of protected foreigners on non-Muslim Ottoman Christians. By declaring any Christian group—regardless of denomination—as member of a universal Christian community (millet), the Capitulations allowed Venetian subjects to bring to court any Christian witness, included a Venetian, as long as he “resided” in the town where the dispute arose.

Other articles of the Capitulations deal with the admissibility of written evidence in Ottoman courts. Despite the legal ascendancy of oral testimony over documents

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22 See for instance, see the Capitulations of 1482, lines 30/31. Theunissen, *Ottoman-Venetian Diplomatics*, 374.

23 Theunissen, *Ottoman-Venetian Diplomatics*, 587, line 43/44.

24 In the early modern Ottoman Empire, Ottoman jurists never validated this ruling. According to the şeyhüislâm Ebussuud Efendi (office 1545-1574), such article of the Capitulations was the product of “uninformed scribes” (cehele-i Küttâb). Düzenli, *Gayrimüslimlere Dair Fetvalar*, 364, No 1911.
according to Hanafi law, the Capitulations introduced two important rules in favor of the use of written records in trade-related lawsuits involving Venetian subjects. First, they recommended that Venetians use *kadı* court to register their legal and business transactions with Ottoman subjects. Second, they stipulated that in case of a dispute over commercial exchanges (*beyʿ ü şişra*), a surety contract (*kefâlet*), or any other legal and economic transactions falling under the purview of Hanafi Islamic law (*umûr-i şerʿiyye*), an Ottoman subject could not sue a Venetian without evidence certifying that such transaction took place.

Contrarily to the contemporary Capitulations granted to other Western European powers, the texts of the Venetian Capitulations of the sixteenth and first half of the seventeenth centuries do not contain such rules, which were introduced by sultanic rescripts issued to *kadıts* in Istanbul and in the provinces. For instance, an imperial order sent to the governor (*beylerbeyi*), treasurer (*defterdâr*), and chief *kadı* of Cyprus in 1588 states:

“A Venetian merchant who engages with someone in my Well-Protected Domains in matters of selling, buying, guarantees, and other issues administrated by Sharia should go to the *kadı*, have him register such transaction in his safe-guarded book (*sicil*), and obtain a certificate (*hüccet*) according to the established customs (*âdet ve kanun üzre*). If a dispute takes place over such matters, the *kadı* should act according to the aforementioned documents and if the Ottoman plaintiffs do not possess written evidence and produce false witnesses (*şâhid-i zur*) residing in the same locality they cannot demand anything from the Venetian merchants.”

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25 ASV, DT, busta 8, No 976 (evâsi-t Muharram 997/ 11 November-9 December 1588) This is the earliest reference to such ruling on the behalf of Venetian merchants I have been able to find. The French and English Capitulations of the second half of the sixteenth century introduced this ruling which is absent in the contemporary Venetian ones. Van den Boogert, *The Capitulations*, 44, note 49. For similar rulings see for Istanbul and Aleppo see: BOA, ED 13.1, 10/31 (15 Ramazan 1013/ 2 February 2 1605) and MD 17901, 9/4 (evâlı-ı Rebî’ülevvel 1028/ 16-25 February 1619).
These rulings about written evidence introduced two important procedural privileges for Venetian subjects. Contrarily to established judicial procedure in kadi courts, oral testimony alone was not sufficient to prosecute a Venetian subject, at least for commercial cases, and registration of legal and economic deeds became mandatory. To my knowledge, apart from protected foreigners, no other non-Muslim communities in the Ottoman Empire enjoyed such procedural privileges in Ottoman courts. These rules were the outcome of diplomatic efforts of European ambassadors vis-à-vis Ottoman authorities, and they aimed to solve one of the main reasons of complaints against the Ottoman legal system, namely, the use of (presumably) false witnesses in court procedures against Europeans.\(^{26}\) However, they did not remove the need for Venetian or Ottoman plaintiffs to produce witnesses at court to authenticate documents previously obtained by kadis.

Overall, the articles of the Capitulations concerning Ottoman justice introduced important procedural privileges aiming to improve the standing of Venetian subjects vis-à-vis Ottoman ones during lawsuits. They forbade collective reprisals, prescribed the presence of Venetian dragomans during court hearings, enabled Venetian subjects to testify on Ottoman non-Muslims, and required Ottoman subjects to produce documentation issued by kadi courts to sue a Venetian for civil disputes. These last two rulings aimed to help the Venetians to overcome a key advantage of Ottoman subjects, both Muslim and non-Muslim, vis-à-vis them and other protected foreigners in Istanbul and elsewhere in the empire: the wealth of social relations (relational resource) that enabled an Ottoman litigant to deploy witnesses from local communities against a

\(^{26}\) On false and liar witnesses and their punishment see Bayındır. *İslam mubaheme hukuku*, 192-197.
Venetian subject or to serve themselves as such given their established public reputation in the locality. In the next paragraph we will see how far Istanbul’s kadi courts upheld the rulings in the early seventeenth century.

3—The courts of the kadi of Galata and of the kazasker of Rumeli

The courts

In early modern Istanbul, as in any Ottoman city, no formal division of jurisdiction existed among different kadi courts and the city’s inhabitants as well as foreigners could turn to the courts located in any district. My research for the period 1604-1625 focuses on the kadi of Galata and that of the kazasker of Rumeli.

The kadi of Galata had jurisdiction over a vast area (Galata kazalığı) including the walled town of Galata, where most Venetians and other Western Europeans resided and conducted business, Beyoğlu (the seat of the Venetian embassy), Kasım Paşa (the location of the Ottoman arsenal), the whole European shores of the Bosporus, and also some islands and settlements along the Marmara Sea. Together with Üsküdar, Eyüp, and intra-muros Istanbul, it was one of was one of the four judicial districts of the Ottoman capital.27

The kadi of Galata conducted his legal, notarial, and administrative duties in the premises of his house located within the town walls near the district main mosque, the

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27 The judgeship of Galata was one of the most prestigious judicial position of the Ottoman Empire holding the title of mevleviyyet, the jurisdiction of high-ranking kadıs. Uzuncarşılı, İsmail H. “İstanbul ve Bilād-i Selase denilen Eyüp, Galata ve Üsküdar Kadılıkları,” İstanbul Enstitüsü Dergisi 3 (1957), 25-32; Bulunur, Kerim İ. Osmanlı Galatasi, (1453–1600) (Istanbul: Bilge, Kültür, Sanat, 2014), 192-200.
Arab Camii. His office usually lasted between two and twelve months after which he was rotated to another judgeship. As civil and criminal judge, he dispensed justice to any individual regardless of religion, sex, and political status. The kadi conducted the trials and passed judgment while executive officers (ehl-i örf), like police chiefs (subaşı), enforced his sentences.

*Kadi* courts did not formally specialize in specific types of cases and all kadıs treated various kinds of civil and criminal disputes. However, research shows that the court of Galata had reputation for expertise in maritime affairs. Contrarily to the kadi, the staff of the court did not rotate as frequently as the kadi, and they had a knowledge of maritime customary norms. Furthermore, the court could summon to court local experts (ehl-i vukûf) of shipping and maritime customs, such as ship captains and sailors, to provide their expertise or act as mediators or arbitrators when dispute arose over cargos and ships. As we have seen in Chapter 4, this procedure took also place in the Venetian consular court.

Apart from his judicial authorities, a kadi was also a public notary and a state administrator. At his court, individuals registered all types of legal and economic contracts, and he was responsible for keeping an archive (divân) of private and state

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29 Other important executive officers with authority over the district of Galata were the Head of Palace Guards (bostancibaşı), the Chief of the Janissary Corps (yeniçeri ağası), and the Admiral of the Ottoman Navy (kapudan paşa), stationed in the imperial arsenal (tersane). Bulunur, *Osmanlı Galatası*, 222-232.

documents. As state administrator, the *kadi* represented the authority of the sultan by transmitting and executing the orders conveyed by the Imperial Council, maintaining peace and order in his district, controlling market prices, regulating the quality of products, etc.

At court, the *kadi* was surrounded by assistants/deputies (*nâib*), scribes (*kâtib*), procedural witnesses, and other court officials, who too played an important role in the judicial processes. *Naibs* helped the *kadi* in the functioning of the court and represent him either in his absence or when it was necessary for judicial authorities to travel both inside or outside the walled town of Galata to conduct investigations and hear and decide cases. The scribes recorded court operations, kept the court’s ledgers (*defter*), and prepared legal and economic documents (*hüccet*) for the private use of court clients. Contrarily to the *kadi*, the court employees were all members of the local community, and they possessed knowledge of local customs and expertise of specific types of controversies, like maritime affairs.

In seventeenth-century Istanbul, the court of Galata was subordinate to that of intra-muros Istanbul (*İstanbul mahkemesi*), the tribunal of the *kazasker* of Rumeli (*Rumeli Sedâret mahkemesi*), and the Imperial Council headed by the Grand Vizier. My

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32 Jennings, Ronald C. “*Kadi*, Court, and Legal Procedure in 17th C. Ottoman Kayseri,” *Studia Islamica* 48 (1978), 133–172. A *kadi* also supervised the administration of religious endowments (*vakıf*).

33 Other court functionaries included the usher (*muhzir*) who acted as court police summoning people to court, the bailiff (*mûbaşır*), and procedural witnesses (*şuhûdûhâl*). On court officials and their importance in judicial processes, see İnalcık, Halil, “*Maḥkama / Ottoman Empire / Early Centuries*,” *Encyclopaedia of Islam, Second Edition*; Ergene and Coşgel. *The Economics of Ottoman Justice*, 65-102.
research shows that, in years under study no Venetian, appeared in the court of Istanbul, which had jurisdiction over the whole of intra-muros Istanbul which included the city’s largest marketplace, the famed Grand Bazar. The Imperial Council, as we will see in the next chapter, operated mostly as a guarantor of the correctness of the legal procedures followed by kadi courts and dealt mostly lawsuits originating from the provinces.34

The kazasker (military judge) of Rumeli was the highest-ranking judicial figure of the Ottoman Empire. Appointed by the şeyhülislam, he selected the kadıs and oversaw the judgships in the European provinces (Rumeli), including Galata. He sat in the Imperial Council and the Friday Council (cuma divanı), where he assisted the Grand Vizier by handling legal suits under the purview of Islamic law. Furthermore, he held a court in his mansion in Istanbul where, according to our current knowledge, he heard important civil and criminal cases, and as well as those involving members of the ruling group of the Ottoman empire (askeri). This court is the least known Ottoman legal institution.35

Despite this judicial hierarchy, no formal division of jurisdiction existed among the aforementioned courts. They applied the same bodies of laws, and, apart cases involving high-ranking Ottomans and foreign ambassadors, Ottoman subjects and

34 Evidence for other European communities for the same years and, especially, for the second half of the seventeenth century shows that Europeans used also the kadi court of Istanbul. For instance, see İŞS 3, 150 (25 Rebi‘ülevvel 1027/March 22, 1618), and Kuran, Timur (ed.), Mahkeme Kayıtları Işığında 17. Yüzyıl İstanbul’unda Sosyo-Ekonomik Yaşam (Social and Economic life in Seventeenth Century Istanbul: Glimpses from court records) (İstanbul: Turkiye Bankasi, 2010), V. 1, 777-920. On the kadi of Istanbul, see Uzunçarşılı, İsmail H. Osmanlı Devletinin İliniye Teşkilatı (Ankara: Türk Tarih Kurumu, 1965), 133-143.

35 In particular, we do not know the relation between this court and the lawsuits delegated to the kazasker of Rumeli by the Imperial Council. On this institution see Uzunçarşılı, İliniye Teşkilatı, 144-160; Şentop, Mustafa. Osmanlı yargı sistemi ve Kazakerlik (İstanbul: Klasik, 2005), 135-147; White, Piracy and Law, 225.
Venetians were able to take their legal suits to the local court of Galata, the court of the kazaskers, or the Grand Vizier’s Imperial Council. The only difference consisted in the different capabilities of enforcement of these institutions, with the Grand Vizier’s Council enjoying the strongest executive authority.36

**The cost of the court**

Ottoman kadi courts were financially independent from the imperial treasury. Even though kadis received a fixed salary from the government commensurate to the importance of their judgeships, the bulk of their incomes derived from the fees (harc) charged from court users. The central government set the rates of these fees for different varieties of court services in law codes (kanunname) and a kadi divided the collected amount between himself, his deputies, court scribes, ushers, and other court officials.

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36 Baldwin, *Law and Empire*, 12/13
Table 6.1: The Official fees of *Kadi* Courts (in aspers) in the Seventeenth Century

<table>
<thead>
<tr>
<th>Types of Court Services</th>
<th>Kanunname of Ahmed I(^{38}) (1604-1617)</th>
<th>Telhîsü’l-beyân(^{39}) (1675/1676)</th>
<th>Abdurrahman Paşa kanunnamesi(^{40}) (1676)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notary Service (hüccet)</td>
<td>32</td>
<td>32</td>
<td>25</td>
</tr>
<tr>
<td>Registration Fee (sîcil)</td>
<td>11</td>
<td>12</td>
<td>8</td>
</tr>
<tr>
<td>Witness’ registration (şehâdet)</td>
<td>25</td>
<td></td>
<td>20</td>
</tr>
<tr>
<td>Letter to authorities (mûrâsele)</td>
<td>11</td>
<td></td>
<td>6</td>
</tr>
<tr>
<td>Signature (imzâ)</td>
<td></td>
<td>12</td>
<td>12</td>
</tr>
<tr>
<td>Slave manumission (i’tâk)</td>
<td>Either 50 or 40 depending on the owner’s wealth</td>
<td></td>
<td>60</td>
</tr>
<tr>
<td>Inheritance (mirâs)</td>
<td></td>
<td>20 for every 1,000 aspers of estate value</td>
<td></td>
</tr>
</tbody>
</table>

As shown in Table 6.1, three law compilations of the seventeenth century set officially sanctioned court fees for different legal and economic services. Apart from the price of the final document (hüccet) on the outcome of either a dispute or a notarial transaction, they do not show if or how charges for adjudication might have changed according to the nature of the dispute and to the amount of the claims. Furthermore, they and other

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\(^{37}\) I exclude from this table the prices for marriage registration (nikâh) because such issue does not concern business transactions.

\(^{38}\) Akgündüz, Ahmet (ed.) *Osmanlı kanunnameleri ve hukuki tahlilleri* (İstanbul: Osmanlı Araştırmaları Vakfı, 2006-), V. 9, 518/519.


compilations issued between the sixteenth and the eighteenth centuries, show little changes in the amount of court fees between the sixteenth and eighteenth century, raising doubts about their reliability as a source of the daily operations in court. Unfortunately, apart from these law codes, we know very little about the amount of fees actually charged by the court because, with a very few exceptions, records produced by the court do not show the prices of each transactions in actuality.

If the officially prices reflect the historical reality, the fees for kadi appear expensive in early seventeenth-century Istanbul. According to narh registers of Istanbul, the administratively-determined price of goods sold in the city’s marketplaces, in the first three decades of the seventeenth century 1 okka (=1,28 kilograms) of flour costed between 4 and 6 aspers, 1 okka of rice 7 aspers, 1 okka of bread between 1,3 and 4 aspers, and one egg 0,3/0,4 aspers. In 1610s a skilled worker earned around 23 aspers per day while an unskilled one earned 14 aspers, and a Janissary (yeniçeri), a member of an elite military corps, took home15 aspers. Given these prices and stipends, court services might have constituted a considerable investment for large sectors of Istanbul’s population.

41 For the official court fees between 1500-1800, see Coşgel and Ergene, The Economics of Ottoman Justice, 80.

42 For instance, Ergene illustrates how estate inventories (tereke) show the actual fees charged by the kadi in overseeing the division of an estate. Ergene, Boğaç. Local Court, Provincial Society and Justice in the Ottoman Empire: Legal Practice and Dispute Resolution in Çankiri and Kastamonu (1652-1744) (Leiden: Brill, 2003), 84-89.

However, according to these official prices, kadi courts were generally less costly than the Venetian chancellery, for both legal and notarial services. The minimum price for a sentence in the latter, which changed with the amount in dispute, was 60 aspers while the kadi charged 32 aspers for any document (hüccet), regardless of the monetary value of the lawsuit or of the notarial transaction. The same applies for any credit/commercial agreement drawn by the Venetian secretary, which costed, at least, 120 aspers. If we are to trust the officially recorded fees, we can exclude court costs from the possible reasons why merchants chose the Venetian consular court over Istanbul’s kadi courts.

Generally, scholars agree that the actual fees were considerably higher, especially given the high inflation of Ottoman silver currency during the seventeenth century. According to Timur Kuran and Scott Lustig, in that century, the kadi of Istanbul and Galata could collect about 2% from the amount at stake in commercial disputes while Abraham Marcus claims that in eighteenth-century Aleppo a kadi charged 10% of all sums contested in legal suits.44 European observers reported that kadi charged conspicuous sums which, coupled with bribes and gifts offered to them by litigants to favor their stance, raised the overall costs of turning to the court. For instance, in 1612 the bailo Simone Contarini reported that, since the fees charged by the kadi were substantial, numerous Ottoman Jews and Muslims trading with Venice turned to his consular court instead.45


45 “Relazione di Simone Contarini,” in Barozzi and Berchet, Relazioni, 1, 236. Ergene, Local Court, 99-124. French consuls in seventeenth-century Tunis too reported about the high costs of the tribunals of the
4—Venetian Subjects in Kadı Courts

Between 1604 and 1625, the court records (sicil) of Galata contain a total of 13,353 documents of lawsuits, notarial transactions, and imperial commandments. These records include documents issued by the kadis and copies of imperial orders on administrative, fiscal, and security matters. Since in the early modern Ottoman judicial system no specialized courts dealing with particular matters existed, kadı courts dealt with any kind of civil and criminal dispute and registered a vast variety of legal and economic deeds, from business contracts to probate inventories (tereke) and documents about inheritance, divorce, suretyship (kefâlet), and guardianship (vasiyet). In contrast to the court of Galata, the records of the court of the kazasker of Rumeli contains 5,223 on civil and criminal cases, mostly inheritance-related disputes and involving numerous high-ranking Ottoman officials, and no notarial documents.

Venetians and other protected foreigners appear in 195 court entries of Galata, about 1.5% of the 13,353 documents, and only in 8 of 5,223 documents from the
*kazasker* of Rumeli. These numbers unmistakably demonstrate a limited use of these two courts by Western European communities in the first three decades of the seventeenth century. In Galata, the Venetians constituted the largest European community, and they used the local *kadı* court more frequently than any other group of protected foreigners, 86 out 195. They appeared in 4 of the 8 lawsuits heard by the *kazasker* of Rumeli.⁵⁰ The rest of the protected foreigners (109) turning to the court of Galata are local Catholics, French, English, Dutch, and Dubrovnik merchants. This little number of Europeans in the court of Galata also contrasts with the total number of lawsuits and notarial transactions that involved at least one Ottoman Christian or Jew: 5,075 records (about 38% of 13,353).⁵¹ This shows that the Ottoman non-Muslim population of Galata made substantial use of the *kadı* court of their district in the years under study.

Table 6.2: The Legal and Economic Affairs of Venetians in the Court of Galata (1604-1625)

<table>
<thead>
<tr>
<th>Types of Court deeds</th>
<th>Number of Cases</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lawsuits</td>
<td>22</td>
<td>25%</td>
</tr>
<tr>
<td>Notarial Transactions</td>
<td>57</td>
<td>66%</td>
</tr>
<tr>
<td>Imperial Orders</td>
<td>7</td>
<td>8%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>86</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

Catholic community (the “Franks” of Galata) because both groups enjoyed several legal and economic privileges according to the Capitulations granted to their community. However, as shown Chapter 1, such privileges differed from those of Western European merchants.

⁵⁰ The actual number of Venetian subjects may be higher because, as we have seen in the Chapter 1, Ottoman court officials often conflated Venetians with members of Galata’s Catholic community (the Perots), called “Franks” in Ottoman administrative and legal documents. The actual number of Galata’s “Franks” is also likely to be higher given the blurred nature of their relation to the Ottoman non-Muslim population. It is possible that Ottoman court officials registered many of them as Ottoman non-Muslims (*zimmî*).

⁵¹ Here I counted only those court entries where both or one of two parties in dispute are/is non-Muslim or where a Jew or Christian accomplished a notarial deed.
The 86 documents of the court of Galata which involved Venetian subjects included lawsuits (22 cases), notarial transactions (57) and imperial orders (hükm, 7 cases) issued by Imperial Council on general matters concerning Venetian trade, such as the rate of customs duties and forbidden goods. Henceforth, I focus my analysis only on lawsuits and notarial acts handled in the court of Galata and on the four disputes with Venetian subjects handled by the kazaskers of Rumeli. Together the documents of these deeds amount to 90.

**Lawsuits: adjudication and amicable settlements**

Legal suits constitute about a third of all the legal and economic transactions (26 out of 90 cases, the 29%) carried by Venetian subjects in both the kadi court of Galata (22) and that of the kazaker of Rumeli (4 cases) between 1604 and 1625.

Among lawsuits, I also include four amicable settlements (sulh), which took place with the mediation of either the kadi himself or members of the local community. Most legal historians of the Ottoman Empire focus on the kadi’s adjudication which they consider latter’s exclusive role in litigation processes while they dismiss amicable settlements as an extra-judicial and informal means of dispute resolution which members of the community arranged outside the court according to local customs and brought to court only for notarial purposes. Recent studies of Aida Othman, İşık Tamdoğan, and Boğaç Ergene cast doubt on this view arguing that the kadi’s himself might have played a role as a mediator between the parties and that at court he might have promoted a compromised settlement to end the controversy, especially in communal-sensitive issues such as intra-family controversies. They also illustrate that Hanafi jurists considered mediation as one of the kadi’s chief duties together with adjudication (kaza) and they
valued amicable settlement as a legitimate way to settle a conflict. Unfortunately, court records do not show the participation of the kadi and other court officials to any amicable settlement.

Furthermore, we cannot rule out that the cases of mediation might have been instances of arbitration (tahkim), which, as we have seen in the previous chapters, was an important means of solving commercial disputes among merchants engaged in Ottoman-Venetian trade. Despite being sanctioned by Hanafi jurists, research on Ottoman kadi courts all over the Ottoman Empire so far has not produced instances of this practice, despite it was spread in the mercantile community of Galata. It is possible that court scribes recorded arbitration sentences brought to court for registration as cases of mediation because what mattered to them was the final settlement of the dispute and not the specific role played by third parties in reaching that outcome.

All the 26 lawsuits took place exclusively between Venetian and Ottoman subjects. In the period under analysis, we find no instance of intra-Venetian disputes as well as cases between members of different European communities litigated before a kadi. As we have seen in the two previous chapters, rules of the Venetian community forbade the use of Ottoman courts by Venetian subjects against coreligionists without the authorization of the baili or of Venetian consuls. In case of legal suits among European

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subjects of different polities, the ambassador or the consul of the defendant heard the case and passed judgement following the principle of the *actor sequitur forum rei.*

The 26 lawsuits dealt by the *kadı* of Galata and the *kazasker* of Rumeli included Venetian subjects pitted them against members of the three major religious communities of early modern Istanbul: Muslims, Christians, and Jews without major differences in the number of disputes with each of these communities. An analysis of the social status of these individuals based on their titles of prestige and occupation shows that they all belonged to the tax-paying group (*reaya*) of the Ottoman society. It is likely that disputes between Venetian subjects and high-ranking Ottomans were settled by diplomatic means or through appealing to the Imperial Council.

**Civil cases**

The 18 civil lawsuits arose from mostly unfulfilled credit agreements, such as unpaid loans (*karz*) and goods, guarantee contracts (*kefâlet*), debts of deceased partners, and one single notable case concerning the contested estates of a deceased Venetian merchant. All these matters belong to the section of Hanafi jurisprudence called *fıkhu’l-mu’âmelât* (“transactions”), which included norms regulating daily social and economic interactions, from business exchanges to family relations. The *kadı* had full jurisdiction over these issues and could imprison defaulters. In matters of business contracts, sales

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54 See Chapter 5, 226/227.

55 The same is true for the lawsuits involving other Europeans in second half of the century. Kuran, *Social and Economic Life*, Vol. 1, 830-920.

56 See Chapters 7 and 8 on lawsuits involving prominent Ottoman subjects.

57 Despite Hanafi law did not distinguish between civil and criminal matters like modern legal systems, I employ this distinction for the sake of facilitating my analysis.
and purchases, the same norms of Hanafi law applied to Muslims and non-Muslims.\(^{58}\) As was the case with disputes litigated in the Venetian chancellery, court cases contain few details about the commercial undertakings of litigants apart from essential information about the reason of dispute. None of the disputes involved different forms of Islamic commercial partnerships. Equally absent from our records are disputes involving Venetian merchants on shipwrecks, jettison, and freight charges, which the court of Galata was used to handling Ottoman subjects.\(^{59}\) Since the Capitulations include several rulings about shipwrecks, it is likely that disputes over such issues were handled through diplomatic negotiations.

Before analyzing the disputes, it is important to note that not all the 26 legal cases may have been “actual” lawsuits. As in the case of European tribunals, an important function of a kadi court was to certify property rights in order to avoid future controversies. Individuals could achieve this either with the testimony at court of witnesses over a verbal or written agreement or by creating a fictitious process.\(^{60}\) By this means, two parties pursued litigation in order to have pre-arranged agreements validated by a kadi and notarized in the court registers as a verdict. Given that, according to Hanafi law—unless proven deficient due to a legal error—a kadi’s sentence cannot be overturned, individuals sought a fictitious litigation to achieve a more secure certification.

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\(^{59}\) White, “Litigating disputes.”

of their property rights. Unfortunately, from our records we cannot distinguish with a degree of certainty between “fictitious” and “authentic” litigations.

In 14 out of 18 civil lawsuits the plaintiffs were Venetian subjects who voluntarily turned to a kadı court to litigate a dispute. They never employed a legal representative (vekil). We know the result of the litigation process in 11 cases that ended with a verdict (hükûm, 8 cases), with the defendant’s admission (ikrâr) of his adversary’s claims (2 cases), or with amicable settlement (1 case). In the rest of the disputes (7) the court registered only a phase of the process of litigation such as the appointment of a guarantor or the request to submit further proof. The latter disputes were likely resolved outside the court through extra-judicial means. In the cases of adjudication, the kadı of Galata and the kazasker ruled in favor of the Venetian side in 5 out of 8 cases. This rate of victory as well as the higher number of Venetian plaintiffs in civil lawsuits demonstrate a degree of confidence by the latter in their claims when they applied to this Ottoman institution.

