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Masked Cooperation with the Infidel? The Venetian Commercial Privileges, Political Power, and Legal Culture in Mamlûk Egypt

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Der Artikel 'Maskierte Kooperation mit den Ungläubigen? Die Handelsprivilegien Venedigs, politische Macht und Rechtskultur im Mamlûkischen Ägypten' zeigt zunächst die Begriffe 'Macht' und 'Jurisprudenz' in ihrer historischen Entwicklung und spezifischen Bedeutung in der Islamischen Rechtslehre auf. Es zeigt sich, dass die Islamische Rechtslehre von einer deutlichen Spannung zwischen der Theorie der juristischen Literatur und der politischen Praxis geprägt ist. Theoretisch sollten alle Lebensreiche der islamischen Welt vom islamischen Recht bestimmt sein, der Herrscher sollte als Kalif in der Nachfolge des Propheten stehen und sämtliche weltliche und geistliche Macht in sich vereinen. Die Beziehung zu christlichen Staaten war nach der Theorie grundsätzlich eine kriegerische: der Jihâd ist der normative Normalzustand.

Die Praxis im mamlûkischen Ägypten des 15. Jahrhunderts war aber eine ganz andere: Der Kalif als theoretisch höchste Instanz segnete die Einsetzung des Sultans zwar noch formell ab, doch übte er kaum mehr wirkliche Macht aus. Diese war ganz in der Hand des Sultans konzentriert. Dieser war auch als höchster Richter tätig und richtete sich in sehr pragmatischer d.h. eklektischer Weise nach dem islamischen Recht aus. Auch in der Formulierung seiner Politik wich er von den islamisch-rechtlichen Normen ab: mit den christlichen Staaten bestanden rege Handelsbeziehungen und der Jihâd hatte keine reale Bedeutung. Diese (wenn auch nicht unislamische so doch zumindest recht pragmatische) Herrschaftspraxis gestanden die Juristen zwar dem Herrscher, der als einziger vor äusseren Feinden schützen und im Inneren stabile Verhältnisse aufrechterhalten konnte, d.h. für Kontinuität und Sicherheit bürgte, gerne zu, doch nicht ohne Machtexzesse und besonders offensichtliche Verletzungen des islamischen Rechtes zu verurteilen.

Die Handelsprivilegien für christliche Handelsnationen wie Venedig scheinen grundsätzlich als unproblematisch angesehen worden zu sein. In der Formulierung und im Übergabeprozess an die christlichen Gesandten wurden gewisse islamisch-rechtliche Elemente eingebaut, die eine Übereinstimmung mit dem islamischen Recht suggerierten.

Weiter zeigt sich in der Formulierung der Dekrete, dass der Verweis auf das Gebrauchsrecht, die Solidarität zwischen prestigeträchtigen Herrschern und die Anmahnung von Recht und Gerechtigkeit als universalen Handlungsmaximen von grösster Bedeutung sind, während

der Jihād als interferierendes Prinzip des islamischen Rechtes gar nicht erwähnt ist. Einzige Referenz an die Prinzipien des islamischen Rechtes sind die Evozierung des ephemeren Kalifen in der Titulatur des Sultans und die Betonung der Funktion des Sultans als Beschützer der Heiligen Stätten (Mekka und Medina) und der Gläubigen. Schliesslich wird der Sultan in der Titulatur vornehmlich auch als höchster Richter hervorgehoben, was eine Kritik an seinen Rechtsakten von vornherein als unsinnig erscheinen lässt.

Die Kooperation mit den Ungläubigen musste nicht maskiert werden. Auf die Frage ihrer grundsätzlichen Richtigkeit geht das Dekret gar nicht ein. Es hebelt solche Fragen durch den Verweis auf Brauch und Herkommen, sowie die religiös überhöhte Autorität des Sultans als Partner des Kalifen und Beschützer des Islams wirksam aus. Die Befolgung des Dekrets wird damit zu einer religiösen Pflicht per se.

INTRODUCTION

In some contemporary Muslim circles, current governments in the Islamic world are criticised for what is perceived as a lack of adherence to the fundamental tenets of Islamic law. Some of the more extreme critics stipulate the need for a general *jihād* [holy war] against all governments not ruling in the 'original' spirit of Islam. In order to justify this opinion, these circles sometimes cite Islamic jurists from the Middle Ages who repudiated the ruling government of their period for reasons that included policies too lenient toward Christians. This type of argument, however, does not address the other, no-less Islamic, jurists who legalised a policy of tolerance towards Christian nations, and confronted the issue according to pragmatic local customs based on a different understanding of Islamic law.

Too often, the common western perception of Islamic law seems to share this somewhat simplistic view. It sees Islamic law as composed of unchanging, unchangeable and often intolerant rules, like, for example, the concept of *jihād*. The example often cited by scholars as the exception to this rule is the peaceful and pragmatic tolerance of both Abbassid Baghdad and Muslim Spain. The use of these examples as exceptions to the perceived norm, however, neglects the essential question which is not whether the *jihād* is or is not an integral part of Islam. The Koran and the bulk of Islamic legal literature are clear enough about the duty of *jihād* as integral part of Islam. The question is rather *how* it was and is a part of Islam.

The commercial privileges granted to Christian trading powers by Muslim rulers have attracted a certain amount of scholarly attention. The bulk of these privileges and similar treaties are regularly published and studied¹. More rarely studied are the rhetorical strategies adopted in these documents to integrate them thoroughly in the realm of Islamic law. This paper will investigate how an Islamic ruler's staff drafted commercial privileges in order to reconcile them successfully with consistent Islamic law. To this end, there will first be brief discussion of the concepts of 'power' and 'legal culture', i.e. 'jurisprudence', in the context of the history of the Islamic world. There will then be consideration of the development of instruments of Islamic law which dealt with these

contacts in a formally correct way. Finally, this paper will address the Venetian commercial privilege of 1415 by focusing on the rhetorical strategies used in the decree.

SULT'ÂN [POWER] AND THE THEORETICAL FRAMEWORK IN ISLAMIC LAW

The word *sult'ân* originally meant 'power, authority'. Only by the 10th century had its meaning changed to indicate a 'holder of power, authority', more specifically a ruler who had assumed *de facto* secular power alongside the caliph's *de iure* supreme power in religious and secular matters. After having served as the primary title for the military rulers in the realm of the fading Abbassid caliphate, the title was adopted by the Seljuqs, the Ayyubids, and their successors, the Mamlûks. By this time the title already indicated independent political power². Later, the title was adopted by the Ottoman Turks. In this period the term became also a *topos* in European literature and meant a cruel oriental tyrant and a degenerate concupiscent ruler³. As laid down by Muslim jurisprudence, there was no place in the Islamic concept of divine rule by the caliphate for a merely secular, absolute ruler. The ruler had to be in a direct line of succession from the prophet and a ruler for the Muslim community in secular, as well as in spiritual, matters⁴.

In Mamlûk Egypt, jurists and historians were eager to harmonise the reality of the sultan's power with the principle of divine rule. Ultimately, however, they did not go as far as the Ottomans, who proclaimed themselves caliphs by allowing the last caliph to die without an heir and then adopting his title⁵. The justification of the sultan's position dwelt rather on the formality that the sultan was installed by the caliph, and therefore allegedly remained subordinate under the divinely-sanctioned ruler. Thus, the Mamlûk sultans retained a descendant of the Abbassid caliphs in their court whose main function was to bestow the title of sultan on the new ruler. The second line of argument stressed the merits of the sultans in preserving the orthodox *Sunni* faith, namely against the crusaders and the Mongols⁶. The constant threat of a Mongol invasion rendered the question of the legitimate ruler more and more obsolete; the legitimate ruler was the one who had enough power to protect the Muslim community. Hence, the interest of the jurists turned away from the theory of the legitimate ruler toward the legitimate exercise of power⁷.

