

## An Unknown Minority between the *dār al-ḥarb* and the *dār al-islām*

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### 1 Introduction

All too often, Islamic notions such as *dār al-ḥarb* and *dār al-islām* have served the purposes of deepening the apparent historical divide between Christians and Muslims in the Mediterranean. In this article, I wish to exploit this opposition to point out one of the region's salient characteristics: the persistence of ample areas of intersection, where knowledge of Islamic and non-Islamic religious and legal concepts and norms was required of everyone. More specifically, I will address the issue of how Mediterranean peoples dealt with Islamic notions of legal status, belonging and extraterritoriality. The present volume deals with the boundaries of the Islamic community from a variety of viewpoints, and, in particular, tackles the use of *dār al-ḥarb* and *dār al-islām* in normative, juridical and literary texts. Did people perceive the implications of the Islamic division of the world? What was the real significance of this division in the Islamic borderlands, as the cities of commerce of the late Middle Ages? What was meant by it at a time when the *dār al-ḥarb* ceased to be an abstract space for the spreading of Islam and the fighting of jihad to incarnate specific political realities and exchanges?<sup>1</sup> To answer these questions, I will examine a minority involved in the commercial and cultural crossroads of the Eastern Mediterranean, a place where linguistic and religious groups frequently stepped over political borders. I will be referring to a group of people designated in fifteenth-century Venetian sources as *Fazolati* and by Genoese ones as *Faiholati*. The term's precise meaning is obscure and has long resisted identification by specialists, yet my focus will be on a jurisdictional conflict in

1 For an analysis of the binomial opposition as the result of historical changes, see Khaled Abou El Fadl, "Islamic Law and Muslim Minorities: The Juristic Discourse on Muslim Minorities from the Second/Eighth to the Eleventh/Seventeenth Centuries," *Islamic Law and Society* 1, no. 2 (1994): 141–87; and more recently Giovanna Calasso, "Alla ricerca di *dār al-islām*. Una ricognizione nei testi di giuristi e tradizionalisti, lessicografi, geografi e viaggiatori," *Rivista degli Studi Orientali* 83 (2010): 271–96.

1421, triggered by the Sultan's attempt to expel all foreigners infringing Islamic rules of extraterritoriality. The role played by the Fazolati during this episode can help us understand, I argue, how Mediterranean peoples dealt with the *dār al-ḥarb* / *dār al-islām* divide in their daily contacts at marketplaces and in courts.

The Fazolati entered scholarly discussion thanks to two isolated references by the Venetian Senate in 1421. The senators complained about them to the Mamluk sultan of Egypt, regretting that an unspecified number of Venetian subjects had assumed this status (or, literally, had become Fazolati). As a direct consequence, the senators argued, the Venetians involved were now pledging allegiance to a different authority (presumably that of the sultan). The context of these first references deserves some attention. After the accession to the throne of a new sultan, al-Zāḥir Sayf al-dīn Ṭaṭār, regulations concerning the presence of Venetian merchants in Egypt underwent important changes. The sultan had just decreed that the legal duration of the Venetians' sojourn must not exceed four months.<sup>2</sup> Although the episode was unanimously labeled by both contemporaries and modern historians as a sign of Mamluk "injustice", at stake was the legal status of Frankish merchants, whose presence in the *dār al-islām* was regulated by the so-called "treaties of commerce", or, from the Islamic viewpoint, the *amān* or safe-conduct. According to *amān* theory, European Christians, legally enemies of Islam, could enter the realm of Islam for trading purposes upon acceptance of this obligation of pre-Islamic origin. The basic legal issue addressed by the new decree was that a foreign merchant in Islamic lands could benefit from a safe-conduct protecting his life and property for a limited period. Once it expired, the *amān* holder lost any fiscal or

2 "Et quia fertur quod aliqui nostri mercatores fecerunt se fazolatos, occasione brevis termini standi deinde, qui est mensium quator, quod nobis ualde displicet, propter multos respectus qui considerari possunt, volumus, et sic vobis mandamus, quod, si inuenietis aliquos se fecisse fazolatos, vel se submisisse alteri servituti que esset contra concessionem nostras, debeatis dictam concessionem et mandatum revocari facere, et prouidere, et nullo modo assentire quod mercatores, subditi et fideles nostri, post complementum alicuius termini qui constitueretur, tractentur nec abeantur, nisi secundum nostras concessionem. Verum, quia habemus multum cordi factum illorum nostrorum mercatorum qui dicuntur se fecisse fazolatos, volumus quod, si inuenietis aliquos nostros mercatores vel subditos se fecisse fazolatos, vel alteri servituti se submisisse, debeatis esse cum consule Alexandria [...] aliquos nostros mercatores vel subditos [...] non debeant se facere fazolatos nec alteri servituti se submittere", Archivio di Stato di Venezia (hereinafter ASV), Senato, Deliberazioni, Misti, reg. 53, f. 204v, December 23, 1421, published in G. M. Thomas and R. Predelli, eds., *Diplomatarium veneto-levantinum sive acta et diplomata res venetas graecas atque levantis illustrantia*, vol. 2 (1880–1889; repr., Venice, 1880), doc. 176.

extraterritorial privileges, such as consular jurisdiction. The Senate proceedings suggest that Venetian subjects had taken this step so they would not have to leave Egypt.<sup>3</sup> By December 1421, the matter was on the diplomatic agenda, as the Senate wanted transgressors to be punished and sent back to Venice. The sultan, instead, left the issue out of the bilateral negotiations.<sup>4</sup>

The abovementioned discussions in the Senate have led to a number of interpretations. Ranging from nineteenth-century orientalism to modern economics, all appear to be wrong and sometimes even fantastic, yet these explanations deserve to be mentioned, if only because they evoke the changing approaches of scholars to the Islamic past. Wilhelm Heyd (1823–1906) interpreted the term as “a kind of semi-naturalization,” by virtue of which merchants “could become the sultan’s subjects without nonetheless enjoying the same rights as the *nationals*.” A historian of the Latin trading colonies in the East, Heyd was probably projecting Western legal conceptions onto the Islamic system of governance.<sup>5</sup> Indeed, nothing in the Islamic theory of obligation towards minorities or protected foreigners resembles the “semi-naturalization” evoked here. Perhaps more interestingly, though the decree was interpreted by Heyd and other commentators as arbitrary, the decision was in fact following some legal doctrines of governance that established the duration of *amān* at four months.<sup>6</sup>

3 Joseph Schacht, “Amān,” *Encyclopædia of Islam, Vol. I, A–B* (Leiden: Brill, 1960); Gladys Frantz-Murphy, “Identity and Security in the Mediterranean World Ca. AD 640–Ca. 1517,” in *Proceedings of the 25th International Congress of Papyrology: Ann Arbor, July 29–August 4, 2007*, ed. Traianos Gagos and Adam Hyatt, American Studies in Papyrology, Special Edition (Ann Arbor: Scholarly Publishing Office, The University of Michigan Library, 2010), 253–64; John Wansbrough, “The Safe-Conduct in Muslim Chancery Practice,” *Bulletin of the School of Oriental and African Studies* 34, no. 1 (1971): 20–35; Philippe Gourdin, “Les marchands étrangers ont-ils un statut de dhimmi?,” in *Migrations et diasporas méditerranéennes: X<sup>e</sup>–XVI<sup>e</sup> siècles : actes du colloque de Conques, octobre 1999*, ed. Michel Balard and Alain Ducellier (Paris: Publications de la Sorbonne, 2002), 435–46.