The legal procedure followed by the two courts in solving the commercial disputes of Venetian subjects shows standard Hanafi procedures employed by Ottoman courts to deal with the civil disputes of Ottoman subjects of different religious affiliation, especially concerning the rules of evidence and the means of settlements. The testimony of eyewitnesses or expert witnesses, the acknowledgment of the defendant, and mutual

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61 For instance, see BAC, 278, r. 400, 113v-114r.
settlement were the key factors in deciding the outcome of a lawsuit (8 out of 11 cases).\textsuperscript{62} Despite the admissibility of Venetian witnesses according to the Capitulations, Venetian plaintiffs always produced Muslim ones, even in controversies against Christians and Jews. Furthermore, in the years under study, \textit{kadi} courts did not apply the ruling of the Capitulations that stipulated the jurisdiction of the Imperial Council over disputes with claims larger than 5,000 aspers: both the \textit{kadi} of Galata and the \textit{kazasker} of Rumeli handled commercial disputes with sums ranging from 2,500 to 146,000 aspers.\textsuperscript{63}

Among the 5 disputes settled through oral testimony, in one case the plaintiff brought expert witnesses to court. In October 1614, the Ottoman Christian (\textit{zimmi}) and commercial broker (\textit{dellâl}) Franceşko veled-i Kosta sued the Venetian merchant Pandeli over an unpaid brokerage fee (\textit{dellâliye}). According to Franceşko, Pandeli had bought an amount of unspecified goods valued 30,000 aspers but he had not yet paid the customary (\textit{mu'tâd-i kadîm}) brokerage fee of 2\% of the value of the commercial transaction. Pandeli rejected the set price amount of fees and demanded proof of this custom. Then, Franceşko called to court four Muslim expert witnesses (\textit{ehl-i vukûf}) who testified that brokers, according to “old usage” (\textit{kânûn-i kadîm}), were used to charging the amount of fees and then the \textit{kadi} sentenced Pandeli to the payment. This case shows the importance of local commercial customs in the adjudication of lawsuits.\textsuperscript{64}

\textsuperscript{62} The two cases of acknowledgment are GŞS 51, 61/A (28 Rebi’ulâhir 1031, March 12, 1622) and 53 89/A (25 Zilhicce 1033, October 8, 1624). Another legal proof admitted by Hanafi law, the oath of the parties (\textit{yemîn}), is absent in our civil lawsuits but, as we see below, it appeared in criminal cases.

\textsuperscript{63} GŞS, 51, 61/A and 36, 104/B (evâil-i Cemâziyevelvel 1023/ 9-19 June 1614).

\textsuperscript{64} GŞS, 38, 3B (evâil-i Ramazan 1023/5-10 October 1614).
Concerning the role played by documents in adjudicative processes, they appeared in only three out of 18 civil disputes.\textsuperscript{65} In a notable case, a document uncorroborated by witnesses, a \emph{fetva}, proved decisive in the adjudication of a lawsuit. In June 1624, Petru (Pietro), son of the late Venetian merchant Nikola veled-i Soruri (Nicolò Soruro), appeared in the court of Galata against the Mustafa Ağa and the Ottoman Christian Atenaş veled-i Yorgi. Mustafa was the legal representative of Franćeşku, a son whom Nikola had had by an Ottoman Christian woman (\emph{zimmiye}) named Angelina, while Atenaş was Franceşku’s legal guardian (\emph{vasî}). Petru demanded his shares of his father’s inheritance but Mustafa and Atenaş denied his request on the grounds that he had left the Ottoman Empire to settle permanently in non-Muslim lands (in Venetian-held Crete), and, as a result, he relinquished his inheritance rights. Petru submitted to court a \emph{fetva} of the \emph{şeyhülislâm} Hocazade Esʿad Efendi that stated that, in a similar hypothetical situation, if the heir living in non-Muslim territories moves back to Muslim lands with the “intention to reside there permanently” (\emph{tavattun itmek kasdı ile}) he can inherit his father’s estates.\textsuperscript{66} Consequently, the \emph{kadi} ruled that Nikola’s estates should be divided according to Islamic inheritance rules.

According to Hanafi jurisprudence, a \emph{fetva} was not a binding legal ruling in a court case but constituted only the opinion of a jurisconsult on a general controversy. However, in the Ottoman Empire a consensus among high-ranking ulema developed that stipulated that \emph{kadis} had to comply with the \emph{fetva} issued by the \emph{şeyhülislâm}, the most

\textsuperscript{65} GSS 25, 143/B (14 Şaban 1013) and 143/C (18 Şaban 1013/ January 9, 1605). Both cases appear in Kuran (ed.), \\textit{Social and Economic Life}, Vol. 1, 785-788.

\textsuperscript{66} GŞS 53, 69/A (12 Şevval 1033/ July 29, 1624). Later, Petru also appealed to the \emph{kazasker} of Rumeli to receive the entire inheritance of his father, but he lost the case. RSM 39, 54/B (evâst-ı zilka‘de 1033/August 24 -September 3, 1624).
prestigious office in the Ottoman legal hierarchy. Such practice represented an
intromission of a member of the Ottoman central government in the court processes of
kadi courts throughout the empire.\(^{67}\) The aforementioned case is the only instance of the
use of a fetva by a Venetian subject in a lawsuit in the years under study, even though
evidence from Venetian archives show that Venetian merchants and the baili sought this
legal instrument in the course of commercial and diplomatic controversies.\(^{68}\)

Apart from acknowledgment and adjudication, another way to settle a trade-
related dispute was amicable settlement (only 1 case). In early March 1621, the Jewish
siblings Elyaz, Kalita, and Garaca (a brother and two sisters) along with Petru veled-i
Rigun (Pietro Arrigoni), a Venetian merchant, appeared in the court of Galata. Elyaz
stated that his late father Elya veled-i Bali had had a credit of 40,000 aspers towards
Petru for a commercial dealing involving a load of fleece wool (yapağı), which he had
acquired after suing the latter before his death. At a certain time during the litigation,
unspecified mediators (muslihûn) intervened into the dispute and helped the two parties
to reach an agreement according to which Petru would pay 6,000 aspers to Elyaz and his

\(^{67}\) Wittman, *Before the Qadi*, 218-220; Baldwin, *Islamic Law and Empire*, 73/74. On in the institution of
the fetva (Ar. fatwa) in general see Masud, Muhammad Khalid, Brinkley Messick, and David Powers.
“Muftis, Fatwas, and Islamic Legal Interpretation.” Muhammad Khalid Masud, Brinkley Messick, and
David Powers (eds), *Islamic Legal Interpretation. Muftis and Their Fatwas* (Cambridge: Harvard

\(^{68}\) BAC 342 and 345 I contain numerous fetvas issued to the Venetian baili and merchants. On the use of
fetvas in international politics see White, Joshua. “Fetva Diplomacy: The Ottoman Şeyhülislam as Trans-
Imperial Intermediary.” *Journal of Early Modern History* 19/2–3 (2015), 199–221. Court records for the
second half of the seventeenth century too show instances when the submission of a fetva of the
şeyhülislam proved decisive in the outcome of a legal suits involving Western Europeans in Istanbul. For
instance, see Kuran (ed.), *Social and Economic Life*, Vol. 1, 830-920, 830-832 and 901-904.
two sisters, a sum much lower than the original claim. In court, the latter declared that he had received the payment from Petru and that he freed the latter from any further claim.  

Contrarily to adjudication, the precepts of Hanafi law were not the only norms regulating amicable settlement, but local customary practices too may have influenced its achievement. Furthermore, an amicable settlement was not constrained by Hanafi Islamic evidentiary rules and offered more equitable outcomes than the formal law just much like arbitration procedures. Taken together, these two factors may have played a role in choosing this avenue of dispute resolution over adjudication in this and other controversies. Unfortunately, we do not know the identity of the individuals who helped Petru and the Jewish sibling to reach a settlement, but we can speculate that they were members of the international business community of early-seventeenth century Galata.

As all these examples of dispute demonstrate, orality prevailed in the processes of litigation and resolution of commercial disputes between Venetian and Ottoman subjects in Istanbul in the first three decades of the seventeenth century. The courts of Galata and of the kazasker of Rumeli does not seem to have enforced the Capitulations’ ruling that made mandatory the possession of documents issued by a kadi to sue a Venetian. The lack of documents did not stop Ottoman subjects from suing Venetian merchants over business transactions and in 4 out of 8 cases of adjudication the testimony of Muslim witnesses alone secured the outcome of the legal suit for either the Venetians or their Ottoman opponents.

69 "zimmetini ibrâ ve ıskât eyledim." GŞS 50, 21/A (evâsît-ı Rebi’ulâhir1030/ 4-10 March 1621).
However, there is a single case that shows how a lack of documentation could at times become a matter of contention and ended a process of adjudication. In 1616, several individuals, whose religious identity is not unknown, brought the merchant Edvardu (Edoardo di Gagliano) before the kadı of Galata. They had suffered economic losses as a ship carrying their goods had been captured by Christian pirates. At court, they claimed that Edvardu had stood surety for the any losses suffered by Ottoman merchants at the hands of Christian pirates during that voyage. Through the help of the bailo Almorò Nani, Edvuardu managed to obtain a sultanic rescript from the Imperial Council stating that without existing documents certified by a kadı about the alleged surety contract (kefâlet) his opponents could not pursue their claims, even if they brought local witnesses to court.\textsuperscript{70} Apart from this case, evidence from the second half of the seventeenth century shows little use of documents in the litigation of commercial disputes of Western Europeans in the kadı court of Galata.\textsuperscript{71}

Criminal disputes

The other groups of disputes (8 cases) of Venetian subjects dealt with the kadı of Galata involved criminal offences. These include cases of bodily harm (2), theft (4), and piracy (2). In Hanafi law, offenses classified by modern secular codes as criminal acts belonged to different categories.\textsuperscript{72} Bodily harms, such as homicide and wounding, were

\textsuperscript{70} GŞS 40, 72/A (evâﬆ-i Sefer 1025/ January 29-February 8, 1616)

\textsuperscript{71} See also the 20 legal disputes of European merchants litigated in the courts of Galata and Istanbul in 1660s, 1680s, and 1690s in Kuran (ed.) \textit{Social and Economic Life}, V.1, 831-92. In three disputes, again over alleged surety contracts, the lack of documents ended the disputes only after the intervention of ambassadors or high-ranking Ottoman officials. For such cases, see 830-832, 837-839, 901-904.

“private wrongs” (hakk adami, the “claims of men) and had to be judged along civil cases like business and family matters. Their prosecution was a private undertaking initiated by the victim or his/her relatives. By contrast, theft and piracy constituted hudud offenses which belonged to “claims of God” (hakk Allah): they represented crimes against religion and a violation of the interest of the whole Muslim community (maslahat-i âmme). State authorities had the duty to bring to court and punish the culprits of such offenses by imposing fixed penalties on them (hadd). 73

In any category of criminal offenses, the kadi only had only authority over the investigation and trial of the offender while executive officials were to carry out the sentence. 74 Furthermore, contrary to commercial disputes, according to Hanafi law in all criminal cases the “local community” (the family of the culprit, the neighborhood, a tribe, etc.) played an important role since it was charged with bringing the offender to court and testifying on his/her character. Such testimony proved vital in the type of punishment assigned to the offender. 75 Failing to bring the culprit to court entailed measures of collective punishment against the entire community. Given the importance of collective

73 Evidentiary rules were more stringent for this category of offenses. Johansen, “Secular and Religious Elements,” 210-218; Hallaq, Sharī’a, 311-320.

74 The punishment of convicted criminals is notoriously absent in the records of kadi courts, and the number of recorded criminal cases is low likewise. Eyal Ginio. “The Administration of Criminal Justice in Ottoman Selanik (Salonica) during the Eighteenth Century,” Turcica 30 (1998), 185–209, 187-188; Ergene, Local Court, 59; Tuğ, Politics of Honor, 186-190.

responsibility in criminal cases, this kind of dispute constituted a sensitive matter for the whole Venetian community.

We know the outcome of 6 out of 8 criminals cases involving Venetians: two amicable settlements, one adjudication (in favor of a Venetian merchant), and three cases that ended, due to lack of evidence, with an oath of innocence (yemîn) from the defendants. The Venetians figure equally as both plaintiffs and defendants in these penal lawsuits and were victorious in the only adjudication case. Four of the cases involved the same episode of theft against the warehouses of several Venetian merchants in Galata in 1605. In three instances, the merchant Marku veled-i Kalifnari (Marco Califonari) accused several Ottoman Christians and Muslims of stealing some goods (mostly iron wires, tin canisters, and a quantity of rice) from his warehouse in Galata. Three separate court entries contain his legal suits against each of the defendants. In one instance, he accused a group of 13 Ottoman Christians for the theft. In this case some mediators intervened in the controversy, helping the two sides to reach an amicable settlement according to which the group of Christians jointly paid 150 sultani to Marco. However, in two other lawsuits, he charged two Muslim individuals for the same episode, but he failed to produce evidence to back his claims. In these cases, the kadi asked the defendants to swear on their innocence (tahlîf) which ended the lawsuits.76

In a case of bodily harm, in 1614, Rüstem bin Veli, brother and legal representative of a boatman (pramaci) named Şah Veli bin Veli, appeared in the court of Galata with a Venetian captain Pavlo veled-i Françeşku (Paulo di Francesco). Rüstem

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76 GŞS 25, 61/A (22 Cemâziyevelvel 1013, 16 October 1604), 153/B (22 Şaban 1013/ 13 January 1605), 155/B (22 Şaban 1013/ 14 January 1605).
claimed that, during some night celebrations (şenlik) on Pavlo’s ship, someone fired a cannonball that crushed Şah Veli’s boat, damaging it and injuring his eyes. Rüstem sued Pavlo for his brother’s injuries and demanded blood compensation (diyet). Pavlo denied that such accident had taken place. After the mediation of some individuals, the two parties reached an amicable agreement: Pavlo would pay 2,000 aspers to Şah Veli to settle the dispute.77

As shown in two piracy-related controversies, Istanbul’s courts also heard criminal lawsuits originating from outside of Istanbul. For instance, in 1617, the ship captain Manulaki veled-i Antun, an Ottoman Christian from Yeniköy (a village on the European shores of the Bosphorus) and Antun veled-i Aspatulo, a Venetian subject from Crete, appeared before the kazasker of Rumeli. Manulaki claimed that about fifteen years before (hijri year 1010) Antun had attacked his ship (korsanlık idüp) in a port in the Aegean island of Syros and had stolen a load of wheat (50,280 bushels/kil). Questioned by the kazasker, Antun denied that he had not committed such an attack and claimed that he had instead purchased a load of wheat for 180,000 aspers from Manulaki. The latter failed to produce witnesses to support his claims and the kazasker, after demanding that Antun take an oath over the Gospels and Jesus, acquitted him.78

Overall, these criminal offenses involving Venetians show the difficulty of applying Hanafi law’s evidentiary rules in matters of criminal law. The requirement to produce at least two eyewitnesses to single episodes of crime made litigation in kadi

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77 GSS 36, 170/B (22 Ramazan 1023/6 October 1614).

78 “yemin billâhi’lezî enzele ‘l-İncîl alâ İsa -aleyhi’s-selâm” RSM 35, 9B/10A (evâstit Cemâziyelevvel, 1026/May 16-26, 1017). Joshua White analyzes this case in detail in Piracy and Law, 241-245.
court a complex undertaking. This is particularly true when a crime occurred in a place far away from the locality where the court hearing took place and when a period of time has passed from the episode, as the above case episode of piracy shows. The evidentiary hurdles in criminal litigation may have encouraged litigants to find an amicable settlement instead. It is likely that pushing the opponent to settle a criminal case may have been one of the main reasons why individuals started a litigation in a *kadı* court.\textsuperscript{79}

Notarial transactions

Notarial services were the main reasons (59 out of 86, or 71\%) why Venetian subjects turned to *kadı* courts in the early seventeenth century. The *kadı* court of Galata was the most important notarial office in that district, the only one whose records, if corroborated, were recognized by other *kadı* and Ottoman administrative officials.\textsuperscript{80} As we have seen, the Capitulations prescribed that Venetians and other Europeans register their business transactions with Ottoman subjects there so that, in case of dispute, the *kadı* could find information about them in the court archives.

The first observation concerns the overall number of the notarial deeds of Venetian subjects: 57 transactions out of all 13,353 court records for Galata for the period 1604-1625. Considering that at least 65 individuals were actively trading between Venice and Istanbul in the first two decades of the seventeenth century, such a small number of notarized transactions undeniably demonstrates that Venetian merchants did not follow the Capitulations’ prescription about the requirement to register business transactions in

\textsuperscript{79} Ibid, 240.

\textsuperscript{80} On notarial system of the Islamic world, see Tyan, Emile. *Le notariat et le regime de la preuve par ecrit dans la pratique du droit musulman* (Harissa: Imprimeur Saint Paul, 1959).
Kadı courts. This small figure is even more striking when we compare it with the much more numerous notarial deeds conducted by Venetian merchants and their Ottoman associates in the Venetian chancellery: 1,702 documents between 1609 and 1620. Nevertheless, the relatively few notarial documents pertaining to Venetian subjects drawn in the court of Galata are important because they indicate the reasons why these individuals chose this Ottoman institution instead of the Venetian chancellery to certify their property rights.

The notarial deeds of Venetian subjects at the court of Galata involved the registration of debt payments, sales of goods, credit agreements, guarantors, slave manumission, sale, rent contracts, power of attorney, etc. Apart from 4 cases, all notarial documents (53) concerned business exchanges between Venetian and Ottoman subjects that took place within the boundaries of the Ottoman Empire. They involved mostly Ottoman Muslims (27 cases), followed by Ottoman Christians and Jews (31 together). Contrarily to commercial lawsuits, notarial deeds illustrate trade exchanges between Venetian merchants and members of both the tax-paying class (reaya) and the ruling class (askeri) of the Ottoman Empire (6 cases). The latter included members of military and palace corps such as Janissaries, bostancı, müteferrika, and sipahi. Therefore, as it was the case with the Venetian chancellery, prominent individuals turned to kadı courts only for notarial transactions while refrained from bringing legal cases against Venetian subjects to these tribunals. As shown in Chapter 8, in many cases international diplomacy played a central role in the resolution of their legal suits with Venetian subjects.
Table 6.3: Types of Notarial Deeds conducted by Venetians in the Kadi Court of Galata (1604-1625)

<table>
<thead>
<tr>
<th>Types of Notarial Deeds</th>
<th>Number of Documents</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quittances</td>
<td>36</td>
<td>63%</td>
</tr>
<tr>
<td>Credit Agreements</td>
<td>9</td>
<td>16%</td>
</tr>
<tr>
<td>Slave manumission</td>
<td>5</td>
<td>8%</td>
</tr>
<tr>
<td>Sale</td>
<td>3</td>
<td>5%</td>
</tr>
<tr>
<td>Other issues&lt;sup&gt;81&lt;/sup&gt;</td>
<td>4</td>
<td>7%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>57</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

The largest number of commercial transactions involve the notarization of a payment (36 court records). These documents are important for the study of long-distance trade because they contain valuable information about merchants’ debts, their varieties of goods, and their prices. These records include the debt quittances, credits agreements, the manumission of a slave (i’tâk), and the sale of merchandise—mostly raw wool and Ottoman fabrics, but also wine, jewels, and other goods. Unfortunately, as in the Venetian chancellery, the records of the court of Galata contain little information about the actual context in which such payments took place. For example, we do not know if the payment of a debt was part of a business partnership or a credit agreement. The monetary value of each single transaction ranged between 14,000 to 210,000 aspers, a lower value than the of costlier notarial deeds performed in the Venetian chancellery.<sup>82</sup>

After debt quittances, the registration of business agreements (9) constitutes the second most numerous notarial deeds sought by Venetian merchants in the court of

<sup>81</sup> Other issues include two rent agreements for houses in Galata, and the registration of surety.

<sup>82</sup> GŞS 50, 20/A (5 Rebi‘ülevvel1030/ January 28, 1621) and 25, 97/B (evāhr-i Cemāziyelāhir 1013/ November 3-13, 1604). For the monetary valued of notarial transactions conducted in the Venetian chancellery, see Chapter 4, 191/192.
Galata. While trading in Istanbul and the rest of the Ottoman Empire, Venetian businessmen and their Ottoman partners could employ different forms of Islamic commercial partnerships and credit agreements, some of them strongly comparable to European ones. For instance, Ottoman merchants employed the *mudârabe* in which one party provided funds while the other party contributed his skills and then the profits were divided, or the *înân* contract in which both parties contributed capital.\(^{83}\) We do not have instances of Venetian merchants and Ottoman merchants registering these types of commercial contracts despite the fact that the records of Istanbul’s courts contain numerous instances of the notarization and litigation of such contracts by Ottoman subjects.\(^{84}\) The business agreements existing in our records do not fit specific types of Islamic partnerships. In their external form they are credit agreements for expeditions to redeem Muslim slaves in European territories and for trade operations in the Black Sea.

**Expeditions to liberate Muslim slaves (4 cases)** involved an agreement between a relative of the slave and a Venetian merchant. The latter received a sum of money in advance for the expedition and appointed a surety for the former. These agreements are the only instances of notarized business contracts between Ottoman and Venetian subjects for commercial ventures taking place between the Ottoman Empire and Western Europe. Our records show that between 1604 and 1625 a small group of Venetian and

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\(^{84}\) Gedikli, *Osmanlı şirket kültürü*. 

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other European merchants specialized in this branch of trade.\textsuperscript{85} Despite their small number, these agreements for the liberation of Muslim slaves are important because, contrary to the ransoming of Christian slaves from Muslim lands, we still know little about the activities of Ottoman Muslims in redeeming coreligionists detained in European cities and the Islamic legal and economic institutions facilitating these ventures.\textsuperscript{86}

An example is an agreement, made in 1617, between the Venetian merchant Pavlo veled-i Antun (Paulo Bon di Antonio) and Fatma Hatun ibnet Mehmed, a Muslim woman from Istanbul, to rescue her son Mahmud bin Mehmed who was detained in Messina, in Spanish-held Sicily. Fatma committed herself to pay in advance 24,000 aspers to Pavlo and to pay him a further 19,200 aspers after he managed to save her son. Two individuals, the Muslim Iskender Ağa bin Bathiyar from Istanbul and the Christian Françeşku Sokitir (?) veled-i Cani from Chios, where Pavlo also resided, stood surety that they would repay Fatma Hatun in the event that Pavlo failed to rescue her son. The mission failed and, in September 1619, Pavlo and Fatma appeared in the court of Galata to register the return of the money to the latter.\textsuperscript{87}

\textsuperscript{85} In the years under study, at least 3 Venetian merchants engaged with these ransoming expeditions under study. See GŞS 36, 167/A; 38, 17/B; 41, 24/B.


\textsuperscript{87} GŞS 41, 24/B (evâhır-i Muharrem 1026/ January 28- February 8, 1617) and 49, 34/B (8 Şevval 1028/September 9, 1619). The former case is also mentioned in Kuran, \textit{Social and Economic Life}, Vol. 1, 816-818.
The other types of business agreements (5 cases) concern commercial ventures between Istanbul and the Black Sea port city of Kiliya (today in Ukraine) located at the mouth of the Danube, a major transit port connecting Mediterranean and Polish markets. Despite the fact that the Ottomans, since the fifteenth century, had closed the Black Sea to foreign shipping, they allowed Venetian subjects, mostly individuals from Crete to trade in the ports of Kiliya, Akkerman (today Bilhorod-Dnistrovskyi), Kefe (Caffa, today Feodosia) where they brought Cretan wine and other agricultural products and they purchased local goods such as caviar, codfish, and hides. They usually conducted such trade by chartering Ottoman ships and hiring Ottoman ship captains (reis) to ship and trade their goods in Ottoman ports but there are also a few instances of Venetian subjects themselves venturing into the Black Sea.\(^8\) Such contracts are absent in the Venetian chancery. The reasons Venetians registered such agreements in the court of Galata likely stems from the fact that all the ports on the Black Sea were under Ottoman sovereignty and the baili had little influence over the trade routes there. Consequently, Venetian merchants had to rely on Ottoman legal institutions to monitor the activities of their Ottoman business partners.

For instance, in August 1619, the Venetian merchant Canbatişta veled-i Covan (Zuanne Battista Cigala di Zuanne) and the Muslim ship captain Mehmed bin Fatih from Sinop registered a credit agreement, noted in the document simply as *kavl*—an Arabic term referring to any form of social, political, and economic agreement. According to it,

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Mehmed would go Kiliya with his ship to purchase an unspecified quantity of codfish (morina balığı) for 33 aspers of kantar and bring it to Galata, and Canbatısta would pay him 130 florins (filori) for the whole expedition. In case Mehmed returned to Galata 15 days later than the stipulated return date, he would need to present a certificate issued by the kadh of Kiliya explaining the reason for his delay.89 This agreement resembles the Islamic hire contract (icâret) which combines both the rent of an object (a ship) and the hire of human labor. In such a contract an individual performs a specific service in compensation for a stipulated fee (ecr-i misli) and within a specified duration (müddet) of time.90

In another instance of credit agreement, in 1614 the Cretan merchant Kostantin veled-i Batısta (Costantino Veveli di Battista) and Kostantin veled-i Yorgi, also from Crete, notarized an agreement about wine trade with Kiliya. Kostantin appointed Kostantin veled-i Yorgi as the captain of his own ship (mülk) and paid him in advance 125,000 aspers in advance to go Kiliya to conduct trade “as he pleased” (keyfe ma-yaja) without specifying the goods to be traded. After his return, he would pay his share of the whole transaction to his principal. Hristodul veled-i Kiriyauckland, an Ottoman ship captain, stood surety for Kostantin veled-i Yorgi.91 This last instance is remarkable since it is the

89 GŞS 49 11/A (17 Şaban 1028, August 9, 1619).


91 GŞS 38, 4/A (14 Ramazan 1024/28 October 1614). Both Cretans are identified as protected foreigners (müstemin).
only case of commercial agreement between two Venetian subjects (both from Crete) which was notarized in the court of Galata in the years under study.