FIQH [LEGAL CULTURE, JURISPRUDENCE] AND ITS THEORETICAL CONCEPTION

The term *fiqh* (knowledge, understanding, intelligence) finally became the term for Islamic jurisprudence⁸. The basic idea of Islamic law is that law based on religious principles should govern every aspect of public and private life⁹. However, the practical problems of daily life changed with new patterns of economic life. The rules laid down in the Koran applied to the particular situation of the H'ijâs in the 7th century but offered no adequate response to problems evolving in later centuries or in other geographical contexts. Therefore, Koranic rules were immediately supplemented by alleged sayings

of the prophet, his companions and his successors. These traditions (*sunna*, *h'adith*) formed the second source of Islamic law. The *qiyâs* [analogical conclusion] and the *ij-ma'* [consensus] served as additional tools of jurisprudence¹⁰. After a period of supple handling of most more or less reliable traditions, and an allowance for individual legal opinion (*ray'*), the corpus of reliable traditions became canonised by the second half of the 9th century. Then, from the 10th century onward, individual legal opinion was banished and legal reasoning stopped. By this time, an Islamic response to new legal problems became increasingly difficult and the gap between legal theory and actual practice widened¹¹.

HARMONISATION WITH PRACTICE: MAZ'ÂLIM AND THE CONCEPT OF SIYÂSA [POLITICS]

Because of the gap between theory and practice, as early as the time of the Abbassid caliphate, a distinction between the jurisdiction and legislative activity of the Islamic judge, the *qâd'i*, on the one hand and the caliph and his *maz'âlim* court on the other, came into being¹². Under the Mamlûk sultans this distinction continued. These courts were not excluded from the realm of Islamic law but were allowed to operate more independently from the strict procedural prescriptions and the ossified rules of Islamic law. The practical importance of these courts is debated. It is argued that they replaced the regular *qâd'i* tribunals for many legal problems, especially in the realm of penal and public law, often under the epithet *qânûn*. The same was true in matters of international and public law. Correspondingly, *qâd'i*-justice became basically restricted to private law¹³.

The virtually unlimited derogated power of the sultan had, however, to be brought back under the cover of Islam. The Egyptian scholar Ibn Taymiyya (1263-1328) argued that the power of the sultan had to be in strict accordance with the principles of Islamic law. He stated that if this was not the case, either Islamic law was interpreted in a too narrow manner, or the ruler was corrupted and had thus to be overthrown¹⁴. These lines of harmonisation were maintained in the 15th century and the jurists, because of their dependence on the sultan's goodwill, tended to opt for the first option: to interpret Islamic law in a pragmatic way. They granted the ruler far-reaching legislative and judicial power in matters of 'discipline' (*ta'zîr*, *tad'îb*) i.e. public order and politics (*siyâsa*)¹⁵. The jurists argued that such changes were in the higher interest of the Muslim community, preventing invasions and civil unrest¹⁶. They even went so far as to grant the sultan the right to inflict heavy penalties such as capital punishment, without virtually any of the restrictions imposed on this by Islamic law¹⁷. These tendencies continued in Ottoman times and led to the legislation of the sultan, which was formally distinct from the realm of the *fiqh* (the so-called *qânûn* cfr. *qânûn-nâme*), and even imposed these new laws upon the Muslim judges, the *qâd'i's*¹⁸.

JIHÂD AND THE DEVELOPMENT OF ISLAMIC INTERNATIONAL LAW

The clear distinction of legal theory between *dâr al-islam* and *dâr al-b'arb* – the realm of Islam and the realm of war, i.e. of the non-believers – did not meet the exigencies of Islamic rulers who were, especially since the period of the crusades, in manifold contact with the Christian world. Then, the normative 'standard' relationship between the two realms, according to the Koran, was supposed to be war – *jihâd*¹⁹. As early as the 8th century, the Islamic jurist Sufyân ath-Thaurî claimed that *jihâd* was only compulsory in defence and a duty incumbent only on the Muslims of an area adjacent to a non-Muslim power. Even then, the *jihâd* had only to be pursued if there were realistic chances for success and it could be suspended when the enemy offered tributary payment²⁰. In consequence, a sophisticated theory of a third *dâr* evolved, the *dâr al-‘ahd* or *dâr al-sulh*, the realm of the pact or the peace. This was accorded to the *jihâd* in such cases as the weakness of the Muslim ruler²¹.

AMÂN [SAFE-CONDUCT] AND THE LAW OF FOREIGNERS

The protection of the foreigner (of the *dâr al-b'arb*), by granting him the protection of an individual or a tribe, was already a basic tenet of the Arabic tribal codex. Islamic law adopted the principle to deal with non-Muslims in the realm of Islam. Indigenous Christian or Jewish communities were granted protection in return for the payment of taxes (*dhimma*)²². This institution also survived in its original form, as an *amân* (safe conduct) granted to a foreigner. This offered a easier basis for the establishment of commercial relationships with Christian states than the law of the armed truce. The *amân* could in theory be granted by every single Muslim to a non-Muslim or a limited group and was then called *amân chás's*. Only the head of the Muslim community was allowed to issue an *amân*, then called *amân ‘amm*, to an unlimited number of non-Muslims²³. The *amân* was, however, not only granted to non-Muslims but became more and more common for Muslims of other countries too²⁴.

THE MAMLÛKS OF EGYPT

The dynasty of the Mamlûks lasted from victory in the battle of ‘Ain Ghalut [The Source of Goliath, Palestine] against the Mongols to 1517. The victory over the Mongols marked, along with the conquest of the crusader thresholds Antioch (1268) and St John of Acre (1291), their prestige as protectors of the Muslim faith²⁵. The Mamlûk sultan was not necessarily the son of the former sultan but rather the most powerful leader of the military slaves (*mamalîk*) who formed the ruling class of the country. These slaves were mainly bought in the Caucasus region but also came from elsewhere. Finally, a motley international community of Caucasians, Turks, Mongols and even Europeans scrimmaged in the barracks of the Cairo citadel²⁶. Thus, the Mamlûks were commonly recognised as *de facto* rulers without a realistic alternative. Despite this, they were viewed with a critical eye. Critics came either from exponents of the ‘*ulâma* (Is-

lamic savants and jurists) as guardians of the orthodox faith, or from popular *sūfi*-circles (mystics). They blamed the Mamlûks for their precarious linguistic and religious integration, their tendency toward unfamiliar forms of superstition and their inclination to rely on minority groups in exercising power: Christians, recent converts, and Jews²⁷.

Mamlûk sultans needed high financial revenues in order to buy the new military slaves crucial for maintaining their power against rival Mamlûk factions. However, at the dawn of the 15th century, the empire was ravaged by epidemics, famines and the invasion of Tîmûr leng [Tamburlaine]. Furthermore, Mamlûk revenues were depleted by plague and Bedouin incursions. The sultans tried to restore their finances mainly by taxation of the transit trade between India and Europe. The sultan, therefore, was unwilling to engage in jihâd, preferring good, profitable economic relations with Christian Europe²⁸.