4 Nicolae [Jorga] Iorga, “Notes et extraits pour servir à l’histoire des croisades au XV<sup>e</sup> siècle. iv. Documents politiques (suite),” *Revue de l’Orient Latin* 5 (1897): 121, ASV, Libri Commemorativi, reg. 11, fol. 75–78, 04/30/1422.

5 « Il existait en Egypte une sorte de demi-naturalisation, par laquelle on devenait sujet du sultan, sans pourtant jouir des droits des nationaux : pour échapper à l’application du décret, certains membres de la colonie Vénitienne s’étaient fait admettre dans cette classe d’individus », Wilhelm von Heyd, *Histoire du commerce du Levant au moyen âge*. (1885; repr., Amsterdam: A. M. Hakkert, 1967), 2:473.

6 Māwardī in particular, see Anver M. Emon, *Religious Pluralism and Islamic Law: “Dhimmīs” and Others in the Empire of Law*, First Edition, Oxford Islamic Legal Studies (Oxford, United Kingdom: Oxford University Press, 2012), 89.

Perhaps due to his Marxist beginnings, the Romanian historian Nicolae Iorga (1871–1940) proposed reading the word as a derivation of *Francomati*—a form of freed servants in Cyprus.<sup>7</sup> Suggested by the orientalist Albert Socin (1844–1899) and later followed by no less than John Wansbrough, a more legalistic interpretation placed the origin of the term in the Arabic word *fuḍūlī*, a technical designation out of Islamic contract law indicating a person disqualified from participating in commercial transactions.<sup>8</sup> These two explanations rely on vague phonetic resemblances with the Venetian version of the term, though no further arguments are advanced to show in what ways those freed Cypriots or these ineligible partners may correspond with the individuals mentioned by the senators. In his *Levant Trade in the Later Middle Ages* (1983), Eliyahu Ashtor proposed a reading of his own, combining linguistic elements with legal conjectures not directly related to the senators' complaint. According to Ashtor, the word evokes a kerchief supposedly worn by some Easterners, following a linear linguistic trail (*faciola* was a term widely documented for cloth strips, like those used in turbans).<sup>9</sup> The Fazolati were, according to Ashtor, *European* merchants who applied to the Mamluk authorities to be considered as *ḍimmīs*, or local Christians, promising to fulfill their obligations towards the sultan such as paying the poll tax (*jizya*). He expanded this particular interpretation by suggesting that the merchants in question “applied to the Moslem authorities for the status of permanent residents, but without becoming subjects of the sultan”. By paying the poll tax voluntarily, Ashtor speculates, they would have escaped the onerous taxes Frankish merchants supposedly were compelled to pay. The unfair economic competition represented by these “converts” would have provoked the reaction in the Venetian Senate. Ashtor's digression on the *jizya*, it should be noted, is not based on the Venetian text, which makes no reference to the issue. Lastly, his speculation on a hybrid status is inconsistent with the legal treatment of non-Muslim subjects, as the payment of the *jizya* is material proof of the *ḍimmīs'* subjection to the Islamic ruler.<sup>10</sup> Ashtor's argument probably echoes the right by Islamic rulers to either ban foreign merchants after the expiration of their legal sojourn, or to consider them as *ḍimmīs* and therefore to request the poll tax from them. Tatar was not the only Mamluk sultan to reclaim that Frankish merchants respect the

7 Nicolae [Jorga] Iorga, “Notes et extraits pour servir à l'histoire des croisades au XV<sup>e</sup> siècle. I–III. Comptes des colonies,” *Revue de l'Orient Latin* 4 (1896): 112.

8 Heyd, *Histoire du commerce*, 11, 2:473, n. 7; Wansbrough, “The Safe-Conduct,” 32.

9 Stefano Lusignano, *Chorografia, et breue historia vniuersale dell'isola de Cipro principiendo al tempo di Noè per in fino al 1572* (Bologna, 1573), 35.

10 Claude Cahen, “*Djizya* 1,” *Encyclopædia of Islam*, Vol. 11, C–G (Leiden: Brill, 1965).

temporary character of their sojourn. His pious successor Sayf al-Dīn Jaqmaq (1438–1453) “did not want any merchant to stay longer than six months”.<sup>11</sup> Be that as it may, for Ashtor, it was the despotic character of Mamluk rule that provoked the opportunistic move by the Venetians, and the word was the term used to designate this particular kind of “convert”.<sup>12</sup> Yet Ashtor’s explanation fits into a broader narrative regarding Islamic societies in the Middle Ages. In the second half of the twentieth century, social and economic historians such as Ashtor were responsible for a historiographical construct: the myth of a tolerant and industrious Venetian Republic as opposed to a despotic Muslim sultanate, namely, the Mamluks. While the former epitomized the well-governed polity, the sultanate was depicted as fundamentally ignorant of the market economy, disrespectful of property rights and responsible for restrictive policies on Christians and Jews. According to this narrative, the Mamluk sultans brought about the ebb of Middle Eastern entrepreneurs and fostered the general economic decline of the sultanate.<sup>13</sup>

In recent times scholars from other disciplines have not hesitated to add their own economic interpretations of the term. Further elaborating on Ashtor’s explanation, for Sheilagh Ogilvie the Fazolati were none other than “Europeans that applied for the status of permanent residents with individual commercial privileges . . . which they found preferable to joining a merchant guild”.<sup>14</sup> As a scholar of economic development, Ogilvie took up the cudgels for medieval trade to illustrate her thesis on the role and function of merchant

11 Marino Sanudo, *Le vite dei dogi (1474–1494)*, ed. Angela Caracciolo Aricò, vol. 1, Biblioteca veneta 8 (Padova: Antenore, 2002), 228.

12 “Moslem merchants and the Mamluk officials harassed the Europeans . . . European merchants tried to find individual solutions for the difficulty of living and trading in the Moslem Levant: they applied to the Moslem authorities for the status of permanent residents, but without becoming subjects of the sultan”, Eliyahu Ashtor, *Levant Trade in the Later Middle Ages*, 1983, 400–1 and fn. 242.