Lastly, a single document concerns the sale of real estate. As we have seen in Chapter 1, the ownership of real estate by Venetian subjects in the early modern Ottoman Empire was a matter of contention between Ottoman and Venetian authorities. With the “Carazo affair,” the Ottomans forbade Western Europeans from owning real estate—if they did, they would be regarded as Ottoman subjects. The only case of real estate transaction involved a member of the Venetian community, the dragoman Tomazaki veled-i Paska (Tommaso Navon di Pasquale). In 1616 he purchased a house valued 120,000 aspers in the district of Bereketzâde in the center of intra-muros Galata from local Christians.\(^9^2\) Conversely to long-distance merchants, in the first decades of the seventeenth century dragomans still enjoyed a blurred status as *de facto* Venetian subjects, with tax exemptions and inheritance privileges, but they also benefitted from social and economic rights usually allocated to Ottoman subjects, such as the right to own immobile assets. In this court record, Tomazaki is registered as an Ottoman subject.

5—The *Baili* and the *Kadıs*

*Kadi* courts allowed Venetian subjects to solve business and criminal disputes with Ottoman subjects and register their legal deeds and economic transactions individually and without mediation or the direct intervention of the Venetian *baili*. As a matter of fact, apart from the cases of peaceful settlement, court records do not show intervention by any non-court officials in judicial processes. However, the *baili* became

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\(^9^2\) GŞS 40, 58/B (evsâti Rebi’ülevvel 1025/ 28 March-7 April 1616).
involved in lawsuits involving Venetian subjects in cases of violations of court procedures and when they threatened to jeopardize Venetian trade. In order to understand such intervention, we have to consider the attitudes of the Venetian *baili* towards the Ottoman legal system.

**The *baili*’s views of *kadi* courts**

In the sixteenth and seventeenth centuries the *baili* had an utterly negative view of the *kadi* courts, and Ottoman legal system more generally, as did European ambassadors and consuls, merchants, and travelers to the Ottoman Empire. Such accounts served as the basis for Max Weber’s famous conceptualization of Kadijustiz in the nineteenth century as an arbitrary and unpredictable system of law administration resulting from the unlimited discretion at the disposal of the *kadi.*

According to the *baili*, the distinguishing features of the *kadi* justice were the brevity of the court processes, unappealable sentences, the non-importance of documents in court procedures, the determinant role of witnesses in civil and criminal lawsuits, and the exclusive application of Islamic law. The *kadi* passed sentences quickly—right after listening to the witnesses, whose testimony was the only acceptable proof at court—but

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they did not admit documents, depositions of lawyers, postponements of judgment, or appeals. After a testimony against defendants, the latter could defend themselves and the kadi punished them exclusively according to his discernment—his sentence could not be overturned.95 Finally, according to the baili, kadis exclusively applied Islamic law, which they deemed notoriously biased against Christians, and they disregarded other bodies of Ottoman law, such the kanun.96

The central role of the eyewitnesses in the adjudication process and the absence of judicial review are, for the baili, the most dangerous features of kadi’s justice, which they defined as a system of “appalling injustice” (grandissima ingiustitia).97 In their view, they entire judicial system depended on witnesses who received monetary compensation for their testimony by the litigants. The wealthier a litigant was, the more likely he/she could secure witnesses testifying on his/her behalf and win a legal suit. According to the baili, such a “market” of witnesses was responsible for numerous avania, a term widely employed in European ambassadorial accounts to refer to instances of arbitrariness and “injustice” (at least as Europeans perceived it) committed by Ottoman administrative and legal officials against the subjects of European powers.98 The frequent use of false

95 In the baili’s reports there is disagreement over judicial review since some of them claim that the kazasker of Rumeli had the authority to hear appeal to a sentence issued by a kadi. For example, see the “Relazione di Gianfrancesco Morisini,” 266.

96 In their reports to Venice, the baili show their knowledge of the kanun as a normative source but they considered it as functioning only in inter-state affairs and matters of public security. For instance, see ASV, SDC, busta 82, No 28, fols. 273v-282r (27 February 1617).

97 “Relazione di Gianfrancesco Morosini;” 273.

witnesses, coupled with the speediness of adjudication procedures, promoted verdicts highly detrimental to Venetian subjects. The fact that once a kadi issued a verdict it was unappealable, and the losing party had no choice but to abide by it, made the situation even worse.

Apart from fast and unjust sentences by kadis, the other major preoccupation for the baili were collective reprisals. Despite the fact that Capitulations forbade collective punishment against the whole Venetian community for the debts of individual Venetians, the history of Ottoman-Venetian relations shows some episodes of this practice during major commercial controversies, especially those involving high-ranking Ottoman officials.\footnote{For instance, see Arbel, Benjamin. Trading Nations: Jews and Venetians in the Early Modern Eastern Mediterranean (Brill’s series in Jewish studies, 14, Leiden: E.J. Brill, 1995), 95-168; Stefini, “Ottoman Merchants.”} Fearing that such episodes would threaten the well-being of the Venetian community and the smooth flow of trade between the two states, they struggled to avoid, by the means of diplomacy, the involvement of the kadi’s court in major commercial controversies since they feared that their quick, biased, and unappealable verdicts would lead to reprisals against the whole Venetian community.

In criminal matters, the situation was even more complex. The Capitulations do not contain rulings exempting Venetian subjects from collective punishment for crimes committed by an individual Venetian, but only general bilateral articles on the punishment of pirates and bandits. Venetian records show that the baili were much anxious about criminal deeds of Venetians subjects in Istanbul and that they intervened to prevent the intervention of Ottoman judicial officials fearing reprisals against the whole Venetian community. Such concern might not have been wholly unjustified since, as we
have seen, Hanafi law contemplated measures of collective punishment against the family of the convicted criminal or the “community” in which he lived (for instance, the neighborhoods, the tribe, and, in our case, a community of subjects of a foreign ruler).

As an example of crime-related controversy dates from June 1617, when three young Venetians killed a cavalryman (sipahi) in Galata and fled the city. The latter’s widow wanted blood money as compensation. She appealed to the kadi of Galata who had an innocent Venetian subject arrested instead of the three felons and allowed his release only after a Venetian merchant stood surety for the payment of 400 sequins. Furthermore, the widow appealed to the Imperial Council headed by the deputy Grand Vizier (kaymakam), Ahmed Pasha. Fearing further episodes of collective punishment against Venetian subjects in case the Pasha ruled against the Venetian side, the bailo strove to settle the case outside Ottoman courts, and achieved this by offering a compensation (unspecified in our sources) to the widow of the victim.  

Discouragement of Appeal and Selective intervention

As a general practice, the baili discouraged Venetian subjects from appealing to the kadi. General regulations of the Venetian communities in the Ottoman Empire contains instructions (capitoli) commanding Venetian subjects to turn to kadi court against Venetians and other individuals exclusively with orders of the baili and Venetian consuls. We do not know if Venetian subjects truly respected this rule, but we can assume that such rule applied more to lawsuits than to notarial transactions.

100 SDC, b. 83, No 17, fols. 226r/227v (27 June 1617) and No 20, fols. 247r/248r (13 July 1617).

101 For instance, see the instructions for the Venetian consul of Izmir in 1615. BAC 278, reg. 401, fols 78r/79v (16 July 1615).
In 1611, we gain glimpse of bailo’s attitude towards kadı courts from Venetian records. In March, the bailo sentenced two Jewish merchants, Rabbi Isaac Navon and Rabbi Simon Acris, to pay 11,745 aspers to the Venetian merchant Zuanne Bernardis over an unpaid load of leather. Another Venetian merchant, Andrea Orlandi, stood surety for the payment. Three months later Zuanne had not yet been paid, and, on June 4, he brought Andrea to court demanding he pay for his surety contract with Isaac and Simon. Andrea proposed that Zuanne went to the kadı of Galata to force the two Jews to pay their debt. The bailo ruled that Zuanne should appeal to the kadı with the help of a dragoman, but, in case he failed there to retrieve his credit, Andrea should pay him.102 As this case shows, the bailo could authorize a Venetian merchant to appeal to kadı courts under specific circumstances. However, we do not know if the bailo explicitly authorized all the 18 lawsuits that the Venetian merchants started in the kadı of Galata in the period under study.

As a norm, the baili did not become involved in the affairs of kadı courts on the behalf of Venetian subjects. For the baili lawsuits heard by the kadis were “private matters” and became “public affairs” only when the Imperial Council handled them.103 In the instructions they received from the Venetian government at the beginning of their ambassadorship, the latter warned them against intervening in “private matters” (such as commercial disputes) of members of the Venetian community, fearing that they would be

102 BAC 276, reg. 394, fols. 28v (7 March 1611) and 45v (4-June 1611). We do not know how the case was eventually resolved. The records of the kadı court of Galata for 1611 are missing.

103 The baili and other Venetian officials called “private cases” (cause di privati) all disputes heard by kadis and as “public” (cause pubbliche) those brought to the Imperial Council. Apellániz, Francisco. “‘You cannot produce a Muslim witness’: Early Ottoman attitudes towards proof and religious difference,” Quaderni Storici 51/3 (2016), 633-648, 646/647, note 26.
held accountable for the debts or the wrongdoings of individual Venetian subjects.\textsuperscript{104} Such intervention would have transformed the dispute from a “private” matter into a “public” controversy between the Ottoman and the Venetian authorities which could have potentially endangered inter-state relations and the smooth conduct of trade.

Despite these instructions, the \textit{baili} did intervene in the legal processes of \textit{kadi} courts for specific issues such as the nonobservance by the \textit{kadi} of court procedures prescribed in the Capitulations, when a lawsuit involved high-ranking Ottoman officials, or, more generally when it was potentially disruptive for Venetian trade as a whole. Such involvement entailed the \textit{baili}’s diplomatic efforts with high-ranking Ottomans, usually the Grand Vizier, to settle the case outside \textit{kadi} courts, for instance through diplomacy or by bringing it to the Imperial Council instead (which was headed by Grand Vizier), to obtain imperial orders in favor of the Venetian side. The records of \textit{kadi} courts do not contain evidence of the role of the \textit{baili} and Ottoman authorities in court processes and we should turn to either Venetian sources or imperial orders issued by Imperial Council to discern their involvement.

The non-observance of court procedures enshrined in the Capitulations amounted for the \textit{baili} to a violation of these inter-state agreements. In 1616, Galata’s Christian Covan veled-i Turigla (Zuanne Turiglia) brought the Venetian Ijepu (Iseppo Vidalii) to the court of the \textit{kadi} of Istanbul over a debt-related dispute. There, a deputy \textit{kadi} heard the lawsuit between them in the presence of a Jewish dragoman instead of a Venetian one, as the Capitulations prescribed. The \textit{kadi} passed sentence against Ijepu who was

\textsuperscript{104} For instance, see SDelC, reg. 11, fols. 111v-115r (11 February 1614).
later imprisoned. By petitioning the Imperial Council, the bailo managed to free Ijepu from prison on the grounds that the procedure followed by the kadı had violated the Capitulations, and he obtained a new hearing of the lawsuit in the Imperial Council itself.\textsuperscript{105} In another instance, which we have seen on page 310, several Ottoman subjects charged the merchant Edvardu at Galata’s kadı court over a surety contract for damages suffered during a sea voyage at the hands of Christian pirates. In this case, by referring to the clause of Capitulations that the possession of documents on legal and business agreements was mandatory in order to sue a Venetian subject over a commercial matter (with a claim larger than 5,000 aspers), the bailo managed to have the legal suit against him dropped.

The bailo also could intervene when the outcome of a single lawsuit could potentially jeopardize the investments of several Venetian merchants and their partners in Venice. For instance, in 1614 in the court of Galata Ali bin Yusuf from Jerba sued the Venetian captain (reis) Nikoluz (Nicolò di Luca) over an act of piracy that had taken place eight years before near the port of Volos in Thessaly. In this attack, Ali’s son Süleyman was killed and the goods in the ship seized by Nikuluz and his crew. At court Ali demanded blood compensation but Nikuluz denied that he had been involved in such an attack. Ali brought to court a survivor from the attack, a Muslim named Mehmed bin Abdüsselam, to testify against Nikuluz but he could not produce another witness and, therefore, the kadı granted him extra-time to bring further witnesses.\textsuperscript{106} From Venetian sources, we learn that in the meantime the Grand Vizier Öküz Kara Mehmed Paşa (office

\textsuperscript{105} GŞS 40, 72/A (evâsit-ı Muharrem 1025/January 29-February 8, 1616).

\textsuperscript{106} GŞS 36, 164/B. White too mentions this case in Piracy and Law, 1-3.
1614-1616), also petitioned by Ali, had ordered the confiscation Nikoluz’s ship (*Nave Tobia*), which was bound for Venice loaded with the goods of numerous Venetian merchants.

Being a piracy matter, this dispute was potentially detrimental for Ottoman-Venetian relations, in the event the *kadı* issued a verdict against the Venetian Nikoluz. Pirate attacks by Venetian subjects against Ottoman ships and towns constituted a major breach of the Capitulations and often led to diplomatic crises.¹⁰⁷ Fearing for Nicolo’s life and for the potential loss of the ship and its cargo, had the *kadı* passed sentence against him, the *bailo* Almoro Nani intervened into the lawsuit. He summoned the Council of Twelve to raise money to cover the expenses for solving the case, which he regarded as an *avania*, and he entered negotiations with Ottoman administrative and legal officials, included the *kazasker* of Rumeli to whom the Grand Vizier had delegated the affair. After an inconclusive hearing of the case in the Imperial Council the *bailo* managed to settle the dispute outside Ottoman courts with the mediation of the *kazasker*.¹⁰⁸

5—Conclusion

*Kadı* courts were the principal Ottoman legal and notarial institutions available to Venetian subjects in early modern Istanbul. Their standing in these courts was dependent on norms of Hanafi Islamic law concerning non-Muslims in Muslim courts and on interstate agreements, namely the Capitulations, which belonged to the sphere of sultanic legislation. The Capitulations stipulated the jurisdiction of these courts over cases

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¹⁰⁸ SDC, busta 78, No 4, fols. 30r/31v (17 September 1614), and b. 6, fols 53v/54r (2 October 1614). We do not how the *bailo* eventually achieved the settlement.
involving both Venetian and Ottoman subjects, prescribed Venetian subjects to register business transactions there, and introduced procedural privileges—especially in matters of testimony and the admissibility of documentary evidence—that aimed to improve their overall standing vis-à-vis Ottoman subjects.

In spite of the availability of kadi courts to Venetian individuals, as both forums of justice and notarial offices, and the prescriptions of the Capitulations on their behalf, evidence from the first three decades of the seventeenth century illustrates that these institutions played only a little role in regulating Ottoman-Venetian trade. Venetian and Ottoman merchants turned to these courts in a small number of cases for legal and notarial services in comparison with the workload of the Venetian chancellery. The reasons for this modest use of kadi courts was the employment of standard Hanafi procedures for dealing with the legal suits of the non-Muslims and the little application of the norms of the Capitulations on behalf of Venetian litigants. The testimony of Muslim men prevailed in processes of adjudication and both Venetian and Ottoman litigants made little use of written documents in lawsuits, although the Capitulations made their possession necessary in matters, like trade-related disputes, which fell within the purview of Hanafi Islamic law.

However, court procedure alone fails to explain the minor role played by kadi courts in the Ottoman/Venetian trade: we should also refer to judicial and notarial alternatives. The presence of the Venetian chancellery—an old-established institution of commercial arbitration and a notarial office which offered summary/mercantile procedure and produced documents circulating within Venetian territories and the Venetian trading system at large—is likely the main explanation why Venetian and Ottoman merchants...
trading with Venice only seldom used *kadi* courts. As shown by the preeminence of oral testimony in legal proceedings, in contrast to the Venetian chancellery, *kadi* courts represented an institution at the service of Istanbul’s urban population—Muslims, Christians, Jews—and local social and economic networks.

Despite the limited use of Istanbul’s *kadi* courts by Venetian merchants, these institutions provided them with specific legal and notarial services that were unavailable in the Venetian chancellery. First, they operated as criminal tribunals dealing with episodes of thefts and physical assaults against Venetian subjects and vice versa. Thanks to their greater enforcement capabilities, they allowed Venetian individuals to sue felons and obtain monetary compensations from them or their kin. Second, in *kadi* courts Venetian subjects registered commercial agreements with Ottoman subjects for trade ventures within the boundaries of the Ottoman Empire (like in the Black Sea region) and with foreign countries, like Malta and Sicily, for rescuing Muslim slaves. Such documents of commercial agreements are absent in the records of Venetian chancellery, where Venetian merchants abstained from registering their business contracts altogether. It appears that Venetian merchants and their Ottoman partners used the notarial services of the court of Galata only for a few specific services, such as the registration of business contracts for trade ventures in specific areas of the Ottoman Empire and with non-Venetian territories elsewhere. However, the limited number of both criminal lawsuits and notarized business transactions shows that such occurrences constituted an exception in the total workload of *kadi* courts in Istanbul.

Lastly, this chapter has shown that, apart from the normative framework, political and commercial issues could also influence the workings of Istanbul’s *kadi* courts. The
political, social, and economic context of Ottoman Istanbul and the eastern Mediterranean affected the workload and operations of these institutions. The Venetian baili intervened in some lawsuits involving Venetian subjects by appealing to Ottoman authorities to either interrupt or influence adjudicative processes in favor of Venetian subjects. Such intervention took place when judicial procedures violated specific rulings of the Capitulations or when the outcome of a legal suit could potentially jeopardize Venetian trade in the Ottoman capital. Apart for harming individual Venetian subjects, the non-application of procedures enshrined in the Capitulations amounted to a violation of interstate agreements. The role of diplomacy in the resolution of disputes handled by kadi courts illustrates how much the administration of justice, commercial interests, and inter-state diplomatic relations were intertwined in early modern Istanbul. The next chapter extends this examination of the interrelations between political economy and justice administration by focusing on the Imperial Council.

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109 Legal historians of the Ottoman Empire make the same argument about the influence of local social and economic dynamics on the working of kadi courts in Ottoman provincial towns. Ergene, Local Court, 146-169; Peirce, Morality Tales, 251-350; Canbakal, Society and Politics in an Ottoman Town, 123-178.
Chapter 7: Claims of Venetian Subjects heard in the Imperial Council

1—Introduction

In 1612, a Venetian merchant named Nikola veled-i Corcu ventured from Izmir (Smyrna) into the hinterland of western Anatolia to purchase cotton from local producers. In a locality called Nif, near the city of Manisa, he purchased sixteen sacks of cotton, which he entrusted to a local Muslim named Hacı Arslan to deliver it to his Venetian partners in Izmir, Izepu Bergama and Batişta. However, Hacı Arslan did not deliver the cotton. Unable to retrieve the goods through the local justice, Nikola and his partners appealed to the bailo in Istanbul for help. The latter filed a complaint within the Imperial Council (divan-i hümayun), the “council of state” of the Ottoman Empire and a court of justice headed by the Grand Vizier. The Imperial Council ruled in favor of the Venetian party and, subsequently, it issued an imperial order (hükûm) instructing the kadi of Manisa and the regional governor (Saruhan sancakbeyi) to bring Hacı Arslan and Nikola to court to stand trial together with Nikola for the undelivered cotton. If Hacı Arslan was to be found guilty, the order continues, he should immediately deliver the goods to Nikola. If he refused to comply with the court’s sentence, the order instructed the Ottoman officials to bring Hacı Arslan, Nikola, and his two partners from Izmir to Istanbul where the Imperial Council would hear the case and pass judgment according to Islamic law (şer'le görile).¹

As this case shows, kadi courts were not the only forum of justice in the Ottoman Empire. Like the inhabitants of medieval and early modern European polities, the subjects of the Ottoman sultans enjoyed the right to directly petition the sovereign to forward their

¹ BOA, DED 13/1, 93/459 (16 Cemâziyelâhir 1021/14 August 1612).
grievances against state officials and coreligionists and to seek new economic rights and offices in the state administration. In the Ottoman Empire, the central institution dealing with the petitions of Ottoman subjects from any corner of the empire was the Imperial Council. It embodied the sultans’ responsibility to maintain order and dispense justice (adâlet) to all individuals residing in their dominions regardless of religion, sex, and socio-economic background. Furthermore, the case above demonstrates, the Imperial Council also dealt with controversies between Venetian and Ottoman subjects arising from daily business transactions and criminal offenses.

This chapter analyzes the role of the Imperial Council in the legal and economic affairs of the Venetian community in Istanbul and in the rest of the empire during the first three decades of the seventeenth century. After presenting the entire range of activities carried out by this institution regarding Venetian affairs, this chapter focuses on how it handled civil and criminal disputes between Venetian and Ottoman subjects. I show that, while this institution rarely adjudicated private disputes involving Venetian subjects, it intervened in the judicial processes of kadi courts, both in Istanbul and in the provinces, by instructing kadıs to arrange trials, to follow specific procedures, and to consider types of evidence. I therefore argue that, in case of the lawsuits of Venetians, the Imperial Council operated as first and foremost as an overseer of the judicial processes performed in kadi courts.

What is more, this chapter shows that that the operations of this institution embodied the political economy of the Ottoman Empire and Venice in the early

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seventeenth century. The Imperial Council, as both an assembly of Ottoman officials and a court of justice, supported Venetian merchants residing in the Ottoman Empire by punishing Ottoman officials responsible of misconduct alongside corsairs, and bandits, by regulating customs duties, issuing new regulations on trade, and by intervening in local judicial processes in favor of the Venetian litigants. Therefore, the workings of this institution illustrate the Ottoman authorities’ desire to encourage Venetian trade and maintain peaceful relations with Venice in the period under consideration. These Ottoman efforts are evident in the rulings of the Imperial Council, which prioritized the upholding of international treaties (the Capitulations), which belonged to the sphere of sultanic legislation (kanun), over the strict application of Hanafi Islamic norms in matters of legal evidence, jurisdiction of kadi courts, and procedures of dispute settlement.

At the same time, Venetian diplomacy played a key role in the resolution of legal controversies involving Venetian subjects that were dealt with by the Imperial Council. The baili dominated the process of appealing to this institution on behalf of Venetian subjects and negotiated with Ottoman officials for favorable outcomes for the latter. Such interventions demonstrate the political nature of appealing to this institution in the early modern Ottoman Empire for the subjects of Western European powers. Interstate diplomatic relations and commercial interests jointly affected the administration of justice in the Imperial Council. In another words, when a legal dispute involving Venetian subjects was brought to the Imperial Council, it ceased to be a legal case and it became a political matter settled through diplomatic means.
The Imperial Council served different purposes in the administration of the Ottoman Empire and its relations with foreign powers. It was both a “council of state” dealing with major political, military, and economic issues, and as legislative and executive court which administered public order through law books (kanunname) and ad hoc decrees (nişan and hüküm) when the need arose. Until the reign of sultan Mehmet II (1451-1480), the sultans themselves presided over the Imperial Council. After 1480, they endowed their executive authority to their deputies, the Grand Viziers (sadrazam), with executive authority. Other permanent members of the Council were the two highest-ranking kadısı of the Ottoman Empire (kazasker) of Rumeli and Anatolia, the governors-general of these two administrative divisions (beylerbeyi), the chief of the financial administration (baş defterdar), and the chief chancellor (nişancı).

The overall authority of the Imperial Council, the frequency of its meetings, and their location changed throughout the early modern period because of shifting power configurations in the Ottoman politics. In the first, half of the seventeenth century, it convened in the Council Chamber (divan odası) of the royal palace (Topkapi Palace) four days a week (Saturday, Sunday, Monday, and Tuesday). The Grand Vizier also held councils in his mansion after the regular meetings (ikindi divanı, “the Afternoon Council”) of the Imperial Council and on every Wednesday (çarşamba divanı) when he met with the

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four chief *kadı* of Istanbul (intra-muros Istanbul, Galata, Üsküdar, and Eyüp) and distributed between them judicial cases.\(^5\) When on military campaigns, the Grand Vizier convened a council in his tent, and in Istanbul he placed, his deputy (*kaymakam*), to preside over the Imperial Council’s regular sessions. In regional capitals, provincial governors held councils that were modelled after the Imperial Council in Istanbul.\(^6\)

Any subjects of the sultan—*reaya* (tax-paying subjects) or *askeri* (the military and administrative ruling elite), men, women, Muslims, and non-Muslims—as well as protected foreigners, could bring their grievances to the Imperial Council. This was a key component of the legitimacy of the sultans and the embodiment of the Near Eastern idea of the “circle of justice.”\(^7\) However, the actual process of petitioning the Imperial Council could be a complex and expensive undertaking. Plaintiffs had to produce a petition (*arzuhâl*), which was often written by a professional petition writer (*arzuhâlcı*) or by a *kadı*

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for a fee, and which had to follow standardized legal formulae. In order to strengthen their case, plaintiffs could also obtain a legal certificate (hüccet) issued by a kadi court concerning their claims or a fetva penned by either provincial muftis or, even better, by the şeyhülislam in Istanbul. The importance of producing written records to submit and support one’s grievances and to support the case illustrates a key difference between the Imperial Council and kadi courts, wherein plaintiffs did not need any document to sue an individual.

After producing a petition, an individual had to submit it to the Imperial Council. In the case that they lived outside Istanbul, they had to travel there or sending the case through an intermediary. In Istanbul, the plaintiff or their agent could deliver it during the regular sessions of the Imperial Council or activate networks of acquaintance or patronage to send the petition to high-ranking Ottoman officials. Another method of delivery was to approach the sultan during his public appearances, such as the Friday prayer in the mosque of Aya Sofya, and hope that his attendants would collect the petition and forward it to the Imperial Council. Those appealing to the Imperial Council in person presented their case orally before Ottoman officials, while for those sending a petition from provincial cities a hearing did not take place and the Imperial Council ruled on the basis of the petition, the submitted documents, and available evidence in Ottoman archives. By the second half the

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9 Wittman, Before Qadi, 151-153.
seventeenth century, the whole process of petitioning had become a bureaucratized one with standardized procedures for handling petitions and registering the responses to them.\(^\text{10}\)

The process of petitioning, which entailed paying for the production of written documents, travelling to Istanbul, and conveying the petition, could incur substantial expenses. The court also charged a fee for issuing the imperial order sought. According to the 1613 account book of Kağıd Emini Mustafa Çavuş, a bookkeeper (kâtib) of the Imperial Council under Sultan Ahmed I (1604-1617), the hükûm issued in response to an individual’s petition costed 24 Ottoman aspers.\(^\text{11}\) According to Richard Wittman, the Imperial Council’s moderate fees reflected the commitment of the sultans to provide justice to all subjects.\(^\text{12}\) However, given the aforementioned considerable expenses of petitioning and the likely additional expenses for expediting procedures and, in case of favorable decision by this court, for having the imperial order enforced in locus, appealing to the Imperial Council must have been a considerable investment for most of the inhabitants of the Ottoman Empire. A way of limiting the costs were collective petitions by groups of individuals. Apart from such occurrence, it is likely that it was mostly preeminent individuals with substantial financial means turned to this institution.