THE CAPELLO-VENIER DELEGATION OF 1415

After a certain time lag, in May 1415, the Venetian Senate decided to send an embassy to the sultan al Mu'ayyid Shaykh (1412-1421) who, after a troublesome phase without a clear ruler, had seized power. In this period, conditions for foreigners in Alexandria were particularly difficult and the Senate was eager to improve them. Its aim was basically to gain confirmation of the old commercial privileges granted by sultan Barqûq in 1391²⁹. The ambassadors set off immediately for Alexandria, and it appears that they arrived in Cairo by the end of August³⁰. Following a sophisticated protocol, the sultan received the two Venetian ambassadors³¹. The sultan accepted most of the Venetian claims on 16 September and the ambassadors returned to Venice – probably with the autumn galleys in December 1415 – with a letter from the sultan to the doge Tommaso Mocenigo, and a decree concerning the renewed commercial privilege³².

This privilege was styled in a very particular juridical form. It was a kind of general safe-conduct in the form of a letter attached to a copy of a decree directed to Mamlûk high officials. The letter responds to that of the doge of Venice: “A letter reached us from the presence of the magnificent and glorious Doge [...] in which words are contained marking great affection [...]”³³. It contains a far-reaching warranty of the integral rights of the Venetians in the sultan’s realm, a general safe-conduct (*amân ‘amm*): “And, further, this what you desire as supreme recommendation of our holy regard toward your consuls and merchants and every generation of Venetians and that we bless them by our holy justice, that is, in their merchandise, and that they might be safe and secure in all their affairs and that there might not be inflicted upon them any harm, or violence or any tort, but it might be discovered and investigated [...]”³⁴. The letter concludes with a reaffirmation of the privileges granted and the remark that corresponding orders will be sent to the governors of the empire. These orders, in the juridical form of a *marṣûm* [decree]³⁵, contain a list of the different privileges granted to the Venetians dwelling in the Mamlûk realm. The decree is in the form of a circular to all the heads of the Mamlûk provincial administration: “A holy command, open and general [...]. To the emirs of Tripoli, Aman, Saffet, Alexandria [...]”³⁶.

RHETORICAL STRATEGIES TO INCLUDE THE DECREE IN THE REALM OF DIVINE LAW

The safe-conduct accorded to the Venetians was not really in the spirit of Islamic law: the Venetians were granted such far-reaching rights that they enjoyed a better *de facto* position than many Muslims. Furthermore, the contract was not limited to the ten years claimed by Islamic jurists³⁷. Using various rhetorical strategies, the composer of the circular attempted to depict the commands as pertaining to the realm of Islamic jurisprudence and rendered his observations as a quasi-religious duty.

Most prominent of these observations are the numerous references in the circular to 'old custom' – 'Le bone usanze antige'³⁸. This becomes especially clear in the conclusion, where the writer links the old custom to the acts of past sultans: "[...] following the course of the custom and as is contained in the old peace treaties [i.e. commercial privileges] of past sultans [there a list of them] – God might have pity on their souls!"³⁹ With this allusion to previous defenders of the faith, the writer borrows the prestige of the religious tradition. Furthermore, new customs are condemned: "there should not be invented new custom, or innovation", which also alludes to the religious tradition⁴⁰.

Apparently the reference to the custom of the past seems to the writer a most powerful argument with which to impress the addressees. The most important source of Islamic law is the *h'adith*, the corpus of acts of the prophets, respectively its companions and successors transmitted by a chain of witnesses⁴¹. Therefore, the reference to the past via a chain of transmitters seems to be *per se* a strong argument for Islamic jurisprudence. By such authority, the local practice of Islamic law continued to accept local non-Islamic legal custom beside the classical law⁴². Consequently, in Islamic jurisprudence *bid'a* [innovation] was often a strong argument against deviating practice⁴³.

There is also frequent reference to *raxon e iustixia* or *raxon* alone⁴⁴. The distinction of the two Latin terms *ratio* [norm, rule] and *iustitia* [justice; sense of justice, equity] was very important in Venice. *Ratio* stands for a judgement in legal matters by strict application of the norms, while *iustitia* means the judgement based on commonsense and the judge's sense of justice⁴⁵. Although the Arabic version of the privilege did not survive, we can conjecture from surviving Arabic versions of other privileges what the respective terms in Arabic were. *Ratio* is normally rendered by *h'ukm* [judgement, legal decision, administration of justice]⁴⁶, and *iustitia* by '*adâla*' [justice]⁴⁷. Even if present as one formula, '*raxon e iustixia*', however, the terms do not appear in the other privileges⁴⁸. We might wonder if these terms might allude to a similar concept of the application of positive – Islamic and customary – law, opposed to a commonsense justice.

The bondage of the high officials to justice in a general – not strictly Islamic – sense becomes even more evident: "And those of high seat, magnificent emirs, wise and just and authoritative servants of God and sober, which in this way are protectors of the rivers and the ports, conquerors, warrantors and pillars of justice in all things with great equality. [...] guides of the guests, justifier of the temporal, [...]"⁴⁹. This striking detail also invokes the convention of hospitality which is a norm of tribal law and Levantine legal *koine*, rather than just of Islamic law⁵⁰.

The letter appealed therefore to a general sense of justice and responsibility, which meant the same as a strict observation of Islamic law. The Venetians should be treated justly according to the general safe-conduct and commonsense. This is neither specifically Islamic nor non-Islamic. It is part of a legal *koine* as is, for instance, the sharp condemnation of compulsory sale or fraud often mentioned in the privileges, which is banned in Islamic law regardless of whether Christians or fellow Muslims are the commercial partners⁵¹.

There was also recognition of the fellow nobility and religious prestige of the doge. He is called ‘glorious, magnificent and of great authority and of most ancestral nobility.’ Furthermore, he is styled almost as the head of Christianity: “Honour of the generation/nation of Jesus Christ, congregator of those who adore the cross, [...] friend of the kings and the sultans, may God maintain him in his state for long times!”⁵² So, despite the critical depiction of Christians as almost pagan adorers of the cross, the doge is presented as head of a respectable religion. Further, the doge’s prestigious nobility is invoked. This could be more than lip-service, since Mamlûk society relied on chivalric ideals. Boasting of ancestry might have been considered, perhaps especially in the adoptive-nobility of the Mamlûk system, a positive value.

THE ‘HOLY’ SULTAN AND THE SWORD OF THE LAW

The titles of the sultan in the letter to the doge provide insight into the self-representation of the sultan and his idea of good government⁵³. Some are purely secular as in the invocation of the Hellenistic tradition: “Alexander of his time”⁵⁴ or the legitimisation of the precarious origins of a Mamlûk sultan by stating the self-made man’s claim on lordship as ‘heir of the reign’. Many evoke the ruler’s duties: “paver and director of the rivers”, “king of the two seas [Red Sea and Mediterranean], securer of the ways from the east to the west”⁵⁵. The management of the rivers, especially the Nile, had been, since the time of the pharaohs, an important legitimisation of government in Egypt. The reference to the two seas and the security of the roads, which were crucial for the trade on which the Mamlûks’ wealth and welfare depended, is also interesting.

In numerous variants, the sultan’s function as supreme judge is emphasised. He is just, the “sword of the world and the law”⁵⁶ and even “reviver of justice in the human generation”⁵⁷. Furthermore, he is depicted as “tuner and mediator between him who is wrong and him who is right”⁵⁸, and finally as the “sower of justice and goodness” and “congregator of the words of truth”⁵⁹. The sultan is thus styled as the only guarantor of the restoration and preservation of justice. With this claim, disobedience to the sultan becomes disobedience against justice itself and therefore absurd. The importance of justice to good government was a common *topos*, and the pseudo-Aristotelian circle of justice was a commonplace in the ‘mirror of princes’ literature⁶⁰.