13 For Ashtor’s historiography, see Robert Irwin, “Under Western Eyes: A History of Mamluk Studies,” *Mamluk Studies Review* 4 (2000): 27–51. As for the “Mamluk decline” depicted by economic writers, Maya Shatzmiller, “A misconstrued link: Europe and the economic history of Islamic trade,” in *Relazioni economiche tra Europa e mondo islamico, secc. XIII–XVIII: atti della “trentottesima settimana di studi” 1–5 maggio 2006 = Europe’s economic relations with the Islamic world, 13th–18th centuries*, ed. Simonetta Cavaciocchi, Serie 11—Atti delle “settimane di studi” e altri convegni 38 (Grassano, Italy: Le Monnier, 2007), 387–413. A well-known example of this construct is the work by Ahmad Darrag, *L’Égypte sous le règne de Barsbay, 825–841/1422–1438* (Damas: Institut français de Damas, 1961).

14 Sheilagh Ogilvie, *Institutions and European Trade: Merchant Guilds, 1000–1800*, Cambridge Studies in Economic History. Second Series (Cambridge: Cambridge University Press, 2011), 212.

guilds. According to her reasoning, the Fazolati were supporters of individual freedom and opposed to corporations. Yet how Ogilvie infers her definition from the abovementioned piece of evidence alone we do not know, as the senators do not mention overseas merchant guilds or trading nations in their complaint. The explanation by Ashtor, taken further by Ogilvie, has at least the merit of taking into account the second issue raised by the senators, that is, the change pursuant to the embrace of Fazolati status. Whoever these merchants were, they had become different from rank-and-file Venetian subjects. As time went on, new pieces of evidence referring to the Fazolati surfaced. A document produced by the notary of the Venetian consul in Damascus, referring to the misdeeds caused by pirates, numbered among the losses some goods belonging to “Moors and Fazolati”, for which “the Franks” were held responsible. The text suggests that the Fazolati were a category of merchants different from both the Moors (i.e. the Muslims) and the Franks (Latin Christians), therefore presumably Eastern and non-Muslim. The eminent historian Charles Verlinden—who used overseas notarial documents for their intriguing multicultural character—found it more useful to interpret the category in strictly religious terms. Verlinden read Fazolati as “Copts”, following a commonsense reasoning that has Fazolati numbered besides Western Christians and Muslims.<sup>15</sup> Still, one might ask, assuming they were Eastern Christians, why not Melkites, Nestorians or Jacobites? Verlinden’s interpretation is inconsistent with the tradition of Venetian notaries to designate Eastern Christians as “Christians of the girdle”. In fact, the same notary distinguishes between Christians of the Girdle and Fazolati and, as we will see, contemporary Genoese clerks discerned between Copts (*coffti*) and Fazolati. Apart from common sense, Verlinden advances no further elements in defense of his interpretation and does not explain why the term suddenly appeared in a particular time and place.

As I said earlier, this article does not aim to propose a definite interpretation of the term. Yet a few new elements have arisen lately from Venetian and Genoese sources, substantially enlarging the map on which the question should be framed. In a way, these references remit the question back to the *dār al-ḥarb* / *dār al-islām* divide, as they point to individuals moving across Muslim and Christian lands in the Eastern Mediterranean. These new references come from two series of documents preserved in Genoa’s state archives. Both were produced by the administration of the city of Famagusta, in Eastern

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15 “In su laqual nave iera haver de mori e fazolati per i quali franchi, zoe Zenoexi, Veneziani e de molte nazioni ano habudo de grande strazo per mori e fazollati”, Charles Verlinden, “Marchands chrétiens et juifs dans l’Etat mamelouk au début du XV<sup>e</sup> siècle d’après un notaire vénitien,” *Bulletin de l’Institut historique belge de Rome* 51 (1981): 46.

Cyprus, for nearly a century after the city came under Genoese authority, in 1373. As happened in other Genoese territories, the municipality kept detailed accounts, called *Massaria*, some of whose large volumes have come down to us.<sup>16</sup> A second series is constituted by court proceedings issued by a judicial magistrate known as the *Capitano of Famagusta*.<sup>17</sup> Although some references to the Fazolati from the Massaria's accounts have been mentioned by scholars, my focus will be on the five surviving ledgers of the Capitano's tribunal, mainly covering the years between the late 1430s to the mid-1450s.<sup>18</sup> They contain petitions of justice addressed to the court, sometimes followed by witnesses' depositions as well as legal decisions. Other records are concerned with sundry matters, ranging from the taking of oaths by plyers of different trades to the delivering of safe-conducts.

References from both series present the Fazolati as dwellers of Cyprus, itself a much disputed jurisdictional crossroads where authorities, languages and religions intermingled. They are mentioned together with Copts, Armenians, what seems to be a nurtured Jewish community, migrants from the former crusader territories known as "white Genoese," and former Jewish and Muslim renegades.<sup>19</sup> If we trust how frequently the Fazolati were mentioned by the court scribes, they must have been numerous, at least in Famagusta and Nicosia. Most were city dwellers, sometimes designated as *burgenses*, although some fishermen and Fazolati living in the countryside are also mentioned. In Famagusta the Fazolati owned warehouses, were involved in commerce, and

16 Michel Balard, "La massaria génoise de Famagouste," in *Diplomatics in the eastern Mediterranean 1000–1500: aspects of cross-cultural communication*, ed. Alexander Daniel Beihammer, Maria G. Parani, and Christopher David Schabel, The Medieval Mediterranean 74 (Leiden: Brill, 2008), 235–50.

17 Cathérine Otten, "Le registre de la Curia du capitaine Génois de Famagouste au Milieu du XV siècle: Une source pour l'étude d'une société multiculturelle," in *Diplomatics in the eastern Mediterranean 1000–1500: aspects of cross-cultural communication*, ed. Alexander Daniel Beihammer, Maria G. Parani, and Christopher David Schabel, The Medieval Mediterranean 251–274 (Leiden: Brill, 2008), 235–50.

18 For mentions of the Fazolati in these records see: Archivio di Stato di Genova, San Giorgio (hereinafter ASG SG), 590/1288, 5r, 24r, 78r, ASG SG 590/1289, 38r, 143r, ASG SG 590/1290, 1v, 3r, 48v, 57r, ASG SG 590/1291, 14r, 62(2), 181v, 199r, ASG SG 590/1292, 20r, 27r, 47r, 51r, 52v, 60r, 64v, 65v, 67v, 70v, 72v, 77v, 79r, 79v, 81r, 83r, 90r, 90v, 198v. The register numbered ASG SG 590/1288 contains a few records dated 1388, where the first mention to the Fazolati can be found, 5r, dated Feb. 10th, 1388, *Aissa faiolatus*.