\(^\text{12}\) Wittman, Before Qadi, 154.
As far as the function of the Imperial Council as a court of justice is concerned, there is disagreement among legal historians of the Ottoman Empire. The Islamic law’s principle of siyâset-i şer’iyye (Arabic siyasa sharia), that is, the exercise of political and administrative power in accordance with Sharia, provided the Muslim ruler with the authority to maintain public order and to intervene in the judicial administration.\(^{13}\) Sultanic legislation (kanun) was the result of this authority. According to scholars like Ronald Jennings, Haim Gerber, and Wael Hallaq, in the Ottoman Empire such authority was limited to tax collection, public order, public morality, and criminal law for specific issues (such the hudud crimes mentioned in the previous chapter), while the kadi enjoyed a monopoly on the administration of justice. Consequently, these scholars maintain that the foremost duty of the Imperial Council was to address matters of public order, in particular grievances against state officials, while it did not play any role in private disputes.\(^{14}\)

Recent studies on seventeenth- and eighteenth-century Istanbul and Cairo, such as those of Wittmann and James Baldwin, and on eighteenth-century Anatolia, like that by Başak Tuğ, cast doubts on this view. These scholars show that individuals brought all types of disputes to the Imperial Council all types of dispute, both private or public, civil, and criminal. They also argue that individuals sued one another in the Imperial Council without


turning first to \textit{kadi} courts, and they provide evidence that this court actually passed sentences in private disputes thereby not always delegating adjudication to \textit{kadı}s. Lastly, these scholars show that lack of formal jurisdictional boundaries between the Imperial Council and \textit{kadi} courts existed, apart from cases involving high-ranking Ottoman officials and the heads of non-Muslim communities.\footnote{Wittmann, \textit{Before Qadi}, 166/167, 205-213; Baldwin, \textit{Law and Empire}, 55-72; Tuğ, \textit{Politics of Honor}, 94-126. See also Akarli, Engin. \textit{“Law in the Marketplace: Istanbul, 1730–1840,”} in Muhammad K. Masud, Rudolph Peters, and David Powers (eds), \textit{Dispensing Justice in Islam: Qadis and Their Judgments} (Leiden: Brill, 2006), 245-270, 247-251.}

As a court of law, the Imperial Council applied the three sources of Ottoman law, namely, Hanafi Islamic law, \textit{kanun}, and \textit{örf}. The Grand Vizier either took decisions after hearing a petition or delegated different matters to other members of the Council according to the nature of the dispute and the workload of the court. In matters related to Hanafi law (\textit{umûr-i şer’î}), such as commercial, family, and property-related disputes, the Grand Vizier transferred the adjudication to the \textit{kazasker} of Rumeli, the highest-ranking judicial official of the Ottoman Empire. In such cases, Hanafi law provided the procedural and doctrinal framework like it did in \textit{kadi} courts.\footnote{Mumcu, Ahmet. \textit{Hukûksal ve Siyasal Karar Organı Olarak Divan-ı Humayun} (Ankara: Birey ve Toplum Araştırmaları, 1986), 98/99; Wittman, \textit{Before Qadi}, 188. We still know little on how the Imperial Council actually took its decisions and the role of the different court officials in this process. According to the \textit{bailo} Ottaviano Bon, the Grand Vizier delegated most of the dispute to other court officials while he dealt with diplomatic and international matters. The \textit{kazaskers} handled “civil disputes”, the \textit{defterdâr} financial issues, the \textit{nişancı} with matters related to “falsification,” while the remaining officials took care of important commercial issues “of difficult probation” (\textit{di difficile probatione}). Pedani-Fabris, Maria Pia (ed), \textit{Relazioni di ambasciatori veneti al Senato, XIV, Relazioni inedite. Costantinopoli (1508-1789)} (Padova, Bottega d’Erasmo, Aldo Ausilio, 1996), 65/66. The 1676’s law book of Abdurrahman Pasha (\textit{kanunname}), the head of the chancery (\textit{tevkî}) in the 1670s, provides guidelines on procedures of Imperial Council but we cannot know with any degree of certainly how far Ottoman officials followed them. Abdurrahman Abdi, \textit{Abdurrahman Abdi Paşa Kanunnamesi} (edited by H. Ahmet Aslantürk) (İstanbul, Okur Kitaplığı, 2012), 29-33.}
After the submission of a petition, the Imperial Council evaluated the claims of petitioners based on the evidence available. The inhabitants of Istanbul could take part in the court hearing and bring witnesses on their behalf. In the case of petitions sent from the provinces, usually no hearing between the parts took place and the Imperial Council could assess the claim of an individual only on the basis of the documentation kept in its own archives. For instance, it could establish a petitioner’s claim resting on a title to property or to an office that had been granted by a previous rescript registered in its archives. Based on the information it possessed, the Imperial Council either ruled directly over a petition or, especially in cases originating in the provinces, delegated the adjudication of the controversy to a local kadi.17

A controversial function of the Imperial Council is legal review. In the past twenty years, scholars of Islamic law and the Ottoman judicial system have challenged the conventional view that a kadi’s decision was final according to Hanafi Islamic law. 18 On the one hand, studies on legal doctrine by Baber Johansen and David Powers show that, during the period of formation of Islamic law (eight/ninth centuries), Hanafi jurists had already developed procedures to review a kadi’s verdict according to specific jurisdictional principles and Ottoman jurists developed new arguments in order to accomplish it. Such reasons include mistakes in court procedures and the legal incompetency of the kadi.19 On the other hand, historians working on legal practice, such as Michael Ursinus, Rossitsa

17 Mumcu, Divan-ı Humayun, 103-106; Baldwin, “Petitioning the Sultan.”


Gradeva, Fariba Zarinebaf, Richard Wittmann, Eyal Ginio, and Başak Tuğ argue that the Ottomans created an appellate judicial hierarchy, both in collective empire under the Imperial Council and in each province under the governor’s Council, in which legal review could take place. They also provide evidence, admittedly quite limited, of appeals to the Imperial Council to review a previously-issued court verdict.20

However, other scholars working on different localities disagree over this function of the Imperial Council. Focusing on Cairo, Baldwin does not find any instances of an appellate hierarchy and argues that when plaintiffs brought cases to either the Imperial Council or the governor’s Council as a second instance, they aimed not have a previous sentence by a kadi overturned but to have the latter enforced on side.21 Working on the administration of justice in the eastern Anatolia town of Diyarbakir during the eighteenth century, Yavuz Aykan shows that plaintiffs that turned to the governors’ Council sought either the enforcement power of this institution or the punishment of abusive state officials. Regardless of their view on the appellate function of the Imperial Council, scholars agree that enforcement of a kadi’s decision was the main reasons why individuals appealed to the Imperial Council or the Governors’ Councils in second instance.

Lastly, while the appellate function of the Imperial Council remains controversial, there is a general consensus that this institution did not have the legal authority to grant


21 Baldwin, Islamic Law and Empire, 66-68.
acts of mercy or grace. In numerous medieval and early modern European polities, individuals could appeal to high magistracies or princely courts, such as the Supplication Committee of the Holy Roman Empire, the Serenissima Signoria in Venice, and the Magistrato Supremo in Florence, to ask for the lowering of a fine, the reduction of a punishment, or even for the cancellation of a sentence altogether. However, Hanafi Islamic law did not contemplate such practices. According to Wittmann, the Imperial Council responded only to petitions addressing violations of the law while it could not grant grace or alms.

The Capitulations

The Imperial Council also played an important role in the social and economic life of the Venetians as well as other Western Europeans residing in Ottoman towns. It issued new regulations concerning the legal and economic status of the Venetian subjects and the conduct of long-distance trade within the empire’s boundaries. For instance, it introduced rules on the rate of custom duties, exemption from newly introduced taxes, new court procedures, and prohibited goods. These newly introduced rulings thereafter became part of the regime of the Capitulations, and, consequently, of Ottoman law. As a court, the

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23 Wittman, Before Qadi, 143.

Imperial Council dealt with the baili’s grievances about any types of controversy jeopardizing the peaceful residence and business activities of Venetian subjects in the empire, from mistreatments at the hands of Ottoman officials, banditry, and piracy, to commercial disputes.

As far as the judicial function of this institution is concerned, the Capitulations stipulated that any lawsuits brought against the bailo should be brought to the Imperial Council alone.25 This mirrors the aforementioned Ottoman practice of granting the Imperial Council the exclusive jurisdiction over disputes involving the heads of non-Muslim communities and high-ranking state officials. In the case of lawsuits involving Venetian consuls and individual Venetians the situation was less clear. The texts of the Venetian Capitulations of the sixteenth and the first half of the seventeenth century did not specify if consuls and individual merchants could turn to this forum and, if they could, what kind of disputes they could bring here. The English Capitulations of 1601 introduced the clause that lawsuits involving claims larger than 4,000 aspers should be heard only in the Imperial Council.26 Despite the absence of such articles in contemporary Venetian Capitulations, several imperial edicts established a similar practice for Venetian merchants and consuls. For instance, in 1616, an order instructing the kadi of the Aegean Island of Naxos about consular authority and protection of Venetian consuls and merchants states the following:


“According to the Capitulations, [in Naxos] if someone sues the above-mentioned [Venetian] consul or any other Venetian for a sum of money larger than 5,000 aspers, and if he does not have a court certificate (hüccet) or a title-deed (temessük) written by himself proving his claim, or in case that a court record (sicil) about such claim has not been registered in the kadi’s safeguarded records, the latter should not hear the case or listen to witnesses. The case should be heard at the Imperial Council.”

Given the significant devaluation of the aspers from the late sixteenth century onwards, such ruling must have been inapplicable to every case brought to the Imperial Council involving an equal amount of capital, especially if the cases originated in the provinces.

This imperial order also illustrates the importance of producing written records in order to be able to sue Venetians in both kadi courts and in the Imperial Council.

3—The Records and the Types of Legal Acts

Our sources consist of orders (hüküm) issued by the Imperial Council in response to petitions of the bailo. They are preserved in the Prime Ministry Ottoman Archives in the series Düvel-i Ecnebiye Defterleri (Registers of Matters Related to Foreign States). These registers cover the years 1604-1628. From the early seventeenth century onward, Ottoman officials began to keep separate registers of documents concerning the diplomatic, legal,

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27 MMD 6004, s. 2, No 6 (evâsit-i Receb 1025/ 24 July-3 August 1616). Köse, Metin Z.. 1600-1630 Osmanlı Devleti ve Venedik Akdeniz’de rekabet ve ticaret (İstanbul: Gıza Yayınları, 2010), 171.

28 In 1600-1620 5,000 aspers corresponded to about 41,6 Venetian ducats. Pamuk, A Monetary History, 144, table 8.3.

29 I analyzed the registers DED 13/1 and the series Maliyeden Müdevver (Financial Registers) 6004 and 17901. According to Suraiya Faroqhi, the latter two registers actually belong to the ED series, and they have been miscatalogued in the Financial Registers. Faroqhi. “The Ottoman and the Trade Routes of the Adriatic” in Suraiya Faroqhi Another mirror for princes: the public image of the Ottoman sultans and its reception (İstanbul: Isis Press, 2008), 249-265, 252, note 1. The baili kept copies of many of these orders in the archives of his chancery. See Archivio di Stato di Venezia (ASV), Bailo a Costantinopoli, buste 250/251. For their inventory, see Mumcu, Serap. Venedik Baylosu’nun Defterleri-The Venetian Baylo’s Registers (1589-1684) (Venice: Edizioni Ca’Foscari-Digital Publishing, Venice, 2014).
and economic issues of foreign states.\textsuperscript{30} The registers under study contain hundreds of documents concerning Ottoman-Venetian affairs and, as they reflected the daily application of the Capitulations, constitute an extremely important source for studying diplomatic and commercial relations between the two powers.\textsuperscript{31}

The three registers contain 765 imperial orders concerning military, security, legal and economic matters of Venetian subjects in Istanbul and the Ottoman provinces.\textsuperscript{32} They are short and formulaic documents illustrating how the Imperial Council responded to the baili’s petitions, yet they tell us very little about the procedures of petitioning, the litigation of a lawsuit (if it actually took place), or the possible negotiations between Venetian and Ottoman authorities that led to the issuance of the imperial order. In the case of private disputes, an absence of Venetian sources on the same episodes means that we know little about the initiatives of the litigant parties and the role of Venetian consuls in the provinces.

\textsuperscript{30} Hitherto, documents concerning Venetian-Ottoman affairs were kept in the archival series Mühimme Defterleri (Registers of Important Matters).\textsuperscript{30} I conducted a survey of two registers archival series of the MD 81, 82 and I found very few cases involving Venetians that were copies of documents kept in the Registers of Foreign Affairs. See, for instance, MD 82, 282/83. On the different varieties of documents produced by the Imperial Council and the development of record-keeping practices of the Imperial Council from the sixteenth century onwards see Emecen, Feridun. “Osmanlı Divanının Ana Defter Serileri: Ahkâm-ı Mûrî, Ahkâm-ı Kuyûd-ı Mühimme ve Ahkâm-ı Şikâyet.” \textit{Türkiye Araştırmaları Literatür Dergisi} 3/5 (2005), 107-139.

\textsuperscript{31} On the importance of these records for studies of European communities and the regime of the Capitulations see, Goffman, Daniel. \textit{Izmir and the Levantine World, 1550-1650} (Seattle: University of Washington Press, 1990), 147-154; Faroqhi, “The Venetian Presence,” 352-354.

\textsuperscript{32} The registers also included copies of the Capitulations and 24 general decrees (nişan-ı hûmayûn) concerning empire-wide regulations about shipping, fiscal duties, judicial procedures in Ottoman courts, etc. Since we do not know the specific political and economic context in which they Imperial Council issued them, I do not include them in my following analysis.
Furthermore, we do not possess information about the ways in which Ottoman officials enforced the decisions of the Imperial Council locally.33

Table 7.1: Types of “Venetian affairs” dealt by the Imperial Council (1604-1628)

<table>
<thead>
<tr>
<th>Types of Matters</th>
<th>Number of Cases</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mistreatment by State Officials</td>
<td>275</td>
<td>36%</td>
</tr>
<tr>
<td>General Instructions</td>
<td>143</td>
<td>19%</td>
</tr>
<tr>
<td>Travel Documents</td>
<td>94</td>
<td>12%</td>
</tr>
<tr>
<td>Private Disputes</td>
<td>76</td>
<td>10%</td>
</tr>
<tr>
<td>Piracy</td>
<td>70</td>
<td>9%</td>
</tr>
<tr>
<td>Border Issues</td>
<td>57</td>
<td>7.5%</td>
</tr>
<tr>
<td>Protection of Catholics</td>
<td>50</td>
<td>6.5%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>765</td>
<td>100%</td>
</tr>
</tbody>
</table>

The variety of issues dealt with by the Imperial Council is considerable demonstrating its nature as a multi-purpose institution. I divide the issues into 7 (etic) categories. As Table 7.1 shows, the largest group of orders (36%, 275 cases) addressed episodes, from a Venetian perspective, of mistreatment of Venetian subjects at the hands of Ottoman officials throughout the empire. Unsurprisingly, the main source of abuse was the collection of excessive custom duties (32% of 275, 79 cases), followed by the

imposition of illegal taxes (17%), such as the Islamic poll-tax on Ottoman non-Muslims (*harac*) and the new extraordinary state taxes (such as the *avârız-i divâniye*). Both issues were sources of repeated controversy and negotiation between Venetian and Ottoman authorities. The rest of the cases involved arbitrary detention of Venetians, enslavement, confiscation of their ships, etc. The Imperial Council’s primary role in dealing with the misdeeds of state officials against Venetian subjects reflects one of the chief duties of this institution, namely the scrutiny of administrative and military officials.

The second group of matters (19%, 143 documents) concern general instructions to Istanbul’s and provincial authorities over a variety of issues, from the rate of custom duties, exemption from newly-introduced state taxes, market regulations, prohibited goods, consular authority, and court procedures in disputes involving Venetian merchants, etc. In these cases, the Imperial Council either introduced new rules or, by repeating previous orders or Capitulations’ articles, instructed local authorities on how to deal with specific matters. Here, this institution acted as a legislative body by issuing new rulings which thereafter became part of the system of the Capitulations.

Other matters handled by the Imperial Council were the issuance of travel documents, piracy, private disputes (the focus of this study), borders issues, and ecclesiastical affairs. In 94 cases (12%), the *bailo* appealed to this institution to receive a travel document for himself, other Venetian officials, and merchants travelling in specific

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35 For instance, see the Venetian merchant’s exemption (not included in the texts of the Capitulations) from the administratively-fixed prices (*narh*) for woolen and silk cloths they imported to Aleppo. MMD 17901, 7/2 (evâsšt-i Rebiʿülevvel 1028/25 February- 7 March 1618).
areas of the Ottoman Empire, especially in the Balkans. In Ottoman bureaucratic terminology, these documents are called yol hükmü or yol emri (literally “commandment of the road”) and played different roles in the empire’s military and fiscal administration.\(^{36}\)

In the Venetian case, they were not safe-conducts since, according to the Capitulations, Venetian subjects could travel safely through the Ottoman Empire. Rather, these documents functioned as an identification paper for the bearer and thus as extra-protection while passing through specific areas of the empire.

Border issues and piracy constituted together 16.5% of all the imperial orders. The former (57 orders) included irregular warfare and controversies on the jurisdiction of areas along the Ottoman/Venetian frontier zones in Dalmatia and Albania. Pirate attacks (70 cases) by Ottoman subjects against Venetian shipping, especially in the Ionian and Aegean Seas and around Cyprus, constituted one of the most dangerous threats to Venetian trade and a source of numerous complaints to Ottoman authorities by the baili.\(^{37}\) Despite mutual clauses against piracy by Venetian and Ottoman subjects, pirate attacks, mostly by Ottoman subjects, witnessed a sharp rise in the first three decades of the seventeenth century.

Lastly, I classified ecclesiastical affairs (6.5%, 50 orders) separately due to the beneficiaries of these imperial orders, namely Catholic priests, and friars. As part of their duties as ambassadors of a Catholic power, the baili sought imperial orders in defense of


Catholic Churches and clergymen in Jerusalem and throughout the Ottoman Empire regardless of the latter’s geographical provenience and political affiliation. From the late sixteenth-century onwards, protection over Catholic priests and laymen, all called “Franks” (frenk) in documents of the Imperial Council, became a source of competition between Venice and France.\(^{38}\)

Regarding locations where disputes arose, the Imperial Council dealt with Venetian-related controversies originating mostly from the provinces (94%) while only 46 cases took place in the Ottoman capital (6%). Among the latter, 9 cases were private disputes (7 civil and 2 criminal cases), while the rest of the orders concern episodes of excessive customs duties and other forms of illegal taxation, instructions on court procedures, shops, and taxation. Outside Istanbul, the trade hubs of İzmir and Aleppo figured prominently in the imperial documents, with about 30% together.

We can explain the limited use of the Imperial Council by Venetian officials and subjects in the Ottoman capital by referring to the presence of the Venetian embassy, an old-established diplomatic mission. The baili’s constant diplomacy with Ottoman officials on behalf of Venetian subjects in major legal and commercial affairs might have prevented many disputes from making their way to the Imperial Council. Contrarily, in provincial commercial centers, Venetian consuls and subjects suffered from a weaker standing in the social, political, and economic life of the host society, resulting in numerous petitions forwarded to the baili in Istanbul.

4—The Petitioning Process

There is a crucial difference in procedures applied Venetians in the Imperial Council and in kadı courts. Venetian subjects did not appeal individually to the former but the baili submitted petitions on their behalf and negotiated a resolution of their case with Ottoman officials. This contrasts with the use of this institution by Ottoman subjects who, at least those residing in Istanbul, appealed individually to the Imperial Council regardless of social status, sex, and religious affiliation. Upon receiving grievances from Venetian subjects and consuls in Istanbul, or from any corner of the Ottoman empire, the baili submitted a petition to the Imperial Council by sending his dragomans to the sessions of the court or forwarded the petition to high-ranking Ottoman officials, sometimes even to the sultan himself. After reviewing the petition and ruling over the matter, the Imperial Council issued an order to the either kadı, the governors of the city, or the administrative region where the controversy had arisen commanding the enforcement of its ruling. This procedure occurred ubiquitously regardless of the nature of the dispute and applied to all Western Europeans.

The central role of the baili in appealing to the Imperial Council on the behalf of Venetian subjects shows that this institution dealt with cases involving the subjects of a foreign state as communal matters and it handled the grievances of Venetians exclusively through mediation with the representative of their community. Even in the rare cases when

39 For instance, see Wittman, Before Qadi, 155-169; Zarinebaf, Crime and Punishment, 125-174.

40 As I showed elsewhere, the baili employed their channels of acquaintances and communication within the royal palace and the Ottoman political circles to forward their petitions to the Imperial Council. Stefini, “Ottoman Merchants.” On the process of Venetian subjects and consuls petitioning the Imperial Council in Izmir, see also Signori, Umberto. Proteggere i privilegi dello straniero. I consoli veneziani nell’Impero ottomano tra Sei e Settecento (PhD dissertation, Università di Milano, 2018), 352-371.

41 For instance, see Talbot, “Petitions of the Supplicant Ambassador,” 173-182.
a hearing took place in the court, the Venetian litigants acted under the supervision of the baili.\footnote{Apellàniz, Francisco. ““You cannot produce a Muslim witness”: Early Ottoman attitudes towards proof and religious difference,” Quaderni Storici 51/3 (2015), 633-648, 642/643. For a case involving Dutch subjects, see Van den Boogert, The Capitulations, 170/171.} In this communal bias, the Imperial Council differed from kadi courts where Venetians usually appealed individually and without the interference and mediation of ambassadors and consuls. In the years under study, I did not find a single instance of Venetian merchants individually forwarding a complaint to the Imperial Council and defending their case before it.

Most studies of the Imperial Council present the petitioning process as a one-sided undertaking in which this institution decided over a dispute in a bureaucratic fashion relying only on a single petition sent by one party.\footnote{For instance, see Baldwin. “Petitioning the Sultan,” 509.} This view derives from an exclusive reliance on the records of this institution, which only show how the Imperial Council responded to single petitions. From these records alone we cannot know if, before ruling over a controversy, the Imperial Council considered the petition of only one party without considering complaints forwarded by the opposing party as well. Venetian records illustrate that, at times, that Imperial Council resolved a dispute after evaluating petitions by both sides as well as after negotiations between the parties and Ottoman officials.

For instance, between 1606 and 1608, the bailo Ottaviano Bon (office 1605-1608) and the Venetian consul in Egypt became embroiled in a bankruptcy affair involving a Venetian merchant, Niccolò Algarotti, and his numerous Jewish and Muslim creditors in Cairo. According to both Venetian and Ottoman sources, Niccolò was the exclusive responsible for his bankruptcy as he wasted the capital of his business partners in gambling
and non-trade related activities. In 1606 he tried to pay his creditors by selling goods that he had just received from his principal partners in Venice: Venetian fabrics, paper, glass, and refined corals valued at 30,000 sequins. The Venetian consul in Cairo endeavored to avoid such occurrence and had those goods put in a sealed storehouse in the port of Alessandria (İskenderiye), but Niccolò’s creditors turned to local kadi courts and the Council of the governor-general (beylerbeyi) of Egypt to collect them.

Over the course of the next two years, urged by the Venetian government and the principal merchants in Venice, the bailo in Istanbul sent numerous petitions to the Imperial Council and obtained 7 rescripts ordering the safe delivery of the goods to the consul. The enforcement of these orders proved difficult since Niccolò’s creditors too petitioned the Imperial Council via agents sent to Istanbul in 1607 and 1608. The bailo resolved the affair through negotiations with both the representatives of the creditors in Istanbul and with the Grand Vizier Kuyucu Murad Pasha (office 1606-1611), who, on the bailo’s request, prevented the issuance of an imperial order in favor of the creditors. This example shows that petitioning the Imperial Council could be a two-sided undertaking, involving negotiations between the litigants and Ottoman judicial and administrative officials.44

5—Civil Disputes

Between 1604 and 1628 the Imperial Council handled 55 civil cases between Ottoman and Venetian subjects. Almost all of them, 53 cases, are commercial disputes taking places in the main trade centers of the Ottoman Empire, such as in Izmir (18 cases),

44 On the bailo’s diplomatic activities in Istanbul see ASV, SDC, busta 65, No 10, 97r-106r (11/09/1607) and No 22, v213-224r (12/20/1607). The 7 Imperial orders are DED 13/1, 27/148, 28/155, 29/156, 46/197, 47/205, 51/221, 52/226. For other instances of a two-sided petitioning process see Stefini, “Ottoman merchants.”
Istanbul (7), Chios (7) and Aleppo (6). They arose from unpaid debts, undelivered goods, and debts of deceased businessmen. The two non-commercial disputes involve contested private ownership of houses and estates. We know the monetary value of the civil disputes in only 31 out of 55 disputes. As noted above, the Capitulations stipulated that the Imperial Council hear only cases with claims larger than 5,000 aspers. All the disputes with a monetary value show claim larger than this sum and ranging between 12,975 to 270,000 aspers.45

Table 7.2: Religion of the Opponents of the Venetians in the Imperial Council (1604-1628)

<table>
<thead>
<tr>
<th>Religion of the Opponents</th>
<th>Number of Cases</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Christians</td>
<td>30</td>
<td>54%</td>
</tr>
<tr>
<td>Jews</td>
<td>10</td>
<td>18%</td>
</tr>
<tr>
<td>Muslims</td>
<td>15</td>
<td>28%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>55</td>
<td>100%</td>
</tr>
</tbody>
</table>

Table 7.3: Types of Dispute Resolutions in the Imperial Council (1604-1628)

<table>
<thead>
<tr>
<th>Types of Resolution</th>
<th>Number of Cases</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delegation to Kadi</td>
<td>25</td>
<td>45%</td>
</tr>
<tr>
<td>Specific Order</td>
<td>16</td>
<td>30%</td>
</tr>
<tr>
<td>Summon to Court</td>
<td>4</td>
<td>7%</td>
</tr>
<tr>
<td>Instructions on Procedures</td>
<td>10</td>
<td>18%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>55</td>
<td>100%</td>
</tr>
</tbody>
</table>

45 Given the lack of the monetary value for all the disputes and the fact that, the during the first three decades of the seventeenth century, the Ottoman asper greatly depreciated, we cannot calculate the monetary average of the commercial disputes. Pamuk, *A Monetary History*, 144, Table 8.3. Furthermore, as is shown by our disputes, foreign currencies also circulated in the Empire such as the Spanish eight-real piece (*riyâl gurus*) and the Dutch thaler or lion dollar (*esedi gurus*).
As shown in Table 7.2, the 55 civil lawsuits pitted Venetians against Ottoman subjects (53) belonging to different religious communities, mostly Christians, and, in three notable cases, even against fellow Venetians. Furthermore, in 7 cases the Ottoman litigants were state officials—customs officials, Janissaries, and cavalrymen (sipahi)—the latter two groups belonging to the askeri group. Lastly, in only one case the plaintiff was an Ottoman subject. As far as court procedures are concerned, Table 7.3 shows that the Imperial Council applied four varieties of ruling when handling these cases: delegation of adjudication to a kadi court, specific order, summons to the Imperial Council, and instructions on court procedures. Below, we will analyze here each type of resolution.