Besides the titles that depict the sultan as a good secular ruler, there are others that depict him as preserver of the Muslim faith. The first, ‘sword of the world and of the law’, could be interpreted in different ways: firstly, as a sign for a certain dichotomy between the sultan’s law and Islamic law, hinting at the above-mentioned distinction of *ratio*

and *iustitia*. One might consequently think of the *maz'âlim* justice of the sultan which existed parallel to, and in case of doubt, superior to the regular *qâd'i*-courts. Second, we could interpret the swords as symbols of justice (*iustitia*) and the warring ruler respectively. Third, the swords could be viewed as symbols of secular and spiritual power. This, the most convincing interpretation, is enhanced by the slightly different formulation in other privileges: "sword of the world and the religion"⁶¹. We might think of the two swords of Pope Gelasius (the spiritual authority of the pope versus secular power of the emperor) and wonder if the formula bears western influence⁶². In any case, the imagery of the titles seems to reveal a strong influence of a cultural *koine*, of a Mediterranean shaped by Greek and Roman heritage and a strong imprint of Christian thought.

The title "servant of the two holy places [Mecca and Medina]"⁶³ invokes the utmost prestige that an Islamic ruler can seek. The Mamlûks watched jealously over this honour, which was symbolised by the annual vesting of the *ka'aba* by the ruler. They obstinately declined the requests of other Muslim rulers, such as the Timûrîds, to carry out this action⁶⁴. The sultan is depicted as ruler of the Muslim community, paying allegiance to the caliph; he is 'companion of the emir of the faithful'⁶⁵. This shows that the 'fainéant'⁶⁶ caliph was still recognised as the head of the Muslim community and was therefore not completely deprived of importance⁶⁷. This also became clear in the troublesome period before Mu'ayyid Shaykh's seizure of power. At this time, the caliph also exerted real political power for a while⁶⁸. It is interesting to note that in European travellers' accounts, the caliph is compared with the pope: "their caliph, head of the pagan faith, as is the pope in Rome chief of the Christian faith"⁶⁹. This hints at a *de facto* distinction between a secular and a religious sphere, analogous to the situation in medieval Europe. Additionally, according to theory, the sultan could issue a general *amân* only in his function as deputy of the *imam*, that is the caliph⁷⁰.

It is striking how often the sultan or his commands are specified as 'holy' (*sancto*). This was probably to enhance the closeness between the sultan and the religious sphere⁷¹. Likewise, the officials are addressed as 'servants of God', the ones 'at the head of those who adore the unity [Allah]; or 'swords of the caliph and the believers'⁷². Again, we see lip service paid to the caliph as the head of Muslim society and the link between secular authority and the realm of religion. The officials are exhorted in the decree's concluding paragraph: "God from the heights might love those who respect these victorious, intimate and large commands and He might thus multiply his grace upon them"⁷³. The commands are shifted to the sphere of divine commands which change observation into a religious duty. This strategy might have aimed consciously or unconsciously at turning the attention of the reader to the sultan as the divinely sanctioned ruler, and away from the precarious character of the decree in terms of Islamic law.

CONCLUSION

The commercial privileges granted to Venice in this case are part of a long tradition of a troubled, but on the whole successful economic relationship⁷⁴. The old traditions and

deeds of the forefathers, it is implied, were divinely sanctioned. This effect is enhanced by the use of classical rhetoric⁷⁵. One is struck by the similarities of the titles used to European tradition, as for example Pope Gelasius' swords. Indeed, the quality of translation, the original language in which the text was drawn up, and whether the text of the privileges was inspired by European examples or not, are questions that are still keenly debated⁷⁶. In a comparison between the titles in the privilege and titles in European documents of the same style and period, no direct similarities can be found. It is therefore improbable that the privileges were directly inspired by European examples⁷⁷. It is more probable that Arabic was also the language of the original text, and that the translations were, indeed, of mediocre quality. However, as far as the titles are concerned, the differences are minimal and do not affect the conclusions drawn.

Indeed, it is likely that the titles indicate not the 'copying' of European examples but rather the influence of a common Mediterranean cultural *koine* with aspects of Roman-Christian thought. Furthermore, neither the sultan nor his secretaries at the time were Islamic scholars. The former was of pagan origins, embracing, besides Islam, a chivalric Mediterranean culture, while the latter were often Jews and Coptic Christians or converts. In addition, the commercial privileges granted to European nations were handled in the same way as privileges accorded to fellow Islamic communities⁷⁸.

The sultan is shown as the only guarantor of justice and security and therefore the only true protector of the Islamic world. This justified the sultan's far-reaching power and gave him almost a divinely-sanctioned position. It virtually allowed him to dispense with the need to justify his acts. His subordinates were thus bound to follow his orders as if they came from God himself. Moreover, the terms *ratio* and *iustitia*, used abundantly in the document, seem to create a distinction, but nevertheless a strong connection, between Islamic and secular law. The sultan is designated as ruler of the believers and companion of the caliph. There is a relationship between secular power and spiritual authority⁷⁹.

The interruption of *jihād* for more than a limited period seemed to be problematic only in the light of restrictive interpretations of Islamic law. For the majority of Islamic jurists in the 15th century, holy war had no practical importance insofar as commercial contacts were concerned. The decree omits the problem of *jihād* and stipulates, via the perfectly Islamic rule of general safe-conduct, that the Venetians must be treated well. Despite the understanding of *jihād* as a determinant feature of the Islamic past in the minds of current extremist groups and western critics of Islam, it does not appear to have ruled the relations between Mamlúk Egypt and Venice at all in the 15th century. Proper religious behaviour was perceived as an observance of the sultan's order and therefore just treatment of the Venetian merchants. Nevertheless, the Venetians encountered occasional hardship and trouble in the Levant, as they did also in Florence, and as Muslim merchants did in other Muslim countries⁸⁰. Even if such attacks seemed religiously motivated, they occurred in the context of migration, famines, changed economic conditions, and struggles for power between different social groups⁸¹. However, religion and religious law served as a veil, crucial in attempts to sanction the preserva-

tion or reversal of power⁸². This pattern, of a sophisticated culture of religious and legal reasoning in order to justify and claim power, reveals a use of culture by power familiar to us today.

