

Van den Boogert, Maurits H., The Capitulations and the Ottoman Legal System: Qadis, Consuls and Beraths in the 18th Century, Leyden, Brill, 2005.

ISBN 90 04 140352

ISSN 1384-1130

Maurits H. van den Boogert's work represents an extremely innovative contribution to the study of the capitular regime in the Ottoman Empire. Thanks to the systematic analysis of a large number of sources, such as the Ottoman registers concerning the relations with the foreign States (*ecnebi defterleri*), the consular documentation and the Dutch and British sources, the volume means to read and consider from a new perspective the agreements that regulated the *status* of the Christian powers' subjects living on Ottoman soil for centuries.

Pre-modern Western sources generally claim that Europeans enjoyed complete legal autonomy in the Ottoman Empire and, since their "protégés" enjoyed the same privileges, it has been stated that the *berats* "nullified the sultan's authority" over them. Therefore, the Ottoman judiciary was severely limited in exercising its jurisdiction over subjects of the Porte who obtained foreign protection.

Numerous studies on the relations between the Sublime Porte and European states have uncritically accepted this interpretation, challenged by the concrete examples reported in this volume, from which it can be inferred that in the second half of the 18th century the capitular regime was still controlled by the Ottomans. This reconstruction is also supported by the Ottoman authorities' faculty to revoke individual capitular privileges: cases are cited of dragomans who lost their *berats* because of their conduct. The case of Jirjis A'ida, a dragoman of the English consulate in Aleppo, treated in the second chapter, shows that corruption charges could be a valid reason for the withdrawing of the *berat*.

The term *berat* referred to a letters patent issued by the sultan with nature of concession; it could have been the appointment for an assignment, a privilege or the assignment of a revenue. The sultan's non-Muslim subject who had obtained a certain privilege, in the form of a *berat*, was called a *berath*.

The first chapter analyses the content of such agreements, also providing an historical framework of the topic and explaining the evolution of these treaties from the 16th century onwards.

In the second chapter the “system of protégés” is analyzed, focusing in particular on the many figures involved in this system and on the sale of the *berats*. Of particular interest is the clarification of the costs and profits coming from the sale of these letters patent. Van den Boogert’s description proves that, when we talk about the sale of the *berats*, we are not referring to isolated cases that occurred in some specific areas, but to a well-established and widespread system. Precisely in the period taken under consideration by the author there was a sharp increase in the sale of these certificates, whose acquisition was revealed to be very profitable, gaining forms of protection and tax exemptions.

The third chapter re-examines the highly negative perception of the taxes known as *avania*. This word appears frequently in the Western diplomatic correspondence and travel diaries of the seventeenth and eighteenth centuries, and has also found its way into modern historiography. No standard definition of this word exists, but it is commonly understood as a synonym for “extortion”.

The fourth, fifth and sixth chapters describe specific, well-documented cases of concrete application of the capitulations.

The fourth chapter describes what happened when a dragoman or a *beratli* died and how his property was split.

The fifth chapter regards the bankruptcy proceedings, reporting four situations involving warehousemen in European service in Aleppo in 1763. Once the parties involved have been portrayed to the reader, the following pages analyze the legal strategies adopted, such as negotiating with the involved consulate or appealing to the local Ottoman authorities. The sixth and final chapter takes in exam specific cases of theft disputes involving some protégés. In the chapter is underlined the importance of the role played by Islamic courts and Muslim magistrates, the *qadis*.

Van den Boogert’s book, therefore, offers a different view of the impact that the capitulations had on the sovereignty exercised by the Sublime Porte in its own territory. Its reading is essential for a full understanding

of a complex reality such as the Ottoman Empire's relations with the European states.

Giovanni Cassano

PhD Student in History and Cultures of Europe (Sapienza University, Rome)

ORCID ID: 0000-0003-4432-2063

giovanni.cassano@uniroma1.it