Delegation to a kadi

If the Imperial Council received a petition from the baili but did not have enough evidence to assess a claim in loco, it could instruct the local kadi to hear the case and pass a sentence. This delegation of adjudication took place in more than half (38 out of 55) of all civil cases. According to recent studies this was the usual practice of the Imperial Council in dealing with petitions of Ottoman subjects from both the provinces and Istanbul.

In 1615, in the Aegean island of Chios (Sakız), the Venetian merchant Gutardu veled-i Biresu (?) was creditor towards a local Christian individual, Sevastan veled-i Muratu, of 12,795 aspers for an unspecified business transaction. The latter died and his heirs divided his belongings. Gutardu possessed a document sealed by a kadi (mühürlü

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46 We will see this case on page 368.
47 Jennings “Kadi, Court, and Legal Procedure,” 148; Wittman, Before Qadi, 210-212; Baldwin, “Petitioning the Sultan,” 511-513.
tezkere) testifying his credit. For reasons we cannot know from our sources, he did not manage to retrieve his credit from Sevastan’s heirs in Chios through the local justice. Therefore, he appealed to the bailo in Istanbul. After being pettioned, likely through the mediation of the Venetian consul in Chios, the bailo obtained an imperial order commanding the kadi of Chios to summon the heirs of Sevastan to court and to conduct on investigation (teftiş) based on the aforementioned document. If the Venetian merchant manages to prove his claim (hak), the order continues, the heirs of Sevastan should pay him without any delay.48

This record shows two important features of the resolution of private disputes by the Imperial Council. First, documents played an important role in the rulings of this institutions: in 32 of 55 civil disputes, the Venetian plaintiffs possessed documents to back their claims, either legal certificates (hüccet) issued by kadi courts or private documents (temessük or tezkere) produced outside of courts. In the case above, the Imperial Council instructed the kadi of Chios to investigate the claims of Gutardu based on a legal deed. Secondly, rather than simply delegating adjudication to a kadi, in the case above the Imperial Council instructed the latter on how to conduct a trial by showing him the proof to be examined at court. This illustrates the intervention of the Imperial Council in the administration of justice in a provincial court. Such interference favored the Venetian litigants since it made the admission in court of a specific document proving his claims mandatory. However, it is important to remark that, according to Hanafi evidentiary rules,

48 DED 13/1, 55/552 (evâhir-i Zilhicce 1023, 21 January -1 February 1615).
Gutardu would still have needed to produce two witnesses testifying on the document in order to be able to use it as legal evidence in support of his claims.

Another instance of the delegation of adjudication and interference of the Imperial Council in the provincial administration of justice took place in 1605 and it involved Marku, an Ottoman Christian from Ioannina (Yanya) in Epirus, who traded in Venice. He purchased a quantity of goods from two Venetian two merchants (Covan veled-i Tedarilu and an unclear one) but he remained indebted of 528 guruş towards the two merchants and fled Venice without honoring his debt. His creditors held private documents (temessükât) on their credits. They appointed an agent (vekil), named Koluna (?), to go to Ioannina and demand the payment from Marku and, after appealing to the bailo, they obtained an imperial rescript to help the agent accomplish his task. According to the rescript, the kadi of Ioannina should investigate the claims of the two Venetian merchants according to Sharia (hak üzerine şer‘ ile tefîş eyleyüp). If the claim is proven, Covan should pay Koluna the sum shown in the aforementioned documents. Between 1605 and 1608 the Imperial Council issued three imperial orders, with the same instructions, in this case showing the difficulty of enforcing its ruling in the locality.49

Apart from its resolution, this case is also noteworthy because it arose from a business dispute originating outside the boundaries of the Ottoman Empire. As we have seen in the previous chapter, according to manuals of Hanafi jurisprudence (fikih) and fetva collections of the Ottoman period, kadıs could not hear lawsuits over legal and economic transactions carried out outside of Muslim lands (darülislam) even if they involved Muslim

49 DED 13/1, 18/53 (25 Zilhicce 1013/14 May 1605); 38/151 (11 Receb 1015/12 November 1606); 54/235 (14 Safer 1017/30 May 1608).
individuals. In this case, the Imperial Council instructed a *kadi* to adjudicate exactly this type of dispute based on the documentation produced by non-Muslims outside the empire.\(^{50}\) This case is another example of the intervention of the central government in the administration of law in a provincial town by setting the procedure to be followed in a *kadi* court for a specific case— even if such procedure diverged from the norms of Hanafi Islamic law. Furthermore, it shows the strong connections between politics of justice and interstate relations in the operations of the Imperial Council. As a political body, it upheld international agreements: according to the Capitulations, Ottoman authorities had the duty to prosecute Ottoman subjects who went to Venetian territories to conduct business and fled without honoring their business obligations towards local entrepreneurs. The same responsibility applied to Venetian authorities.\(^{51}\) In prosecuting Marku, the Imperial Council was enforcing an obligation enshrined in international agreements, and, therefore, in the *kanun*.

In a last example of delegation of adjudicative authority, again in 1605, the Venetian noble (*beyzade*) Alvize Kontarin (Alvise Contarini) was creditor towards another Venetian, Antun, for 2,826 “Venetian silver coins” (Venedik Guruş).\(^{52}\) He held a private document (*temessük*) written by Antun himself concerning his debt. In the meantime, the latter had become tax-farmer of a saltpan (*tuz emini*) in the town of Makarska along the Dalmatia coast, within the borders of Ottoman Bosnia. In order to recover his credit, Alvize

\(^{50}\) As for documents produced by the Venetian creditors, the agent of the latter required two witnesses in court to turn these documents into a legally admissible document (*hüccet*).

\(^{51}\) See the line 25 of the Capitulations of 1604, Theunissen, “Ottoman-Venetian Diplomatics,” 584.

\(^{52}\) It is likely that Antun was the commercial agent (*fattore*) of the Alvize in the Ottoman Empire. The latter may have resided in Venice from where he directed his agent’s activities in the Ottoman Empire. It is not clear in the document what type of currency was the “Venetian silver coins.” DED 13/1, 23/80 (24 Safer 1014/11 July 1605).
appointed an agent to go to Bosnia. He also petitioned the bailo to obtain an imperial order to facilitate the mission. The Imperial Council issued a rescript addressed to both the governor-general and the chief kadi of Bosnia. According to this order, the two authorities had to bring Antun to court (likely in the provincial capital of Banja Luka) where the kadi had to investigate the dispute in the presence of Alvize’s agent and pass judgment.

This rare intra-Venetian controversy (there are only 3 examples of such cases) shows an Ottoman institution handling a commercial controversy between two Venetian subjects. Despite enjoying judicial authority over Venetian subjects, the baili in Istanbul and the Venetian consuls could struggle to prosecute Venetian suspects of civil or penal offenses since, being foreign ambassadors in Ottoman territories, they lacked enforcement power. In order to enforce their rulings against Venetian subjects, they needed to apply to Ottoman authorities through the Imperial Council. In facilitating the resolution of an intra-Venetian dispute within the empire’s boundaries, Ottoman officials were, again, upholding the bilateral articles of the Capitulations about prosecuting those subjects of one state who did not pay debts or committed crimes in their home country and resided in the other state.53

**Specific orders**

In 16 of 55 civil disputes, the Imperial Council instructed the local kadıs to reach a particular judgment in a lawsuit. Scholars disagree over the nature of such rulings. According to Wittman, these orders constituted an actual sentence passed by this court. In these cases, this institution passed a legal decision that regulated every aspect of a legal suit with a specific order to implement it. However, according to Baldwin, the Imperial

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53 See the line 24 of the Capitulations of 1604, Theunissen, “Ottoman-Venetian Diplomatics,” 583.
Council issued these specific orders only when the petitioners possessed title deeds or court records about a property or a credit. In this case, he notes, the Imperial Council did not actually adjudicate. Rather, it enforced an already-certified right. Our records confirm Baldwin’s understanding about the enforcement function of some specific orders.54

In 1625, the chief kadı of Izmir heard a complex dispute between the Venetian merchant Vinçu veled-i Domeniko (Vicenzo di Domenico) and an Ottoman Christian, Dimitri veled-i Mihail, from the Aegean Island of Lesbos (Midilli), over cotton and broadcloth (çuka). In 1621, Vençu had agreed to send Dimitri broadcloth, valued at 248,000 aspers, in exchange for a quantity of cotton to be given to him 4 months later. Dimitri delivered 260 kantar of cotton worth 1,000 aspers for kantar, but still owed Vinçu 26.5 kantar of cotton. Three years later, in 1624, Dimitri had still not honored his debt. He turned to a kadı court and “deceitfully” (hile ile) claimed that, at that time, a kantar of cotton was valued 4,000 aspers instead of 1,000 as it had been three years before. To accommodate the new exchange rate, he demanded that Vinçu pay for the 260 kantar of cotton that he had delivered to him three years before. Otherwise, he threatened to take the cotton back. After the intervention of (unknown) mediators (muslihûn), in 1625 the two sides reached an amicable settlement (sulh). It was agreed that Dimitri would pay 500 riyâli guruş to Vinçu. The court registered the settlement. In order to forestall any future claims by Dimitri, Vinçu, or the Venetian consul on his behalf, appealed to the bailo in Istanbul for an imperial order. The following rescript prohibited Dimitri from suing Vinçu for the

54 Wittman, Before Qadi, 205/206, Baldwin, “Petitioning the Sultan,” 512/513.
same dispute since the case had already been decided according to Islamic law, as it is proven by a hüccet, and consequently the kadi could hear the lawsuit again.\textsuperscript{55}

In 1609 in Galata, Davud, the trustee (mütevelli) of the Muslim charitable foundation (vakaf) of Hoca Yunus in intra-muros Istanbul, brought to court Marku Antun (Marco Antonio Borissi), the chief dragoman of the Venetian embassy in the 1600s and 1610s, over a house (menzil) in Galata that was privately-owned (mülk) by latter’s late wife, an Ottoman Christian (zimmiye) called Aleksandriye (Alessandra Pironi). According to Davud, the house, which had been used (tasarruf) by Aleksandriye’s family for one hundred years, actually belonged to the aforementioned foundation and therefore the dragoman could not inherit it. After an investigation by a court official (mubâşir), the kadi Abdurrahman Efendi ruled in favor of the dragoman and issued a title deed (hüccet). Davud did not stop arguing a claim over the house. The dragoman thus sought an imperial order to confirm the kadi’s sentence. The Imperial Council issued an imperial rescript addressed to the kadi of Galata that confirmed the dragoman’s ownership of the house according to title deed and thereby it prohibited Davud from claiming it further in kadi courts.\textsuperscript{56}

In the above two cases, a commercial dispute and a real-estate related controversy, the rulings of Imperial Council constituted certifications of claims already established by a kadi court trials. The chief kadi of Izmir and that of Galata heard the legal suits and passed sentences, and the Venetian litigants possessed legal certificates issued from these courts on their behalf. Furthermore, in the second case, the Imperial Council could also verify the

\textsuperscript{55} DED “bir def’a şer’le görilüp fasl olunan husûsu bir dahi istimâ’ imeyûp hâli üzre ibkâ eylemeyesin.” MM 6004, 26/3, 54/2, 117/3. Daniel Goffman mentions this case in Izmir and the Levantine World, 109.

\textsuperscript{56} Two orders over this case survive. DED 13/1 28 and 34. I did not find documents on this legal suit in Galata’s court records.
ownership of the contested house by the dragoman’s wife by relying on imperial archives.
The reason why the Venetian litigants likely sought a sultanic rescript in these cases was
the certification of their rights in the Imperial Council and the enforcement of a kadi’s
sentence.

In another case, there is not mention of a previous lawsuit in kadi court. For
instance, in an intra-Venetian case, in 1612, a Venetian residing in Chios, Covan Andriya
veled-i Kavak, owed 196 guruş to a Venetian merchant, Nikola, who lived in the Venetian-
held island of Zakynthos. To recover his credit, Nikola appointed a zimmi living in Chios,
named Françeşku, as his agent (vekil). A letter with Nikola’s own seal and a document of
power of attorney (vekâletnâme) written by Venetian authorities in Zakynthos proved the
delegation of legal authority and Nikola’s credit. In order to expedite the collection of his
credit, Nikola sought the help of the bailo, who petitioned the Imperial Council asking for
an imperial order to force Covan, in accordance with the two aforementioned documents,
to pay his debt to Nikola’s agent and, in case he refused, to deliver him to the Venetian
consul in Chios as he was a Venetian subject.57 In the following order, the Imperial Council
instructed the governor (bey) and the kadi of Chios to summon Covan and Françeşku to
court and to sentence Covan to pay the latter. If he refused, he was to deliver him to the
Venetian consul as requested by the bailo.58

A verbatim reading of the records of this dispute would suggest that a specific
rescript from the Imperial Council directed the kadi of Chios to sentence a Venetian subject

57 “ol temessükât muktezâsinca tâcir mezbûrun [Nikola] hakkı mezkûrun vekîline alvîrilüp eGe hakkin
vîrmekekde tê‘âdîlî ü inâd iderse medvûn-i mezbûr [Covan Andrya] Venedikli olmağa Sakiz’da olan
konsolosa teslîm olunup ol dahi Âsitâne-i Sa‘âdetüm’e göndermek bâbinda emr-i şerîfim taleb itmeğin.”
58 DED 13/1, 92/455 (9 Cemâziyelevvel 1021/ June 8, 1612).
using documents produced by Venetian subjects and institutions outside of the boundaries of the Ottoman Empire. Given that, according to scholarly consensus, Ottoman courts did not accept documents produced by non-Muslim tribunals, notaries, or by individuals as evidence in adjudicative processes, it seems unlikely that the aforementioned Venetian documents constituted the basis of a legal ruling issued by the Imperial Council. Rather, it is more plausible that, before assenting to the payment, the kadi of Chios verified in his court the claims of each party or acted as a mediator between the plaintiff’s agent and the culprit, in the presence of the Venetian consul and with the employment of the aforementioned paperwork. Otherwise, the kadis might have delivered Covan to the consul to stand trial in the latter’s consular court. In other words, the role of the local kadi as either a judge or a mediator might have been important in assessing the claims of all parties even though the imperial rescript ordered him to oversee the payment of Covan’s debt without mentioning any investigation.

**Summons to the Divan**

A third way to deal with civil disputes of Venetian subjects the Divan was to directly summon the litigants to the Imperial Council where the kazasker of Rumeli would assess the claims of the plaintiffs and pass sentence. Such procedure took place in two different ways. First, in 4 cases, imperial restricts instructed judicial and executive authorities to arrest the culprits and send them to the Imperial Council to stand trial without a previous investigation and adjudication by a local kadi. Second, as a preventive measure in case a convict did not abide by a kadi’s sentence or a commandment of the Imperial Council itself, the latter could include in his rulings, after the instructions on the solution
of the controversy, the clause to bring to the case to Istanbul for adjudication as a last resort. This procedure took place in almost half of all the civil disputes (25 cases out of 55).

All of the 4 cases with direct orders to bring to the Imperial Council originated in Galata and involved Jewish and Christian debtors of Venetian merchants who fled the Ottoman capital in order to avoid the payment. For instance, in Galata in 1605, the Ottoman Jews Musa veled-i Habes and Levi veled-i (?) collectively purchased a load of broad cloth from five Venetian merchants -Nicolò Soruro, Benetto Bozza, Ludovico Vidali, Ieronimo Paese and Zorzi Colonna- but remained debtors of 2,056 sultani towards the latter. The Venetians possessed a legal certificate issued by a kadi court (probably that of Galata) attesting their credit. In order to not pay their debt, the two Jews left Istanbul and moved to Cairo. One of them, Musa was later spotted in Gelibolu, a town on the Dardanelles. Under request of the latter’s Venetian creditors, the bailo petitioned the Imperial Council to arrest him and make him pay his debt. After responding favorably to the bailo’s petition, this institution issued an imperial order commanding the kadi of Gallipoli to arrest of Musa and to send him to Istanbul to stand trial in Imperial Council according to Islamic law.59

We do not find information in either Ottoman and Venetian sources if such trial in the Imperial Council actually took place, but it is possible the litigants resolved the affair in Istanbul among themselves outside this court or that baili intervened in the dispute on the behalf of the Venetian merchants. The Venetian creditors might have used such order, which entailed a trial before the Grand Vizier and the kazasker of Rumeli, to put pressure on their Jewish debtor to pay them or to accept an amicable settlement. The Imperial

59 DED 13/1, 28/104 (27 Cemâziyelâhir 1014/ November 9, 1605).
Council issued such direct summons only in four cases all originating in the Ottoman capital in which the addressee of the orders was always the kadi of Gelibolu, the location where the debtors of Venetian merchants were spotted. The fact that the disputes had originated in Galata, where the Venetian plaintiffs resided, may explain why the Imperial Council, rather than ordering a court hearing in Gelibolu, opted for transferring the case to the Ottoman Capital so that a trial with all the litigants could take place.

As for the second type of summons, the Imperial Council issued them after either a specific order or a delegation of adjudication to local kadıs. For instance, in 1606 in Aleppo, Seyyid Lütfi brought a Venetian merchant named Andul (?)) before a kadi claiming that his later brother, Seyyid Hasan, had a credit towards the latter. After a trial, the kadi ruled against Lütfi and issued a hüccet to Andul on his victory. As it seems, Lütfi did not stop demanding his alleged credit from Andul (in other kadi courts?) and the latter managed to receive an imperial order from the bailo. According to the latter, the chief kadi of Aleppo cannot hear the case again as a previous sentence existed and, if Lütfi do not stop his pretensions against Andulu, the kadi and the governor-general of Aleppo’s province (beylerbeyi) should arrest him and send to Istanbul where he would stand trial in the Imperial Council together with Andulu.60

In another example, in 1620 in Istanbul, Radul (Radu Mihnea), the previous ruler (voyvoda) of the Ottoman vassal Principality of Moldova, was creditor of 300 altun (or sultani, the Ottoman golden currency) towards Kostantin (Costantino Veveli), a Venetian merchant sojourning then in Edirne. Radul held a document sealed by a kadi (mühürlü

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60 DED 13/1, 29/111 (21 Şevval 1014/1 March 1606).
tezkere) testifying his credit. He petitioned the Imperial Council to retrieve his credit. The ensuing imperial order commanded the chief kadi of Edirne to summon Kostantin to court to ascertain Radul’s credit. In case Kostantin refuses to pay, the order continues, the kadi should detain and send him to Istanbul to stand trial in the Imperial Council.61 This is the only case in our records in which an Ottoman subject filed a complaint against a Venetian in the Imperial Council and he obtained a rescript on his behalf. Unfortunately, we do not know if and how Ottoman officials enforced it and the attitude of the Venetian bailo over this case.62

Overall, while it seems that a summons to the Imperial Council to stand trial was an exceptional procedure, it was more common for this institution to opt for this possibility exclusively as a last resort in case the culprit did not comply with a previous imperial order.

Instructions in court procedures

Finally, the Imperial Council could intervene in civil disputes between Ottoman and Venetian subjects by instructing the kadi on procedures against them (10 cases). These instructions addressed important procedural matters such as the type of legal evidence, which was required in commercial lawsuits involving Venetian subjects, the jurisdiction of different Ottoman courts over them, the immunity of Venetian consuls from the jurisdiction of kadi courts, testimony of Venetian subjects, etc. As we have seen, the texts of the Capitulations include some of these issues while in other instances, such rules on admissible proof, it was the Imperial Council that introduced them through general rulings,

61 MMD 6004, 1/2 (evâhir-i Receb 1029, 21 June-2 July 1620).

62 Faroqhi maintains that ruling against Venetian interests might have been included in other archival sources, such as the Mühimme Defterleri. Faroqhi, “The Venetian Presence,” 354.
and it reiterated them when addressing individual controversies. Such intervention constituted another instance of interference of the Ottoman center in the administration of justice throughout the empire.

For example, in early 1613, in Izmir a Venetian merchant named Alvize (Alvise) was creditor towards some local Christians of an unspecified sum of money. He appeared with his debtor before a local a kadi and brought some fellow Venetian merchants to testify on his behalf. However, his debtors denied their debts and they opposed the testimony of Venetian witnesses on the grounds that the only admissible testimony was that of resident Ottoman non-Muslims (zimmi). As we have seen in the previous chapter, this was the position on the matter of most medieval and early modern Hanafi jurists. It seems that the kadi upheld this legal position and he refused to admit Venetian witnesses. Unable to retrieve his credit through the local justice, Alvize appealed to the Imperial Council through the bailo in Istanbul. The ensuing imperial order followed the rulings of the Capitulations instructing local kadi to admit the testimony of Venetian subjects as long as they “resided” in the place where the dispute had begun and to rule over the dispute. Again, the Imperial Council prioritized the rulings of the Capitulations over Islamic law’s rules on testimony.63

Another instance of intervention in court procedures is the lawsuit between Covani Turigla (Zuanne Turiglia), an Ottoman Christian living in Galata, and the Venetian merchant Ijepu (Iseppo Vidali). In early 1616, Covan brought Ijepu before a deputy kadi

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(naib) in Istanbul over a debt related dispute. A Jew translated the court proceedings to Ijepu contrarily to the article of the Capitulations that prescribed that the presence at court of a Venetian dragoman were mandatory otherwise the kadi could not hear the case. The deputy kadi ruled against Ijepu and sent him to jail for his debt. Complaining about the illegality of the procedures employed in this trial, the bailo obtained an imperial order which commanded the kadi of Istanbul to send Ijepu to the Imperial Council together with a Venetian dragoman to have the case heard again by this institution.

This last case is also noteworthy since the Imperial Council overruled a verdict of a kadi on the grounds that it violated an article of the Capitulations. This is the only instance in the years under study in which the Imperial Council annulled a sentence in lawsuit involving a Venetian subject and ordered a retrial in another forum of justice. As we have seen above, legal review by the Imperial Council is a topic of debate among scholars of Islamic law and the Ottoman legal system. This is case is also striking because the legal basis for the annulment of kadi’s verdict was not the violation of Hanafi legal procedure, but of an article of the Capitulations, which belonged to the legal sphere of Ottoman dynastic legislation.

6—Criminal Cases

A last group of disputes between Venetian and Ottoman subjects dealt by the Imperial Council concerned criminal matters. Hanafi law did not conceive criminal

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64 ISAM, GŞS 40, 72/A (evâsi-i Muharrem 1025/29 January-8 February 1616). We have already seen this case in Chapter 6, 324.
65 As we have seen above, Hanafi jurists recognized admitted violations of Hanafi law’s rules and procedures as reasons for legal review. Johansen “Le jugement comme prevue;” Wittmann, Before Qadi, 192-200.
offenses as belonging to a single unifying category as it happens in many modern secular legal systems but it divided crimes into two main categories. Homicide and bodily harm fell within the group of “claims of men,” like commercial and property-related controversies and they constituted a private wrong. The kadi prosecuted such them only upon demand of the victim or his/her relatives. Another groups of offenses, hadd crimes, belonged to the category of “claims of God” and include theft, adultery, false accusation of adultery, drinking alcohol, and highway robbery, which included piracy. They represented “offenses against God” and fixed fines regulated their persecution. Apart from theft and false accusation of adultery, it was the duty of executive officials (ehl-i örf) and of the members of a community to bring such crimes to court. Furthermore, contrarily to civil cases, Ottoman dynastic law (kanun) stipulated the kind of punishment for different kinds of criminal offenses and the Capitulations too contain articles on these matters, especially in piracy-related issues.66

In the period 1604-1628, the Imperial Council dealt with 21 criminal disputes between Venetian and Ottoman subjects. They included cases of thefts (sirkat, 8 cases), banditry (6), homicide (4 cases) and 3 instances bodily harms. Apart from one case from Istanbul, they all took place in Ottoman provinces. The Ottoman culprits were 10 Christians, 10 Muslims, including two members of the askeri class (two soldiers), while no

66 Heyd, Ottoman Criminal Law, 259-311; Imber, Colin. Ebu's-su‘ud: the Islamic legal tradition (Stanford: Stanford University Press, 1997), 210-268. I exclude pirate attacks (70 cases) from my criminal cases since they contain very little information about the protagonists of the attack and contain only general instructions to punish the pirates and return the stolen goods and captives. For legal disputes concerning pirate attacks against Venetian shipping in eastern Mediterranean and the complex relation between the Capitulations and Hanafi Islamic law in piracy matters, see White, Piracy and Law, 103-139, 183-220.
Jew appeared in criminal cases. Furthermore, in two instances, the baili appealed to the Imperial Council to arrest and punish Venetian subjects.

As for the procedures followed by this institution in criminal matters, the Imperial Council applied the same type of procedures in civil and disputes: delegation of adjudication authority to a local kadi (15 cases), specific orders (5) cases, and summons to the court (2 cases). However, there is an important difference in the treatment of civil and criminal cases. Contrarily to commercial and civil disputes, documents played a little role as evidence in the resolution of criminal matters by the Imperial Council. While in most of the civil disputes, the Imperial Council instructed kads to establish claims of Venetian subjects based on specific documents, in case of criminal lawsuits it instructed kads to arrange a lawsuit without any particular proof of show. Finally, regardless the nature of the procedures followed by this institution in criminal disputes, we do not know the actual punishment afflicted against convicts since our records contain the generic expression “I order to punish him” (haklarında gelinmek mukarrerdir), its variants.