NOTES

- ¹ L.C. De Mas Latrie, *Relations et commerce de l'Afrique septentrionale ou Magreb avec les nations chrétiennes au Moyen âge*, Paris 1886; L.C. De Mas Latrie, *Traité de paix et de commerce et documents divers concernant les relations des chrétiens avec les arabes de l'Afrique septentrionale au moyen âge*, 2 vols., Burt Franklin Research & Source Works Series #63, New York 1930, reprint Paris 1866; M. Hartmann, *Das Privileg Selims I. für die Venezianer von 1517*, in *Orientalische Studien Fritz Hommel zum sechzigsten Geburtstag am 31. Juli 1914 gewidmet von Freunden, Kollegen und Schülern*, Leipzig 1918; M. Hartmann, *Die islamisch-fränkischen Staatsverträge (Kapitulationen)*, "Zeitschrift für Politik", 11, 1918; P.M. Holt, *Treaties between the Mamluk Sultan and the Frankish Authorities*, "Zeitschrift der Deutschen Morgenländischen Gesellschaft Suppl.", III, 1977; B. Moritz, *Ein Firman des Sultans Selim I. für die Venezianer vom Jahre 1517*, in G. Weil (ed.), *Festschrift Eduard Sachau zum siebenzigsten Geburtstage gewidmet von Freunden und Schülern*, Berlin 1915; J. Wansbrough, *Documents for the History of Commercial Relations between Egypt and Venice, 1442-1512*, Ph. D. diss., University of London, 1961; J. Wansbrough, *A Mamluk Ambassador to Venice in 913/1507*, "Bulletin of the School of Oriental and African Studies", 26, 1963; J. Wansbrough, *A Mamluk Letter of 877/1473*, "Bulletin of the School of Oriental and African Studies", 26, 1961; J. Wansbrough, *A Moroccan Amir's Commercial Treaty with Venice of the Year 913/1508*, "Bulletin of the School of Oriental and African Studies", 25, 1962; J. Wansbrough, *The Safe-Conduct in Muslim Chancery Practice*, "Bulletin of the School of Oriental and African Studies", 34, 1971; J. Wansbrough, *Venice and Florence in the Mamluk Commercial Privileges*, "Bulletin of the School of Oriental and African Studies", 28, 1965.
- ² J.H. Kramers - C.E. Bosworth, *Sult'ân* [authority, power], in *Encyclopaedia of Islam* (second edition), Leyden 2006.
- ³ Cfr. L. Valensi, *Venise et la sublime porte: la naissance du despote*, Paris 1987.
- ⁴ Kramers - Bosworth, *Sult'ân* cit., p. 850a, b. cfr. D. Sourdel, *Khalifa* [califat], in *Encyclopaedia of Islam* (2nd edition), Leyden 2006.
- ⁵ Sourdel, *Khalifa* cit.
- ⁶ Kramers - Bosworth, *Sult'ân* cit.
- ⁷ J.C. Garcin, *Le sultan et pharaon (le politique et le religieux dans l'Égypte mamluke)*, in *Hommages à François DAUMAS*, ed. Institut d'Égyptologie - Université Paul Valéry, Montpellier 1986, p. 262; B. Johansen, *Contingency in a Sacred Law: Legal and Ethical Norms in the Muslim Fiqh*, *Studies in Islamic Law and Society*, vol. VII, Leiden 1999, pp. 281-285.
- ⁸ Goldziher indeed proposes that the choice of the term *fiqh* could be directly influenced by the Latin term *iuris prudentia* [knowledge, intelligence], I. Goldziher - J. Schacht, *Fiqh* [Jurisprudence], in *Encyclopaedia of Islam* (2nd edition), Leiden 2006, vol. II, p. 886a.
- ⁹ *Ibid.*
- ¹⁰ The four together are named the 'us'ûl al-fiqh' the roots of law, cfr. N.J. Coulson, *A history of Islamic law*, repr. ed., Edinburgh 1994, part II, ch. *Classical Theory of Law*, Goldziher - Schacht, *Fiqh* cit., p. 887b.
- ¹¹ J. Schacht, *Fiqh* [Jurisprudence], in *Encyclopaedia of Islam* (2nd edition), Leiden 2006, vol. II, pp. 889b-890a. cfr. Goldziher - Schacht, *Fiqh* cit., vol. II, p. 887a, J. Schacht, *Droit byzantin et droit musulman*, paper presented at the *Convegno di scienze morali, storiche e filologiche; Oriente et Occidente nel Medio Evo*, 1956; J. Schacht, *The origins of Muhammadan jurisprudence*, Oxford 1950. As general introduction to Islamic law see Coulson, *A history of Islamic law* cit.
- ¹² Johansen, *Contingency in a Sacred Law: Legal and Ethical Norms in the Muslim Fiqh* cit., pp. 398-399, pp.

- 401-402, J.S. Nielsen, *Secular Justice in an Islamic State: Maz'âlim under the Bah'ri Mamlûks, 662/1264-789/1387*, Leiden 1985, Schacht, *Fiqh* cit., vol. II, p. 890b.
- ¹³ Y. Linant de Bellefonds, *Qânûn* [ordinance], in *Encyclopaedia of Islam* (2nd edition), Leiden 2006, Johansen, *Contingency in a Sacred Law: Legal and Ethical Norms in the Muslim Fiqh* cit., pp. 401-402.
- ¹⁴ E.J. Vogel, *Siyâsa* [politics], in *Encyclopaedia of Islam* (2nd edition), Leiden 2006. Cfr. Nielsen, *Secular Justice in an Islamic State: Maz'âlim under the Bah'ri Mamlûks, 662/1264-789/1387*, 31-33; cfr. P. Crone, *God's Rule. Government and Islam - Six Hundred Years of Medieval Islamic Political Thought*, Princeton 2004, p. 277.
- ¹⁵ Johansen, *Contingency in a Sacred Law: Legal and Ethical Norms in the Muslim Fiqh*, pp. 216-217, p. 278, pp. 394-402; cfr. *Rules which organize, but do not restrain the exercise of power*. Crone, *God's Rule* cit., p. 281.
- ¹⁶ Cfr. Crone, *God's Rule* cit., p. 270.
- ¹⁷ Johansen, *Contingency in a Sacred Law: Legal and Ethical Norms in the Muslim Fiqh* cit., pp. 405-407.
- ¹⁸ Cfr. F. Babinger, *Das Qânûn-nâme-i sult'ânî ber müdscheb-i 'örf-i 'os'mânî: (Handschrift ancien fonds turc 39 der Bibliothèque Nationale zu Paris)*, München 1956; W. Heffening, *Das islamische Fremdenrecht bis zu den islamisch-fränkischen Staatsverträgen. Eine rechtshistorische Studie zum Fiqh* cit.; W. Heffening (ed.), *Beiträge zum Rechts- und Wirtschaftsleben des islamischen Orients*, Bd. 1, Hannover 1925, reprint, Osnabrück 1975, pp. 110-111, Johansen, *Contingency in a Sacred Law: Legal and Ethical Norms in the Muslim Fiqh* cit., p. 332.
- ¹⁹ Crone, *God's Rule* cit., pp. 297-300, pp. 362-364.
- ²⁰ E. Tyan, *Jihâd* [Holy war], in *Encyclopaedia of Islam* (2nd edition), Leiden 2006.
- ²¹ H.P.A. Theunissen, *Ottoman Venetian Diplomats: The 'Abd-names. The Historical Background and the Development of a Category of Political-Commercial Instruments together with an Annotated Edition of a Corpus of Relevant Documents*, "EJOS (Electronic Journal of Oriental Studies)", 1/2, 1998/1998, pp. 27-29. cfr. W. Björkman, *Beiträge zur Geschichte der Staatskanzlei im islamischen Ägypten*, Hamburg 1928; C. Cahen, *Dhimma* [protected people], in *Encyclopaedia of Islam* (2nd edition), Leiden 2006; M. Khadduri, *S'ulh* [conclusion of peace], in *Encyclopaedia of Islam* (2nd edition), Leiden 2006; Abul-'Abbâs Ah'mad ben 'Alî ben Ah'mad al-Qalqashandî, *S'ubb' al-'ashâ fi s'inâ'at al-insbâ'* [The dawn of the senseless in the art of composition; Chancellery-manual], 14 vols., al-Qâhira 1919-1922; J. Schacht, *'Abd* [acquittance, pact], in *Encyclopaedia of Islam* (2nd edition), Leiden 2006; J. Schacht, *Amân* [safe conduct], in *Encyclopaedia of Islam* (2nd edition), Leiden 2006; Theunissen, *Ottoman Venetian Diplomats*, pp. 24-26, pp. 27-37; cfr. Crone, *God's Rule* cit., p. 359.
- ²² Cahen, *Dhimma* [protected people] cit., Theunissen, *Ottoman Venetian Diplomats* cit., 24; cfr. P. Crone, *Roman, provincial and Islamic law: the origins of the Islamic patronate*, Cambridge 1987, pp. 89-100; Schacht, *Amân* cit.
- ²³ Schacht, *Amân* cit., Theunissen, *Ottoman Venetian Diplomats* cit., p. 24, p. 26, p. 27.
- ²⁴ Björkman, *Beiträge zur Geschichte der Staatskanzlei im islamischen Ägypten* cit., pp. 170-172; cfr. Qalqashandî, *S'ubb' al-'ashâ fi s'inâ'at al-insbâ'* cit., vol. 13, maqâla 9.
- ²⁵ Kramers - Bosworth, *Sult'ân* cit., p. 850b.
- ²⁶ See the extensive studies of D. Ayalon, *Eunuchs, Caliphs and Sultans. A Study in Power Relationships*, Jerusalem 1999; *The Mamluk military society collected studies*, London 1979; *Outsiders in the lands of Islam: Mamluks, Mongols and Eunuchs*, in *Collected studies series*, London 1988; P.M. Holt, *The Position and Power of the Mamlûk Sultan*, "Bulletin of the School of Oriental and African Studies", 38, 1975; P.M. Holt, *The Structure of Government in the Mamluk Sultanate*, in P.M. Holt (ed.), *The Eastern Mediterranean Lands in the Period of the Crusades*, Warminster 1977.
- ²⁷ Garcin, *Le sultan et pharaon (le politique et le religieux dans l'Égypte mamluke)* cit.
- ²⁸ E. Ashtor, *Levant Trade in the Middle Ages* Princeton, New Jersey 1983, pp. 200-216; Abdalaziz Duri, *Arabische Wirtschaftsgeschichte*, edited by J. van Ess - H. Halm, trans. J. Jacoby, *Die Bibliothek des Morgenlandes*,