19 For a Muslim renegade, ASG SG, 590/1288, 114v, for Jews, Otten, "Le registre de la Curia," 273. Copts (*coffti* or *coffiti*) are mentioned in ASG SG 590/1292, 53r, 60r, ASG SG 590/1290, 50r, ASG SG 590/1291, f. 181r.

worked in the markets as plyers of several trades (*bazariotus, censarius*). The documents refer to women married to Fazolati, whilst in one case a certain Maria is described as being “of Fazolato descent”. Massaria records from the 1440s and 1450s inform us that some Fazolati were migrants from Beirut, Tripoli or, more vaguely, Syria.

Laura Balletto reported several annotations from the Massaria accounts mentioning Fazolati families taken from Syria, at the expense of the Genoese of Famagusta, to take up residence in the city. These accounts mention food-stuffs—including wine—offered to the Fazolati migrants. Therefore, Balletto concludes, these people were linked together “by something which made them a community or a particular category of persons, but it is not yet possible to define this exactly”. By the same token, the court records refer to Fazolati as organizers of maritime links with Beirut or Damietta. In December 1456, a complaint was brought before by the Capitano concerning the trip of some Fazolati to Beirut. According to the deed, Abram and his Fazolati associates failed to embark on time in Beirut, hence causing some losses to the master.<sup>20</sup> Similarly, a Fazolato named Abrayno de Cairo was the object of a trial concerning a trip to Damietta.<sup>21</sup> In December 1447 Joxef and Jacob of Tripoli registered at the court before embarking on a Muslim ship (*ituros super gripariam maurorum*).<sup>22</sup>

In addition, these records provide us with some glimpses of Fazolati onomastics: most first names of people described as Fazolati in the Cypriot-Genoese documents are clearly Semitic and most probably Arabic (Nasar, Cana Semeas, Botros, Monsor, Aissa, Abraynus, Daut, Jacop, Chelel, Semas, Braino, Brachinus, Isach, Nasari, Aissa Safer), followed by others compatible with Arabic-Christian onomastics (Giorgio de Cario [i.e., Cairo], Marion de Tripoli, Sayte de Tripoli). Lastly, there is one name of Greek origin (Teodoro di Tripoli) and a few instances of first names of Latin origin (Pietro di Tripoli, Rolando di Beirut, Augustinus), together with common names such as Jani and others more difficult to trace (Etel, Abet). One item refers to the son of a Fazolato from Tripoli who changed his name from Mose to Giovanni.<sup>23</sup> Lastly,

20 ASG SG 590/1291, 199r.

21 ASG SG 590/1292, 70v.

22 ASG SG 590/1289, 143r.

23 Laura Balletto, “Note sull’Isola di Cipro nel secolo XV,” in *La storia dei Genovesi; Atti del Convegno di studi sui ceti dirigenti nelle istituzioni della Repubblica di Genova, Genova, 11–14 Giugno 1991*, vol. 12 (Genova, 1994), 122, 140 (n.63); Laura Balletto, “Ethnic Groups, Cross-Social and Cross-Cultural Contacts on Fifteenth-Century Cyprus,” in *Intercultural Contacts in the Medieval Mediterranean*, ed. Benjamin Arbel and David Jacoby (Portland, OR: F. Cass, 1996), 43–4; Otten, “Le registre de la Curia,” 271–2.

and perhaps more importantly, the Genoese spelling slightly differs from that used in Venice; here the word is spelled *faiholato* or *fayolato* (and, depending on the scribe, also *faiulato* and *fachiolato*).

Genoese evidence contradicts previous interpretations in many respects. First, it blurs any plausible origin from an Arabic word. Any attempt to interpret the term as a possible derivation from a triconsonantal Arabic root should take into account the incompatibilities between the Venetian spelling (*fazala*) and the Genoese one (*fayala*). Second, the Fazolati were not just merchants; rather, the term seems to designate more broadly a category of belonging. Genoese data also undermine the “merchant guild theory”: there were Fazolato women, Fazolati lived for generations under Christian rule without being involved with the overseas trade guilds, and if they had once been assimilated *dimmīs* unwilling to pay taxes, there is no reason why their kin should still be called Fazolati after their departure from Islamic lands. The idea that Fazolato is merely a *cognomen*, or surname, should also be discarded. In contemporary designations such as in *Giorgio de Cario faiolato* or *Abraqno de Cairo faiolato* it is implied that the last term is an epithet (usually a collective demonym) and not a cognomen.

The broader cultural implications of the term emerge, again, in a Venetian notarial act, drawn up in Alexandria in 1404. The document refers to one of these Fazolati, a certain Cypriot merchant called Salem (*Salem façolato*). The document sheds light on the linguistic and ethnic background of the group, particularly in the context of the early fifteenth century, when it first appeared in the sources. According to the deed, Salem had a freight contract with a ship owner, himself a Cypriot, according to which the latter should carry his goods to Alexandria. Once in Egypt, a dispute had arisen between the two parties. The document refers to an attempt to settle this dispute by the two Cypriots. We are informed that the original contract was underwritten in Cyprus and styled in Arabic. The deed therefore suggests that Arabic was still spoken in Cyprus as late as in the fifteenth century. Salem, however, needed translation, as he was not able to understand what was going on during the arbitration.<sup>24</sup> The deed is consistent with Genoese information, presenting the Fazolati as dwellers of Cyprus and Arabic-speaking, engaged in trading networks operating in Islamic lands. In a Genoese document dated 1456, we find a *Giorgio de Cario faiolato*, inhabitant of Beirut, underwriting a power of attorney with a certain Barsom de Cario, a dweller of Famagusta.<sup>25</sup>

24 Archivio di Stato di Venezia, Cancelleria Inferiore, Notai, B. 222, Notary A. Vactaciis, f. 8or, Dec., 3, 1404.

25 Balletto, “Note sull’Isola di Cipro,” 122.

It seems reasonable at this stage to speculate that the term may have originated in the Near-Eastern Christian milieu in the aftermath of the crusading period. Between 1099 and 1291, Christians belonging to many Eastern churches found themselves under the umbrella of the different crusader states. Needless to say, some of these sects did not obey Rome, but followed their own patriarchs in the East and in some cases were considered heretics by their new Latin masters. As historians of the crusades have pointed out, followers of the monophysite creed, considered not only schismatics but heretics pure and simple, paradoxically were favored by the crusaders in their quest for support by the native population.<sup>26</sup> The progressive fall of the crusader states was accompanied by a migration of these Christians to Cyprus. To be sure, not all the Christian minorities that found their way to Cyprus were “Syrians”: Armenians, Copts and Ethiopians, of monophysite creed, were not Syrians in a proper sense, and therefore expected to have maintained Arabic as the community language like the Nestorians and the Jacobites (again, monophysites), together with the Maronites—in union with the Roman Church—and finally, Melkite Syrians faithful to the Byzantine church of the Patriarch of Antioch. In Cyprus, Syrian Christians coexisted with other non-Arabic-speaking communities, particularly in Nicosia and Famagusta. Migrants from Acre flocked in large numbers to Famagusta, where they could still be noticed a century after the Muslim conquest of the city in 1291. As the abovementioned references to the Fazolati suggest, Syrians continued to settle on the island even a century and a half after the fall of the last crusader dominion.<sup>27</sup>

Their new host society was fundamentally different from that where their communities had originated in late antiquity as confessional groups. Progressive conversion to Islam had led to the fragmentation of these

26 Joshua Prawer, “Social Classes in the Crusader States: The ‘Minorities,’” in *The Impact of the Crusades on the Near East*, ed. Kenneth M. Setton, Norman P. Zacour, and Harry W. Hazard, A History of the Crusades, Kenneth M. Setton; [...] (Madison: the University of Wisconsin Press, 1985), 72.