An example of delegation of adjudication is a case of banditry against a Venetian merchant and jeweler (koyumcu) Yakumu Silvestri (Giacomo Silvestri) which took place in 1607 in Tuzla, a locality in Asia Minor close to Istanbul. While sailing to Istanbul from the Aegean island of Lesbos, he disembarked in Tuzla, but he was there attacked and robbed by two bandits (şakı) who took from him 200 florins (filuri), a diamond valued 140 altun, and a golden ring. Informed on the event, the bailo obtained an imperial order commanding the kadi of Tuzla to arrest the two culprits and take them to trial. The kadi sentenced the two bandits to return the stolen goods to Yakumu and issued an hüccet over the sentence. However, a few months later, the two convicts had yet to return 150 altun to
Yakumu. Petitioned a second time by the bailo, the Imperial Council ordered the kadi to bring the convicts to court to return the remaining sum to an agent appointed by the bailo. In case they avoid the payment, the order instructed the kadi to oversee their punishment.67

An instance of specific order involves a homicide of a Venetian merchant. In 1607, two merchants, the business partners Yakumu Breşani (Giacomo Bressani) and Antun, ventured into Ottoman Bosnia to trade. While sojourning in Banja Luka, at that time the capital of the province (eyâlet) of Bosnia, a cavalryman (sipahi) named Ali broke into their residence during night, seized some of their goods, and murdered Yakumu while Antun survived and fled to Istanbul. Following this tragic event, the kadi of that town and the head of the financial administration of Ottoman Bosnia (defterdâr) visited the crime scene and, after registering the merchandise left by the two merchants, mostly Venetian fabrics, sums of money, and private documents (temessük) on their credits towards local businessmen, they confiscated all of them. Afterwards, they sold all goods at half of their real price and collected the credits of the merchants. Such actions contradicted the clause of the Capitulations that Ottoman authorities should not seize the goods of deceased Venetians but, rather, should deliver them to Venetian officials.

Informed by Antun about the murder of his partner and sale of their goods, the bailo petitioned the Imperial Council. After negotiations with Ottoman authorities, he arranged a mission to Bosnia to recover the goods with Antun, the Venetian dragoman Gianesino Salvago, and an Ottoman official, the kapıcı Ibrahim Ağa. To facilitate the mission, he obtained a specific commandment addressed to the governor-general of

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67 DED 13/1, 67/315 (20 Cemâziyelâhir1018/9 September 1609) and 72/342 (9 Muharrem 1019/3 April 3 1610).
Bosnia and the chief financial official of Bosnia instructing them to punish the murderer according to Islamic law and to allow the Antun to recover all the goods and credits belonging to the murdered merchant and himself.68

A last example of criminal case involved a Venetian bandit. In 1610, Covan, a Venetian subject from Crete, committed some unspecified “crimes” (bazı fesâdi) in the Aegean island of Naxos but he managed to flee local justice by going to the island of Tinos (İstendil), which was then under Venetian sovereignty. Afterwards, probably persecuted by the Venetian justice as well in Tinos, returned to Naxos. In order to arrest and prosecute him, the bailo petitioned the Imperial Council asking to arrest and deliver him to some Venetian envoy he had he sent to Naxos and obtained an imperial order to this end.69 Also in this case, the Imperial Council was acting in accordance with the Capitulations by facilitating the capture of a Venetian criminal in Ottoman territories and his prosecution by Venetian officials, a bilateral obligation for latter and Ottoman officials as well.

7—Conclusion

In the early modern period, the Imperial Council played many important roles in the legal and economic life of Venetian subjects residing in Ottoman territories and in the diplomatic relations between Venice and the Ottoman Empire alike. As a “cabinet of state” it dealt with major political and military issues between the Venetian and the Ottoman government. In his capacity as an administrative and legislative body, it oversaw the conduct of trade

68 “Eşkiyâ’nın vech-i şer’le mühkem hakklärdan gelüp.” DED 13/1, 52/224 (22 Cemâziyelahir 1016/14 October 1607). For the negotiations between the bailo and and Ottoman authorities over the mission to Bosnia. SDC, b. 65, No 17, fols.149v-160r (23 December 1607).

69 DED 13/1, 77/368 (20 Şaban 1019/10 November 1610).
and peaceful relations between Venetian and the Ottoman subjects in Ottoman cities by introducing norms regulating the marketplaces, legal procedures in Ottoman court of justice in mixed cases, customs duties, etc. Finally, as a court of justice, it heard the grievances of Venetian subjects against state officials and Ottoman subjects as well. The punishment of wrongdoings of Ottoman officials constituted the principal reasons why the Venetian baili applied to this Ottoman institution on behalf of Venetian subjects.

Private civil and criminal disputes between Venetian and Ottoman subjects represented a minority of the myriad of issues concerning Ottoman/Venetian relations handled by the Imperial Council. Despite possessing judicial authority, the Imperial Council did not adjudicate these disputes, but, rather, it left this task to the kadis of the locality where they had taken place. Kadi courts were the main Ottoman tribunals hearing the legal suits of Venetian subjects and passing judgment over them. However, the Imperial Council intervened in the resolution of civil and criminal disputes including Venetian subjects in these courts in two main ways. First, in most of the disputes it instructed the local kadi to conduct a trail with all litigants, stipulating which procedures he should follow and, at times, even directing him to consider specific evidence, such as legal deeds previously issued by other kadis and private documents. Second, the Imperial Council commanded local kadis and executive officials to enforce a legal sentence previously emitted by a kadi which, for reasons we cannot know, could not be applied in locus. A ruling of this institution amounted to a further public certification of one’s economic right. In both cases, the intervention of the Imperial Council in the workings of kadi courts favored the Venetian side.
Such intervention in local judicial processes, together with all the different operations in favor of the Venetian merchants undertaken by the Imperial Council, were the outcome of both Ottoman and Venetian efforts to protect trade and to maintain peaceful relations between these two efforts. These political and commercial concerns are all evident in the Imperial Council’s priority to uphold international treaties in the resolution of commercial and criminal lawsuits between Venetian and Ottoman subjects. As we have seen in matters of the type of evidence accepted to courts, the testimony of Venetian subjects there, and the jurisdiction of kadi courts, this institution prioritized the enforcement of the clauses of the Capitulations, which belonged to the sphere of dynastic legislation, over the strict applications of Hanafi law’s legal procedures. The same emphasis on enforcing international treaties is evident in solving intra-Venetian cases, which fell outside the purview of Hanafi law.

Overall, the operations of the Imperial Council in legal and commercial affairs of Venetian subjects in the Ottoman Empire, illustrates the close connection between political economy of empire and the administration of justice. This institution’s modalities of resolution of the commercial disputes of Venetian merchants were part of the seventeenth-century Ottoman policy of encouraging foreign international trade. By upholding the rulings of the Capitulations, and therefore Ottoman sultanic legislation, Ottoman authorities became involved in local judicial processes promoting the commercial activities of foreign merchants. Given the close correlation between international politics, commercial interests, and politics of justice in the workings of the Imperial Council, the study of European affairs handled by this institution offers an excellent context to study the multifaceted and everchanging relations between Hanafi Islamic law and kanun. This
chapter has demonstrated that, as a normative framework, sultanic legislation played an important role in the administration of justice, at least for protected foreigners from Western Europe, in the seventeenth-century Ottoman Empire. This finding contradicts long-time assumptions that *kadi* courts dominated the administration of law in the Ottoman Empire and that Ottoman courts in general were unfriendly to foreign merchants.
Chapter 8: A Constrained Forum-Shopping

1—Introduction

In the previous chapters, I analyzed the three main legal institutions that played an important role in regulating trade between Istanbul and Venetian territories. I primarily examined their clientele, their practices of classifying individuals, and the manifold judicial and notarial services that they provided to long-distance merchants. As my results indicate, despite differences in religious affiliation, membership in a political community, and social status, Venetian and Ottoman merchants used both Venetian and Ottoman institutions. However, they clearly preferred the Venetian chancellery and turning to Ottoman courts only when summoned there or for specific legal actions and notarial deeds. Relying on the findings of the previous chapters and new historical evidence, this last chapter provides a comprehensive analysis of forum-shopping—the practice of choosing the forum which offers the best solution to one’s claims or the best notarial services

between Venetian and Ottoman courts in seventeenth-century Istanbul.

As both a historical practice and an analytical and heuristic tool, forum-shopping plays an important role in studies of pluralistic legal regimes in empires of the past and in modern-day nation states. Its existence or absence is taken as a marker of either strong or weak legal pluralism, of the actual agency of non-state actors, such as foreign merchants or colonial subjects, and of imperial politics of toleration of ethnic and religious

1 In this chapter, I focus exclusively on the practice of choosing among different tribunals and notarial offices in Istanbul. I do not consider here appeals to courts in Venice, Christian and Jewish communal courts, and out-of-court settlement procedures, such as arbitration panels.
minorities. According to Ido Shahar, in colonial and postcolonial societies, when an individual could appeal to more than one tribunal of law in a specific situation and for a specific service there existed a “strong legal pluralism.”² Lauren Benton categorizes forum-shopping among the different legal strategies used by colonial subjects to advance their legal and economic standing in colonial empires. Karen Barkey argues that the possibility of forum-shopping in the Ottoman Empire was the outcome of strategies of Ottoman authorities trying to incorporate different religious and ethnic communities into the imperial system of governance, thereby enabling the existence of their own forums of adjudication next to state courts.³

The problem with the current scholarly conception of forum-shopping is that it assumes that court users, as “consumers” of legal services, knew the doctrinal and procedural differences between the various forums well, and that their aim was only to secure the best outcome in a specific dispute. Recently, scholars working on pre-modern and modern European and Middle Eastern states have demonstrated that court users did not intend exclusively to win a controversy when they “shopped” among different legal institutions and that financial gains alone cannot account for all the reasons why individuals chose a particular forum of justice. Religious and legal norms, communal solidarity, commercial customs, and state regulations affected the use of specific


institutions by different religious and political communities.\textsuperscript{4} Furthermore, scholars engaging with the concept of forum-shopping deal exclusively with the resolution of lawsuits. However, as I demonstrated in the previous chapters, merchants also shopped between different notarial institutions. The public certification of property rights was actually the most important reason why they applied to legal institutions in the first place.

How spread was the practice of forum-shopping for Venetian and Ottoman merchants in seventeenth-century Istanbul? How much leeway did they actually have in choosing among different courts? What benefits and costs (monetary, reputational, etc.) factored into selecting either Venetian or Ottoman legal institutions? I answer these questions by connecting the findings of the previous chapters, by analyzing three disputes that were brought to both Venetian and Ottoman courts, and by providing examples of notarial transactions accomplished in both of these institutions. This last group of legal suits and notarial deeds is the only one in the years under study in which we encounter cases of businessmen applying to both Venetian and Ottoman courts to win their lawsuit or to notarize specific legal and economic acts. Therefore, these case studies are important because they offer insights on the reasons why merchants turned to Ottoman and Venetian courts and on the social and economic context of such practice.

I argue that the occurrence of forum-shopping—both for the adjudication of disputes and for the registration of business deeds and legal acts—for Ottoman and Venetian merchants was limited primarily by communal regulations, legal norms, reputational and monetary concerns, and, above all, by the specialization of different institutions in distinct legal and notarial services. Such specialization, in turn, stemmed from long-term commercial exchanges and practices of dispute resolution and the certification of property rights between Venetian and Ottoman merchants in Istanbul.

2—Shopping among Courts of Justice

A Dubrovnik nobleman against a Venetian merchant (1612-1616)

The first case, dating 1612-1616, pitted Luca Menza, a nobleman (*nobilouomo*) from the Ottoman-tributary Republic of Dubrovnik, against the Venetian merchant Giacomo Brachi and his partner Zorzi Sumachi, a Venetian subject from the island of Zakynthos.

In February 1612 in the city of Lamia (Ott. Ezdin) in central Greece, Giacomo and Zorzi, and Luca concluded a credit and registered agreement in a private document (*scrittura*), according to which the Venetians declared themselves debtors solidum of 1,500 Dutch lion thalers (*esedi guruş*) towards Luca for a load of Venetian fabrics that they promised to unload on Luca’s ship. However, for unknown reasons, they remained debtors of 1,125 thalers, and, more than two years later, in August 1614 Luca appeared before the *bailo* in Istanbul to sue Giacomo. On August 27, Luca pledged to respect the *bailo*’s sentence in that dispute with the condition that he could appeal such sentence in ordinary tribunals in Venice. As we saw in Chapter 4, this procedure was used at times by
non-Venetians litigating a lawsuit in the Venetian consular court on request of their
Venetian opponents. Giacomo asked the bailo to allow him to send to send an envoy
(messo) to Lamia to collect written evidence (scritture) on his behalf. Two months later,
Luca appeared again before the bailo to request a time limit for Giacomo to produce
proofs on his behalf. The bailo granted 72 days to Giacomo. However, one year later, in
November 1615, the dispute had not yet been solved since Luca presented new evidence
on his behalf and complied with the decision (terminatione) of the bailo to produce a
guarantor to testify that he would respect the bailo’s sentence.

Litigation in the Venetian consular court did not take place. Unable to recover his
credit, sometimes in 1616 Luca brought Giacomo before the kazasker of Rumeli, the
chief judicial authority of the European provinces of the Ottoman Empire. This official
had the strongest enforcement power in Istanbul, and this might explain why Luca turned
to his court instead of that of Galata. Furthermore, as shown in Chapter 6, this court
usually handled lawsuits involving high-ranking individuals, like Ottoman administrators
and Luca himself, who was a nobleman. Instead of adjudicating the dispute, the kazasker
ruled that the two litigants should appoint arbiters to verify Luca’s claims. Such a
decision is noteworthy since it shows the kazasker’s role as a mediator rather than as a
judge in the resolution of a lawsuit, a still little known and debated function of Ottoman
kadıs.5 The two litigants chose two Jews, Rabbi Matatia Ben Castiel and Rabbi Lazaro di
Iseppo. The former was a businessman hailing from Dubrovnik while the latter was a

5 Tamdoğan, Işık. “Sulh and the 18th-Century Ottoman Courts of Üsküdar and Adana,” Islamic Law and
Society 15 (2008), 55–83, 76-80; Coşgel, Metin and Boğaç Ergene. The Economics of Ottoman Justice:
Settlement and Trial in the Sharia Courts (Cambridge: Cambridge University Press, 2016), 134-143. I did
not find records of this dispute in the records of the tribunal of the kazasker of Rumeli. The likely
explanation for such absence is that fact that the kazasker did not adjudicate the dispute but opted for an
out-of-court arbitration.
commercial broker (*sensale*) for European merchants in Galata. Both engaged in
Venetian-Ottoman trade in the 1610s and 1620s. We cannot know the reasons why they
chose two Jews as arbiters, but we can assume that likely preferred their distance from
the litigants, since they were members of a different religious community as well as their
expertise in trade matters and their business reputation in the Ottoman capital. However,
the two arbiters did not agree over the sentence and appointed a third arbiter, the English
Ambassador Paul Pindar (office 1611-1620). Therefore, the dispute also assumed an
international dimension with the intervention of a high-ranking arbiter.

The three arbiters reached a decision on December 3, 1616, sentencing Giacomo
and his partner Zorzi to pay his debt of 1,125 thalers towards Luca. However, Giacomo
refused the arbitration order with the “excuse” (*inventione*), according to Luca, that his
partner, and not himself, was the real debtor and he threatened to bring the case to the
*kadı* court of Galata. Possibly in order to avoid such occurrence and to quickly settle the
controversy, Luca decided to reach a compromise with his debtor. On December 15, he
turned to the Venetian chancellery to register a written declaration (*quietanza*) in which
he stated his willingness to halve his claim against Giacomo down to 562.5 thalers and to
end any legal action against him. However, he also added that he would pursue his claim
against Giacomo’s partner for the other half of his credit from the 1612’s transaction.
We do not know how this second dispute concluded.

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6 Matatia Ben Castiel appeared as an arbiter also in an intra-Venetian dispute in 1616. BAC 278, b. 400,
fol. 251v (11 August 1616).

7 BAC 317, reg. 3, fols. 9r (21 August 1614), 11r/12r (27 August 1614), 59r/60v (9 December 1614), BAC
278, reg. 400, 117v (12 November 1615), 119r, (16 November 1615); BAC 279, reg. 402, fols 11r-13v (15
December 1616). The final document of settlement (*quietanza*) contains most of the information about Luca
In October 1613, the Venetian merchant Ludovico Vidali died in Galata. In the following months, his numerous Venetian and Ottoman creditors appealed to the Venetian consular court to obtain the confiscation of his monetary assets and merchandise from his legal and business representative (*commesso*) and commissioner (*commissario*), Nadalino Sanguinazzo, an Ottoman Christian in Galata. Among the creditors there was another Ottoman Christian from Galata, Zuanne Turiglia. In the fall of 1614, Ludovico’s brother Iseppo Vidali came to Istanbul, commissioned by his father Stefano, to recover the estates of Ludovico and the credits he owned towards other merchants.

Failing to recover his credit through a confiscation mandate, on February 8, 1615, Zuanne Turiglia brought Iseppo to court demanding that, as the heir of his brother Ludovico, he pay him 26,855 aspers for a credit towards the latter. Iseppo rejected Zuanne’s claims on the grounds that the late Ludovico was the actual creditor towards Zuanne, and he asked to be granted two months to prove the claim. The *bailo* Cristoforo Valier granted Zuanne 8 days to prove his claim. However, two months later, on April

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8 BAC 317, reg. 3, fol. 52v (16 November 1614). Zuanne Turiglia and Nadalino Sanguinazzo were members of Galata’s Catholic community of Genoese descent (the Perots, the “Franks of Galata”). In Ottoman sources, they appear as Ottoman subjects (*zimmi*). See Note 14 below.

9 The commission (*procura*) had been registered in a Venetian notarial office.

10 BAC 317, reg. 3, fol. 74r (14 February 1615).
9, after failing to produce any proof of his claim, Iseppo was sentenced to pay Zuanne for his brother’s debt.\textsuperscript{11}

In the meantime, numerous other creditors of Ludovico sued Iseppo to collect their credits and goods from Ludovico’s estates, which were kept in the Venetian chancellery, while both Iseppo and Nadalin strove to collect credits owned by Ludovico. They managed to retrieve 13,128 aspers from Ludovico’s debtors that became the focus of a dispute among seven different creditors of the latter, both Venetian and Ottoman subjects, including Zuanne. Each of them obtained a confiscation order for that sum of money. Because of the many conflicting claims over Ludovico’s estates, the dispute between Zuanne and Iseppo dragged on for several months.\textsuperscript{12}

On December 13, Zuanne and Antonio Timon from Chios, the legal representative of Iseppo (avvocato), appeared before the new bailo Almoro Nani. Zuanne asked for receiving the 13,128 aspers that had been deposited in the chancellery since he possessed two sentences issued by the previous bailo against Iseppo. Antonio rebutted Zuanne’s claims on the grounds that, according to a document of power of attorney (commissione) drafted in a notarial office in Venice by Iseppo’s father Stefano, Iseppo was the exclusive legal representative (commesso) of Stefano who was the only heir of his son Ludovico. Therefore, he maintained that the sentences of the previous bailo did not apply to the sum of money deposited in the chancellery. The bailo supported Iseppo’s

\textsuperscript{11} BAC 378, reg. 400, fols. 23r-27v (9 April 1615). On the same day, Nadalin made an inventory of all the goods and credits/debts of the late Ludovico.

\textsuperscript{12} For all these developments, see BAC 279, reg. 400, fols. 69v (25 June 1615), 73v/74v (4 July 1615), 98v (25 September 1615), 99v/100r (28 September 1615), 109v/110v (19 October 1615), 116r (3 November 1615), 117v/118v (12 November 1615).
stance and ruled against Zuanne inviting him to pursue his claims against Stefano Vidali in Venice.\textsuperscript{13} Zuanne rejected the sentence, and, on the same day, he and Ludovico’s other creditors obtained a confiscation mandate over the sum of money kept in the chancellery.\textsuperscript{14}

Being unable to retrieve his credit using the Venetian consular court, in January 1616 Zuanne appealed to Ottoman tribunals. He took Iseppo before a deputy kadi (nâib) in intra-muros Istanbul, which was outside of the jurisdiction of the kadi of Galata. After a trial in the presence of a Jewish dragoman, the judge ruled in favor of Zuanne and imprisoned Iseppo for bankruptcy. Iseppo chose this deputy kadi outside Galata because he likely considered the latter as less knowledgeable with legal procedures in lawsuits involving Western Europeans than the kadi of Galata and, therefore, more likely to rule in his favor. On January 31, fearing for the economic losses of all Iseppo’s creditors arising from the sentence of the kadi, the bailo collected 1,000 aspers to obtain his release. He also petitioned the Imperial Council to ask for the release of Iseppo since he had stood trial in an Ottoman court without a Venetian dragoman, whose presence at court was mandatory according to the Capitulations. In his petition, the bailo asked that, once freed from prison, the dispute between Iseppo and Zuanne should be heard again in the Imperial Council in the presence of a Venetian dragoman. Such a request shows the bailo’s willingness to transfer the case to the Imperial Council, which, being both a political and judicial institution, meant that inter-state diplomacy played an important role.

\textsuperscript{13} BAC 278, reg. 400, fols. 128r/129r (9 December 1615). In November 1614, Iseppo had registered the document of power of attorney drawn in notarial office in Venice BAC 317, Vol. 3, fols, 48/49 (1 November 1614).

\textsuperscript{14} BAC 278, reg. 400, fols. 129v (9 December 1615) and 41r (14 January 1616).
in the resolution of private disputes. The Imperial Council ruled in favor of freeing Iseppo.¹⁵

However, this Ottoman court did not hear the dispute which ended in the Venetian consular court. On March 3, the bailo issued a new sentence in favor of Zuanne, allowing him to recover the 26,855 aspers that he had awarded by the first sentence in his favor in February 1615. It is possible that this outcome was the product of an out-of-court agreements between all parties and the sentence was only a certification of their agreement through a fictitious trial. According to the text of the final sentence, in the months after the first verdict new information had emerged that Iseppo was not the heir of his brother Ludovico but only the legal representative (commesso) of their father Stefano. This notwithstanding, the text continues, it was “unreasonable” (non ragionevole) that Zuanne suffered a loss due with “these pretests of inheritance and commissionership” (sotto pretesto di heredità et commissaria). Therefore, the bailo confirmed his predecessor’s sentence and ruled that Zuanne should be paid with money recovered from the sale of Ludovico’s goods kept in the chancellery.¹⁶

A Venetian against a royal merchant (1613-1616)

This last dispute was a debt-related lawsuit (1613-1616) between a Venetian merchant, Simon Tosi di Faustino, and a royal merchant, Mehmed Ağa bin Abdülmennan. Mehmed traded goods with Venice in the name of the sultan himself and different high-ranking Ottoman officials and he held different honorific titles in the royal

¹⁵ GŞS 40, sayfa 72/A (evâsit-i Muharrem 1025/29 January-8 February 1616).

¹⁶ BAC 278, reg. 400, fol. 169r (3 March 1616).
palace. He was therefore a member of the Ottoman ruling group (*askeri*). Given the social and economic preeminence of this individual, the case involved different Ottoman and Venetians courts and the intervention of the *baili* and officials and magistracies in Venice. It is an important case since it shows the legal ways pursued by a Venetian subject against a member of the Ottoman elite and the attitude of both Venetian and Ottoman authorities towards such controversy.

The dispute originated from a commercial dealing in June 1610 in which Simon sold an amount of silk textiles to two Jewish businessmen, Isaac Rigialogo e Iosef Pancieri, who held the office of tax farmers (*emin*) of customs duties in Galata, for the price of 180,185 aspers. According to the document of the transaction written in Ottoman Turkish (a *tezkere*), the Jews committed to pay the goods by 30 December of the same year. Mehmed Ağa, who was then the overseer (*nazîr*) of commerce in Galata under the authority of the chief financial official of the Ottoman Empire (*başdefterdâr*) Ekmekçizâde Ahmed Pasha (office 1606-1613), stood surety of the payment of those goods. The two Jews failed to honor their debt, and, on December 29, they drafted another agreement with Simon in which they committed themselves to pay 150,000 aspers by exempting him from customs duties for the goods he received from Venice by the land caravans for the next four months. In case the exception did not produce that sum, they agreed to pay the entire sum by 4 months.

17 We briefly discussed this individual in Chapter 2, 108.
18 A receipt (*tezkere*) of delivery recorded the transaction. Its translation into vernacular Italian is in SDeIC, busta 12 (unnumbered record dated 23 December 1613).
19 SDC, busta 76, fol. 79v. The translated *tezkere* is dated 13 Şevvâl 1019/29 December 1610.
However, in the following months, Ahmed Pasha removed the two tax farmers from their office, making it impossible for them to honor their debt. Simon then sued Mehmet Ağa for the payment of his credit in Ottoman courts. He appealed to the Imperial Council, which was then headed by a deputy Grand Vizier (kaymakam), instead of kadi courts. This choice was likely motivated by the stronger enforcement powers of the Imperial Council and by the role played by inter-state diplomacy in solving the controversies of Venetian subjects there. This court issued an order (buyrultu) compelling Mehmed to pay that sum of money to Simon. However, Mehmed refused the payment on the grounds that the two Jews had been removed from office and he appealed to Ahmed Pasha. The bailo Simone Contarini then intervened in the dispute negotiating a settlement between, on the one hand, Mehmed and Ahmed Pasha, and, on the other hand, Simon. The litigants agreed to a compromise: Ahmed Pasha would pay for Mehmed’s 100,000 aspers to Simon instead of 180,185 of the original agreement with the Jews. In March 1611, the Pasha paid 50,000 aspers to Nicolò Soruro, Simon’s representative, and, through a written agreement (tezkere), he promised to pay the rest later without setting a date. The agreement did not mention the Pasha as the debtor of Simon but only Mehmed. Further imperial commandments instructed Mehmed to pay the debt of 50,000 aspers.