- Zürich, München 1979, pp. 131-134; W. Heyd, *Geschichte des Levantehandels im Mittelalter*, 2 vols., vol. II, Stuttgart 1897, pp. 230-237; S.Y. Labib, *Handelsgeschichte Ägyptens im Spätmittelalter (1171-1517)*, Wiesbaden 1965, pp. 342-353.
- ²⁹ Ashtor, *Levant trade* cit., pp. 247-250, Theunissen, *Ottoman Venetian Diplomats* cit., p. 40.
- ³⁰ Ashtor, *Levant trade* cit., p. 248, refers Ibn Hajar's report Ah'mad Ibn Ali Ibn H'ajar al-'Asqalâni and Hasan H'abashi, *Inbâ' al-ghumr bi-anbâ' il-'umr* cit., vol. al-Kitâb 16 (al-Qâhira: Jumhûriyya al-'arabiyya al-muttaḥ'ida al-majlis al-'a'la lish-shu'ûn al-islâmiyya. Lajnat ih'yâ' it-turâth al-islâmî, 1969), vol. III, p. 75. Which seems to date the arrival of the ambassadors in August. The report of Ibn H'ajar refers also to the reception of the ambassadors by the sultan and the lecture of the letter from the doge. The responding letter of the sultan is indeed dated 12th of Rajab 818, i.e. 16th September 1415. In the Latin version however it is dated 16th November. G.M. Thomas - R. Predelli, *Diplomatarium veneto-levantinum sive acta et diplomata res venetas graecas atque levantis illustrantia a. 1351 - 1454, pars II*, ed. Deputazione veneta di storia patria, 2 vols., vol. II, *Monumenti storici; serie prima; documenti*; vol. IX, Venice 1899, p. 308, therefore seems to be erroneous.
- ³¹ We might assume that this procedure was similar to the one described by a Florentine ambassador some years later. See F. Brancacci - D. Catellacci, *Diario di Felice Brancacci. Ambasciatore con Carlo Federigbi al Cairo per il Comune di Firenze (1422)*, in *Archivio Storico Italiano*, serie 4, 8, 1881, p. 172; Ibn H'ajar al-'Asqalâni and H'abashi, *Inbâ' al-ghumr bi-anbâ' il-'umr* cit., vol. III, p. 75. Note the text, "[...] ci rispuose che il Soldano per questa sola cagione aveva raunato 4 Cadi della Leggie, cioè Vescovi, e che in tutto gl'avevano negato, che non si potea fare, e in niun modo si consentirebbe, ma che si cercasse degl'altri". In Brancacci - Catellacci, *Diario di Felice Brancacci* cit., p. 175. Cfr. also De Mas Latrie, *Traité de paix et de commerce et documents divers concernant les relations des chrétiens avec les arabes de l'Afrique septentrionale au moyen age* cit., p. 277.
- ³² Ibn H'ajar al-'Asqalâni and H'abashi, *Inbâ' al-ghumr bi-anbâ' il-'umr* cit., vol. III, pp. 74 ff., Maqrîzî, *as-Sulûk li-ma'rifât duwâl al-mulûk [The conduct of the knowledge of the king's states]*, Ziyâda M., 'Âshûr S. A. ed., 12 vols., Cairo 1934-73; cfr. Ashtor, *Levant trade* cit., pp. 248-251.
- ³³ "A nua è zonto la pistola da la presentia del Doxe magnifico glorioso [...] in qual se contien parole in segno di grandò amor [...]", in Thomas - Predelli, *Diplomatarium* cit., p. 307.
- ³⁴ "E anchora quello che vuy dexiderè de summaria recommendation de lo nostro sancto resguardo verso i vostri consoli e merchadanti, e ogni generation de Venitianj, e che nui i biatificemo de la nostra sancta iustitia, zoè in le suo merchadantie, e che i sia salvi e securi in tuti i suo facti e che non i sia facto danno, ni violentia, ne algun torto, e che sia scoperto e investigado tuti quellj, I qual infesta la generation Venitiana", in Thomas - Predelli, *Diplomatarium* cit.
- ³⁵ Theunissen, *Ottoman Venetian Diplomats* cit., p. 42, p. 43.
- ³⁶ Thomas - Predelli, *Diplomatarium* cit., p. 309.
- ³⁷ Ali Ibn Muh'ammad al Mâwardî, *al-Aḥ-kâm as-sult>âniyya wa al-wilâyat ad-diniyya* cit. 1973; Ali Ibn Muh'ammad al Mâwardî and E. Fagnan, *Les statuts gouvernementaux, ou, Règles de droit public et administratif*, Alger 1915; Ali Ibn Muh'ammad al Mâwardî, *The ordinances of government*, Reading 2000; Michele Amari, *Diplomi arabi nel R. Archivio Fiorentino*, ed. Reale Soprintendenza Generale agli Archivi, vol. I-II, *Documenti degli Archivi Toscani*, Florence 1863, p. XXVII.
- ³⁸ "usanze antige', 'consuetudene', 'paxe antige', 'non i sia innovà usanza nuova' 'le bone usanze antige', 'chomo è de usanza e de pacti', 'come se contien in le paxe del tempo passado', 'segondo el corso de l'uxanza e chomo se contien entro le paxe antige de i soldani passadi'", in Thomas - Predelli, *Diplomatarium* cit., p. 307, p. 309, p. 311, p. 312, p. 313, p. 314, p. 315.
- ³⁹ "segondo el corso de l'uxanza e chomo se contien entro le paxe antige de i soldani passadi", *ibid.*, p. 315. Cfr. the long chain of commercial privileges granted to Venice Theunissen, *Ottoman Venetian Diplomats* cit., p. 40, p. 43, Thomas - Predelli, *Diplomatarium* cit..
- ⁴⁰ "non i sia innovà usanza nuova, ne innovament", Thomas - Predelli, *Diplomatarium* cit., p. 310, cfr. 307.
- ⁴¹ Cfr. Crone, *Roman, provincial and Islamic law: the origins of the Islamic patronate*; Schacht, *The origins of Muhammadan jurisprudence*, part I, ch. 1, 7, part III, chap. 2.

- ⁴² Johansen, *Contingency in a Sacred Law: Legal and Ethical Norms in the Muslim Fiqh* cit., pp. 219-220; V. Lagardère, *Histoire et société en occident musulman au moyen âge, Analyse du mi'yârd d'al Wansharîsî*, ed. Casa de Velásquez, *Collection de la Casa de Velásquez* 53, Madrid, 1995; W.B. Hallaq, *Authority, Continuity and Change in Islamic Law*, Cambridge 2001.
- ⁴³ Cfr. J. Robson, *Bid'a* [Innovation], in *Encyclopaedia of Islam* (2nd edition), Leiden 2006.
- ⁴⁴ Thomas - Predelli, *Diplomatarium* cit., p. 315.
- ⁴⁵ G. Cassandro, *Curia di Petizion*, in *Archivio Veneto* XIX (1936), p. 72.
- ⁴⁶ Cfr. *Renda ragione tra i contendenti=yaqas'ad al h'ukm bainahuma*, Amari, *Diplomi arabi nel R. Archivio Fiorentino* cit., p. 189.
- ⁴⁷ *Ibid.*, p. 165; Wansbrough, *A Mamluk Letter of 877/1473* cit., p. 205; Muh'yi'l-'adl fî'l-'âlamain.
- ⁴⁸ Cfr. Amari, *Diplomi arabi nel R. Archivio Fiorentino*, p.165, p. 189; Wansbrough, *A Mamluk Letter of 877/1473* cit., p. 201.
- ⁴⁹ “[...]e quelli de l’alta sedia ammiraj magnifici, savij e zusti e de autorità, [...], i qual si è prottori de le riviere e de le marine, conquistadori, avalizadori e sostignadori de zustixia in tute le cosse con gran equalità. [...]”. In Thomas - Predelli, *Diplomatarium* cit., p. 309.
- ⁵⁰ I. Goldziher, *Muhammedanische Studien*, vol. I-II, Halle a.S 1889.
- ⁵¹ Johansen, *Contingency in a Sacred Law: Legal and Ethical Norms in the Muslim Fiqh* cit., pp. 226-229, M. Shatzmiller - W. Heffening - C.E. Bosworth, *Tidjâra* [Commerce], in *Encyclopaedia of Islam* (2nd edition), Leiden 2006, p. 467a.
- ⁵² “A la presentia del Doxe glorioso, magnifico e de gran autorità e antigissimo in nobilitade, da fir regardado e grandamente honorado, Thoma Mocenigo, lo honor de la generation de Yesu Christo, congregador de quelli che adora la croxe, Doxe de Venetiani, Crohatie, Dalmatie, Romanie, adornamento de I fioli del batexemo, amigo de i re e de i soldani, che Dio el mantegna per longi tempi in so stado”, in Thomas - Predelli, *Diplomatarium* cit., p. 306; also p. 307, p. 310; cfr. Wansbrough, *A Mamluk Letter of 877/1473* cit., p. 201.
- ⁵³ “Lo Soldan eccellente, lo possessor, lo re victorioso, signor glorioso, [...], conquistador, confermador e reza-dor de le riviere, conquistador de i suo rebelli, [...], soldan del Sarainaxego e di Saraini, [...], hereditaor de lo reame, soldan dei Harabi e di Persy e di Turchi, [...], re sora de quelli che senta in chariega e in pergoli e che porta corona in testa, [...], Soldan el qual senta suxo honorevel e possente trono, asegurator de tuta la universa terra, signor de i re e de i soldani, [...]”. In Thomas - Predelli, *Diplomatarium* cit., p. 306.
- ⁵⁴ *Alexandro de questo tempo*, *ibid.* cfr. *Alexandro al suo tempo=Iskandar al zamân*, Wansbrough, *A Mamluk Letter of 877/1473* cit., p. 201.
- ⁵⁵ “Re de i do mari, asegurator de i camin da levante a ponente”, in Thomas - Predelli, *Diplomatarium* cit., p. 306; cfr. *Re de i do mari, asegurator dei camini=mali al-bah'rain, musallik subul al-qiblatain*; Wansbrough, *A Mamluk Letter of 877/1473* cit., p. 201; Amari, *Diplomi arabi nel R. Archivio Fiorentino* cit., p. 165, p. 221.
- ⁵⁶ “Spada del mondo e de la lè”, in Thomas - Predelli, *Diplomatarium* cit., p. 306; cfr. *Spada del mondo e de la fede=sayfad-dunyâ wa'd-dîn*; Amari, *Diplomi arabi nel R. Archivio Fiorentino*, p. 165, cfr. 69; Wansbrough, *A Mamluk Letter of 877/1473* cit.
- ⁵⁷ “Suscitador de zustixia in la humana generation”, in Thomas - Predelli, *Diplomatarium* cit., p. 306; cfr. *Quello che mantien viva la iustitia nel mondo=muh'yi'l-'adl fî'l-'âlamain*, Wansbrough, *A Mamluk Letter of 877/1473* cit., p. 201., following Amari, *Diplomi arabi nel R. Archivio Fiorentino* cit., p. 221.
- ⁵⁸ “Acordador e mezador entro quelli che a torto e raxon” in Thomas - Predelli, *Diplomatarium* cit., p. 306; cfr. *Renda ragione tra i contendenti=yaqas'ad al h'ukm bainahuma*; Amari, *Diplomi arabi nel R. Archivio Fiorentino* cit., 189.
- ⁵⁹ “Savio [...] semeador de zustixia e de bontà, congregador de le parole de la verità, [...]”, in Thomas - Predelli, *Diplomatarium* cit., p. 306.
- ⁶⁰ L. Darling, *Rhetorics of Justice and Practices of Power in the Mamluk Sultanate*, in J.L. Bacharach - I. Bierman - S. Denoix (eds.), *The Exercise of Power in the Age of the Sultanates*, 2006, p. 4.