27 Gilles Grivaud, “Les minorités orientales à Chypre aux époques médiévale et moderne,” in *Chypre et la méditerranée orientale: formations identitaires: perspectives historiques et enjeux contemporains: actes du colloque tenu à Lyon, 1997*, ed. Yannis Ioannou, F. Métral, and Marguerite Yon, Travaux de la Maison de l’Orient méditerranéen 31 (Lyon : Paris: Maison de l’Orient méditerranéen–Diffusion de Boccard, 2000), 43–70; Jean Richard, “La cour des Syriens de Famagouste d’après un texte de 1448,” in *Croisades et états latins d’Orient: points de vue et documents*, Collected studies series CS383 (Aldershot: Ashgate, 1992), 383–98; Otten, “Le registre de la Curia,” 251; Marwan Nader, *Burgesses and Burgess Law in the Latin Kingdoms of Jerusalem and Cyprus, 1099–1325* (Aldershot: Ashgate, 2006), 137.

confessional groups, which came to be perceived as scattered ethnic communities rather than churches.<sup>28</sup> Eastern Christians later found their place as *dimmīs* under the umbrella of cosmopolitan Islamic rulers. In Islamic lands, ethnic and religious differences among these Christians were flattened out by their universal categorization as *dimmīs*. Instead, in Christian societies such as those of Cyprus, different legal statuses proliferated, the result of privilege and hereditary right. *Vasmuli*, *archontes*, *parèques*, *francomati*, *burgenses*, “white” and “black” Venetian and Genoese were just some of the labels used to designate forms of status in the Eastern Mediterranean, a place where Byzantine and feudal legal concepts intermingled with those of the Italian city-states. According to the predominant juridical view in the West that everyone had his own place in society, it was natural that each one of these groups was granted a different legal status. In the case of the Syrians, this legal status was the result of previous concessions and privileges by the crusader rulers, who fashioned different fiscal and citizenship rights for each community.

## 2 Cyprus: A Normative Crossroads between *dār al-ḥarb* and *dār al-Islām*

Fifteenth-century Cyprus can broadly be defined as an epigone crusader state ruled by a French king of the house of Lusignan who was surrounded by a chivalric elite—his vassals, according to feudal law—followed by servile peasants.<sup>29</sup> Yet other jurisdictions overlapped with the king’s in the late Middle Ages. Famagusta had come under Genoese rule in 1373; the city then became a commercial melting pot ruled by Genoese institutions and laws, where foreigners could swear allegiance to the Commune.<sup>30</sup> In addition to being subject

28 Marshall G. S. Hodgson, *The Classical Age of Islam*, The Venture of Islam, conscience and history in a world civilization; Vol. 1 (Chicago: Univ. of Chicago Press, 1974), 306.

29 For the general legal framework and the weight of feudal law in Cyprus, see Nader, *Burgesses and Burgess Law*.

30 On the Status of Famagusta under Genoese rule, see Michel Balard, “Note sull’amministrazione Genovese di Cipro nel Quattrocento,” in *La storia dei Genovesi; Atti del Convegno di studi sui ceti dirigenti nelle istituzioni della Repubblica di Genova, Genova, 11–14 Giugno 1991*, vol. 12/2 (Genova, 1994), 83–93; David Jacoby, “Citoyens, sujets et protégés de Venise et de Gênes en Chypre du XIII<sup>e</sup> au XV<sup>e</sup> siècle,” in *Recherches sur la Méditerranée orientale du XII<sup>e</sup> au XV<sup>e</sup> siècle: peuples, sociétés, économies* (London: Variorum Reprints, 1979); Cathérine Otten, “Les institutions génoises et les affaires de Chypre,” in *Etat et colonisation au Moyen Age et à la Renaissance*, ed. Michel Balard, Collection L’Histoire partagée (Lyon: La Manufacture, 1989), 167–78; Benjamin Arbel, “L’eredità Genovese a Cipro,

to feudal law or the Communal dominion of Genoa, a third situation was possible. Families of alleged Venetian and Genoese descent had long since migrated to the new kingdom. These migrants claimed to be the old Genoese and Venetian subjects in the Holy Land, formerly free inhabitants of crusader cities such as Tyre, partially under Venetian jurisdiction.<sup>31</sup> Once transplanted into Cyprus, they came to be known as “white Venetian” and “white Genoese”, and they kept their panoply of juridical privileges awarded by the crusader kings. There remains ample evidence that some “white” Venetian and Genoese families continued to use Arabic in Cyprus for generations.<sup>32</sup> In addition, by the fifteenth century, the Lusignan king awarded new trading privileges to the cities of Genoa and Venice, and citizens of these maritime republics enjoyed supplementary tax exemptions and other prerogatives. These circumstances favored the proliferation of people on the island who claimed to be “original” Venetians and Genoese and who forged genealogies for that purpose, to the point that the royal government was forced to implement dissuasive measures and strengthen control procedures.<sup>33</sup> As a result, it was possible to be considered the king’s vassal according to feudal law whilst at the same time enjoying alien citizenship and its resulting privileges (most of them concerning, in practice, trading rights). This seems to have been the case even at court. The same murkiness can be noted as regards the religious status of Syrian Christians in Cyprus. The pope labored to make these churches obey Rome, but in practice adherence to Roman Catholicism was limited to some Nestorian, Ethiopian and Armenian groups in Cyprus. Furthermore, confessional boundaries were often transgressed even within the limits of single family groups.<sup>34</sup>

It was in this context of overlapping legal traditions that Eastern Christians found their way into the social world of their Western masters. They were granted a privileged status as compared to the other minority groups, and most

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1464–1571,” ed. Laura Balletto, vol. 1, 2 vols., Collana di fonti e studi / Università degli studi di Genova, sede di Acqui Terme 1 (Genova: G. Brigati, 1997), 21–40.

31 Jean Richard, “Le peuplement latin et syrien en Chypre au XIII<sup>e</sup> siècle,” *Byzantinische Forschungen* 7 (1979): 157–73.

32 Jean Richard, “Une famille de Vénitiens blancs dans le Royaume de Chypre au milieu du XV siècle: Les Audeth et la seigneurie de Marethasse,” *Rivista di Studi Bizantini e Slavi* 1, no. Miscellanea Agostino Pertusi (1981): 89–131.