However, two years later, in 1613, the Pasha had not paid yet the rest of Mehmed’s debt. In that year, the sultan Ahmed I (r. 1604-1617) removed him from the

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20 It is likely that the bailo himself petitioned the Imperial Council on Simon’s behalf. As we saw in Chapter 7, this was the standard procedure in case of the disputes of Venetian subjects brought to the Imperial Council. However, our records do not show the bailo’s role in appealing to this institution in the dispute between Mehmed and Simon even though a copy of the imperial order was sent to the bailo. Both the original Ottoman document of the commandment and its translation into vernacular Italian are in kept in BAC 345 I (unnumbered and undated record).

21 SDC, b. 76, No 12, fols. 93r/94r (25 September 1613).
office of chief financial administrator and sent him to Damascus. Simon was then in Venice. In order to put pressure on Mehmed to honor his debt, he applied to Venetian courts to order the confiscation of Mehmed’s merchandises and capital from Rabbi Mose Mazoad, Mehmed’s commercial agent in Venice. In November of that year, Mehmed, then holding the tile of kapıcıbaşı of the Grand Vizier Nasuh Pasha (office 1611-1614), complained to the bailo Cristoforo Valier over the confiscation claiming that Ahmed Pasha, and not himself, was the debtor of Simon. The bailo took the matter very seriously since he feared that Mehmed, being “closely associate” (intimo) to the Grand Vizier, could seize the goods of Venetian merchants in Galata as a reprisal against his confiscated goods in Venice.22

The Venetian government ordered an inquiry over the affair. The Venetian Board of Trade (Cinque Savi alla Mercanzia) summoned Simon who reported on the dispute and presented the available documentation over his credit. This magistracy ruled in favor of his claims against Mehmed and confirmed the confiscation of the latter’s goods.23 In Istanbul, Simon’s legal representative, the Venetian merchant Nicolò Soruro, appeared in the Venetian chancellery on October 1613 to notarize the 1611 declaration (tezkere) of Ahmed Pasha to prove Simon’s credit.24 The following year, August 1614, Mehmed agreed to pay his debt and he sent a representative, Rabi Abraam Abeniacar, to deliver the 50,000 aspers in the Venetian chancellery.25

22 SDC, b. 75, No. fol. 344v (7 November 1613).

23 CSM, Prima Seria, busta 143, fols. 160r/161r (23 August 1613); SDelC, Filza 12 (unnumbered, 23 December 1613).

24 BAC 277, reg. 397, fol. 213v (20 October 1613).

25 BAC 278, reg. 400, fol. 10v (22 August 1614).
The payment did not end the dispute. In 1615 Simon returned to Istanbul and appealed to Venetian and Ottoman institutions to claim the original credit towards Mehmed, 180,185 aspers, of which he had only recovered 100,000 after the agreement with Ahmed Pasha. In late September, he appeared before the kazasker of Rumeli, who had been commissioned by a deputy Grand Vizier to deal with the dispute, together with Mehmed to obtain the remaining 80,165 aspers. He brought to court a Muslim witness, Müeyyid ül-din bin Ali, who confirmed the 1610’s business transaction of silk textiles but he mentioned Mehmed and not the Jewish tax farmers as the actual purchasers of those goods from Simon. However, Simon failed to produce a second witness, as was required by Hanafi Islamic law, and so the kazasker granted him extra time to produce one.

Failing to present another witness, Simon joined the other Venetian creditors of Mehmed, the Venetian merchants Nicolò Soruro and Zuanne Battista Orlandi, to whom Mehmed owed 65,000 and 56,000 aspers, respectively. Through their commercial agents in Venice, they obtained the confiscation of goods Mehmed in Venice valued 2,500 sequins (about 300,000 aspers in 1616). In early July 1616, Mehmed allowed the bailo to arbitrate the dispute. He came to the Venetian chancellery to appoint Rabbi David Abudente, a prominent Jewish merchant in Galata, as both his representative (scritto in corte) in the dispute and as his guarantor (piezzo) that he would comply with the sentence.

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26 It is possible that the Grand Vizier had transferred the controversy to kazasker after hearing the case in in the Imperial Council. Unfortunately, our sources do not provide any information on the process of appealing to this authority.

27 BAC 278, reg. 400, fols. 113r/114r (29 October 1615). The hüccet (translated into vernacular Italian) was dated 3 Ramazan 1024/ 25 September 1615.
of the bailo over the controversy. Upon the registration of this guarantee, the three Venetian creditors agreed to remove the sequestration mandate against Mehmed’s goods in Venice. All the three Venetian creditors were finally compensated by David in October 1616 without litigating the controversy in the Venetian consular court. This suggests that an out-of-court agreement between the parties might have taken place.

The limits, the historical occurrence, and the costs of forum-shopping for adjudication

These three cases illustrate important features of the practice of forum-shopping for merchants engaged in Venetian-Ottoman trade. First, statistically, appealing to different Ottoman and Venetian courts to win the same lawsuit was an exceptional practice within the mercantile community trading between Istanbul and Venice in the seventeenth century. Second, these legal suits lasted a long time—even years in all the three cases described above. Third, they involved important disputes with large claims, well-to-do litigants, and the intervention of high-ranking authorities, such as the Venetian ambassadors and different Ottoman judicial and administrative officials, in the process of resolution.

We can explain the few recourses to multiple forums of adjudication by considering monetary and business-wise factors. Such practice was costly: it entailed the payment of court fees in different tribunals, expenses to produce specific evidence, such as notarized documents or the testimony of eyewitnesses, and to hire/consult with legal experts, and likely other costs to have the final verdict implemented. Furthermore,

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28 BAC 278, reg. 400, fol. 226r (11 July 1616).

29 Ibid, marginal notes of the same document.
turning to different courts required lengthy procedures of resolution since the litigants
had to produce specific evidence in different courts, take part in multiple court sections
and out-of-court negotiations, and, likely, also appeal to non-judicial authorities, like
ambassadors, to influence the settlement on one’s behalf.

More generally, a long and costly litigation process in public courts also harmed
long-term commercial relations between two businessmen and damaged their reputation
in the mercantile community trading between Istanbul and Venetian territories. It entailed
the disclosure of business dealings, the interruption of business transactions, publicly-
announced subpoenas, and legal actions like sequestration mandates that damaged
commercial operations of the litigants and their partners as well.30 It is not a coincidence
that the protagonists of the three disputes above were not long-term business partners.
Our sources do not show other instances of commercial transactions between the
litigants, both before the disputes and after their resolution. It is likely that the recourse of
the litigants to both Ottoman and Venetian courts might have constituted an escalation
that ended business relations, which both parties did not foresee to continue.

Scholars working on legal pluralism and on trade and institutions in pre-modern
societies usually focus on the different enforcement powers of legal institutions to explain
the choice of specific forums of adjudication by historical actors.31 Let us consider the

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Trivellato, The Familiarity of Strangers, 251-270; Goldberg, Trade and Institutions in the Medieval Mediterranean, 162.

31 Barkey, “Aspects of Legal Pluralism,” 85/86; Benton, Lauren. “Historical Perspectives on Legal
Pluralism,” in Caroline Sage, Michael Woolcock, and Brian Tamanaha (eds.), Legal Pluralism and
Development: Scholars and Practitioners in Dialogue (Cambridge: Cambridge University Press), 21-33,
22/23; Goldberg, Trade and Institutions in the Medieval Mediterranean, 162; Marglin, Across Legal Lines,
80-88; Baldwin, Islamic Law and Empire, 12/13; Calafat, Guillaume. “Jurisdictional Pluralism in a
recourse to Ottoman forums of justice by Venetian and Ottoman merchants in the three disputes above. It is tempting to consider such practice as motivated by the strongest enforcement powers of these institutions and by the failure of a previous arbitration in either the Venetian consular court or out-of-court among businessmen. In the first two instances, Ottoman plaintiffs brought Venetians to *kadı* courts after failing to obtain justice in the Venetian consular court. In the third case, the Venetian plaintiff sued his Ottoman opponent in the Imperial Council before filing a complaint against him in the Venetian chancellery. Collectively, the cases show that enforcement of a business obligation was definitely a component of the reasons for choosing Ottoman state courts in addition to or instead of using the Venetian consular court.

However, in those disputes where individuals appealed exclusively to either Venetian or Ottoman courts, we find that enforcement was not always a central concern in choosing a specific tribunal. I am referring here to those legal suits in which Venetians appealed to Ottoman courts alone, and those cases in which Ottoman subjects only turned to the Venetian chancellery in lieu of Ottoman courts against either Venetians or other Ottoman subjects. In other words, in these cases merchants chose to bring their lawsuits exclusively to a single forum of justice outside of their political and religious community, and they were not summoned there by other individuals. This was the most common form of forum-shopping among merchants who were active in Venetian/Ottoman trade in

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seventeenth-century Istanbul. As a practice, it differed among religious and political
groups and between Venetian and Ottoman courts.32

Table 8.1: Venetian Subjects choosing Ottoman Courts in Istanbul (1604-1628)

<table>
<thead>
<tr>
<th>Type of Ottoman Court</th>
<th>Venetian Plaintiff</th>
<th>Total Number of Disputes with Venetians</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kadi courts</td>
<td>14</td>
<td>26</td>
</tr>
<tr>
<td>Imperial Council</td>
<td>4</td>
<td>9</td>
</tr>
<tr>
<td>TOTAL</td>
<td>18</td>
<td>44</td>
</tr>
</tbody>
</table>

In the year under study the use of Ottoman courts by merchants engaged in
Venetian-Ottoman trade was limited. As we saw in Chapters 6 and 7, between 1604 and
1625, the kadi court of Galata and that of the kazasker of Rumeli heard only 26 lawsuits
between Venetian and Ottoman subjects while the Imperial Council handled private
disputes of Venetian subjects in Istanbul only in 9 cases during the same period.33
Among these cases (35 in total), we find 10 criminal disputes, which, given the types of
cases, were automatically transferred to Ottoman courts without the possibility of
choosing the Venetian consular court. Therefore, we are left with 25 trade-related
lawsuits, which Venetian and Ottoman merchants in Istanbul chose to solve in Ottoman
Muslim courts in the twenty years under study. In 18 cases, the Venetians brought
Ottoman subjects to these courts while in only 4 cases it was the other way around.

32 It also possible that Ottoman Jews and Christian shopped between their own communal courts and
Ottoman Muslim tribunals or the Venetian chancellery. However, due to the lack of systematic studies of
Jewish and Christian communal courts in early modern Istanbul, we cannot ascertain the existence and
frequency of this practice. See Kermeli, Eugenia. “The Right to Choice: Ottoman, Ecclesiastical and
Communal Justice in Ottoman Greece,” in Christine Woodhead (ed.), The Ottoman World (Abingdon:

33 However, the total number of private disputes solved by the Imperial Council which originated in
Istanbul and other Ottoman cities was 55 for civil cases and 21 for criminal ones.
Among the defendants, Ottoman Muslims and non-Muslims appeared in about the same numbers (8 and 10, respectively) signaling that Venetian plaintiffs sued Ottoman subjects in Muslim courts without any regard for religious identity.

Table 8.2: Ottoman Subjects choosing the Venetian Chancellery (1600-1620)

<table>
<thead>
<tr>
<th>Plaintiffs and Defendants</th>
<th>Number of Disputes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ottoman plaintiff/ Venetian defendant</td>
<td>88</td>
</tr>
<tr>
<td>Ottoman plaintiff/ Ottoman defendant</td>
<td>20</td>
</tr>
<tr>
<td>TOTAL</td>
<td>108</td>
</tr>
</tbody>
</table>

The small number of legal suits handled by Ottoman tribunals contrasts with the 198 disputes (out of 434 legal suits) between Venetian merchants and Ottoman subjects heard by the Venetian baili between 1609 and 1620. In 108 (54%) of these mixed cases (198), it was Ottoman subjects who brought a Venetian individual to the Venetian consular court in the first instance.\(^{34}\) They included 20 cases in which Ottoman subjects sued one another in this tribunal. Furthermore, 72 of these disputes involved Ottoman Jews who, statistically, represented the religious and ethnic group that mostly shopped among Venetian, Ottoman, and their own communal courts in commercial disputes. The overall higher number of lawsuits started by Ottoman subjects in the Venetian consular court rather than in Ottoman courts is significant given that the Venetian chancellery was less capable of enforcing its rulings in Istanbul, especially in disputes including Ottoman

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\(^{34}\) As shown in Chapters 2 and 3, given the unclear political status of many Christian users of the Venetian consular court, the actual number of Ottoman subjects suing Venetians in that institution could be higher. On the religious affiliation of Ottoman litigants in the Venetian chancellery see Chapter 5, 224.
subjects. Nevertheless, instances of individuals refusing its sentence are very few: 29 cases out of 434 lawsuits adjudicated there.  

The limited use of Ottoman courts by Venetian and Ottoman merchants illustrates that, in our historical context, providing the strongest enforcement power was not the main reason why merchants chose either Venetian or Ottoman courts. Similarly, court prices do not seem to have played a role in this choice either. As we saw in Chapters 3, 6, and 7, according to official price lists of court services, the Venetian consular court was more expensive than kadi courts in Istanbul and the Imperial Council in matters of litigation costs. This explains, in part, why it was largely prominent Venetian and Ottoman subjects that used this institution to solve a commercial dispute. As shown in Chapter 5, Venetian merchants, ship masters, and well-do-to Ottoman Jews dominated the legal suits handled by this institution.

Communal rules, legal norms, and international treaties played a more important role than enforcement and court prices in regulating access to forums of adjudication for Venetian and Ottoman subjects. In the Venetian case, the baili forbade Venetian subjects to use Ottoman courts in disputes with other Venetians, and, as we saw in Chapters 6 and 7, they discouraged them from turning to these courts even when dealing with Ottoman subjects and they oversaw their appeals to Ottoman courts. Furthermore, according to Ottoman law, Muslim courts had jurisdiction over criminal suits between Venetian and Ottoman subjects. These two norms were applied during the period under study since we

35 27 of them were instances of legal appeals in courts in Venice while the other 2 cases are the first and the second dispute described in this chapter. See Chapter 5 on legal appeals in Venice.
did not encounter any intra-Venetian dispute heard in Ottoman tribunals while the chancellery did not handle criminal suits.

However, as the use of the Venetian consular court by Ottoman subjects shows, state regulations on jurisdictional boundaries were not always upheld. According to the Capitulations, any dispute between Venetian and Ottoman subjects fell under the jurisdiction of Ottoman courts. This notwithstanding, we have plenty of instances of Ottoman subjects turning to the Venetian chancellery to litigate a commercial dispute against both Venetian subjects as well as coreligionists. As a matter of fact, Ottoman businessmen in dispute with Venetian merchants, mostly Ottoman Jews, applied more to the Venetian chancellery than to Ottoman courts. This demonstrates that the Ottoman authorities allowed a degree of liberty to Ottoman subjects, at least to non-Muslim ones, to turn to foreign legal institutions in commercial matters. They also recognized the validity of the law administered in the Venetian chancellery, which they considered as “customs” of a community of merchants.

Together with communal rules and legal norms, we should refer to court services to explain why Venetian and Ottoman merchants mostly chose the Venetian consular court to settle their trade-related disputes. This court specialized in commercial arbitration: the bailo’s goal as a commercial arbiter was to quickly solve controversies and repair business relations. In order to achieve this, he applied summary procedure which entailed a less formalist approach to legal evidence and, more importantly, a focus on the “facts” under dispute (business contracts and the actions of individuals), rather than on the social status and the religious affiliation of the litigants. This allowed non-Venetians to be treated in this court on par with Venetian subjects. Furthermore, thanks to
his regular correspondence with Venetian authorities, the bailo could mobilize Venetian magistracies in Venice and elsewhere on the behalf of individual merchants. By all these means, the court provided confidence and stability in commercial transactions between Istanbul and Venice. Its operations reflected the bailo’s consular duty to promote Ottoman/Venetian trade in a period of increasing commercial competition in the eastern Mediterranean by European and Ottoman merchants. Taken together, summary procedure and the baili’s policy to promote Venetian/Ottoman trade were the key factors in the choice of the Venetian chancellery as a forum of commercial arbitration.

The “justice of the bailo” belonged to the legal culture of a mercantile community trading between the Levant and Western Europe since the Middle Ages. Evidence shows that summary justice was applied in commercial disputes in Galata since, at least, the fourteenth century. It was a justice exclusively for merchants and other economic operators who engaged in shipping activities, like shipmasters, scribes, and seamen. The baili did not deal with family law-related controversies or disputes resulting from the contested ownership of real estate or the personal status of individuals. Rather, he exclusively handled controversies arising from commercial undertakings and navigation. Furthermore, the justice administered by him does not point to a universal lex mercatoria in the eastern Mediterranean, since, as we have seen, the baili only handled controversies among businessmen engaged in Ottoman/Venetian trade. Rather, it was the justice of a professional community trading between Ottoman and Venetian territories.

From the sixteenth century onwards, this professional community also included several Ottoman subjects, above all Istanbul’s Jewish merchants. In the Ottoman capital, this group of businessmen constituted a social order, or a “norms-generating community,” with its own normative structure that transcended political and confessional lines. All merchants regardless of religious and political affiliation had to pay consular duties (cottimo) to the baili to be able to trade with Venice and they had to follow their rulings concerning navigation and traded goods. They also recognized the baili as the arbiters for controversies related to trade and shipping activities. The few instances of merchants rejecting their sentences demonstrates that their judicial authority in commercial matters was generally respected despite their little enforcement power in Istanbul. Noncompliance likely harmed the reputation of businessmen within this group, and it might have compromised future commercial undertakings. In matters of administrative and judicial authority within a professional group, the standing of the baili resembled that of heads of Jewish and Christian communities and of artisan groups in Istanbul’s marketplaces that arbitrated intra-group controversies according to their “customs” but lacked enforcement powers.

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This trans-imperial and cross-religious professional community did not formally exist. Rather it was the creation of trade developments started in the sixteenth century, with the expansion of the individuals who could engaged in Venetian-Ottoman trade, like non-citizen Venetian subjects, Ottoman Jews, Christians, and Muslims. The members of this group only shared a common business pursuit: trade and shipping operations between Venetian and Ottoman territories.

Furthermore, not everybody was integrated in the same way within this professional group. The members of the Venetian community had to follow strict rules in matters of commercial activities and judicial appeals, as they could not use Ottoman courts in disputes with other Venetians and the baili oversaw their legal disputes with Ottoman subjects. In contrast, our records show that Ottoman subjects, mostly Ottoman Jews and Christians, were less susceptible to the admonitions of religious and communal authorities when choosing a forum of justice to solve their commercial disputes. They first and foremost preferred the Venetian consular court to solve disputes during commercial ventures between Istanbul and Venetian territories. As shown in Chapter 2, these two religious and ethnic groups were also more integrated in the Venetian commercial system and business practice, and they relied on far-flung trade networks between the Levant, Venice, and the rest of Western Europe. In the case of Muslim merchants, their little use of the bailo’s court for solving disputes points to their limited

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integration within the legal culture of the Venetian consular court and within commercial networks operating between Istanbul and Venice.

3—Shopping among Notarial Offices

Apart from shopping across judicial forums, we should also consider the practice of choosing between different notarial institutions in Istanbul. Both the Venetian chancellery and the kadi courts of Galata operated as notarial offices and registrars for both Venetian and Ottoman subjects. Actually, it was the need to certify business dealings and legal acts that motivated Venetian and Ottoman merchants to apply to these institutions in the first place. In contrast to judicial matters, in notarial practice no formal prohibition existed, neither in Venice nor in the Ottoman Empire, against Ottoman and Venetian merchants turning to Muslim, Christian, and Jewish scribal institutions.41

<table>
<thead>
<tr>
<th>Individuals and Notarial Offices</th>
<th>Number of Deeds</th>
</tr>
</thead>
<tbody>
<tr>
<td>Venetians in kadi Courts</td>
<td>57</td>
</tr>
<tr>
<td>Ottoman subjects in the Venetian chancellery</td>
<td>582</td>
</tr>
</tbody>
</table>

We should first consider the practice of registering the same business agreement or legal document in both Ottoman and Venetian courts. In the year understudy instances of such practice are exceedingly rare: two grants of power of attorney and three documents of debt cognizance registered by Muslim merchants. It is possible that these

41 For different contexts, see Burns, Robert I, Jews in the notarial culture: Latinate wills in Mediterranean Spain, 1250–1350 (Berkeley: University of California Press, 1996), 32–5; Marglin, Across Legal Lines, 83-94; Apellániz, Breaching the Bronze Wall, 100-125.
merchants chose to record these acts in both Venetian and Ottoman courts to be able to produce written documentation in courts in both Istanbul and in Venice in case a dispute arose. The fact that only Muslim merchants opted for this double certification of legal acts and economic deeds might point to lack of familiarity with the Venetian legal system and business practice, and to their need to possess more documentation in this unfamiliar system. Double certification might have offered a stronger guarantee for the court users in case of controversy.

For instance, in December 1613 the merchant from Aleppo el-Hac Hasan ibn Abdülkadir and Sena bint Abdüllah, the widow and heiress of the late merchant Cebeci Behram bin Abdüllah, appeared in the court of Galata to record the granting of a power of attorney (vekâlet). Behram had died the previous month near the Adriatic port of Split (Spalato) when he was going to Venice with a load of camlets (sof) belonging to Hasan. The latter and Sena appointed Derviş Ali bin Mehmed, another merchant from Aleppo who was then in Venice, and Andrea Fontana, a commercial broker for Muslim merchants (sensale dei turchi) in the city, to recover the estates of the late Behram.42 Two months later, in February 1614, Hasan and Sena registered the same document of power of attorney (procura) in the Venetian chancellery.43

The other three instances of notarial documents drawn by both Venetian and Ottoman courts are instances of debt acknowledgment. For example, in July 1607, the merchant Hoca Mesud ibn Ramazan from Tosya appeared in the tribunal of the district of

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42 GSS 36, s. 35B (Zilka’de 1022/ 21 December 1613).

43 BAC 278, reg. 398, fol. 49r (6 February 1614). The other instance of notarized power of attorney is BAC 279, reg. 401, fol. 123v (14 December 1617). It is the notarization in the Venetian chancellery of document drawn in the kadi court of Istanbul.
Mahmud Pasha, in intra-muros Istanbul, to register a declaration before a deputy *kadı*. According to it, Mesud had given to Mahmud bin Keyvan 1,580 sequins to go to Venice and deliver them to Mesud’s legal agent in that city, Cesare Nicsia, another broker for Muslim merchants. Mesud asked Mahmud to swear that he had received the sum of money and had forwarded it to Cesare. Mahmud complied. In August 1609, two years later, Mesud appeared in the Venetian chancellery to notarize the court document (*hüccet*) suggesting that some controversy over the delivery of that sum of money might have arisen between the two business partners.⁴⁴

These instances of the double-registration of legal acts and commercial deeds are exceptional in the years under study. In most notarial transactions, Venetian and Ottoman merchants chose different notarial offices for recording specific acts and business transactions. In the case of the *kadı* of Galata, Venetians executed 57 notarial deeds between 1604 and 1625. They included the registration of commercial transactions, credit agreements, documents of power of attorney and surety, and debt quittances. They almost exclusively regarded business transactions taken place within the boundaries of the Ottoman Empire. As we saw in Chapter 6, among them the instances of credit agreements drawn in the court are significant because Venetian and Ottoman merchants only exceptionally registered such agreements in the Venetian chancellery. The reason of the choice of *kadı* courts for registering these contracts was likely because of the stronger enforcement power of this institution when disputes over contracts took place in Ottoman

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⁴⁴ We have only the translated notarized document drawn by the court of Mahmud Pasha. BAC 276, reg. 394, fol. 109r (4 August 1609).
cities. The Capitulations also urged the Venetians and other European to register such agreements in Ottoman courts.

In the case of Muslim merchants alone, kadi courts from Istanbul or elsewhere also produced documents to be used for identifying legal representatives in the Venetian chancery. In the years understudy, these documents (5 cases) are mentioned—but not notarized in the protocols—in grants of power of attorney registered by Muslim merchants who applied to the court on behalf of other individuals. For instance, in December 1612, Mahmud bin Elias from Beypazarı in Anatolia, the brother of the late Hacı Üveys, appointed the merchant Francesco Barbieri, in Venice, to recover the profits of a load of camlet that his brother had sent him. Mahmud presented a legal certificate (hüccet) issued by the kazasker of Rumeli to demonstrate that he was the only heir of his late brother. This legal certificate is only mentioned in the document of the power of attorney.45

However, apart from the small group of business dealings and agreements recorded in the kadi court of Galata and the identification papers produced by other kadıs, merchants who were active in Venetian/Ottoman trade turned mostly to the Venetian chancery for notarial services. There, they registered a variety of documents, mostly grants of power of attorney, debt cognizance and quittances, and notarized complaints against both debtors, such as with protests of bills of exchange, and commercial partners who had not fulfilled clauses of agreements. The chanceller’s secretary drafted

45 BAC 277, reg. 398, 27v (19 December 1612). I did not find the documents mentioned in this document of power of attorney in the archives of the kazasker of Rumeli. BAC 347 contains an entire folder (called scritture dei turchi) full of notarized Ottoman court documents from Anatolian kadi courts which were used to identify heirs or legal representatives of Muslim individuals for the years 1627-1629.
commercial papers to be employed for commercial ventures and legal actions in Venice and legal and economic documents to be used as legal evidence to begin processes of debt recovery and contract enforcement in the Venetian chancellery. This practice shows how much the adjudicative and notarial functions of this institution were intertwined.

Venetian and Ottoman merchants sought the notarial services of the Venetian chancellery even though, like in the case of lawsuits, they were generally costlier than those offered by Ottoman courts and the fact that the documents produced by this institution were not accepted in Ottoman courts. In the records of the period under study, there is no instance of Venetian subjects bringing these documents to kadi courts or to the Imperial Council during a lawsuit against Ottoman subjects. In Chapter 7, we saw that the Imperial Council instructed local kadis in Istanbul and in other Ottoman cities to consider documents produced by other kadis (hüccet) or uncertified private documents (temessük) of Venetian and Ottoman merchants in order to assess private claims. However, there is no evidence that such private documents came from the Venetian chancellery. According to established consensus among scholars of Islamic legal systems, documents produced by non-Muslim courts were not accepted by Muslim legal institutions during procedures of litigation since they did not constitute admissible legal evidence.46

In spite of the costs, their uselessness in Ottoman tribunals, and the fact that the Capitulations urged Venetians to register their business dealings with Ottoman subjects (and vice versa) in kadi courts, Venetian and Ottoman merchants and other subjects chose to register legal acts and business transactions first and foremost in the Venetian

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46 For instance, see Maurits Van den Boogert. The Capitulations and the Ottoman Legal System: Qadis, Consuls and Beraths in the 18th Century (Leiden: Brill, 2005), 45.
chancellery: 1,702 notarial deeds, of which 582 were implemented by Ottoman subjects. They did so because they could employ the notarial documents of this institution during commercial undertakings with Venetian territories or as legal evidence in Venetian courts in Istanbul, Venice, and elsewhere. The vast majority of these notarial deeds regarded commercial transactions taking place between Istanbul and Venetian territories, mostly with the city of Venice and, secondly, with Venetian Crete. Only in Venetian legal institutions are we certain that they constituted legal evidence. As we saw in Chapter 4, Venetian and Ottoman merchants obtained documents, such as notarized grants of power of attorney, to use them in Venetian courts to recover debts or to appeal sentences issued by the baili. Again, as it was the case with legal suits, Ottoman Jews constituted the Ottoman religious and ethnic group who most employed the notarial services of the Venetian chancellery: they appeared in 341 out of 582 notarial deeds performed by Ottoman subjects.