- ⁶¹ Cfr. *Spada del mondo e de la fede=sayf ad-dunyâ wa'd-din*; Amari, *Diplomi arabi nel R. Archivio Fiorentino*, p. 165, cfr. 69; Wansbrough, *A Mamluk Letter of 877/1473* cit.
- ⁶² Letter of Gelasius I in the year 494. Later in the Middle Ages, however, this distochomy again disappears against the claims of the Catholic church to have authority over the secular sword (cfr. the bull 'unam sanctam' of Bonifazius VIII or the claims of the emerging states for religious authority (cfr. Venice, Gallican church, reformation)).
- ⁶³ Cfr. *Servo de i do sancti luogi=khâdim al-b'aramain al-sharifain*, Amari, *Diplomi arabi nel R. Archivio Fiorentino*, p. 165, Wansbrough, *A Mamluk Letter of 877/1473* cit., p. 201.
- ⁶⁴ "[...], servo de i do sancti luogi, zoè de la Mecha e de la Medina – che Dio si lo reza in terra! – [...]". In P.M. Holt, *Mamlûks*, in *Encyclopaedia of Islam* (2nd edition), Leiden 2006, p. 324b; Thomas - Predelli, *Diplomatarium* cit., p. 306.
- ⁶⁵ "[...], lo qual fa i commandamenti de Dio e del profecta, [...], compagno de lo almirao de I fedel, zoè del Chaliffa, [...]". In Thomas and Predelli, *Diplomatarium* cit., p. 306; cfr. *vicario del califa*; Wansbrough, *A Mamluk Letter of 877/1473* cit., p. 201. and *qasim amir al-mu'minin*, Amari, *Diplomi arabi nel R. Archivio Fiorentino* cit., p. 222.
- ⁶⁶ Kramers - Bosworth, *Sultân* cit..
- ⁶⁷ Ayalon, *Eunuchs, Caliphs and Sultans. A Study in Power Relationships*, É. Geoffroy, *Suyût'î*, in *Encyclopaedia of Islam* (2nd edition), Leiden 2006, p. 914a; P.M. Holt, *Some Observations on the 'Abbâsid Caliphate of Cairo*, "Bulletin of the School of Oriental and African Studies", 47, 1984.
- ⁶⁸ U. Haarmann, *Der arabische Osten im späten Mittelalter 1250-1517*, in *Geschichte der arabischen Welt*, U. Haarmann (ed.), *Beck's Historische Bibliothek*, München 1994, p. 246.
- ⁶⁹ "[...] leur callifa qui est en lieu de leur pape, et semblablement [...] leur callifa, chief de la foy payene, comme est le pape de Rome chief de la foy chrestienne." In Emmanuel Dopp Piloti, Pierre-Herman, *Traité d'Emmanuel Piloti sur le Passage en Terre Sainte*, vol. 4, Louvain, Paris 1958, p. 32, p. 33.
- ⁷⁰ Theunissen, *Ottoman Venetian Diplomats?* cit; Wansbrough, *The Safe-Conduct in Muslim Chancery Practice* cit., p. 29.
- ⁷¹ Thomas - Predelli, *Diplomatarium* cit., p. 307, p. 308, p. 313, p. 315.
- ⁷² "[...] servi de Dio e sobrii [...], in principal de quelli che adora la unità, [...], spade del Chalifa e de I fedel [...]." In Thomas - Predelli, *Diplomatarium* cit., p. 309.
- ⁷³ "Al nome de Dio piatoso e misericordioso, che Dio d'alto ami a chi aspecta questi commandamenti victoriosi, intimi e largi, e che Dio si li moltiplica la soa gratia, [...]." In Thomas - Predelli, *Diplomatarium* cit.
- ⁷⁴ Theunissen, *Ottoman Venetian Diplomats* cit., p. 40, p. 43; Thomas - Predelli, *Diplomatarium* cit..
- ⁷⁵ Cfr. Wansbrough, *The Safe-Conduct in Muslim Chancery Practice* cit., p. 30.
- ⁷⁶ Wansbrough, *Venice and Florence in the Mamluk Commercial Privileges* cit., p. 483. According to Amari the translations are of rather mediocre quality: "Le traduzioni contemporanee tradiscono sovente il testo, [...] il divario non accadeva soltanto nei preamboli e nelle frasi, che poco monterebbero, ma sì nei patti, dove ciascuna parola portava ad effetto legale. Si è giustamente pensato che i traduttori ufficiali, tanto cristiani quanto musulmani, cercarono per tal modo di nascondere gli ordinamenti ne> quali la propria nazione potesse parer da meno di que> cani, chè così chiamavansi reciprocamente, coi quali il bisogno politico o commerciale consigliava di accordarsi [...] Se non che queste nostre traduzioni contemporanee squadrano talvolta i patti che rincrescer potessero all>universale, e mutano piuttosto il tenore di certi ordinamenti di dogana o di polizia: che mi sembra magagna manifesta de> turcimanni e di loro complici negli uffici musulmani. In ultimo v>ha delle traduzioni, avviluppate appunto perchè le son troppo literali, o perchè il compilatore della traduzione non avea mai veduto il testo. (They translated) la versione in due balzi: dall>arabico, per esempio, nell>italiano e dall>italiano nel latino. [...]" in Amari, *Diplomi arabi nel R. Archivio Fiorentino* cit., V. Cfr. "Due diplomî [...] furono recati d>arabico in italiano da un Tommaso di Ramondo Cardus da Nicosia in Cipro, il quale leggeva male l>arabico, lo capiva peggio, fieramente storpiava l>italiano, e non ebbe tanto

cervello da accorgersi dell'ordine in cui andavan presi i versi d'un testo scritto, credo io, a due colonne. [...] latinismo assai barbaro [...] /LXXII/ ma insieme con que difetti si dilegua anco la spontanea leggiadria della lingua negli scritti che abbiamo del XV; tra i quali tornano poi a brutto gergo > del poliglotta di Cipro nominato di sopra. [...]” in Amari, *Diplomi arabi nel R. Archivio Fiorentino* cit., pp. LXXI-II. Wansbrough's works once again show that the translations are sometimes not very accurate, but did not change fundamentally the character of the privileges, Wansbrough, *A Mamluk Letter of 877/1473* cit., p. 201, p. 202, p. 208, p. 213. Cfr. somewhat milder De Mas Latrie, *Traité de paix et de commerce et documents divers concernant les relations des chrétiens avec les arabes de l'Afrique septentrionale au moyen age*, pp. 290-300. As far as the problem of the original is concerned, Wansbrough tends to Arabic originals but argues that: ‘The linguistic problem of ‘originals’ and ‘translations’ is indeed the crux of the matter, and one which may prove insoluble. Wansbrough, *The Safe-Conduct in Muslim Chancery Practice* cit., p. 30; Wansbrough, *Venice and Florence in the Mamluk Commercial Privileges* cit., p. 487.

- ⁷⁷ Decree 20.07.1419 Jeanne of Naples, no similar titles; Privileges for Venetian issued by the turkish sultan, 06.11.1419, no similar titles, ASVe, *Libri commemoriali*, p. 18, p. 29t.
- ⁷⁸ Björkman, *Beiträge zur Geschichte der Staatskanzlei im islamischen Ägypten* cit., 173-174; cfr. Qalqashandî, *Subb al-'ashâ fî s'inâ' at al-insâ'* cit., vol. 14, maqâla 9.
- ⁷⁹ Cfr. Crone, *God's Rule* cit., especially p. 378, which identifies the non-separation of the spheres as distinctive characteristic of the Muslim world.
- ⁸⁰ ASVe, *Senato, deliberazioni misti*, (1417-1419), 400v; J.L. Meloy, *Mamluk Authority, Meccan Autonomy and Red Sea Trade, 797-859/1395-1455*, PhD, University of Chicago, 1998.
- ⁸¹ In the 14th and 15th centuries popular persecution of indigenous Christians and the respective pressure on the ruling class to exclude them from high posts in the government reached a peak. These feelings seldom outburst against the Venetians. ASVe, *Senato, deliberazioni misti*, (1419-21), 25v; T. Leithy et al., *Coptic Culture and Conversion in Medieval Cairo, 1293-1524*, PhD, Princeton, 2005; D.P. Little, *Coptic Conversion to Islam under the Bah'ri Mamlûks*, in *History and historiography of the Mamluks, Collected Studies Series*, London 1986.
- ⁸² Cfr. M. Chamberlain, *Knowledge and Social Practice in Medieval Damascus, 1190-1350*, in D. Morgan (ed.), *Cambridge Studies in Islamic Civilization*, Cambridge 1994, who shows how religious-judicial knowledge served the preservation of power within the élites of medieval Damascus, for instance in the use of the concept of *fitna* [heresy].

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