33 For these legal statuses and the attempts by individuals to obtain them, see Jacoby, “Citoyens, sujets et protégés,” among others, 169, 181, 182; and Balard, “La massaria génoise de Famagouste,” 244. On the king’s reaction towards fraudulent claims of potential “white” Venetians, Louis de Mas Latrie, *Histoire de l’île de Chypre sous le règne des princes de la maison de Lusignan*, vol. 2 (Paris: Imprimerie impériale, 1852), 234.

34 Richard, “Une famille de Vénitiens blancs,” 90.

particularly the Greeks. They succeeded in keeping the privileges granted to them by the crusader lords in the Middle East but had these rights supplemented. After the fall of Acre, Henry II allowed the Syrians to keep their laws and Institutions, of which the *Courts of the Raiis* in Famagusta and Nicosia are the best known examples.<sup>35</sup> Perhaps more important, Syrians were declared free and therefore exempt from the personal taxes imposed upon Greeks. As for their commercial operations, they were liable for half the taxes paid by Greek merchants.<sup>36</sup> This particular point, as we will see, has its own importance not only in economic terms but because it implies a striking parallel to the treatment of similar groups under Islamic law.

All this leads us away from our initial concern with the *dār al-ḥarb* / *dār al-islām* divide. Yet a fact that has received strikingly little attention is the transformation of Cyprus from *dār al-ḥarb* into *dār al-ṣulḥ* during the period under study. It is well known that the Mamluks intervened in Cyprus in 1424–1427 and made the island a tributary state, augmenting the jurisdictional paradoxes of the Lusignan kingdom. The Cypriots signed a treaty with the Mamluks recognizing the sultan as their overlord. An annual tribute was levied until the end of the Mamluk sultanate and later on by its Ottoman successors.<sup>37</sup> The current state of research and the lack of interest by researchers in Cypriot history does not allow us to fully grasp the significance of this fact, and the practical modalities of Mamluk sovereignty over the Island.<sup>38</sup> When the city of Famagusta was reintegrated into the Lusignan kingdom in 1464, the king made it explicit that city rulers should be Christians and not “Mamluks, moors and other infidels”.<sup>39</sup> Be that as it may, for most of the fifteenth century, Cyprus hosted Mamluk

35 Richard, “La cour des Syriens de Famagouste”; Nader, *Burgesses and Burgess Law*, 129–79.

36 Grivaud, “Les minorités orientales à Chypre,” 63.

37 Coureas, Nicholas, “The Tribute Paid to the Mamluk Sultanate, 1426–1517: The Perspective from Lusignan and Venetian Cyprus,” in *Egypt and Syria in the Fatimid, Ayyubid, and Mamluk Eras: Proceedings of the 1st, 2nd, and 3rd International Colloquium Organized at the Katholieke Universiteit Leuven in May 1992, 1993, and 1994*, ed. Urbain Vermeulen and K. d’Hulster, vol. 7, *Orientalia Lovaniensia Analecta* 223 (Leuven: Peeters, 2013), 363–80.

38 Exceptions to this silence in historiography can be found in Fuess, Albrecht, “Was Cyprus a Mamluk Protectorate? Mamluk Policies toward Cyprus between 1426 and 1517,” *Journal of Cyprus Studies* 11, no. 28/29 (2005): 11–28; and Coureas, Nicholas, “Losing the War but Winning the Peace: Cyprus and Mamluk Egypt and Syria in the Fifteenth Century,” in *Egypt and Syria in the Fatimid, Ayyubid, and Mamluk Eras: Proceedings of the 1st, 2nd, and 3rd International Colloquium Organized at the Katholieke Universiteit Leuven in May 1992, 1993, and 1994*, ed. Urbain Vermeulen and K. d’Hulster, vol. 7, *Orientalia Lovaniensia Analecta* 223 (Leuven: Peeters, 2013), 351–62.

39 Arbel, “L’eredità Genovese a Cipro,” 22.

contingents and their emirs in a kingdom whose political destinies were determined by Cairo and where Arabic was not only spoken by chancery secretaries, but, seemingly, by the king himself.<sup>40</sup>

### 3 Mediterranean Border-Crossing : *dār al-ḥarb* and *dār al-islām* in Practice

Syrian Christians were not confined within the narrow boundaries of Western laws and regulations. Within limits, they accommodated themselves to the range of institutional choices available. Nothing prevented an Arabic-speaking Syrian from presenting himself as a former subject of the Italian city-states. There were, therefore, Syrian “white” Venetian and “white” Genoese (and, according to some, even Jews and Armenians). Syrian families such as the Bibi, Urry, Goneme, Mistahel, Salah, Sheba and Audeth worked at the king’s chancery, where documents were produced in Latin, French, Italian and Arabic.<sup>41</sup> The ambiguity of Cypriot sources, which never distinguish them clearly, highlights what has been called the “assimilation strategy” by these Syrians in the *dār al-ḥarb*. From a cultural, religious and linguistic viewpoint, they played their ambivalent status to their own advantage. On this score, Jean Richard reports how members of Jacobite families managed to obtain benefices in the Latin church.<sup>42</sup> Among the latecomers to the Lusignan kingdom were the Melkites, generally referred to as “Suriens” by the sources. Lacking their own ecclesiastical hierarchy on the island, they were placed under the protection of the Greek bishop. Often considered as part of the white Genoese and Venetian groups, they assimilated into both Greek and Latin society. As we have seen, besides Arabic names, Fazolati onomastics feature Greek and even Latin names.

Though the precise confessional group to which the Fazolati should be assigned cannot be determined, some Eastern Christians took advantage of their own ambivalent religious and linguistic background, and, probably, of the controversial political status of Cyprus. It was in this context of intersecting jurisdictions and overlapping legal layers that some Fazolati and other Syrian-origin merchants became involved in trade with the Middle East. Anecdotes

40 Boustron, Florio, *Chronique de l’île de Chypre. Publiée par René de Mas Latrie*, Mélanges historiques, choix de documents 5 (Paris: Imprimerie Nationale, 1886), 365.

41 Richard, “Une famille de Vénitiens blancs,” 91; Grivaud, “Les minorités orientales à Chypre,” 53.

42 Richard, “Une famille de Vénitiens blancs,” 90.

of the proverbial wealth of the Nestorian Lakhan family illustrate the weight of Cypriot Nestorians as financiers and the mechanics of their trading networks between Cyprus and Syria.<sup>43</sup> Connections between Jacobites from Syria and Egypt with their coreligionists in the Greek islands are constantly mentioned in the ledgers of the Venetian notaries of Alexandria and Damascus.<sup>44</sup> Moreover, Nestorians, Melkites and Jacobites were all Eastern Christians who could circumvent the major obstacle limiting their Latin colleagues: the papal embargo on trade with Islamic lands.<sup>45</sup>

How did the new state of affairs affect these Arabic-speaking communities, whose churches were led by the patriarchs of Antioch or elsewhere in the *dār al-islām*? From an Islamic viewpoint, these Christians seem to be considered as *ḍimmīs*, irrespective of the places they actually inhabited. This is suggested by a digression on *ḍimmī* sects included in a manual for Mamluk secretaries. The author, al-Saḥmāwī al-Qāhirī (d. 868/1464), described the different Jewish and Christian communities of his time; his main goal was to define where their leaders were (where these churches had their *kursī*). Melkites had their seat in Antioch, Jacobites in Alexandria and Nestorians in Jerusalem, all under Mamluk sovereignty. For Saḥmāwī, it did not matter where a Christian resided but whether he was a follower of an Eastern sect and therefore subject to the sultan's authority.<sup>46</sup> This is consistent with the personal—not territorial—character of the Islamic law.<sup>47</sup>

The practical ways Fazolati commercial activities developed in the two *dārs* offer striking similarities. As Ibn Taymiyya noted in his work on governance, Islamic practise had since the times of the Caliph 'Umar levied merchants from the *dār al-ḥarb* with a duty of ten percent—the Islamic *'uṣr*—of their

43 Grivaud, "Les minorités orientales à Chypre," 51; Richard, "Une famille de Vénitiens blancs," 91–2.

44 ASV, CI, N, B. 222, Notary A. Vactaciis, October 20th, 1404, f. 74v, idem, July 29th, 1405, f. 183v. A later deed drawn up in Alexandria is more specific: mention is made of a *Jacobite Christian* from Syria who gives power of attorney to other Syrian Christians living in Rhodes, ASV, CI, N, B. 211, Notary N. Turiano, f. 59v, October 4th, 1455.

45 Richard, "La cour des Syriens de Famagouste," 384.

46 The MS Arabic 4439 of the Bibliothèque Nationale de France, recently attributed to Šams al-dīn Muḥammad b. Muḥammad al-Saḥmāwī al-Qāhirī, *al-Tağr al-bāsim fī šinā'at al-kātib wa'l-kātim*, ed. Ašraf Muḥammad Anas Mursī (Cairo, 2009), f. 138–141. On the territoriality of the law, Calasso, "Alla ricerca di *dār al-islām*," 282; and Abou El Fadl, "Islamic Law and Muslim Minorities," 165.

47 Abou El Fadl, "Islamic Law and Muslim Minorities," 165.

goods. But travelling *ḍimmīs* were charged half this amount.<sup>48</sup> This scheme, though subject to minor changes, was still in use in Mamluk times, when there were many foreign merchants in the sultanate. We may assume, therefore, that these *Syrians* could, paradoxically, enjoy a privileged fiscal status on both sides.

The status of Syrian Christians in both the sultanate and Cyprus was the result of very different legal and juridical backgrounds and principles. The privileges granted to Syrians in Cyprus were the result of contingency, as previous alliances with the crusader rulers.<sup>49</sup> In Islamic lands they were instead subject to the general pact (*‘aqd al-ḍimma*) deriving from their exclusion from the Islamic community. In both cases, their juridical position was one of inferiority. They could not appeal to their own legal institutions when a Frank was concerned, and they could not have recourse to their community judges in a trial against a Muslim. Yet in both cases they could have their cases heard by their own courts, provided the two parties were Syrians. In addition, in both Cyprus and the sultanate, in marriage and dowry issues their own laws were respected. Furthermore, they enjoyed a similar tax regime for their business operations.

In 1351, the Mamluk jurist Taqī al-dīn al-Subkī wrote one of the few fatwas known dealing with the juridical status of Frankish merchants. The text continued to be used by other Mamluk muftis, and it was commented upon in the following years. Subkī's son, Abū al-Barakāt, added an analysis of the pacts underwritten with both *ḍimmīs* and *ḥarbīs*. The resulting text clearly states the different nature of pacts with both groups, and the religious duties of Muslims towards *ḍimmīs* and foreign merchants. The latter could be expelled from the *dār al-islām* when the terms of their agreement (*‘aqd al-amān*) were broken, and their safe-conduct was subsequently revoked.<sup>50</sup> For eighth/fourteenth-century jurists such as the Subkīs, *dār al-ḥarb* and *dār al-islām* remained two necessary analytical categories, if only because they allowed them to differentiate local *ḍimmīs* from resident *ḥarbīs*. The possibility of being expelled from Egypt was precisely at stake in the Mamluk decree of 1421, something

48 Taqī al-dīn Aḥmad Ibn Taymiyya, *al-Siyāsa al-šar‘iyya fī iṣlāḥ al-rā‘ī wa-al-ra‘iyya*, ed. ‘Alī ibn Muḥammad ‘Umrān (Makka, 1429), 55–6; Antoine Fattal, *Le statut légal des non-musulmans en pays d’Islam* (Beyrouth: Imprimerie catholique, 1958), 155–6; Paul G. Forand, “Notes on ‘Uṣr and Maks,” *Arabica* 13, no. 2 (June 1966): 137–41.

49 Richard, “La cour des Syriens de Famagouste,” 386.

50 Aziz S. Atiyya, “A Fourteenth Century Fatwā on the Status of Christians in the Mamlūk Empire,” in *Studien zur Geschichte und Kultur des nahen und fernen Ostens*, ed. W. Heffening, P. Kahle, and W. Kirfel (Leiden: Brill, 1935), 59–60; Taqī al-Dīn al-Subkī, *Fatāwā al-Subkī*, ed. Ḥusām al-dīn Qudṣī, vol. 2, 1355, 417–21.

technically impossible for the *ḍimmīs*. The actual significance of the Mamluk-Venetian Fazolati crisis is suggested by a much later episode. In her study of the so-called “Carazo affair” (1613–1617), Tijana Krstić depicts a similar scenario for the seventeenth-century Ottoman empire. On that occasion another minority, the newly arrived Iberian *moriscos*, was involved in a bitter quarrel over extraterritoriality. Again, the expiration of the legal sojourn was used to threaten the Frankish community with being treated as *ḍimmīs* and therefore subjected to special taxation.<sup>51</sup>

While the normative weight of the *dār al-ḥarb* and *dār al-islām* categories remained intact in early modern times, the Fazolati dispute illustrates that not only rulers but also other social actors were aware of this theoretical divide and manipulated it to their own advantage. According to the evidence, there can be little doubt that Venetian merchants were “embracing” a Syrian Christian community, whatever that community might be. In so doing, these lower-rank Venetians were transgressing the boundaries between the two abodes, that is, they were leaving the *dār al-ḥarb* and entering the realm of Islam. In terms of agency, the strategy followed by Venetian subjects is noteworthy. By presenting themselves as followers of one of the Eastern, presumably “Syrian” churches, they were immediately accepted into the *dār al-islām* and therefore could not be expelled. Technically, it should be noted, they could not “convert” to Eastern Christianity. According to the first caliphs and subsequent jurists, conversion to religions other than Islam was not possible, as the Revelation given to Moses and Jesus had been corrupted.<sup>52</sup> The imprisonment of an Iberian *converso* who chose to turn back to the Jewish religion in Mamluk Syria shows the seriousness of such an offence.<sup>53</sup> Unfortunately, we will never know the theological arguments advanced by the Venetians—if they had any—to be recognized as *Fazolati* by the Mamluks. Yet their subtle manipulation of legal boundaries shows the ability of Mediterranean peoples to navigate through the loopholes of legal concepts and doctrines.

51 Tijana Krstić, “Contesting Subjecthood and Sovereignty in Ottoman Galata in the Age of Confessionalization: The Carazo Affair, 1613–1617,” ed. Nicola Melis, *Oriente Moderno* 93, no. 2: Minorities, Intermediaries and Middlemen in the Ottoman Empire (2013): 422–53.

52 Emon, *Religious Pluralism and Islamic Law*, 66–7; and particularly Yohanan Friedmann, “Classification of Unbelievers in Sunnī Muslim Law and Tradition,” in *Tolerance and Coercion in Islam: Interfaith Relations in the Muslim Tradition*, Cambridge Studies in Islamic Civilization (New York: Cambridge University Press, 2003), 65–69.

53 Mark D. Meyerson, “Seeking the Messiah: Converso Messianism in Post-1453 Valencia,” in *The Conversos and Moriscos in Late Medieval Spain and beyond*, ed. Kevin Ingram, Studies in Medieval and Reformation Traditions, v. 141, 160 (Leiden: Brill, 2009).

Assuming, then, that some individuals under Venetian jurisdiction were ready to become *Fazolati*, and that by so doing they transferred their allegiance from the doge to the sultan, the question remains: who were they exactly? And why would they take such a dramatic step? The answer is perhaps blurred because of how historians have thought about the medieval Mediterranean. We know that Venice was a medieval city-state where citizenship was reserved for original natives of the capital city and was never extended to its vast colonial dominion. Greeks, Jews and non-Catholics of the colonies had their trading and political rights limited. They could not engage in trade with the metropolis, nor were they admitted to merchant guilds nor could they enjoy consular protection.<sup>54</sup> Although historians of minorities such as David Jacoby have investigated the practical implications of these legal biases, the myth of a tolerant Venice remains strong in Mediterranean historiography, mirroring the myth of the Mamluks as intolerant despots. Yet the fact that the senators referred to these “converts” as *subditi* and *fideles* clearly indicates that the merchants in question were not full citizens but colonial subjects.<sup>55</sup> As for the reasons for their split with Venice, explanations have varied over time. Writing at the end of the nineteenth century, and decidedly not from a Mamluk-friendly perspective, Heyd still admitted that the *Fazolati* sought to escape from the sojourn decree.<sup>56</sup> A century later Ashtor discarded every

54 For a recent overview of the citizenship problem, see Reinhold C. Mueller, *Immigrazione e cittadinanza nella Venezia medievale*, Studi / Deputazione di storia patria per leVenezie 1 (Roma: Viella, 2010). For the Greek communities Jacoby, “Citoyens, sujets et protégés”; on the legal limitations imposed on the Jewish communities David Jacoby, “Venice and the Venetian Jews in the Eastern Mediterranean,” in *Gli Ebrei e Venezia: secoli XIV–XVIII: atti del convegno internazionale organizzato dall’Istituto di storia della società e dello Stato veneziano della Fondazione Giorgio Cini, Venezia, Isola di San Giorgio Maggiore, 5–10 giugno 1983*, ed. Gaetano Cozzi, 1a ed. (Milano: Edizioni Comunità, 1987), 29–59; Elisabeth Santschi, “Contribution à l’étude de la communauté juive en Crète vénitienne au XIV<sup>e</sup> siècle, d’après des sources administratives et juridiques,” *Studi Veneziani* 15 (1973): 177–211; A good discussion of Venetian policies of exclusion can be found in Silvano Borsari, “Ricchi e poveri nelle comunità ebraiche di Candia e Negroponte (sec. XIII–XIV),” in *Ricchi e poveri nella società dell’Oriente Grecolatino*, ed. Maltezou Chryssa, Biblioteca dell’Istituto Ellenico di Venezia 19 (Venezia: Istituto Ellenico di Studi Bizantini e Postbizantini di Venezia, 1998), 211–22.

55 Freddy Thiriet, *La Romanie Vénitienne au Moyen Age: le développement et l’exploitation du domaine colonial vénitien, XII<sup>e</sup>–XV<sup>e</sup> siècles* (Paris: Bibliothèque des écoles françaises d’Athènes et de Rome, 1959), 269–301; Jacoby, “Citoyens, sujets et protégés”; and particularly “Les Génois dans l’Empire Byzantin: citoyens, sujets et protégés (1261–1453),” in *Trade, commodities and shipping in the medieval Mediterranean*, Variorum collected studies series CS572 (Aldershot, Hampshire, Great Britain: Variorum, 1997), 245–84.

56 Heyd, *Histoire du commerce*, 2:473.

reference to the sojourn problem.<sup>57</sup> While Heyd's explanation remains more realistic and respectful of the Senate discussions, both share a reluctance to admit that Venetians could voluntarily become the sultan's subjects. Both invoke a mysterious "demi-naturalisation" with no real institutional parallel in Islamic law. Perhaps it would be simpler to acknowledge that, as rank-and-file colonial subjects, they had their rights severely curtailed by Venetian regulations and were confined to a peripheral trade, that is, between the Greek islands and the Islamic lands. With the *amān* restrictions enacted, the traditional trading activities of Venetian Greeks and Jews became technically impossible. Becoming Fazolati—and therefore applying for a full *ḍimmī* status—represented the only possible way out.

Not only historians have misinterpreted the decision made by the Venetian merchants. When arguing that transgressors should be sent back to Venice and punished, the senators were lagging behind their own colonial subjects as regards their understanding of Islamic legal categories. The senators' mistake was noteworthy: for authorities in Venice, as almost everywhere in the West, status differences were the result of divine will. Status was defined by privilege and hereditary right, one of its practical manifestations being citizenship in the Italian city-states. These principles could hardly be accepted by a Muslim ruler who upheld the Islamic ideal that Revelation superseded previous beliefs by the people of the book. The existence of the *ḍimmī* status in Islamic law was a reminder of the universalist mission of the Islamic faith, and *ḍimmīs* could not be subjected to jurisdictional claims by Christian rulers. Roman legal concepts of sovereignty had been erased since the early Islamic conquests, which did away with all traces of communal jurisdiction. *Ḍimmīs* had to be granted the possibility of conversion, and therefore their right to become free Muslims could not be curtailed by any hereditary or legal principle or by any claim by Christian rulers.

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