The Venetian chancellery operated as the main institution for certifying property rights within the professional community trading between Venetian and Ottoman territories. Venetian public notaries had been operating in Istanbul since the Byzantine period (from the twelfth century onwards) while in the early modern period the secretaries of the Venetian embassies took over their function. Therefore, Venetian secretaries represented an old-established Venetian notarial culture in the Ottoman capital. While until the sixteenth century mostly Venetian merchants benefitted from the services of the notary of their community, in the period under study numerous non-Venetians, mostly Ottoman Jews and Muslims but also several Western Europeans, employed these services. The Venetian chancellery provided its users with a set of
practices that belonged to a shared notarial culture in the centuries-long Venetian commercial system and in Venetian territories from the Levant to the city of Venice. Despite a degree of commensurability between the Venetian notarial system and the legal cultures of Mediterranean European countries, my research shows that the documents produced by the Venetian chancellery in Istanbul circulated only minimally in non-Venetian territories.

4—Conclusion

The pluralist legal regime of early modern Istanbul offered to merchants trading between Istanbul and Venetian territories a multitude of public institutions for solving commercial disputes and registering business dealings. Their choice among these institutions was contingent on number of factors, such as communal rules, customary practices, costs of appeals, enforcement powers, and the legal and economic services provided by each of them. Furthermore, the freedom of choice changed among different religious and political communities, at least in judicial matters. The regulations of the Venetian community in Istanbul permitted Venetian subjects to use Ottoman courts exclusively in case of dispute with Ottoman subjects. In the Ottoman case, religious and communal norms prevented Jews, Orthodox Greeks, and Muslims to appeal to legal institution outside their communal ones, at least for intra-group controversies. However, as the evidence presented in this and in the previous chapters demonstrates, Ottoman merchants, mostly Ottoman Jews and Christians, made substantial use of the Venetian chancellery to solve commercial controversies and register business dealings: 108 (25%) out of 434 disputes, and 582 (35%) out of 1,702 notarial deeds. The use of the Venetian chancellery by Ottoman subjects, mostly non-Muslims, was the most common practice of
forum-shopping in the professional community trading between Istanbul and Venice in the seventeenth century.

As I argued in this chapter, even though forum-shopping between Ottoman and Venetian courts took place without arousing protests from Ottoman legal officials, it was constrained by legal norms, communal rules, and, more important, by the specialization of each court in distinct legal and economic services. Venetian and Ottoman subjects appealed in first instance to specific forums and for distinct services and only exceptionally turned to both Ottoman and Venetian institutions to solve the same controversy or to register the same commercial deed. In judicial matters, these distinct services included the commercial arbitration offered by the Venetian consular court, the resolution criminal cases, the enforcement of business contracts and of norms of international agreement in case of Ottoman courts (above all the Imperial Council). In notarial practices, we saw that the Venetian chancellery was the principal institution for registering business dealings and legal acts concerning trade undertakings between Ottoman-Venetian territories, while Ottoman kadı courts only registered the business transactions of Ottoman and Venetian merchants for trade ventures unrelated to this flow of trade. Overall, the choice of Ottoman and Venetian merchants for specific legal and notarial institutions arose from the long-time practices in the administration of justice and in the certification of property within the mercantile community trading between the Levant and Venice. Such choice of forums thus followed long-time commercial and legal customs that had developed following the development of European trade with the eastern Mediterranean in the late medieval period.
Conclusions

The Venetians in early modern Istanbul were both insiders and outsiders in the socioeconomic life of the Ottoman capital. On the one hand, they interacted daily with Ottoman subjects belonging to different religious groups in the marketplaces and in other social contexts, such as dwelling and worship spaces in Galata—this was the case, at least, for Catholic individuals. On the other hand, they remained largely separated from most of the population in terms of the normative systems regulating their communal affairs, membership in a political community, religion affiliation, and because of linguistic barriers. Venetians and Ottoman Jews, Christians, and Muslims engaged in commercial undertakings in a corporatist society of unequal and separate groups, and they perceived themselves as distinct communities, an historical experience that Francesca Trivellato terms “communitarian cosmopolitanism.”

The administration of justice and the public certification of property rights for Venetian subjects capture this separation/inclusion that characterized the experience of foreign merchant communities in the early modern Mediterranean. The intensity of commercial exchanges and diplomatic encounters in the eastern Mediterranean since the late medieval period had enhanced mutual knowledge of different commercial practices and legal norms but it had not created a common legal framework for long-distance merchants. Similarly, an informal or hybrid “middle ground” that would offer the possibility to act outside formal regulations did not exist. To the contrary, the Venetian

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and Ottoman normative systems remained distinct in matters of court procedures, legal evidence, and norms concerning trade and navigation, even though there existed some analogous commercial and legal customs among them. Consequently, merchants in Istanbul who engaged in Venetian/Ottoman trade had to navigate a multitude of legislations, courts, and notarial offices.

Even though it did not create a common legal framework, the intensity of commercial and diplomatic contacts generated routines in the use of legal institutions by long-distance merchants. Such routines were dependent on communal rules, legal norms, reputational and monetary concerns, different legal and notarial services that were unique to each institution, and on the commercial and political contexts of seventeenth-century Istanbul. For merchants trading between Istanbul and Venetian territories, these routines included appeals to the Venetian embassy for commercial arbitration and notarial services, as well as to Ottoman courts for a few specific types of notarial deeds, criminal matters, the enforcement of business contracts, and the regulation of trade affairs as a whole. These routines relied on a widespread knowledge of local and foreign legal rules and institutions among merchants trading between Ottoman and Venetian territories. Such knowledge, as well as customary commercial practices, allowed Venetian and Ottoman merchants to turn to different legal institutions for specific reasons. Overall, Venetian and Ottoman courts jointly supported an interimperial framework of norms and practices that allowed Venetian and Ottoman merchants to cooperate in business

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3 For instance, as we saw in Chapters 3, Ottoman and Venetian legislations on shipwrecks and jettison include similar legal principles, such as the general average, while, as shown in Chapter 8, the Venetian chancellery accepted Ottoman court records as means to verify agency relations among Muslim merchants.
undertakings and to solve disputes as a matter of routine, despite the absence of a system of international law in the early modern Mediterranean.

I have uncovered routines in the use of courts thanks to both a legal pluralist perspective of the study of Venetian and Ottoman legal institutions and a combination of quantitative and qualitative analyses of court records. Such an approach has enabled me to uncover hitherto unknown patterns in the use of courts by businessmen belonging to different religious and political communities, and the overall contribution of each court to trade regulation. One of the most important findings of my research is that Venetian and Ottoman merchants sought mainly notarial services in both Venetian and Ottoman courts. They appealed to these institutions primarily to publicly register business dealings, contracts, and legal acts, in order to preserve the memory of past transactions or to use them in case a controversy might arise. Even when they began procedures of debt recovering or contract enforcement, Venetian and Ottoman merchants often aimed to publicly certify property rights rather than obtain a sentence against other businessmen. This finding contrasts with the traditional emphasis of scholars on adjudication and contract enforcement as the main contribution of legal institutions to the regulation and promotion of international trade in Western Europe and the Islamic world before the nineteenth century.

My study also challenges essentialist accounts of Ottoman and European courts as “traditional” and “unsympathetic” to long-distance trade and “modern” and “economically efficient,” respectively. Rather than focusing exclusively on Islamic legal norms and judicial procedures, I have illustrated the entire array of legal and economic services provided by Ottoman Muslim courts to long-distance merchants. Despite their
overall minor role in regulating Ottoman/Venetian trade, Ottoman kadi were the main forum for the resolution of criminal affairs involving Venetian subjects and the only notarial office for the registration of commercial contracts between Ottoman and Venetian merchants for trade ventures taking place either within the Ottoman Empire or with non-Venetian territories. In contrast to kadi courts, the Imperial Council played a central role in regulating and protecting Venetian/Ottoman trade by punishing rapacious Ottoman officials, bandits, and pirates, by introducing new trade-related regulations, by enforcing business contracts, and by intervening in the resolution of private disputes between Ottoman and Venetian subjects in favor of Venetian side. The important contribution of this institution to the promotion of international trade is little considered in studies of trade and institutions in the Ottoman Empire, which deal exclusively with kadi courts and Hanafi legal norms on commerce and dispute resolution. As I have shown, the emphasis on upholding international treaties, which belonged to sultanic legislation (kanun), and the resulting political nature of the resolution of commercial conflicts in this institution explain the greater role of the Imperial Council in Venetian affairs in the Ottoman Empire.

This reassessment of the role of Ottoman Islamic courts in regulating international trade notwithstanding, my research clearly shows that the Venetian chancellery was the most important institution used by Venetian and Ottoman merchants trading between Istanbul and Venetian territories. Despite its little enforcement powers in Istanbul, many Venetian and Ottoman merchants, including a large number of Jews and also a few Muslims, appealed to this court to solve commercial lawsuits because of its fast and equity-based procedure which aimed foremost to repair business ties among litigants.
Such a procedure—titled either “summary” or “mercantile”—had been applied in merchant courts in Western Europe and in the consular courts of Venetian and other Italian mercantile communities in Istanbul since the late medieval period. At the same time, the Venetian chancellery operated as the main notarial office for merchants engaged in Venetian/Ottoman trade by certifying numerous types of legal acts and commercial deeds, which were accepted as legal evidence in Venetian courts in the metropole and elsewhere.

Nevertheless, the Venetian chancellery was not an “open-access” institution providing legal and notarial services to any individual, irrespective of geographical provenance, social status, profession, and religious affiliation. The lawsuits handled by this court were exclusively commercial affairs arising from trade ventures between Venetian and Ottoman territories while the documents its issued circulated mostly within Venetian territories and the Venetian commercial system as a whole. Furthermore, its substantial fees, its elements of collective justice (such as orders of sequestration against third parties), and the special procedure it offered to high-ranking Ottoman individuals demonstrate that this institution was not the embodiment of modern impersonal justice which many economic historians see in the European chancelleries in the Ottoman Empire. On the contrary, my study demonstrates the importance of analyzing, all together, local commercial and legal norms and customs, the economic context, and interstate relations, in which these consular chancelleries operated.

The importance of the local context brings us to the political economy of empires, another central theme of this dissertation. Like today, in the early modern period justice for merchants was nowhere independent from local configurations of power, regional or
global commercial developments, and political relations among empires and other polities. The political economy of the Ottoman Empire and the Republic of Venice affected the workings of courts in matters of the jurisdiction of specific courts, procedures of dispute settlement, and access to specific tribunals and notarial offices for merchants belonging to different political and religious communities. In the Venetian case, the Republic’s efforts to preserve its ascendancy in trade between the Levant and Western Europe and to maintain peaceful relations with the Ottoman Empire explains why the Venetian chancellery offered its legal and notarial services to large numbers of Ottoman subjects who were competitors of Venetian subjects. Furthermore, these political and commercial issues played a role in the specific legal procedures chosen by the baili to settle disputes involving preeminent Ottoman merchants, and in their intervention in the workings of Ottoman courts in cases of disputes that were potentially detrimental to Venetian trade as a whole. On the Ottoman side, the willingness of Ottoman officials to encourage foreign trade within the sultan’s realm and to preserve peace with Venice in the early seventeenth century accounts for the Imperial Council’s rulings in favor of Venetian commercial interests in matters of protection of merchants. Such policy is particularly telling in the case of trade-related private disputes between Venetian and Ottoman merchants in which Ottoman officials privileged the upholding of international agreements over the strict application of Hanafi Islamic norms concerning legal procedures in Ottoman courts.

Overall, by focusing on legal pluralism, institutional analysis, and political economy of empires, this dissertation has offered a different account of the practice of dispute settlement and the certification of property rights in a major commercial hub in
the early modern Mediterranean. It has revealed the close interrelations between different legal cultures, the socioeconomic contexts, and the use of legal institutions by businessmen belonging to different religious and political communities. More importantly, it has demonstrated that, rather than being incompatible institutions, Venetian and Ottoman courts and notarial offices jointly regulated and promoted trade development in the early modern eastern Mediterranean. What is more, it has shown their common practices that Venetian and Ottoman merchants to collaborate in business undertaking and solve controversies on a day-to-day basis.
Appendix I

My quantitative analysis of court records relies on a relational database based on a Structured Query Language (SQL). I built this database with the help of Yale Digital Humanities Lab.¹ The database organizes the social and economic information contained in my primary sources into a relational model of data that shows the multiplex relationships among courts users and between, on the one hand, religious and political affiliation and, on the other hand, the types of legal acts and notarial transactions performed in courts. I built this database relying on the records of the Venetian chancellery, the kadi courts of Galata, the court of the kazasker of Rumeli, and those of the Imperial Council concerning the Venetian community in Istanbul.

I organized the database into four tables. In the first table, named “disputes,” I have inserted all the legal suits and notarial transactions litigated or carried out in the Venetian and Ottoman courts in the period of my study.² Each entry in the table has its own number of identifications. In listing the disputes, I have chosen a name for each of them (etic classification) that corresponds to the actual matter of contention. For example, “spoilt merchandise” refers to those cases involving individuals litigating over an allegedly damaged merchandise. Furthermore, for each lawsuit, I have shown the name

¹I would like to express my deepest gratitude to Trip Kirkpatrick from the Yale Library for all the time he spent with me in building this database and in helping me to understand the great potential of relational databases for organizing and analyzing historical sources.

²I excluded from my database those court documents that, as described in Chapter 3, I define as “public acts.” They refer to those actions carried out by the bailo as the representative of the Venetian government. Some examples are the appointment of a public dragoman for the Venetian embassy and the issuance of a safe-conduct to allow individuals to go to Venetian or non-Venetian territories. I apply this analytical category also to those documents issued by the Imperial Council about general instructions on Venetian trade, such as in matters of taxation and court procedures. They are not related to private disputes and, therefore, I did not insert them into my database either.
of the winner and the loser. In the case of notarial transactions and publics acts, I have written only the nature of the transaction. In the second table, called “names,” I have listed all the individuals recorded in my documents (both those personally appearing at court and those mentioned in the legal acts) and the key elements of their identity. Among the latter, I showed their personal titles, their names as they appear in the document’s script, their religious affiliations in both the etic and emic categories, their place of origin and residence, occupation, and gender. I excluded political identity in the case of the documents of the Venetian chancellery since it appears in only 4 cases out of 1,777 courts users. Every individual has his/her own number of identification.

In the third table, named “subdisputes,” I inserted all the phases of the lawsuits litigated in the Venetian chancellery. For Ottoman courts there is a single record for each lawsuit, so I inserted a single entry for each of these cases. In the Venetian chancellery, different entries in my records show a particular phase in the litigation process of a single lawsuit, such as the submission of a grievance, the testimony of witnesses or the presentation of written proofs, the appointment of a guarantor, the bailo’s final sentence, and the possible following appeal to the latter. These different phases provide us with a quite detailed and lively picture of the entire process of litigation and the legal procedure followed by the court. However, in some instances, court officials recorded only a particular phase of a legal case, or the final sentence is missing. Therefore, it is not possible to follow the unfolding of a lawsuit in its entirety. I listed all the different phases of a single dispute including the date, and the emic and etic classification of the legal acts carried out in them, and linked them to the corresponding dispute in the “disputes” table. Each entry in “subdisputes” has its own number of identification.
Lastly, in the fourth table, called “subdisputes-names,” I connected all the information contained in the previous three tables and showed the specific roles played by each individual in all phases of a dispute and in notarial transactions. The same individual could have played similar or different roles in several lawsuits or notarial transactions. For instance, an individual could have been the plaintiff in a trade-related dispute, stood surety or acted as proxy for someone else in another, and, in a notarial act, he or she could have notarized a business agreement. This fourth table illustrates those individuals who were most required by others as business partners, witnesses, proxies and/or were most active themselves. Furthermore, it shows the manifold types as well as the frequency of the social relations that bound together all the members of the community of merchants trading between Istanbul and Venetian territories. Examples of social relations can be traced from powers of attorney, commission contracts, and surety. However, we should keep in mind that the legal and economic transactions carried out in the bailo’s court, and the social and business relations that they show, constitute only one site of interaction within the large Ottoman and Venetian mercantile community in Istanbul. Court officials registered only those legal and economic transactions that they, or the individuals who turned to the court, deemed imported to be recorded. Consequently, we cannot have a complete picture of the intense social and economic relations among the individuals in these trade networks. For instance, family ties or acquaintances made in the marketplace, which may have played an important role in trade ventures, escape our knowledge as well as some legal and economic transactions. Furthermore, some disputes might have been settled outside the court between the
interested parties, and some business agreements, such as commercial partnerships, might have not been notarized.
Bibliography

Archival Sources

Archivio di Stato di Venezia (Venetian State Archives)

Auditori Nuovi alle Sentenze

Bailo a Costantinopoli

Documenti Turchi

Cinque Savi alla Mercanzia

Lettere e Scritture Turchesche

Senato Deliberazioni, Costantinopoli, Filze

Senato Deliberazioni, Costantinopoli, Registri

Senato Dispacci, Costantinopoli

Başbakanlık Osmanlı Arşivi (Prime Ministry’s Ottoman Archives)

Düvel-i Ecnebiye Defterleri

Maliyeden Müdevver Defterleri

Mühimme Defterleri

İslam Araştırmaları Merkezi (Center for Islamic Studies)

Galata Şeriyye Sicilleri

İstanbul Şeriyye Sicilleri
Rumeli Sedareti Mahkemesi

Vakıflar Genel Müdürlüğü (Directorate General of Foundations)

1722 Galata Evkaf Tahriri

Published Primary Sources


Akgündüz, Ahmet (ed.). *Osmanlı kanunnameleri ve hukuki tahlilleri*. 9 Volumes, İstanbul: Osmanlı Araştırmaları Vakfı, 1990-.


Zanetti Daniele e Compagni. Il *consolato del mare: nel quale si comprendono tutti gli*
statuti & ordini, disposti da gli antichi per ogni caso di mercantia & di navigare:
cosi a beneficio di marinari ... : con l'aggiunta delle ordinationi sopra l'armate di
mare, sicurtà, entrate, & vscite. Venice 1576.

Literature


------. “‘You cannot produce a Muslim witness’: Early Ottoman attitudes towards proof and religious difference.” *Quaderni Storici* 51/3 (2015): 633-647.


Ayoub, Sami. “Territorial Jurisprudence, Ikhtilaf al-Darayn: Political Boundaries &


Bayraktar-Tellan, Elif. “The Clash of ‘Rum’ and ‘Frenk’: Orthodox-Catholic Interactions on the Aegean Islands in the Mid-Seventeenth to Mid-Eighteenth Centuries and Their Impact in the Ottoman Capital.” In Özlem Çaykent and Luca


------. *Osmanlı Galatası (1453-1600)*. İstanbul: Bilge Kültür Sanat Yayınları, 2014.


Cassandro, Giovanni I. *Le rappresaglie e il fallimento a Venezia nei secoli XIII-XVI.* Turin: S. Lattes, 1938.


Epstein, Mark A. Ottoman Jewish Communities and their Role in the Fifteenth and Sixteenth Centuries. Freiburg: Klaus Schwartz Verlag, 1980.


------. “Document Use in Ottoman Courts of Law: Observations from the Sicils of


“Protecting the property of foreign merchants: Venice and the Ottoman Empire in the early 1600s.” In Gherardo Ortalli and Alessio Sopracasa (eds), *Rapporti mediterranei, pratiche documentarie, presenze veneziane: le reti economiche e culturali (XIV-XVI secolo)*. Venice: Istituto veneto di scienze, lettere ed arti (2017): 133-152.


“After Braudel. A Reassessment of Mediterranean History between the


Garnot, Benoît (ed.), *Les témoins devant la justice: une histoire des statuts et des


Goldberg, Jessica. *Trade and institutions in the medieval Mediterranean: the geniza


Grenet, Mathieu. La Fabrique communautaire. Les Grecs à Venise, Livourne et


------. “Afterword: Ottoman Understandings of the World in the Seventeenth


İnalcık, Halil. “Capital Formation in the Ottoman Empire.” *The Journal of Economic


-----. “The Ottoman State: Economy and Society 1300-1600.” In Halil İnalcık and Donald Quataert (eds), An Economic and Social History of the Ottoman Empire, 1300-1914. 3 Volumes, Cambridge; New York: Cambridge University Press (1994): Vol. 1, 9-380.


------. *Contingency in a Sacred Law: Legal and Ethical Norms in the Muslim Fiqh*

-----.


Kermeli, Eugenia, “The Right to Choice: Ottoman, Ecclesiastical and Communal


Laiou, Angeliki. “Byzantine Trade with Christians and Muslims and the Crusades.” in


Luca, Christian. “Il bailaggio veneto di Costantinopoli nel cinque-seicento: i
dragonomanni provenienti dalle famiglie Bruttì, Borisi e Grillo.” In Cristian Luca
(ed.), *Dacoromano-Italica: Studi e ricerche sui rapporti italo-romeni nei secoli

-------. “La gestione familiare degli affari mercantili nel commercio internazionale
riguardante l’area del Basso Danubio durante il XVII secolo: la fortuna dei
Vevelli, dei Locadello e dei Papanos.” In Cavaciocchi, Simonetta (ed.), *La
famiglia nell’economia europea. Secc. XIII–XVIII/The Economic Role of the
Family in the European Economy from the 13th to the 18th Centuries. Atti della

-------. “Some Families of Dragomans from the Italian-Levantine Community of
Beyoğlu (Pera in Constantinople), Employees of the Venetian Embassy at the
Porte during the 16th-17th Centuries.” In Iulian Mihai Damian, Ioan-Aurel Pop,
Mihailo St. Popović, e Alexandru Simonu (eds), *Italy and Europe’s Eastern

Mantran, Robert. *Istanbul dans la seconde moitié du XVIIe siècle; essai d'histoire

Marcus, Abraham. *The Middle East on the eve of modernity: Aleppo in the eighteenth

Maréchaux, Benoît. “Consuls vénitiens en Méditerranée orientale (1575-1645).” In


Mauroeide, Phane. *Ho Hellenismos sto Galata* (1453–1600). Ioannina: University of


Minervini, Laura. “La lingua franca mediterranea: plurilinguismo, mistilinguismo,


Ogilvie, Sheilagh. *Institutions and European Trade: Merchant Guilds 1000–1800*. 454

Othman, Aida. “‘And Amicable Settlement is Best:’ Sulh and Dispute Resolution in Islamic Law.” *Arab Law Quarterly* 21/1 (2007): 64–90.


------. *The Ottoman economy and its institutions*. Farnham; Burlington: Ashgate, 2009.


------. “Venetian Consuls for Ottoman Subjects.” In *IXth International Congress of*
Economic and Social History of Turkey, Dubrovnik-Croatia, 20-23 August 2002


al-Qattan, Najwa. "Textual Differentiation in the Damascus Sijill: Religious


Reyerson, Kathryn L. and Debra A. Salata (eds.). *Medieval Notaries and Their Acts*:

Romano, Dennis. Patricians and Popolani: the Social Foundations of the Venetian

Rothman, E. Natalie. “Becoming Venetian: Conversion and Transformation in the
Seventeenth-Century Mediterranean.” Mediterranean Historical Review 21/1

------. Brokering Empire: Trans-Imperial Subjects between Venice and Istanbul.

Rozen, Minna. “Strangers in a Strange Land: The Extraterritorial Status of Jews in
Italy and the Ottoman Empire in the Sixteenth to the Eighteenth Centuries.” In
Aron Rodrigue (ed.), Ottoman and Turkish Jewry: Community and Leadership

------. A History of The Jewish Community of Istanbul: The Formative Years (1453–

Macmillan, 2011.


Sahlins, Peter. Unnaturally French: Foreign Citizens in the Old Regime and After.


------. “Writing to the prince: Supplications, equity and absolutism in sixteenth-


Soldani, Maria E. “Arbitrati e Processi Consolari Fra Barcellona e L’Oltramare nel
tardo Medievo.” In Elena Maccioni and Sergio Tognetti (eds), Tribunali di
mercanti e giustizia mercantile nel tardo Medioevo. Florence: Leo S. Olschki
(2016): 83-105

Sopracasa, Alessio. “Les marchands vénitiens à Constantinople d’après une tariffa

-----.. Venezia e l’Egitto alla fine del Medioevo. Le tariffe di Alessandria. Alexandria:
Centre d’Etudes Alexandrines, 2013.

Steckley, George. F. “Instance cases at admiralty in 1657: A court ‘packed up with


Stefini, Tommaso. Seeking Redress at the Signoria: Ottoman Merchants in Dispute
University, 2013.

-----.. “Cash-vakıfs as a Source of Entrepreneurial Credit for Merchants Involved in
Trade between Bosnia and Venice in the Early Modern Era: some Evidence from
Venetian Archival Sources.” Paper presented at The History Project 2014 Annual
Conference: “Institutions, Credit, and the State.” Yale University, October 17-18,
2014.

-----.. “Ottoman Merchants in Dispute with the Republic of Venice at the End of the
16th Century: Some Glances on the Contested Regime of the Capitulations.”

Turcica 46 (2015), 153-76.


------. “La mobilité comme compétence dans la société ottomane. Nomades de la Çukurova et travailleurs migrants à Üsküdar au xviie siècle.” In Claudia Moatti, Wolfgang Kaiser, and Christophe Pébarthe (eds), Le monde del’itinérance en


Zarinebaf, Fariba. *Crime and Punishment in Istanbul: 1700/1800*. Berkeley:


