The Capitulatory Sea: Extraterritorial Relations in the Mediterranean, 996-1937

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Abstract

This thesis offers a new, interdisciplinary history of Mediterranean extraterritoriality, which allowed European merchant-nations to live according to their own laws (under consular jurisdiction) within Islamicate port-cities. Regulated by a body of charters or treaties known as the *ahdnames,* or the capitulations, I argue that the historiography of Mediterranean extraterritoriality has been distorted by its cooption and stigmatisation during the long nineteenth century, which helped to globalise the modern ideology of territorial sovereignty: the notion that sovereignty ought to be absolute, exclusive, and fixed within linear borders. Extraterritoriality, by the mid-nineteenth century, was an expression of western imperialism that designated the 'semi-civilised' status of Oriental polities, and scholarly representations of extraterritoriality still tend to see it through this lens; consular jurisdiction, no matter the period, is identified with western agency and the negation of local sovereignty. Contributing to a growing literature on multi-jurisdictional orders and interpolity zones, I show that capitulatory extraterritoriality originated in a very different context, owing as much, at first, to local state power as it did to merchant-capitalism. In tracing Mediterranean extraterritoriality back to its medieval origins, the thesis simultaneously develops a spatial-historical method for global IR, using a particular kind of building – the *funduq,* or *fondaco,* in which Latinate merchants were confined – to tell a much wider story about the global evolution of political sovereignty, commercial capitalism, and the modern international system.

On the one hand, then, the thesis reconstructs the capitulatory system as an interpolity order in its own right – one which helps to provincialise Westphalia and denaturalise territorial sovereignty. Contrapuntally, however, it shows how European polities were able to co-opt and Orientalise the capitulations, narrating the modernity of territorial sovereignty against the 'anachronism' of capitulatory extraterritoriality. Drawing together historical sociology, diplomatic historiography, intellectual history, architecture, the history of quarantine, and the history of international law, this is the most wide-ranging account of Mediterranean extraterritoriality since its abolition in the early twentieth century.

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One Thousand Years of Mediterranean Extraterritoriality

> What is found at the historical beginning of things is not the inviolable identity of their origin; it is the dissension of other things.
>
> Michel Foucault, 'Nietzsche, Genealogy, History'

In 996 CE, the Fatimid caliph al-'Aziz ordered the construction of a fleet in Fustat, the old Egyptian capital, in response to the latest Byzantine campaign in Syria; the Eastern Roman Empire was then at the height of its medieval resurgence. According to both the Fatimid official Al-Musabbihi and the Melkite physician Yahya of Antioch, a date was set for the fleet's launch into the Nile – only for a fire to burn through the ships that morning. The fleet's Berber soldiers and the people of Fustat thought it sabotage, and turned on what seems to have been a nearby Amalfitan trading quarter.[1] There is some confusion in the Fatimid sources, as there probably was on the ground, as to the identity of these Christian merchants: al-Musabbihi described the Amalfitans as *Rûm* [Romans], while Melkite and Nestorian churches were also pillaged before the Coptic Christian vizier could intervene. In any case, it seems that at least one hundred merchants were dead by the time that the riots were over.[2]

This is the kind of massacre which European diplomats, jurists and historians long considered typical of "the Orient", where life, liberty, and property were presumed to be perpetually at risk. Surveying the episode from the mid-twentieth century, the Marxist Orientalist Claude Cahen took a different tack, less interested in the violence itself than what it uncovered: first, the existence of a substantial Amalfitan presence in late-tenth-century Fustat; and second, the value of those Amalfitans to the Fatimid

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[1] The merchants lived with their goods in the Dar al-Manak, a customs station that dealt in flax and spices. See Goitein, S. D. (1983). *A Mediterranean Society: The Jewish Communities of the Arab World as Portrayed in the Documents of the Cairo Geniza, Vol. IV: Daily Life*. University of California Press, 23; and Bramoullé, D. (2019). *Les Fatimides et la mer (909-1171)*. Brill, 373-378.

[2] Cahen, C. (1953). Un texte peu connu relatif au commerce oriental d'Amalfi au Xe siècle. *Archivo Storico per La Province Napoletane*, *34*, 1–8, 4. Yahya of Antioch put the death toll as high as 160. Byzantium's historic suzerainty over Amalfi partly explains the confusion between Amalfitans and 'Romans': the Byzantine historian Niketas Choniates (d. 1217) described the Amalfitans as "nurtured in Roman customs" long after the Italian port had gained its independence. See Choniates, N. (1984). *O City of Byzantium: Annals of Niketas Choniatēs*. Wayne State University Press, 302.

administration. Ironically, the caliphate depended on maritime commerce in order to make its ships and weapons: Egypt was "cruelly lacking" in ship-building timber and iron, as Cahen put it, and this was probably what the Italians provided.[3] At any rate, the government seems to have taken their mistreatment seriously. Publicly executing the rioters, the vizier restored as much property as he could to the surviving merchants.[4]

Beacons of late antiquity, both Amalfi and Fustat soon faded. But Italian merchants continued to trade in North Africa and the Levant throughout the Crusades, living extraterritorially – that is, according to their own laws – in self-contained '*fondacos*' provided, guarded, and surveilled by the local authorities. Security seems to have been bolstered too, for massacres of this kind – in the Muslim Mediterranean, at least – became remarkably rare. Trading diasporas gave way to thalassocracies, and a special kind of treaty began to formalise the commercial relationship between Islamic sovereigns and Latin city-states, represented overseas by consuls. These treaties became known as *ahdnames,* or capitulations, and they regulated – among other things – the extraterritorial rights conceded to Christian merchant-nations within Islamicate port-cities.[5] This system structured interpolity relations in the Mediterranean for about a millennium. It was, in many ways, unrecognisable by the time that the capitulations were abolished in Turkey and Egypt – in 1923 and 1937 respectively. Its history nevertheless forms a coherent whole. This thesis synthesises some of that history – typically partitioned between medievalists, Ottomanists, and imperial historians – while offering an extraterritorial account of the European states-

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[3] Cahen, C. (1977). Le commerce d'Amalfi dans le Proche-Orient musulman avant et après la Croisade. *Comptes rendus des séances de l'Académie des Inscriptions et Belles-Lettres*, *121*(2), 291–301, 292. The Fatimid navy did not yet depend on Italian timber imports as it would during the crusades, when it was deprived of its forests in Ifriqiya, Sicily, and the Levant. All the same, Yahya of Antioch reported that wood had to be stripped from buildings in order to build another fleet: Al-Anṭākī, Y. (1924). *Histoire de Yahya ibn Sa'id d'Antioche*. Firmin-Didot, 447-48.

[4] Cahen, Le commerce d'Amalfi, 292.

[5] 'Islamicate' is Marshall Hodgson's widely-adopted term for the Perso-Arabic social and cultural complex historically associated with, *but not limited to*, Islam and Muslims; non-Muslims also participated in the artistic, architectural, and literary forms of Islamicate society. See Hodgson, M. G. S. (1974). *The Venture of Islam: Conscience and History in a World Civilization* (Vol. 1). University of Chicago Press, 59-60.

system. That system, it argues, developed in a complex symbiosis with the Mediterranean capitulations, which has been obscured by the latter's nineteenth-century reputation as the Oriental antithesis of international modernity.

Orientalism, Anachronism, and the Historiography of Extraterritoriality

In the historical study of international relations, extraterritoriality is usually seen as an adjunct or auxiliary of territoriality: a concept that could have emerged only after, or alongside, the modern notion of territory. Ambassadors and their embassies thus became 'extraterritorial' in early modern Europe as jurists struggled to reconcile exclusive territorial authority with the immunities required for diplomatic interaction:

> As [ambassadors] are supposed to be the very Persons whom they represent … so may they by the same kind of Fiction be imagined to be out of the Territories of the Potentate, to whom they are sent [*fictione simili constituerentur quasi extra-territorium.*] Hence it is, that they are not subject to the Laws of the Country, where they reside.[6]

Glossed by the authority of Hugo Grotius, this conception of ambassadorial extraterritoriality has long been associated with the development of the 'Westphalian' states-system. If this system was premised on the mutual recognition of territorial sovereignty, extraterritorial embassies were as literal an instantiation of this as modern borders. If diplomacy was one of international society's fundamental institutions, extraterritorial embassies both symbolised and enabled permanent diplomacy. And if *cuius regio, eius religio* ("whose realm, their religion") was the most important principle of 'Westphalian' sovereignty, the gradual tolerance of embassy chapels, in particular, was a crucial expression of this norm, a recognition that other religions could be practised in other realms – even if those realms were contained, extraterritorially, within yours. Jurists gradually stopped keeping up the fiction of ambassadorial extraterritoriality over the nineteenth and twentieth centuries, and it

[6] Grotius, H. (1715). *Of the Rights of War and Peace* (Vol. 2). D. Brown, T. Ward & W. Meares, 408.

no longer has any foundation in international law (the 1961 Vienna Convention on Diplomatic Relations is based on "diplomatic immunity" and "functional necessity" instead). But diplomatic extraterritoriality continues to play an important role in narratives about the development of the European states-system, not least because of John Ruggie's stress on extraterritoriality in a seminal article on modernity, heteronomy, and the "unbundling" of territoriality.[7]

In one setting, then, extraterritoriality is associated with resident ambassadors, reciprocal diplomacy, Westphalian sovereignty, and European civilisation. In a different setting, however, extraterritoriality is associated with Oriental despotism, unilateralism, semi-sovereignty, and semi-civilisation. This is the extraterritoriality of gunboat diplomacy and unequal treaties – the eighteenth-, nineteenth-, and twentieth-century extraterritoriality of legal imperialism or semi-colonialism.[8] Applicable not only to ambassadors but to entire communities under the 'protection' of European consuls, this kind of extraterritoriality was imposed on polities – the Ottoman Empire was the archetype[9] – supposedly unable to meet certain standards of civilisation. Respect for diplomatic immunity, in fact, was just such a standard: the Ottoman practice of taking ambassadors hostage during wartime was taken to disqualify the Ottoman Empire from membership in the family of civilised nations.[10] Internal territorial sovereignty became another such benchmark. By the mid-nineteenth century, international lawyers could deny the Ottoman Empire sovereign status because it lacked sovereignty over its extraterritorial populations, circularly justifying that extraterritoriality on the basis that the Ottoman Empire lacked

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[7] Ruggie, J. G. (1993). Territoriality and Beyond: Problematizing Modernity in International Relations. *International Organization*, *47*(1), 139–174.

[8] Osterhammel, J. (1986). Semi-Colonialism and Informal Empire in Twentieth-Century China: Towards a Framework of Analysis. In W. J. Mommsen & J. Osterhammel (Eds.), *Imperialism and After: Continuities and Discontinuities*. Allen & Unwin.

[9] Özsu, U. (2016). The Ottoman Empire, the Origins of Extraterritoriality, and International Legal Theory. In A. Orford & F. Hoffmann (Eds.), *The Oxford Handbook of the Theory of International Law* (pp. 123–137). Oxford University Press. See also Horowitz, R. S. (2004). International Law and State Transformation in China, Siam, and the Ottoman Empire during the Nineteenth Century. *Journal of World History*, *15*(4), 445–486.

[10] For an early expression of this trope, see Rycaut, P. (1670). *The Present State of the Ottoman Empire* (3rd ed.). John Starkey & Henry Brome, 86. ("it is apparent by their treatment and usage towards them … that they have no esteem of the Law of Nations")

sovereign status. As a remnant of an ancient or medieval period, in the words of Travers Twiss, "when race or nationality rather than territory was the basis of a community of law",[11] the continued existence of extraterritoriality – by now viewed as a legal atavism – corresponded to the notion that "the Orient" was a legally archaic zone. Nineteenth-century Orientalists, in the words of Edward Said, all kept intact "the separateness of the Orient, its eccentricity, its backwardness, its silent indifference, its feminine penetrability, its supine malleability."[12] The literature of international law was no exception. And extraterritoriality, more than any other concept, was used to mark out the Orient as a distinct international legal space.[13]

The eighteenth and nineteenth centuries, then, saw a breach in the practice and historiography of extraterritoriality – a breach sustained and legitimised by Orientalism. The 'capitulatory' system, as one jurist put it in an introduction to Wheaton's *Elements of International Law,* was that which distinguished "the international code of the Asiatic family of nations, to which the Turks properly belong, from the European."[14] The notion of Oriental despotism associated the sultan with absolute power over property and inheritance in his empire; it was thought unimaginable that foreign merchants could be left at the mercy of his arbitrary will. Extraterritorial jurisdiction was thus essential for "civilised foreigners" in the semi-civilised world, even if it created a space of internal "anarchy" analogous, in the eyes of some, to *terra nullius*: after one diplomatic episode between American and Austrian ships in Izmir in 1853, the U.S. Secretary of State argued that all parties were "in the same condition at Smyrna … as they would have been in if it had occurred … in some unappropriated region, lying far beyond the confines of any sovereign State whatever."[15] If extraterritoriality had once been seen as a necessary

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[11] Twiss, T. (1884). *The Law of Nations Considered as Independent Political Communities* (2nd ed.). Clarendon Press, 444.

[12] Said, E. W. (2003). *Orientalism*. Penguin, 206.

[13] Ruskola, T. (2013). *Legal Orientalism: China, the United States, and Modern Law*. Harvard University Press.

[14] Lawrence, W. B. (1855). Introductory Remarks by the Editor. In H. Wheaton, *Elements of International Law* (6th ed., pp. xiii–clxxxiv). Little, Brown & Co., clxxvii.

[15] Cited in Lawrence, Introductory Remarks, p.clxxvii-iii.

corollary of territorial sovereignty in Western Europe, it had come to represent its negation in the eastern Mediterranean. The capitulations, or *ahdnames* – the Ottoman diplomatics that granted Europeans their extraterritorial privileges – had become the antithesis of a modern legal system.

Importantly, it was not just western apologists for extraterritorial imperialism who framed it as such. If those defending the system saw it as an anachronism fitting for the Orient, critics repurposed the language of anachronism to argue that this system had no place in the modern world. The Chinese scholar Shih Shun Liu echoed Travers Twiss, for instance, in seeing extraterritoriality as a survival of the ancient and medieval theory of the personality of the laws – it had been entirely natural when "racial consanguinity was treated as the sole basis of amenability to law" – but saw it by 1925 as a "decadent institution" doomed to decay.[16] The Ottoman delegate at the Lausanne Conference (1923) noted that the capitulations were not originally incompatible with state sovereignty, but that they were contrary to the modern system of international law, which had replaced the system of "personal" law with a "territorial" one: "the capitulations in our day form … an anomaly and an anachronism".[17] Perhaps recognising that the unequal capitulations were just as much a part of modernity as indivisible, territorial sovereignty, one Lebanese observer, Habib Abi-Chahla, opened his critique of the capitulations by putting their "anachronistic" character into punctuation marks: "I have always been struck by the exceptional, "anachronistic" character of the privileges and immunities enjoyed by foreigners in the Orient, both from a practical and psychological perspective…"[18] Most of these critics, however, attempted to delegitimise extraterritoriality as a modern legal system. In its origins, as one professor at the University of Istanbul put

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[16] Liu, S. S. (1925). *Extraterritoriality: Its Rise and Decline*. Columbia University, 28, 235.

[17] Cited in Özsu, U. (2015). *Formalizing Displacement: International Law and Population Transfers*. Oxford University Press, 89.

[18] Abi-Chahla, H. (1924). *L'Extinction des Capitulations En Turquie et dans les Régions Arabes.* Picart, 5. ("J'ai été toujours frappé du caractère exceptionnel, « anachronique », soit au point de vue pratique, soit au point de vue psychologique, des privilèges et immunités dont jouissent les étrangers en Orient.")

it, the capitulations had "instituted a regime diametrically opposed to the fundamental principles of modern public international law".[19]

After the end of capitulatory extraterritoriality, then, few argued for its significance in the making of the modern world; publicly renounced by the Soviet Union, it was also cast aside by the United States.[20] Significantly, the most prominent treatment of extraterritoriality within IR, Turan Kayaoğlu's *Legal Imperialism*, is a study of its *abolition* in Japan, Turkey, and China, achieved in 1899, 1923, and 1943 respectively as these states standardised and 'modernised' their legal systems.[21] As long as their governments facilitated the process of capital accumulation – as long as they met a certain 'standard of civilisation' with regard to the protection of foreigners' property rights – the architects of the modern international order were prepared to grant these states formal territorial sovereignty, relinquishing the extraterritorial privileges that their foreigners had previously enjoyed in the "semi-civilised" world.[22] Extraterritorial western courts, it was found, were no longer required to make this world safe for business: national bourgeoisies were instead bound to capital by new kinds of financial discipline, orchestrated by new kinds of multilateral governance and underpinned, at least in theory, by the rule of law. "American imperialism", as a prominent *Fortune* editorial put it in 1942, "does not need extra-territoriality … the

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[19] Rechid, A. (1933). La condition des étrangers dans la République de Turquie. In *Recueil Des Cours* (Vol. 4, pp. 167–230). Librairie du Recueil Sirey, 172. ("Instituant un régime diamétralement opposé aux principes fondamenteaux du droit public international moderne…")

[20] In July 1919, the Bolshevik 'Karakhan Manifesto' promised to abolish Soviet extraterritoriality in China, publicly conceding what the capitalist powers had withheld from the Chinese delegation at Versailles; in secret, the USSR and China continued to wrangle over extraterritorial concessions like the Chinese Eastern Railway, while Soviet advisors enjoyed special immunities in the PRC throughout the 1950s. For a brief (albeit prejudiced) account see Elleman, B. A. (1995). The End of Extraterritoriality in China: The Case of the Soviet Union, 1917-1960. *Republican China*, *21*(2), 65–89.

[21] Kayaoğlu, T. (2010). *Legal Imperialism: Sovereignty and Extraterritoriality in Japan, the Ottoman Empire, and China*. Cambridge University Press.

[22] The classic account is by Gong, G. W. (1984). *The Standard of 'Civilization' in International Society*. Clarendon Press. For excellent recent treatments see Becker Lorca, A. (2014). *Mestizo International Law: A Global Intellectual History, 1842-1933*. Cambridge: University Press; Tzouvala, N. (2020). *Capitalism as Civilisation: A History of International Law*. Cambridge University Press.

U.S. can believe in Asia-for-the-Asiatics too."[23] Why, then, does extraterritoriality merit further study, a century after this kind of jurisdiction was formally withdrawn from most of the non-western world?

First, extraterritoriality is, in fact, still with us, in both new and old forms. If the average European citizen no longer carries their law with them when they travel abroad, American soldiers on overseas military bases still enjoy a kind of extraterritoriality thanks to status of forces agreements (SOFAs) negotiated with host countries.[24] If embassies, technically speaking, are no longer extraterritorial – the language remains too tainted – the diplomatic immunities licensed by "functional necessity" often amount to much the same thing. And if states today are committed to the fiction of their absolute territorial sovereignty, they exercise this sovereignty by making constant exceptions to it: quasi-extraterritorial *zones* have proliferated widely since Deng Xiaoping established the first four SEZs (special economic zones) in China in 1979.[25] While the extension of one national jurisdiction into another has remained widely stigmatised since the abolition of the capitulations, the suspension of rules within "regulatory and legal bubble-domes" has become an increasingly prominent developmental strategy in the neoliberal age.[26] And though the United States no longer exercises consular jurisdiction abroad, American judges have pioneered a new kind of "effects-based" extraterritoriality in the sphere of antitrust law: a state can claim extraterritorial jurisdiction over foreign conduct, according to this doctrine, if that conduct produces harmful effects within its territory; the limits of such jurisdiction are the (decidedly extraterritorial) limits of the "national economy".[27] More generally, the language of extraterritoriality has been deployed to

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[23] 'An American Proposal,' *Fortune,* May 1942. Cited in Panitch, L., & Gindin, S. (2012). *The Making of Global Capitalism: The Political Economy of American Empire*. Verso, 67-68.

[24] Raustiala, K. (2009). *Does the Constitution Follow the Flag? The Evolution of Territoriality in American Law*. Oxford University Press.

[25] Slobodian, Q. (2023). *Crack-Up Capitalism: Market Radicals and the Dream of a World Without Democracy*. Allen Lane; Ong, A. (2006). *Neoliberalism as Exception: Mutations in Citizenship and Sovereignty*. Duke University Press.

[26] Davis, M. (2006). Fear and Money in Dubai. *New Left Review*, *41*, 47–68, 63.

[27] Irani, F. (2020). Beyond De Jure and De Facto Boundaries: Tracing the Imperial Geographies of US Law. *European Journal of International Relations*, *26*(2), 397–418.

describe "the process by which contemporary political space was shattered";[28] it has been used to describe everything from CIA black sites and refugee camps to human rights obligations and Eurodollar markets.[29] This conjuncture demands a deeper historical study of extraterritoriality – whether it reveals continuities or discontinuities with the present.

Second, consular extraterritoriality constitutes an important pattern of international order in its own right – one that broadly mapped onto what nineteenth-century international lawyers called the "semi-civilised" world (Turkey, Egypt, Persia, China, Japan, and Siam). As such, it problematises conceptions of the international system premised on a binary schism between the civilised (European) and the non-civilised (non-European) world, suggesting a tripartite or gradated civilisational model instead (see fig. 0.1).[30] Towards the end of its life, to be sure, the space for this intermediate, semi-civilised category of international law seemed to rapidly contract. For the Social Darwinist there were only 'forward' and 'backward' nations: peoples fit for conquest and peoples destined for (slower or faster rates of) extinction.[31] During China's "century of humiliation", meanwhile, its status as a public colony seemed only to crystallise the inter-imperial solidarity of the west; for Sun Yat-Sen, China's position as the extraterritorial colony of *all* western powers made it a "hypo-colony", even more "degraded" than protectorates and colonies like Annam and

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[28] Franke, A., & Weizman, E. (2003). Islands: The Geography of Extraterritoriality. *Archis*, 6.

[29] Wilde, R. (2005). Legal 'Black Hole'? Extraterritorial State Action and International Treaty Law on Civil and Political Rights. *Michigan Journal of International Law*, *26*(3), 739–806; Mbembé, A. (2000). At the Edge of the World: Boundaries, Territoriality, and Sovereignty in Africa. *Public Culture*, *12*(1), 259–284, 270; Hathaway, O. A. *et al*. (2011). Human Rights Abroad: When Do Human Rights Treaty Obligations Apply Extraterritorially? *Arizona State Law Journal*, *43*, 389–426; Ogle, V. (2017). Archipelago Capitalism: Tax Havens, Offshore Money, and the State, 1950s–1970s. *The American Historical Review*, *122*(5), 1431–1458, 1447.

[30] Along with the League of Nations mandate system, James Lorimer's tripartite schema of peoples is perhaps the most well-known model today: see Lorimer, J. (1884). *The Institutes of the Law of Nations: A Treatise of the Jural Relations of Separate Political Communities*. W. Blackwood and Sons.

[31] For this 'standard of nature' in intellectual history see Butcher, C. E. (2022). *Darwinism in Global International Thought, c. 1859-1914* [DPhil]. University of Oxford.

Korea.[32] Extraterritoriality took on a new cast in the late nineteenth century in combination with scientific racism, 'spheres of influence', and novel forms of economic imperialism, while it coexisted in Egypt – in the unusual form of the Mixed Courts – with *de facto* British rule. In these circumstances, extraterritoriality might well have seemed like yet another instrument of the global colour line, sharpening the contrast between "the darker" and "the lighter" races of men.[33]

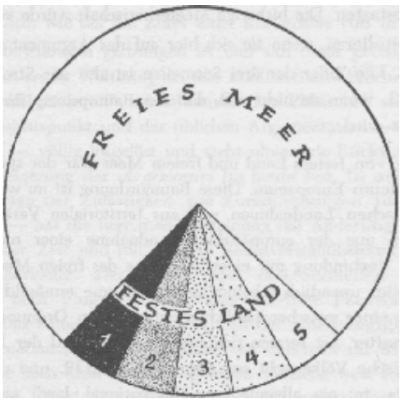


Fig. 0.1. 'Free Sea' and 'Firm Land': A Global Diagram of the *Jus Publicum Europaeum* in Carl Schmitt's *Nomos of the Earth.* There are five different shades of land: (1) "state territory", (2) "colonies", (3) "protectorates", (4) "exotic countries with European extraterritoriality", and (5) "free occupiable land". Suggestively, (4) is the last "soil status" with any kind of pattern before the blank, white space of *terra nullius* and the sea.

The rationale for extraterritorial imperialism, however, was always distinct from, say, the doctrine of settler colonialism, which was premised on the supposedly uninhabited or uncultivated nature of the territory in question. The "Orient" could not be depicted as a prepolitical state of nature: the most common justification for extraterritorial jurisdiction, after all, was that Asiatic *laws* were too unfamiliar or 'despotic' for the westerner to be subjected to them. This different genealogy did not, of course, prevent the capitulations from becoming a vector for racialised violence:

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[32] Yat-sen, S. (1927). *San Min Chu I: The Three Principles of the People* (F. W. Price, Trans.). China Committee, Institute of Pacific Relations, 38-39.

[33] On the "color line" in international relations see Du Bois, W. E. B. (2022). Worlds of Color (1925). In A. Getachew & J. Pitts (Eds.), *International Thought* (pp. 66–90). Cambridge University Press; see also Anievas, A., Manchanda, N., & Shilliam, R. (Eds.). (2014). *Race and Racism in International Relations: Confronting the Global Colour Line*. Routledge.

by the end of the nineteenth century it was common for western consulates to unilaterally acquit their citizens for the murder of Turkish subjects.[34] But extraterritorial imperialism lent itself to a particular kind of ideological work – the ideology of Oriental despotism and Christian/Muslim "immiscibility" – and it produced its own, distinctly international dynamic. The *multiplicity* of powers in one territory, above all, made extraterritorial systems an important laboratory for 'multilateral' experiments in international government, from the Ottoman Public Debt Administration to municipal sanitary councils – the subject of the penultimate chapter.

The capitulations themselves, meanwhile, were a written testament to a longstanding diplomatic and legal culture – one that even nineteenth-century international lawyers could not easily disregard. The study of extraterritoriality, then, illuminates an intermediate category of imperial ordering too often collapsed into other kinds of colonisation – even by such a student of Orientalism as Edward Said.[35] Just as importantly, however, capitulatory extraterritoriality predates modern imperialism (and modern Orientalism) by centuries. In the Mediterranean, in fact, capitulatory extraterritoriality constituted a relatively coherent pattern of international order for around a thousand years. For most of this period, Islamic polities shaped the capitulations as much, if not more than, the polities of Latin Christendom. The study of Mediterranean extraterritoriality, then, also contributes to a growing literature in

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[34] Kamay, B. (2021). The Ottoman Empire, the United States, and the Legal Battle over Extradition: The "Kelly Affair". *New Perspectives on Turkey*, *65*, 78–99.

[35] Discussing the supposedly binary division between "European-Aryan" and "Oriental-African" peoples in the late nineteenth century, Said cites John Westlake's case for annexing or occupying the "uncivilised" regions of the earth in *Chapters on the Principles of International Law* (1894). Said, *Orientalism,* 206-07. In reality, Westlake treats the Orient as an intermediate civilisational zone: discussing extraterritorial jurisdiction, he writes that Turkey, Persia, Japan, China, and Siam "must be recognised as being civilised, though with other civilisations than ours." Westlake, J. (1894). *Chapters on the Principles of International Law*. Cambridge University Press, 102. Zionism was rather exceptional in treating Palestine as "a land without a people", combining Orientalist tropes with the genocidal logic of settler-colonialism; Said's elision here makes more sense when we recall the centrality of Palestine to his work.

global historical IR that seeks to provincialise or denaturalise the European states-system, pointing towards other possible models of inter-polity relations.[36]



Fig. 0.2. *View of Smyrna and the Reception Given to Consul de Hochepied* (1657-1723) in the Council Chamber, anonymous, c. 1688 - 1723. The Dutch consul sits as he talks with the *kadi* and his advisors. Three dragomans stand beside him, a crowd of Dutch merchants behind. The consul's janissaries (*yasakçis*) guard the door outside, while the *kadi*'s servants bring in sweetmeats, coffee, and perfume.

This raises a third reason to study extraterritoriality, however, and Mediterranean extraterritoriality in particular: its long and dialectical co-evolution with the territorial states-system, both in practice and in thought. There is nothing particularly unusual about merchants living and worshipping in their own legal enclaves. As many of the first obituaries of extraterritoriality noted, the origins of this system seemed to reach back far into antiquity: extraterritorial status in this sense was "nothing but a legacy of the undefined or, at best, vaguely defined status of the alien in the ancient world, and a survival of the medieval theory of the personality of laws,

[36] Zarakol, A. (2022). *Before the West: The Rise and Fall of Eastern World Orders*. Cambridge University Press; Spruyt, H. (2020). *The World Imagined: Collective Beliefs and Political Order in the Sinocentric, Islamic and Southeast Asian International Societies*. Cambridge University Press.

which was once prevalent everywhere in Europe."[37] The Greeks were allowed a semi-autonomous settlement, Naukratis, in ancient Egypt; the Tang dynasty allowed Islamic merchant-quarters in cities like Guangzhou, appointing a Muslim chief to police the zone and its commerce.[38] What set the capitulatory system apart, however, was its particularly close relationship to the evolution of territorial sovereignty in Europe, from the territorial autonomy of Italian city-states to the nineteenth-century fetish for exclusive territoriality. This is not just to say that extraterritoriality was a counter-concept against which territorial sovereignty was defined (though it certainly was that, particularly during the long nineteenth century). It also means that some of the most important features of the "territorial" states-system – resident diplomacy among them – have *extraterritorial* origins in Mediterranean port-cities. Political modernity is arguably defined by interstate competition for mobile capital; the first half of the thesis culminates with the claim that this equation began to crystallise first in the late medieval Mediterranean.

This is not, of course, the only story one could tell about the development of territoriality, which recent studies have illuminated from a number of different angles. Jordan Branch, for instance, has argued that new cartographic techniques – first applied to the abstract, ostensibly empty space of the Americas – cultivated a new conception of territorial space and sovereignty in the early modern period, only fully consolidated in Europe with the post-Napoleonic settlement.[39] Kerry Goettlich, in a similar vein, has stressed the significance of boundary disputes and property surveying in the Thirteen Colonies, while arguing that precisely demarcated, linear borders were only globalised (by inter-imperial border commissions) in the late nineteenth century.[40] Charles Maier's sweeping history of territory takes in

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[37] Liu, *Extraterritoriality,* 229. See also Kassan, S. (1935). Extraterritorial Jurisdiction in the Ancient World. *American Journal of International Law*, *29*(2), 237–247.

[38] Chaffee, J. W. (2018). *The Muslim Merchants of Premodern China: The History of a Maritime Asian Trade Diaspora, 750-1400*. Cambridge University Press, 35.

[39] Branch, J. (2014). *The Cartographic State: Maps, Territory and the Origins of Sovereignty*. Cambridge University Press.

[40] Goettlich, K. (2022). The Colonial Origins of Modern Territoriality: Property Surveying in the Thirteen Colonies. *American Political Science Review*, *116*(3), 911–926; Goettlich, K. (2019). The Rise of Linear Borders in World Politics. *European Journal Of International Relations*, *25*(1), 203-228.

everything from Renaissance fortress architecture and the railway to the cadastral survey and the physiocratic discourse of land development; by the closure of the American frontier in the late nineteenth century, he stresses, territory had become "an almost fetishised measure of state success."[41] Stuart Elden's intellectual history, finally, moves from Greek myths of autochthony and Roman etymologies of *territorium* – named, some jurists suggested, after the magistrate's right to terrify [*terrere*] – to its redefinition under the postglossators as the object of political rule. The word only acquired its full modern meaning, as he tells it, under Leibniz, who identified sovereignty with territorial mastery.[42] These genealogies, in other words, suggest that 'territory' is a contingent conjunction of ideas, practices, and technologies: precise, linear borders emerged separately from the idea of territorial sovereignty, which emerged separately from nationalism, and so on; all of these developments have *combined* to give territory its modern significance. It is important not to overstate the historical specificity of territoriality in general, making it out to be a purely European phenomenon. If, as an ideal-type, territorial rule applies authority to people and things "based on *where* they are rather than by *who* or *what* they are", it is difficult to find an entirely non-territorial form of rule: even universal, dynastic, and ethnic claims to authority have to find some form of spatial expression.[43] There are thinner and thicker versions of territory, however, and this literature reminds us not to conflate them: "even when rule is territorial and fixed", as Agnew put it in a landmark article, "territory does not necessarily entail the practices of total mutual exclusion which the dominant understanding of the territorial state attributes to it."[44]

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[41] Maier, C. S. (2016). *Once Within Borders: Territories of Power, Wealth, and Belonging since 1500*. Harvard University Press, 11.

[42] Elden, S. (2013). *The Birth of Territory*. The University of Chicago Press.

[43] Goettlich, Linear Borders, 208.

[44] Agnew, J. (1994). The Territorial Trap: The Geographical Assumptions of International Relations Theory. *Review of International Political Economy*, *1*(1), 53–80, 54. For demarcated borders and mutual exclusion outside of Europe, see Mukoyama, N. (2023). The Eastern Cousins of European Sovereign States? The Development of Linear Borders in Early Modern Japan. *European Journal of International Relations*, *29*(2), 255–282.

My aim, then, is not to replace these accounts of territory or territorial sovereignty, to say nothing of Marxist accounts which posit a structural affinity between capitalism and the territorial states-system.[45] My aim is simply to show that the influence between territory and extraterritoriality goes both ways – that the territorial states-system and the Mediterranean capitulations reciprocally shaped one another over one thousand years of close interaction. It is also to understand *why* this mutual influence has been so neglected, which cannot be understood without following the capitulations into the early twentieth century. The core of the genealogical method, according to Nietzsche, is that "the origin of the emergence of a thing and its ultimate usefulness, its practical application and incorporation into a system of ends, are *toto coelo* separate…" New meanings and functions are continually inserted into pre-existing forms, which are thus transformed beyond recognition: "anything in existence, having somehow come about, is continually interpreted anew, requisitioned anew, transformed and redirected to a new purpose".[46] And this process of co-option and reinterpretation turns out to be particularly central to a proper understanding of extraterritoriality, which European states were ultimately able to transform into a one-sided tool of legal imperialism. They justified the transformation, as Charles Alexandrowicz has put it, on the basis "that the East lacked legal institutions protecting foreigners in a manner consistent with the requirements of civilisation".[47] In the process, they buried the overwhelming evidence that the capitulations had done just that, affording Christian foreigners far more rights and immunities than Muslim foreigners had received in Christendom. The co-option of the capitulatory system, in other words, entailed the systematic repression of its history – and the disavowal of any prior relations between 'Orient' and 'Occident'.

This repression was closely related to the discourse of Oriental despotism, which made it difficult for international theorists to accept that Muslim sovereigns had

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[45] Marxists disagree as to whether this relationship is contingent or necessary: for the contours of the debate see Anievas, A. (Ed.). (2010). *Marxism and World Politics: Contesting Global Capitalism*. Routledge.

[46] Nietzsche, F. W. (2017). *On the Genealogy of Morality*. Cambridge University Press, 51.

[47] Alexandrowicz, C. H. (1967). *An Introduction to the History of the Law of Nations in the East Indies*. Clarendon Press, 97.

willingly safeguarded Christian property rights while surrendering a part of their own jurisdiction. To the extent that this was acknowledged, meanwhile, a related set of assumptions screened it from "international" significance: reciprocity was supposed to be the main driver of international progress, according to this model, which tended teleologically towards the mutual recognition of territorial sovereignties. The growth of diplomatic immunity in Europe suited this whiggish model of change; the unilateral capitulations did not.[48] One possible response to this is to insist, as Alexandrowicz did, on the reciprocal, equal dimensions of many capitulatory treaties.[49] But many aspects of Mediterranean extraterritoriality *were* asymmetrical. The architecture, treaties, and safe-conducts of the capitulatory system *were* provided unilaterally by Muslim sovereigns, and European merchant-nations were to some extent incorporated *into* their "universalising", world-ordering arrangements. Following Ayşe Zarakol and Hendrik Spruyt among others, then, I want to bring such arrangements back into the history of 'international' or 'interpolity' relations. The name of our discipline, however, continues to betray the problem at hand: if the Eurocentric baggage of the 'nation' (and, for that matter, the *polis*) is well-known, the separateness (and even horizontality) implied by the 'inter-' arguably constitutes an even more freighted and fundamental assumption about the ontology of global politics.[50]

Thesis Outline

Anti-Eurocentric approaches to the international states-system have taken two distinct directions in recent years: **chapter one** begins with this tension. One approach (favoured by intellectual and legal historians) explores the ways in which the territorial states-system has been *constituted* by its exclusion of non-European

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[48] See, e.g. Frey, L., & Frey, M. (1999). *The History of Diplomatic Immunity*. Ohio State University Press.

[49] e.g. Alexandrowicz, C. (2017). *The Law of Nations in Global History* (D. Armitage & J. Pitts, Eds.). Oxford University Press, 236, 239, 268.

[50] For an analogous critique of "essentialism" – "the notion that the world is constituted by pre-formed, fixed, internally coherent, and bounded social forms" – in global IR, see Barnett, M., & Zarakol, A. (2023). Global International Relations and the Essentialism Trap. *International Theory*, *15*(3), 428–444.

agents. Another approach (favoured by international historical sociologists) attempts to provincialise this system by reconstructing other, non-European patterns of global order. While not entirely reconciling the two, this thesis is influenced by both approaches. If the Mediterranean capitulatory system is worth recovering in its own right, in other words, it also counterpointed the formation of a territorial states-system in Europe. One institution, in particular, distinguished the latter: reciprocal resident diplomacy. This has traditionally been seen as a spontaneous Italian invention, and there can be no doubt as to its Eurocentric effects – it created the permanent diplomatic class, after all, who would fashion and instantiate the idea of a specifically European states-system. Developing a contrapuntal reading of Garrett Mattingly's *Renaissance Diplomacy,* I argue that this apparatus nevertheless did not develop – as the orthodox theory has it – because of Italian isolation. If resident diplomacy developed in Renaissance Italy, I suggest, it was rather because of the peninsula's maritime *connections* to the ports of the Muslim Mediterranean, where Italian city-states had already maintained resident consuls for three hundred years. The origins of resident diplomacy, in other words, take us back in time and across the Middle Sea to what I call the *fondaco* system.

The *fondaco,* or *funduq,* was a distinctively Mediterranean institution: a quasi-extraterritorial caravanserai for a 'nation' of foreign merchants, originally built and maintained by Muslim polities. **Chapter two** shows that this building was at the heart of a well-established 'international' order in the medieval period, part of a routine package of concessions – *fondaco*, bath, church, and oven – commonly granted to merchant communities in Mediterranean port-cities. It contends, in other words, that extraterritoriality was not a European practice inflicted on the rest of the Mediterranean, but a *combined development* produced by the complementary preferences of Christian merchants and Muslim states. If the *fondaco* was a relatively self-enclosed and seemingly autonomous space – a space where European traders could access and use their own laws, language, religious rites, and food-ways – the concentration of merchants and goods in one place simultaneously meant (from the local state's perspective) that they could be taxed, controlled, and protected relatively easily. *Funduqs* and *fondacos,* then, did not mark a "pure outside", but constituted an "outside within"; the extensive power of European maritime cities operated in and

through the intensive power of local Muslim states.[51] Consuls, similarly, ought to be seen as hybrid agents who triangulated between merchant diasporas, maritime republics, and their host states; they resemble, more than anything else, the Fatimid office of the *wakil al-tujar.*

Chapter three follows the *fondaco* back across the Mediterranean and into the early modern period, tracing its institutional descendants from Venice, Florence, and Sicily to Castile and Catalonia. In the process, we begin to see a new divergence between the state and merchant capital: if the *fondaco* became a state-making granary in territorialist Castile, for instance, it began to refer to private company branches in proto-capitalist Tuscany. In an oddly neglected formulation, Max Weber once argued that the "world-historical distinctiveness" of modernity was produced by interstate competition for mobile capital.[52] Following Weber, Braudel, and Marx, the rest of the chapter pursues this argument at a higher level of abstraction, noting that a fully-fledged capitalism was not required in order to radically alter the state form. *Something*, clearly, had changed by the time of the Genoese 'Bisenzone Fairs' – a kind of offshore capital market for the late sixteenth century – and the new alliance between states and merchant capital would eventually transform the Mediterranean balance of power. This alliance was only made possible, however, by the technologies of the *fondaco* system – Indo-Arabic numerals, commercial contracts, and bills of exchange – while the glue that held it together – public debt – was an early product of its wars.

Chapter four turns towards Ottoman extraterritoriality, which can be seen, in many ways, as a continuation of the medieval *fondaco* system. A brief history of Frankish trading zones in Istanbul, Aleppo, and Izmir shows that the Ottoman ruling class, for instance, was still deeply involved in the provision of commercial infrastructure;

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[51] For extraterritoriality as "a dialectical condition of being *outside within*", see Hart, M. (2020). *Extraterritorial: A Political Geography of Contemporary Fiction*. Columbia University Press, 45. Note the difference with e.g. Janice Thomson, for whom extraterritoriality simply means beyond state borders: Thomson J. E. (1994). *Mercenaries, Pirates, and Sovereigns: State-Building and Extraterritorial Violence in Early Modern Europe*. Princeton University Press.

[52] Weber, M. (1978). *Economy and Society: An Outline of Interpretive Sociology*. University of California Press, 354.

European travellers to the Ottoman Empire still stayed in a variant of the caravanserai. Compared to the strict sequestration of medieval Alexandria, however, the extraterritorial *musta'min* (the protected non-Muslim foreigner) began to roam more freely; wilful European mistranslations of the *ahdnames,* meanwhile, begin to hint at the modern co-option of the capitulatory system. Without exaggerating Ottoman decline, the rest of the chapter thus explores these distortions from the contrapuntal perspective of the Ottoman *dragoman* [interpreter], noting widespread historiographical confusion about the status of the capitulations (unilateral charters or bilateral treaties?) as well as the number of European *protégés* in Ottoman territory (hundreds, thousands, or millions?). This confusion, I argue, cannot and should not be resolved, since it inheres in the historical record itself. The number of extraterritorial *protégés* was strictly limited, for example, from the perspective of the Ottoman chancery. European states, on the other hand, began to stake extraterritorial claims to hundreds of thousands of Ottoman subjects; a genealogical record of Mediterranean extraterritoriality requires a careful understanding of both.

By the mid-nineteenth century, the co-option of the Ottoman capitulations was complete; **chapter five** moves into the realm of intellectual history to explore the consequences. In its first half, it reconstructs the Turcophobic thought of Karl Marx, whose perceptions of the Ottoman Empire were relatively typical for a modern European observer: extraterritoriality, from this perspective, was an anachronistic necessity, forced onto a despotic empire where property rights were otherwise non-existent. In its second half, it reconstructs the Turcophilic thought of the eccentric David Urquhart, who had hoped to redeem Ottoman extraterritoriality in the 1830s – he was deeply involved, as a British diplomat, in the question of Ottoman reform – but who ended up as a useful idiot for free trade imperialism. The Crimean War, it ultimately concludes, was a watershed for the reputation of the capitulatory system, after which it was despised by almost everyone; the Ottoman Empire first called for its abolition in 1856. It lingered on, nevertheless, for another sixty years, during which its archaic reputation was consolidated. The historiography of extraterritoriality was rewritten in the process.

Even at this late stage, however, the capitulations continued to influence 'modern' international relations – and not just in the sense that they helped, by way of contrast, to define exclusive territorial sovereignty as the norm. The attempt to rationalise late extraterritorial systems, in fact, generated some of the earliest experiments in international government, which **chapter six** explores through the international thought of Adrien Proust and Leonard Woolf. Proust was one of the most prominent representatives of the nineteenth-century International Sanitary Conferences, which sought – in the wake of devastating pandemics – to externalise European quarantines to the Mediterranean Orient. Powerful European consuls were already in place to oversee this work, and Leonard Woolf argued that their presence on Mediterranean "sanitary councils" marked the birth of a new, practical kind of international administration. Sanitary internationalism certainly marked the birth of a new, biopolitical kind of border externalisation, which has defined the borders of modern Europe as much (if not more than) its actual sovereign shape. It also proved a spur for the technocratic imagination: one Gladstonian pamphlet imagined Constantinople as the capital of an international utopia, eugenically cleansed of Oriental pollution. It was one of many such proposals to "internationalise" Istanbul, which was widely mooted (alongside Geneva) as a potential site for international government: the presence of so many extraterritorial powers in one city made it a natural choice.

Chapter seven, finally, recounts the end of the Mediterranean capitulations amid total war, ethnic cleansing, and genocide. It explores the "chronological extraterritoriality" of those who were left homeless under the new, nation-state system – particularly former *protégés,* who were rarely naturalised by the states which had once offered them "protection". It explores the new meaning given to extraterritoriality by Jewish intellectuals in the interwar period, who used the anachronistic term to describe their alienation from the nation-state-territory nexus. And it explores a brief, "non-territorial moment" just before the First World War, when a heterodox group of socialists – Austromarxists, Bundists, and Salonican trade unionists – tried to disrupt this nexus at a collective, political level, foreseeing the violence that national-territorial homogeneity would entail for the multinational peoples of the Habsburg, Romanov, and Ottoman empires. All of this, of course,

creates a rather melancholy picture of extraterritoriality's end, but this is not to endorse nostalgia for the late capitulatory system. If non-territorial autonomy seemed fanciful at the start of the twentieth century, after all, the recent history of extraterritoriality was partly to blame: nothing did more to discredit legally plural systems – or territorialise the idea of self-determination – than the use of extraterritoriality as a vehicle for western empire.

A Contrapuntal Ansatzpunkt

> In what way is it possible to conjoin a heightened graphicness <*Anschaulichkeit*> to the realisation of the Marxist method? The first stage in this undertaking will be to carry over the principle of montage into history. That is, to assemble large-scale constructions out of the smallest and most precisely cut components.
>
> Walter Benjamin, *The Arcades Project*

These chapters approach Mediterranean extraterritoriality from a number of different angles. They roam across diplomatic historiography, international historical sociology, medieval literature, architecture, maritime history, translation, geography, intellectual history, and the history of international law. They do not attempt to impose an artificial method on their subject, and take after Erich Auerbach's "dynamic" philological project instead: "to find the required categories – elastic, never more than provisional – within the historical forms themselves."[53] The time period covered – one thousand years of Mediterranean history – suggests the bird's-eye view of the *longue durée,* and I do sometimes pull back to this scale. One of the qualities of extraterritorial history, however, is that it intersects with the individual and the concrete: extraterritorial jurisdiction, in the Mediterranean, inhered in someone's personhood. I have tried to convey something of this smaller scale, too, in what follows, and at times I adopt an almost microhistorical focus on individual agents and spaces. "By knowing less", as Carlo Ginzburg puts it, "by narrowing the

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[53] Auerbach, E. (1958). *Literatursprache und Publikum in der lateinischen Spätantike und im Mittelalter*. Francke, 15. For valuable discussions of Auerbach's approach see Said, E. W. (1983). *The World, the Text, and the Critic*. Harvard University Press, *et passim*; Said, E. W. (2004). *Humanism and Democratic Criticism*. Palgrave Macmillan, 85-118; Mufti, A. R. (1998). Auerbach in Istanbul: Edward Said, Secular Criticism, and the Question of Minority Culture. *Critical Inquiry*, *25*(1), 95–125; Apter, E. (2003). Global Translatio: The "Invention" of Comparative Literature, Istanbul, 1933. *Critical Inquiry*, *29*(2), 253–281.

scope of our enquiry, we hope to understand more. This cognitive shift has been compared to the dilation and constriction of a camera lens."[54] Close readings of pilgrim narratives, diplomatic letters, and works of fiction will thus illuminate how extraterritoriality was lived, imagined, and reinterpreted by its Christian subjects. A thorough reconstruction of the *fondaco* system, meanwhile, will show how interpolity relations were once conducted on the ground – in insular, heterotopic merchant-colonies constructed by local rulers (fig. 0.3).[55]



Fig. 0.3. *Cour du Fondaco dei Tedeschi* (1616) by Raphael Custos.

At its other pole, however, the study of extraterritoriality cannot help but intersect with some of IR's grand organising concepts – things such as sovereignty, nationality, and jurisdiction. According to Auerbach, a good point of departure, or *Ansatzpunkt*, was characterised by "its concreteness and its precision" on the one hand and "its

[54] Ginzburg, C. (2005). Latitude, Slaves, and the Bible: An Experiment in Microhistory. *Critical Inquiry*, *31*(3), 665–683, 665.

[55] For global microhistory see Ghobrial, J.-P. A. (2019). Introduction: Seeing the World like a Microhistorian. *Past & Present*, *242* (14), 1–22. For a Mediterranean application see Calafat, G. (2019). Jurisdictional Pluralism in a Litigious Sea (1590–1630): Hard Cases, Multi-Sited Trials and Legal Enforcement between North Africa and Italy. *Past & Present*, *242*(14), 142–178.

potential for centrifugal radiation" on the other.[56] Intuitively grasped, an *Ansatzpunkt* could be almost anything: for Auerbach it was usually an individual word or a fragment of literature. Ultimately, however, its interpretation could illuminate nothing less than world history [*Weltgeschichte*], which could only ever be approached from a contingent position within it. This thesis uses Mediterranean extraterritoriality – beginning with the *funduq* or *fondaco* – as a point of departure from which to illuminate the history of international relations. It proceeds, in other words, from concrete institutions – a particular kind of building, a particular kind of multi-jurisdictional order – in order to show how they branch out to and from certain world-historical situations.

I am less sure, however, that this history radiates *centrifugally,* or illuminates anything so harmonious as the German-idealist conception of world-history. Why must the part – the *Ansatzpunkt* – illuminate the whole? Auerbach's synthetic method sometimes seems to rely, as Edward Said put it, on an underlying "commensurability" and "correspondence" between "different areas of experience", which needed to be supplemented with a Gramscian analysis of spatial "discontinuity" in a "heterogenous" and "multiply-centred" world.[57] Said famously did so, of course, by charting the "imaginative geography" of Orientalism.[58] But this was to critique, rather than reproduce, a metaphysical divide between East and West, and elsewhere Said argued for a "contrapuntal" or "polyphonic" reading of the imperial archive: metropolitan and colonial experiences are paradoxically connected, as well as fissured, by the histories of domination and resistance that comprise the "imperialist ensemble".[59] He does not object to Auerbach's global ambition, then, so much as to the idea that the world's histories and literatures form *independent*, *congruent*, and *commensurable* parts in a universal whole; this is the ideology, we might say, of the international states-system. I will return to contrapuntal reading in

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[56] Auerbach, E. (1969). Philology and "Weltliteratur" (M. Said & E. Said, Trans.). *The Centennial Review*, *13*(1), 1–17.

[57] Said, E. W. (2000). History, Literature, and Geography. In *Reflections on Exile: And Other Essays* (pp. 453–473). Harvard University Press, 458.

[58] Said, E. W. (2003). *Orientalism*. Penguin, 55.

[59] Said, E. W. (1994). *Culture and Imperialism*. Vintage, 51.

chapter one.[60] For now, though, I want to briefly highlight its resonance with extraterritorial historiography. Counterpoint helps, in particular, to capture identity-formation by opposition – "no identity can ever exist by itself and without an array of opposites" – without reducing non-European history to this role: "various themes play off one another, with only a provisional privilege being given to any particular one."[61] During the nineteenth century, as we have already started to see, 'modern' territorial sovereignty was defined in contrast to 'Oriental' extraterritoriality. This is just one facet of extraterritorial history, however, which (necessarily) involves "overlapping territories" and "intertwined histories"; if counterpoint involves relatively independent or contradictory musical lines, it leaves open the possibility that they might meet at a point "where they momentarily blend."[62] Mediterranean extraterritoriality, in particular, has been underexplored in IR as a multi-civilisational crossroads – it long predates western hegemony – *as well as* a site that marked and produced Orientalist difference.[63]

Insofar as extraterritoriality illuminates the history of interpolity relations, in other words, it does not do so as one discrete part of a symphonic international whole. If it works as an *Ansatzpunkt,* it is because of the number of phenomena that *intersect* at this relatively tangible juncture: commercial capitalism, nationality, sovereignty, empire and jurisdiction, to name just a few. In order to interpret extraterritoriality, the horizons of this thesis will naturally expand, allowing us "to organise and interpret a far broader range of phenomena" than the point of departure itself.[64] To the extent that this is possible, however, it is because of the heterogeneity of that *Ansatzpunkt* – "layered", "lumpy", and "anomalous", like other legally plural

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[60] See also Bilgin, P. (2016). 'Contrapuntal Reading' as a Method, an Ethos, and a Metaphor for Global IR. *International Studies Review*, *18*(1), 134–146; Chowdhry, G. (2007). Edward Said and Contrapuntal Reading: Implications for Critical Interventions in International Relations. *Millennium*, *36*(1), 101–116.

[61] Said, *Culture and Imperialism*, 52, 51.

[62] Brennan, T. (2021). *Places of Mind: A Life of Edward Said*. Bloomsbury Publishing, 306.

[63] Maia Pal's work is a notable exception: Pal, M. (2020). *Jurisdictional Accumulation: An Early Modern History of Law, Empires, and Capital*. Cambridge University Press.

[64] The Philology of Weltliteratur. (2014). In E. Auerbach, *Time, History, and Literature: Selected Essays of Erich Auerbach* (pp. 253–266). Princeton University Press, 262.

spaces[65] – and it will hardly serve to reproduce a picture of world-history composed of homogenous and mutually independent parts.

This thesis might be seen, then, as part of a much wider turn (led by Lauren Benton) towards the study of "jurisdictional pluralism" and "interpolity zones" in global historical IR.[66] By tracing a specific multi-jurisdictional order – the Mediterranean capitulatory system – back to the medieval period, it will show how such systems operated when European polities were relatively weak. By following the "durable diversity" of this system through the early modern period, it will complement Philips and Sharman's work on the "compatible preferences" of terrestrial and maritime actors in the early modern Indian Ocean.[67] And by tracking the capitulatory system through to modernity, it will shed light on the decline of interpolity orders – which in this case involved the thoroughgoing cooption of extraterritoriality before a violent backlash.[68] The capitulations, like other kinds of jurisdictional politics, involved constant disagreement over "the preservation, creation, nature, and extent of different legal forums and authorities"; this meta-jurisdictional contestation was once a routine part of interpolity relations.[69] By the late nineteenth century, however, this situation was widely stigmatised as jurisdictional "anarchy", while extraterritorial abuses contributed to the Turkish internalisation – and thus to the global generalisation – of exclusive territorial sovereignty as the civilised norm.[70]

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[65] These terms are all taken from Benton, L. (2010). *A Search for Sovereignty: Law and Geography in European Empires, 1400-1900*. Cambridge University Press.

[66] Benton, L. (2001). *Law and Colonial Cultures: Legal Regimes in World History, 1400-1900*. Cambridge University Press; Benton, L., & Ross, R. J. (Eds.). (2013). *Legal Pluralism and Empires, 1500-1850*. New York University Press; Benton, L., & Clulow, A. (2017). Webs of Protection and Interpolity Zones in the Early Modern World. In *Protection and Empire* (pp. 49–71). Cambridge University Press.

[67] Phillips, A., & Sharman, J. C. (2015). *International Order in Diversity: War, Trade and Rule in the Indian Ocean*. Cambridge University Press.

[68] On order decline (as distinct from great power decline) see Zarakol, *Before the West*, 225-30.

[69] Benton, L., & Clulow, A. (2024). Interpolity Law and Jurisdictional Politics. *Law and History Review*, *42*(2), 197–209, 199.

[70] On Turkey and the internalisation of stigma, see Zarakol, A. (2011). *After Defeat: How the East Learned to Live With the West*. Cambridge University Press.

The academic discipline of IR was established just as the capitulations were being abolished – at the latter's lowest reputational ebb – and the ambassadorial extraterritoriality of early modern Europe still tends to dominate the field's historical imagination. Extraterritoriality only figures in the orthodox narrative, as Maia Pal puts it, as part of a "tidy" and "linear" transition to territorial sovereignty.[71] Even the most ambitious studies of the capitulations, meanwhile, are confined to certain periods or subfields: medievalists, new diplomatic historians, Ottomanists, and imperial historians all know very different versions of the capitulatory system. At one level, then, this thesis can be read as a synthesis of these different sub-literatures, building on excellent (but siloed) secondary sources to write a new macro-history of Mediterranean extraterritoriality.[72] Simultaneously, however, it attempts to use extraterritoriality as a contrapuntal, open-ended *Ansatzpunkt*, using everything that has impinged upon extraterritorial history to tell a new story about the history of global interpolity relations. The whole, in the words of Siegfried Kracauer, can only be adequately rendered by "a permanent movement" between micro and macro levels, and I have thus tried to insert "the close-ups gained by the micro studies … as integrant elements of [my] over-all pictures."[73] It would be a mistake, however, to think that the extraterritorial enclave can *stand in* for an international whole: the historical universe, Kracauer hastened to add, has a "non-homogenous" structure.[74] I have therefore tried to render extraterritoriality from as many different angles and levels as possible, building up a multi-perspectival picture of an *Ansatzphänomen* suspended (by definition) between at least three points: a local sovereign, an alien power, and an extraterritorial subject. Crossing spatial, temporal, and methodological boundaries, the result resists an ultimate synthesis; different forms of knowledge, as Gillian Beer remarks, do not always "readily merge".[75] In this, however, the thesis reflects extraterritoriality itself, and the kind of global history that

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[71] Pal, *Jurisdictional Accumulation*, 44.

[72] For a defence of this kind of macro-historical work, see Zarakol, *Before the West*, 267-272.

[73] Kracauer, S. (1969). *History: The Last Things Before the Last*. Oxford University Press, 122.

[74] *Ibid.*, 127. See also Jay, M. (1975). The Extraterritorial Life of Siegfried Kracauer. *Salmagundi*, *31/32*, 49–106.

[75] Beer, G. (1996). *Open Fields: Science in Cultural Encounter*. Clarendon Press, 115.

an extraterritorial *Ansatzpunkt* involves: a lumpy, punctuated, and archipelagic political geography, constitutively connected, fragmented, and unresolved.

International Society, Resident Diplomacy, and the Origins of Extraterritoriality

The first half of this thesis reconstructs what I call the *fondaco* system: an idiosyncratic kind of international order in the medieval Mediterranean, composed of caliphates, city-states and merchant-nations among other kinds of polity. To call this an *international* order is, partly, to play on *natio* in its original Roman sense: a group of foreigners bound together by origin and living in the same urban quarter.[1] But it is also to follow other studies which adopt a thin conception of international order or society – as, essentially, any set of polities which interact according to a shared set of norms and institutions – so as to decentre the Westphalian state-system within the study of historical IR. Ayşe Zarakol, for instance, has recently reconstructed the sovereignty model shared by post-Chinggisid 'Great Houses' from the Timurids and the Ming to the Ottomans, Safavids, and Mughals. Claiming a mandate from heaven – secured by the likes of military conquest, tanistry, and conjunction astrology – these sovereigns inherited their conception of universal sovereignty from Genghis Khan's thirteenth-century empire. Competition for this universal sovereignty, of course, was often violent, but these actors nonetheless shared assumptions about the kind of sovereignty that they were fighting for, and the kinds of legitimation that this entailed.[2] Hendrik Spruyt has similarly argued that the Sinocentric tributary system, Southeast Asian galactic empires, and early modern Islamic empires ought to be considered international societies because of their shared social and political imaginaries. In theory, he acknowledges, the empires at the heart of these systems were universal and did not recognise any territorial limits to their authority. But legitimating one's universal rule in theory required flexibility, inclusion, and accommodation with other rulers and peoples in practice.[3] Andrew Philips and Jason

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[1] On the Roman concept of *natio* see Zernatto, G. (1944). Nation: The History of a Word. *The Review of Politics*, *6*(3), 351–366, 352. As Jürgen Habermas has underlined, these groups of foreigners were integrated geographically and culturally but not politically: Habermas, J. (1999). The European Nation-State: On the Past and Future of Sovereignty and Citizenship. In *The Inclusion of the Other: Studies in Political Theory* (pp. 105–128). Polity Press, 109-110.

[2] Zarakol, *Before the West.*

[3] Spruyt, *The World Imagined*, 8.

Sharman, finally, have stressed that international order is possible even in the absence of shared standards of sovereign legitimacy. In the early modern Indian Ocean, they suggest, compatible preferences and institutionally *congruent* beliefs about sovereignty sustained enough interaction to produce a heterogenous international system.[4] In a similar vein, the next chapter will argue that medieval Mediterranean polities recognised one another's authority claims to a surprising extent. Extraterritorial patterns of commerce – and, perhaps, an underlying Abrahamic or post-Roman ecumene – facilitated routine interaction between Byzantine, Latin, and Muslim sovereigns across cultural, economic, political, and military domains.

An important clarification, however, is required before then: the states-system, international society, and international order are not neutral categories of analysis. Frequently characterised as the English School's 'key concepts', this description can make them sound like its own inventions; Tim Dunne's intellectual history of the school (*Inventing International Society*) has not helped in this regard.[5] English School scholars certainly blended empirical and normative enquiry to theorise these concepts in novel ways.[6] But they were adapting pre-existing *categories of practice* when they did so: the idea of a states-system was originally a legal and diplomatic construct, developed in part to exclude non-European empires (among other kinds of polity) from the boundaries of the international.[7] Anti-Eurocentric scholarship thus treads a fine line. We need to correct the myth that non-European societies were incapable of interpolity relations. But we also need to keep in mind that the international system was *constituted* by its exclusion of non-European societies and unilateral empires. By redefining international orders as "universalising world-ordering arrangements", for instance, Zarakol risks obscuring the historical operations of international social closure; by describing tributary systems as international societies Spruyt changes the concept beyond all recognition. English

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[4] Phillips & Sharman, *International Order in Diversity*, 49.

[5] Dunne, T. (1998). *Inventing International Society: A History of the English School*. Macmillan.

[6] Cochran, M. (2009). Charting the Ethics of the English School: What "Good" is There in a Middle-Ground Ethics? *International Studies Quarterly*, *53*(1), 203–225.

[7] Pitts, J. (2018). *Boundaries of the International: Law and Empire*. Harvard University Press.

School scholars like Hedley Bull defined international systems against precisely such unbounded, universal ambition.[8] More importantly, they were echoing generations of European jurists, publicists, diplomats and historians when they did so. If the English School had invented this definition – if this was a purely academic category of analysis – its revision would be a relatively straightforward matter. But they did not. Indeed, one of the oldest formulations of this logic – and one of the most significant – was the restriction of international society to those states which both sent and received resident ambassadors. The Ottoman Empire *received* resident ambassadors from European states, and its alliance with France was central to the European balance of power for two and a half centuries. Europeans began to exclude the Ottoman Empire from the law of nations, however, on the basis that it did not *send* them, refusing to participate fully and reciprocally in the residential diplomatic network.[9]

If we ought to welcome more expansive definitions of the international system, then, we ought to remember that its original exclusivity was no accident. As various scholars of international social closure have argued, status groups like the family of nations are premised on certain membership criteria, producing insiders with (gradated) rights to participation and outsiders without such rights.[10] From a very early period, residential diplomacy was defined by such closure: the right to accredit resident ambassadors was restricted to something like a category of 'sovereign' princes (themselves differentiated by complex procedures of diplomatic

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[8] Bull, H. (2012). *The Anarchical Society: A Study of Order in World Politics.* Columbia University Press, 10-11. Zarakol writes against the notion that non-European actors are only capable of *regional* international systems: "This book will show that there were also Eastern actors who had aspirations – for better or worse – to create orders that spanned the world in all its multiplicity." *Before the West*, 10. The Ottoman Empire, however, was historically excluded from 'the international' on precisely such universalist grounds.

[9] For a critical reconstruction of this discourse see Yurdusev, N. (2004). The Ottoman Attitude Toward Diplomacy. In N. Yurdusev (Ed.), *Ottoman Diplomacy: Conventional or Unconventional?* (pp. 5–35). Palgrave Macmillan.

[10] Keene, E. (2013). Social Status, Social Closure and the Idea of Europe as a 'Normative Power'. *European Journal of International Relations, 19*(4), 939–956. Naylor, T. (2019). *Social Closure and International Society: Status Groups from the Family of Civilised Nations to the G20*. Routledge. Viola, L. A. (2020). *The Closure of the International System: How Institutions Create Political Equalities and Hierarchies*. Cambridge University Press.

precedence).[11] The creation and spread of the resident ambassador thus "winnowed down" both the type and number of legitimate sovereign agents in early modern Europe.[12] Before the establishment of resident ambassadors, all sorts of individuals and corporations had been known to send envoys: dukes conspiring against their monarchs; monks seeking to elect a new abbot; cities bearing tribute to their overlords.[13] Diplomatic immunity was widely claimed. By 1681, however, Abraham de Wicquefort's *L'ambassadeur et ses fonctions* could declare: "It belongs to Sovereigns only to send Embassadors."[14] Permanent representation had also become, as Viola puts it, the "exclusive right of territorial potentates", not least because resident diplomacy was expensive, and because it took a monopoly on legitimate violence to guarantee the security of foreign ambassadors.[15] "The Reason that makes this Right inseparable from Sovereignty", in Wicquefort's words, was that the ambassador could "hope for this Protection but from him who has the Right of the Sword."[16]

Arrogating the *droit d'ambassade* helped European princes to lock up their sovereignty vis-à-vis internal rivals, but this alone, of course, did nothing to lock the Ottoman Empire out from the society of princes. If anything, the Sublime Porte was thought to suffer from a *surfeit* of sovereignty: the "Emperor of the Turks" and the "Czar of Muscovy", Wicquefort wrote, "are not only Sovereigns, but are so absolute, and reign after so arbitrary a manner, that there is no Difference between their Subjects and Slaves."[17] If the Ottoman sultan had attempted to send resident

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[11] On the latter see Keene, E. (2013). International Hierarchy and the Origins of the Modern Practice of Intervention. *Review of International Studies*, *39*(5), 1077–1090.

[12] Viola, *The Closure of the International System*, 94.

[13] Queller, D. E. (1967). *The Office of Ambassador in the Middle Ages*. Princeton University Press, 69-75.

[14] Wicquefort, A. de. (1716). *The Embassador and his Functions.* Bernard Lintott, 6.

[15] Viola, *The Closure of the International System*, 118.

[16] Wicquefort, *The Embassador*, 7.

[17] *Ibid.*, 11. The sultan's 'lordly monarchy', in fact, was portrayed relatively positively in the work of Jean Bodin; Noel Malcolm argues that it was Catholic 'reason of state' theorists in the late sixteenth century who transformed this paradigm into a negative theory of 'despotism'. Malcolm, N. (2019). *Useful Enemies: Islam and the Ottoman Empire in Western Political Thought, 1450-1750*. Oxford University Press, 225.

ambassadors to Paris, London, and Madrid, his representatives could not have been refused on this basis. But nor would they have been welcomed. Christian Europe did not facilitate cross-confessional travel in the way that the Ottoman Empire did: the extraterritorial rights offered to them in the lands of Islam were not reciprocated.[18] In any case, the empire did not have the same need to send permanent envoys: it had other means of information-gathering (arguably the most important function of a resident embassy). The effect was to consolidate a self-consciously European diplomatic system, not least because permanent diplomacy created a new class of professional secretaries and envoys – the likes of Grotius and Wicquefort – who were to act as the organic intellectuals of international society. The Ottomans still received resident ambassadors – Istanbul was a crucial node in the European diplomatic system – but its own diplomats serviced the administration of empire; they did not participate to the same extent in this republic of diplomatic letters.

European resident diplomacy, moreover, started to coevolve with the dynastic courts of Europe, and by the end of Louis XIV's reign (1643-1715) its rituals had become gloriously recondite. Influential diplomatic manuals like Callières' *De la manière de négocier avec les souverains* (1716) reflected and consolidated an increasingly coherent diplomatic culture – courtly, aristocratic, and Francophone – which further narrowed the social and cultural composition of the eighteenth-century *corps diplomatique*.[19] Nostalgic for the aristocratic solidarity of this 'old diplomacy', the English School was notably influenced by the resulting vision of international society. For Martin Wight, the network of resident ambassadors was essentially coextensive with the states-system, if not the base on which the superstructure of international theory was raised.[20] Hedley Bull's definition of the international system, meanwhile, closely

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[18] Matar, N. (2009). *Europe Through Arab Eyes, 1578-1727*. Columbia University Press, 9-12.

[19] On the aristocratisation of resident diplomacy in the late seventeenth century, see Scott, H. M. (2007). Diplomatic Culture in Old Regime Europe. In B. Simms & H. M. Scott (Eds.), *Cultures of Power in Europe during the Long Eighteenth Century* (pp. 58–85). Cambridge University Press. Wicquefort was one of the last to criticise the use of noblemen as resident diplomats: an aristocratic familiarity with court ceremonial was fast becoming indispensable even for resident envoys, who had previously been more likely to identify with a professional humanist culture.

[20] Wight, M. (2019). Western Values in International Relations. In H. Butterfield & M. Wight (Eds.), *Diplomatic Investigations: Essays in the Theory of International Politics* (pp. 111–153). Oxford University Press, 114.

resembled Callières' description of European states bound together by permanent diplomacy and commerce: "no considerable change can take place in any one of them without affecting the condition, or disturbing the peace, of all the others."[21] Associating the growth of "international social consciousness" with the "habitual intercourse" of resident diplomacy, these English School authors tended to reproduce rather than critique the rules of social closure implicit in such diplomatic theory; international social consciousness is of course possible in the absence of resident diplomacy and a transnational, French-speaking aristocracy. But the evolution of the residential diplomatic network still deserves close historical scrutiny, not least insofar as it shaped the consciousness of the *ancien régime* international (and our own theoretical apparatus in turn). It matters that eighteenth-century diplomats started to conceive of themselves as an "independent society",[22] and it matters that they identified with such a specific *kind* of society, centred around the courts of Paris and Vienna. As the diplomatic culture of Europe became increasingly homogenous and self-consciously 'civilised', other kinds of courtly sociability began to seem increasingly irrelevant or barbaric; attitudes towards the Ottoman court became increasingly chauvinistic, and its prior significance for European diplomacy was disavowed more fervently than before.[23]

Again, this is not to conflate the resident embassy system with diplomacy or international relations as such. Over the last two decades, 'new diplomatic historians' has quite rightly challenged the assumption that "the only significant geographies in diplomatic history are those that can be mapped onto a progressivist narrative culminating in the exchange of resident ambassadors".[24] Provincialising the permanent embassy, this research agenda has uncovered a particularly diverse set of

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[21] Callières, F. de. (1716). *De la manière de négocier avec les souverains*. La Compagnie. Compare with Bull, *Anarchical Society*, 9-10.

[22] Pecquet, A. (1738). *De l'art de negocier avec les souverains*. Jean van Duren, 104. ["Le Corps des Ministres Etrangers dans un Païs, forme une espèce de societé indépendante…"]

[23] In this sense diplomats were closely connected to the diffusion of *civilité* from the French court, a process famously described by Elias, N. (2000). *The Civilizing Process: Sociogenetic and Psychogenetic Investigations*. Blackwell.

[24] Watkins, J. (2008). Toward a New Diplomatic History of Medieval and Early Modern Europe. *Journal of Medieval and Early Modern Studies*, *38*(1), 1–14, 4.

brokers and intermediaries in the early modern Mediterranean. The Ottoman Empire, for instance, used court messengers, Jewish physicians, *moriscos*, Christian slaves, *dragomans,* renegades and Ragusan merchants (among others) to conduct *ad hoc* diplomacy with European polities in the early modern period, and by historicising European diplomacy I hardly want to minimise the scale or significance of these contacts.[25] If nothing else, however, the development of residential diplomacy mattered insofar as it (eventually) delegitimised these other kinds of diplomacy, monopolising communication between states in theory as well as practice. It is, moreover, the empirical kernel of the English School's "expansion thesis" that is most difficult to dislodge: an actor-network map showing reciprocal ambassadorial exchanges over time *would* spread out from Italy to Europe to the rest of the world. It seems particularly important, then, to show that this was not an immanent European development, and that – despite its later construction against commerce and Islamic unilateralism – resident diplomacy was once made possible by Italy's commercial links to the Islamic Mediterranean.

This chapter is divided into three parts. In the first section, I review the most influential account of European resident diplomacy and extraterritoriality: Garrett Mattingly's *Renaissance Diplomacy*. Mattingly's picture of Renaissance Italy as a 'small-scale model' of the international states-system has been endorsed by an extraordinary range of international theorists. In the second section, I offer a different, more genealogical reading of Mattingly: one premised not on Italian isolation but on Mediterranean connectivity. In the third section, I begin to explore these connections in more detail, addressing three common misrepresentations of Ottoman extraterritoriality.

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[25] Gelder, M. van, & Krstić, T. (2015). Introduction: Cross-Confessional Diplomacy and Diplomatic Intermediaries in the Early Modern Mediterranean. *Journal of Early Modern History*, *19*(2–3), 93–105. For a work which anticipated many of the themes of new diplomatic history, see Windler, C. (2002). *La Diplomatie comme experience de l'autre: Consuls Francais au Maghreb (1700-1840)*. Droz.

By far the most influential Anglophone study of resident diplomacy and extraterritoriality is Garrett Mattingly's *Renaissance Diplomacy,* which consolidated the image of Renaissance Italy as an international system in miniature. Citing the Annales School, Mattingly began by stressing the "logistic factor" in European state formation – a growth in interaction capacity that resulted in what we would now call space-time compression.[26] At the time of the Renaissance, he argued, vast open spaces north of the Alps still cushioned political conflict between states, preventing the emergence of a truly continental states-system. At Italy's smaller scale, however, this compression of space-time was already compelling city-states to constant diplomatic vigilance, foreshadowing what would later happen at a continental scale:

> In upper Italy, by about 1400, space was becoming completely organised; political interstices were filling up; the margins and cushions were shrinking, and the states of the peninsula were being obliged by the resulting pressures to a continuous awareness of each other. Italy was beginning to become such a system of mutually balanced parts in unstable equilibrium as all Europe was to be three hundred years later, a small-scale model for experiments with the institutions of the new state.[27]

Just as a laboratory experiment required controlled conditions, Mattingly argued, this model required a "relative isolation" to work freely – isolation of the kind which Italy enjoyed thanks to the papal schism, the impotence of the Holy Roman Empire, and the Hundred Years' War which preoccupied England and France. The result was to produce the illusion of what IR theorists today would call anarchy – the illusion that there were no hierarchical powers over and above the Italian city-states. Italian statesmen briefly forgot, Mattingly wrote, that the "tallest giants" in Italy were

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[26] Mattingly, G. (1965). *Renaissance Diplomacy*. Penguin, 288n3. See also Braudel's reflections on distance, "the first enemy", in Braudel, F. (1972). *The Mediterranean and the Mediterranean World in the Age of Philip II* (S. Reynolds, Trans.). Harper & Row, 355-93.

[27] Mattingly, *Renaissance Diplomacy,* 56. Note the resemblance with Ratzel, F. (1897). Studies in Political Areas. The Political Territory in Relation to Earth and Continent (E. C. Semple, Trans.). *American Journal of Sociology*, *3*(3), 297–313, 297. ["…as more states and larger states grow up, the nearer do they edge together, and so much the more intimately must they act and react upon one another; history, therefore, means mutual approach and compression."]

"pigmies" compared to the monarchies beyond the Alps.[28] This complacency only intensified their awareness of pressures internal to the peninsular system. Renaissance diplomacy primarily developed, then, as a "functional adaptation of the new type of self-conscious, uninhibited, power-seeking competitive organism"; resident ambassadors were a direct consequence of the new "jungle law".[29] Raising the Darwinian language to fever pitch, Mattingly described permanent ambassadors as "potent weapons of the new states in their unremitting struggle for survival".[30] Of course, the city-states were not, in fact, secure from foreign threats, and the peninsular equilibrium ultimately collapsed with French invasion in 1494. Italy became the main battleground for European supremacy in the dynastic wars that followed. If the dynasties drawn into Italy destroyed the city-state system forever, however, they also absorbed its resident diplomacy and power politics, redeploying them, this time, at a continental level.

Extraterritoriality arrives much later in this conventional narrative, in the early seventeenth century, receiving its most famous treatment in Grotius' *De jure belli ac pacis*: ambassadors were to be treated as if they lived outside the territory to which they had been sent [*quasi extra territorium*], just as they were supposed to literally instantiate the princes they represented. Mattingly again describes this development in functionalist terms, portraying ambassadorial extraterritoriality as a byproduct of post-Reformation resident diplomacy. His account hinges on the "embassy chapel question" – the toleration of heretical religious practices in foreign embassies – which he suggests was "probably the largest single factor in preparing men's minds to accept this extraordinary fiction".[31] This was arguably his most distinctive contribution to the historiography of modern diplomacy:

> Open defiance by an ambassador of the state's fundamental laws went so far beyond anything the medieval system of diplomatic immunities had

[28] Mattingly, *Renaissance Diplomacy*, 57.

[29] *Ibid.*, 57, 54.

[30] *Ibid.*, 60. On theories of territorial demarcation and natural selection more broadly, see Bartelson, J. (2018). *War in International Thought*. Cambridge University Press, 118-128.

[31] Mattingly, *Renaissance Diplomacy*, 266.

> contemplated that the immunities implied in the growing doctrine of extraterritoriality could seem like necessary corollaries. If embassies were licensed to flout the most sacred laws of the realm, it was easier to think of them as not being within the realm at all.[32]

The Reformation had posed huge problems for diplomatic immunities, sanctified until then by a common belief in the *res publica christiana.* Envoys had once been seen, at least theoretically, as the public officials of that common republic: ambassadors were sacred, according to Bernard du Rosier's *Ambaxiator brevilogus* (1436), because they laboured for peace and the general welfare. If late medieval diplomacy fell short of these idealistic objectives in practice, Mattingly argued that resident embassies and the break-up of Christendom shattered the doctrine itself in the second half of the sixteenth century. Taking advantage of ambassadorial immunity, hundreds of religious dissidents crowded into embassy chapels to worship what they could not elsewhere; embassies became outposts for heresy and treason. In 1583, for instance, the Spanish ambassador Bernardino de Mendoza helped to organise the Throckmorton Plot, a conspiracy to replace Elizabeth I on the throne with Mary Stuart; after he was expelled from England he was sent to France, where he helped to instigate the Day of the Barricades in concert with the Catholic League, forcing the moderate Henri III to flee Paris. Even when ambassadors abstained from such active sedition, the new liturgical differences created nearly insurmountable problems for resident diplomacy. Could Edward VI's ambassadors follow the Book of Common Prayer in Habsburg territories? Could Spanish embassies offer mass in England? It helped to make such worship as concealed as possible: embassy chapels in London and the Hague, for instance, were modelled on *schuilkerken,* semi-clandestine chapels in the interstices of buildings that helped to maintain the fiction of private worship.[33] Violent disorder in and around these chapels, however, was still common. In 1623, three hundred Londoners gathered in the French ambassador's garret to listen to a Jesuit preacher. When the floor gave way under the load – killing more than ninety

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[32] *Ibid.*, 268.

[33] Kaplan, B. J. (2002). Diplomacy and Domestic Devotion: Embassy Chapels and the Toleration of Religious Dissent in Early Modern Europe. *Journal of Early Modern History*, *6*(4), 341–361.

people – anti-papist pamphleteers welcomed the catastrophe as an act of divine providence.[34] "Nevertheless", Mattingly concludes, the embassy chapel question had been "tacitly solved" in the uneasy years before the Thirty Years' War as Catholic and Protestant powers continued to exchange resident embassies, embassy chaplains conducting their services under what came to be called the *droit de chapelle*. "By arrogating to themselves supreme power over men's consciences", he claimed, "the new states had achieved absolute sovereignty. Having done so, they found that they could only communicate with one another by tolerating within themselves little islands of alien sovereignty."[35]

It is difficult to overstate the significance of *Renaissance Diplomacy*. Beyond its canonical status in diplomatic history, it has been hailed as a classic by Marxists, constructivists, poststructuralists, and members of the English School alike.[36] Realists, liberal institutionalists, critical theorists, and world-systems analysts have all cited it.[37] More than anybody else, Mattingly popularised the idea that Renaissance Italy was a microcosm of the states-system to come, while John Ruggie hewed closely to his account of the embassy chapel question in an important journal article from 1993.

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[34] Walsham, A. (1994). 'The Fatall Vesper': Providentialism and Anti-Popery in Late Jacobean London. *Past & Present*, *144*, 36–87.

[35] Mattingly, *Renaissance Diplomacy,* 267-68.

[36] For Marxist acclamation see Perry Anderson (1974). *Lineages of the Absolutist State.* NLB, 38n39 ["Mattingly's great work"]. For constructivism see Ruggie, Territoriality and Beyond, 166 ["his magisterial study"]; Reus-Smit, C. (1999). *The Moral Purpose of the State: Culture, Social Identity, and Institutional Rationality in International Relations*. Princeton University Press, 67 ["his classic study]. For poststructuralism see Der Derian, *On Diplomacy,* 83 ["a small masterpiece"]. For the English School see Wight, M. (2019). Why Is There No International Theory? In Butterfield & Wight (Eds.), *Diplomatic Investigations*, 52-53.

[37] For realism see Krasner, S. D. (1995). Compromising Westphalia. *International Security*, *20*(3), 115–151, 129n25. For neoliberal institutionalism see Keohane, R. O. (2002). Ironies of Sovereignty: The European Union and the United States. *Journal of Common Market Studies*, *40*(4), 743–765, 747. For critical theory see Cox, R. W. (1981). Social Forces, States and World Orders: Beyond International Relations Theory. *Millennium*, *10*(2), 126–155, 153n20; Neocleous, M. (2016). Off the Map: On Violence and Cartography. *European Journal of Social Theory*, *6*(4), 409–425, 411. For world-systems analysis see Arrighi, G. (2010). *The Long Twentieth Century: Money, Power and the Origins of our Times*. Verso Books, 38 *et passim.*

Indeed, Ruggie's 'Territoriality and Beyond' is one of the most influential statements of constructivist theory within IR, tracking the shift from the nonexclusive, 'heteronomous' territoriality of the medieval period to the mutually exclusive territoriality of the modern state system. It is unusual in its stress on Filippo Brunelleschi's invention of single-point perspective, which here occupies the role traditionally given over to Bartolus de Saxoferrato's commentaries on the *Corpus Juris Civilis* – an epistemic breakthrough paving the way for a plurality of different polities, each sovereign in its own territory.[38] It otherwise tracks the narrative arc of *Renaissance Diplomacy*. Mattingly had acknowledged, Ruggie wrote, that the "taproots" of the modern state could be followed deep into antiquity. But he had ultimately shown that the modern state was "*invented* by the early modern Europeans", first by the leading cities of the Italian Renaissance and then by the kingdoms north of the Alps. For Ruggie, the resolution of the embassy chapel question represented the "first and most enduring instantiation" of the "unbundling" of territoriality; the extraterritorial embassy was a heterotopic "*negation*" of territoriality which made international society possible for the first time.[39]

John Hobson has criticised a Eurocentric "logic of immanence" in various strands of International Relations theory, according to which Europe "self-generated" the interstate system. According to this two-step "big-bang" theory of world politics, modernity first exploded within Europe before diffusing outwards to the rest of the world.[40] *Renaissance Diplomacy* puts forward a three-step model with an Italocentric prequel: before the modern state-system exploded throughout Europe, it exploded onto the Italian peninsula. Here was a disenchanted, self-help system, but a pluralist one all the same, moderated by a Grotian commitment to law and sovereign equality.

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[38] Ruggie, 'Territoriality and Beyond', 159. For this view of Bartolus de Saxoferrato, see e.g. Skinner, Q. (1998). *The Foundations of Modern Political Thought: The Renaissance*. Cambridge University Press, 9.

[39] Ruggie 1993, 'Territoriality and Beyond', 165. See also Bozeman, A. B. (1960). *Politics and Culture in International History*. Princeton University Press, 482.

[40] John M. Hobson (2012). *The Eurocentric Conception of World Politics: Western International Theory, 1760-2010*. Cambridge University Press.

> … it is also a well-known fact that the Persians, who in the opinion of the Turk are heretics, have the right of embassy with them.
>
> Alberico Gentili, *De Legationibus Libri Tres*

The image of the city-states system as a "small-scale model" for the future states-system has been reproduced by a wide variety of historians and international theorists.[41] So has Mattingly's teleological conclusion that resident diplomacy was in its inception "so simple and so common-sense a solution of one of the problems of effective sovereignty in an interdependent, heterogenous state system that it is unnecessary to look further than the need to perceive the probable origin".[42] The irony is that Mattingly *did* look further than this structural "need" – and indeed looked further and deeper into the genealogy of Renaissance diplomacy than most of those who went on to cite him. He oscillated between two historiographical modes, one functionalist and one genealogical. While he sometimes portrays Italian diplomacy as a closed system, for instance, he also acknowledged that the Peace of Lodi (1454) – widely thought to have institutionalised the Italian balance of power – was a response to Ottoman pressure after the conquest of Constantinople (1453).[43] While he often seems "intent on identifying an 'essential substance' in diplomacy", as James Der Derian has noted, his book simultaneously "overflows with details on how Germanic customs, Byzantine ceremonies, Islamic practices, and the crucial conduit of class traditions, the Roman Catholic church, all interacted to make Renaissance diplomacy possible."[44] Reconstructing this more genealogical side of Mattingly's thought – ultimately repressed in the conclusions and reception of *Renaissance Diplomacy* – will point us in a better direction from which to proceed.

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[41] Anderson, *Lineages,* 162 ["a kind of reduced-scale rehearsal"]; Arrighi, *Long Twentieth Century,* 40 ["a model"]; Butterfield, H. (2019). The Balance of Power. In Butterfield & Wight (Eds.), *Diplomatic Investigations*, 155 ["a miniature states-system"]; Grewe, W. G. (2000). *The Epochs of International Law*. Walter de Gruyter, 21 ["a balance of power system developed in miniature"].

[42] Garrett Mattingly. (1937). "The First Resident Embassies: Mediaeval Italian Origins of Modern Diplomacy." *Speculum*, *12*(4), 423–439, 426.

[43] Mattingly, *Renaissance Diplomacy,* 81-83.

[44] Der Derian, *On Diplomacy,* 83.

In a 1937 *Speculum* article, Mattingly considers the origins of the resident embassy in some detail. He first discards most of the proposed medieval prototypes for the resident embassy: papal legates, proctors at the papal court, and the *responsales* sent by popes to Constantinople until around 731. Tellingly, however, he does not disregard all precedents, and singles out one in particular: "It is less certain that the fifteenth century could have learned nothing from the consuls maintained by the commercial cities, particularly in North Africa and the Levant, for almost three hundred years."[45] While these consuls had first been elected by local merchant communities, home states had soon co-opted these resident consuls for their own ends, and by 1400 these consuls were "at least as much" the spokesmen of the state as they were representatives of the merchant community. Mattingly notes that modern writers had wrongly dismissed this parallel – on the spurious grounds that these consuls were concerned "merely with commercial matters" – before correcting them: "to differentiate between the 'diplomatic' and the 'commercial' interests of most Italian city states is to deal in totally unreal distinctions."[46] As Maia Pal has recently stressed, this is an anachronistic separation, partly reflecting the later separation of aristocratic, court diplomacy in Europe on the one hand from salaried, consular officials in the Mediterranean on the other (a process led by Louis XIV and his chief minister, Jean-Baptiste Colbert). She has perceptively critiqued the diplomatic historiography for accepting these developments at face value instead of critically analysing them, and indeed for naturalising them "by studying separately ambassadors as political agents and consuls as economic agents".[47] Here, however, we find Garrett Mattingly – about as prominent a figure in the orthodox diplomatic historiography as it gets – making the same point to his contemporaries. What's more, we find him suggesting a genealogical link between resident ambassadors and the consuls at Mediterranean ports, breaking out of an Italocentric logic of immanence to incorporate Damascus, Alexandria, and Constantinople into his account of resident diplomacy.

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[45] Mattingly, The First Resident Embassies, 425.

[46] *Ibid.*, 425.

[47] Pal, *Jurisdictional Accumulation*, 288.

Resident consuls in these cities, he suggests, had primed the Italian city-states (in particular, Venice and Genoa) to accept resident ambassadors in the fifteenth century. If one of the chief functions of the resident ambassador was to keep up a constant stream of foreign political news flowing to his government, consuls like these had long provided such a service, giving the city-states "the opportunity to appreciate the value of such news to makers of policy".[48] The resident Venetian *bailo* in Constantinople, moreover, had explicitly combined diplomatic and consular functions, making the connection particularly clear: "For Venice, anyway, a case might be made for her consuls having been the precursors of her resident ambassadors."[49] This is no small concession, given that Venice took the lead in developing a dense, professionalised diplomatic network. We might add that the structure of Islamic jurisprudence made it particularly likely that commercial and diplomatic practice would cross-pollinate in these port-cities. Muslim polities did not turn commercial maritime issues over to specialised "Admiralty" or "Maritime" courts as European states did.[50] Sultanic *ahdnames* or 'capitulations' – extraterritorial concessions designed to capture maritime trade – intermingled with diplomatic privileges. If, in London, the *lex mercatoria* had long carved out space for autonomous, self-governing merchant communities like the Hanseatic Steelyard, ambassadorial immunity was another matter entirely. In Muslim polities, by contrast, the extraterritoriality granted to merchants and diplomats was one and the same, and consuls soon took on a more formal representative function. "In a sense", as Mattingly put it, "they represented not just the interests, say, of the Pisan merchants at Acre, the Genoese at Constantinople or the Venetians at Alexandria, but the whole power and dignity of the Pisan, Genoese and Venetian republics."[51] Entrepôts like these, then, are a natural place to look for what Hobson calls the "logic of

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[48] Mattingly, *Renaissance Diplomacy*, 63.

[49] Mattingly, *Renaissance Diplomacy*, 64.

[50] Matthew T. Raffety. (2020). "The Law Is the Lord of the Sea": Maritime Law as Global Maritime History. In: L. Benton & N. Perl-Rosenthal (eds.), *A World at Sea: Maritime Practices and Global History* (pp. 53–71). University of Pennsylvania Press, 67-68.

[51] Mattingly, *Renaissance Diplomacy*, 63-64.

confluence", constituting not just civilisational junctions but jurisdictional ones too.[52] Surprisingly, Mattingly had already looked in this direction in his prehistory of resident diplomacy. Indeed, he only takes one other precedent for the resident ambassador seriously: the branch managers who represented the merchant banks of Lombardy and Tuscany abroad.[53] Since much of this business involved making loans to foreign sovereigns, he notes, these agents often had privileged access to the councils of state, and when they worked for a ruling merchant oligarchy at home they could not help but take on the character of resident diplomats abroad. The next chapter explores how Italian consulates took shape in Mediterranean *fondacos*; chapter three will argue that these resident branch managers, too, were building on the commercial technologies of the *fondaco* system. Either way, it seems clear that a Mediterranean context was far from incidental to the birth of resident diplomacy in Italy.

Ultimately, of course, Mattingly characterises resident diplomacy as a function of peninsular isolation, but this does not stop us from reading *Renaissance Diplomacy* (or indeed, European diplomatic theory in general) as a contrapuntal ensemble, alternately engaging, overlapping, and opposing itself to the Orient. Here I am thinking of Edward Said's method of rereading a cultural archive "with a simultaneous awareness of both the metropolitan history that is narrated and of those other histories against which (and together with which) the dominating discourse acts."[54] Consider, for instance, Venetian *relazioni* – the end-of-mission country reports presented by ambassadors on their return to the Senate – clandestine copies of which circulated widely in early modern Europe.[55] In Max Weber's words, these reports were read with "passionate interest in specialist diplomatic circles" at the time, helping to create a new class of professional statesmen across Europe: "The adepts of this art, most of them with a humanist training, treated one another as a specially educated stratum of initiates, much like the Chinese statesmen with

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[52] Hobson, *The Eurocentric Conception,* 225.

[53] Mattingly, *Renaissance Diplomacy,* 64-65.

[54] Said, E. W. (1994). *Culture and Imperialism*. Vintage, 51.

[55] De Vivo, F. (2011). How to Read Venetian *Relazioni*. *Renaissance and Reformation 34*(1/2), 25–59.

humanist training during the last period of Warring States."[56] Leopold von Ranke considered them the perfect historical source: vivid, contemporary, and objective.[57] Indeed, they were crucial to the construction of modern, Rankean historiography in the nineteenth century, as useful for narrating national histories as they were for narrating a European story about *raison d'état* and the balance of power.[58] The genealogy of the *relazione* itself, however, belies the idea of a closed European diplomatic system even as it contributed to its historiographical formation: nobody produced more influential *relazioni* than the residents returning from Istanbul, where the political rationality of the genre was honed in an attempt to understand Venice's greatest enemy and trading partner.[59] Indeed, the *relazione* seems to have predated the Italian resident embassy network altogether, originating in the commercial diplomacy of the thirteenth century.[60] Long-distance Mediterranean trade, as Giovanni Arrighi has argued, provided "a ready-made and self-financing foundation on which to build diplomatic networks";[61] Mattingly himself suggested that the famous range of topics covered by the *relazioni* reflected the needs of the Venetian merchant oligarchy, constantly searching for new commercial niches to inhabit.[62] The quintessential historical source, which did so much to make diplomacy a consciously cultivated art in Europe, simultaneously directs us away from Italy towards the commerce that diplomacy later disdained.

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[56] Weber, M. (1994). The Profession and Vocation of Politics. In *Weber: Political Writings* (pp. 309–369). Cambridge University Press, 323.

[57] Benzoni, G. (1987). Ranke's Favorite Source: The Relazioni of the Venetian Ambassadors. *The Courier*, *22*(1), 11–26.

[58] Krieger, L. (1977). *Ranke: The Meaning of History*. University of Chicago Press, 117-20. For reason of state in the *relazioni* see Meinecke, F. (1960). *Die Idee der Staatsräson in der neueren Geschichte*. R. Oldenbourg, 177-78.

[59] Valensi, L. (1993). *The Birth of the Despot: Venice and the Sublime Porte*. Cornell University Press, 15-16.

[60] On the medieval development (and subsequent evolution) of the *relazione* see Queller, D. E. (1967). *The Office of Ambassador in the Middle Ages*. Princeton University Press, 142-48.

[61] Arrighi, *The Long Twentieth Century,* 40.

[62] Mattingly, *Renaissance Diplomacy,* 106-07.

The task, in other words, is to keep one eye on the construction of a European diplomatic system while keeping another eye on the history that this excludes. In 'Reflections on Exile', Said likens contrapuntal reading to the exile's plurality of vision – a simultaneous awareness of at least two cultures, two dimensions – exile being a fundamentally discontinuous condition. He begins by citing George Steiner's observation that to be extraterritorial is to be "deliberately untimely".[63] Ironically, the historiography of extraterritoriality has itself been split into two branches, the chronology of one narrated against the anachronism of the other. On the one hand, the extraterritoriality of the European embassy system has been assimilated into the historical progression of the territorial states-system, a progression linked (in the Rankean tradition) with the progression of world-history as such.[64] The extraterritoriality of the Ottoman capitulations, on the other hand, has been cast as a backwards-facing relic, an instrument of unilateral empire that could have had no influence on the development of modern international relations.[65] This was not just a European prejudice: by the nineteenth century it was clear that the capitulations had become incompatible with Ottoman modernisation, and the bureaucrats of the Tanzimat asserted their anachronistic quality as vigorously as any European international lawyer. As a matter of fact, Ottoman extraterritoriality *was* related to both imperial strategies of rule and the medieval tactics of the *fondaco* system. It did serve a different function to ambassadorial extraterritoriality in Europe, and it went on an equally different trajectory. None of this, however, means that Ottoman and European extraterritorialities could not have evolved in dialogue – autonomous in some ways yet interdependent in others.

After it was largely abolished as an actually-existing legal condition in the twentieth century, extraterritoriality became what it was for Steiner: a melancholy, spectral

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[63] Said, E. W. (2000). Reflections on Exile. In *Reflections on Exile: And Other Literary and Cultural Essays* (pp. 173-186). Harvard University Press, 174.

[64] According to Ranke, the European balance of power was divinely ordained to preserve the independent development of each national history; out of this separation (bridged by the *relazioni*) emerged the harmony of universal history. Ranke, L. von. (1973). The Great Powers. In *The Theory and Practice of History* (pp. 65–101). Bobbs-Merrill.

[65] As a whole, in Ranke's opinion, the Ottomans were "excluded by their religion from all true participation in the historical life of the human race". Ranke, L. von. (1877). *Die Osmanen und die spanische Monarchie im 16. und 17. Jahrhundert*. Duncker & Humblot, 82.

counterpoint to the *Völkisch* conception of territory. But it was not always thus: Ottoman extraterritoriality *acquired* its anachronistic character in relation to the European territorial states-system, even as it contributed to the latter's formation.

Three Misconceptions About Ottoman Extraterritoriality

The orthodox account of diplomatic extraterritoriality, then, treats it as a late-sixteenth- and seventeenth-century phenomenon – a purely European solution to the 'embassy chapel question'. In the Ottoman Empire, however, European ambassadors, *bailos* and consuls were granted jurisdiction over their 'nations' long before their counterparts in Europe. If, in London, embassy chapels were tolerated on the basis that they were confined (at least in theory) to the private sphere, embassy chapels in Istanbul were given special dispensation to toll their bells, publicly challenging the muezzin in the religious marketplace.[66] How do diplomatic historians account for Ottoman extraterritoriality, and how do they relate it to the later development of extraterritoriality in Europe? This section addresses three common misconceptions about the capitulations. The first treats capitulatory extraterritoriality as a European innovation. The second fails to take into account pre-Ottoman practices. The third recognises the autonomous development of the capitulations, but mistakenly assumes that imperial practices could not have contributed to international ones.

The first misconception is the most egregious. It nevertheless appears in prominent works of diplomatic history like Frey & Frey's *The History of Diplomatic Immunity,* in which the authors claim that capitulatory extraterritoriality was a derivative of ambassadorial extraterritoriality in Europe: "The principle of extraterritoriality in those agreements, although it was never articulated as such, meant the introduction of at least some European principles of international law."[67] The claim can be rejected on basic chronological grounds. Elsewhere in *The History of Diplomatic Immunity*, Frey & Frey themselves endorse Mattingly's embassy chapel account, which posits, as we have seen, that European extraterritoriality developed around the turn of the seventeenth century. The Ottoman capitulations with European powers, however,

[66] Mansel, P. (1995). *Constantinople.* John Murray, 194.

[67] Frey & Frey, *Diplomatic Immunity*, 398.

date back to the fifteenth and sixteenth centuries, if not (as we are about to see) much earlier. The dates do not add up: Europe is supposed to have introduced the Ottoman Empire to a doctrine which it had not yet invented.

While such reflexive Eurocentrism is not particularly surprising in orthodox works of diplomatic history – a notoriously conservative discipline – this first kind of response has also trickled into works otherwise critical of western imperialism. In his work on the "evolution of territoriality", for instance, Kal Raustiala argues that the extraterritoriality of American status of forces agreements (SOFAs) is a "direct descendant" from the extraterritoriality of the capitulations.[68] But he gets his earlier chronology upside down, citing Mattingly to argue that extraterritoriality was "an outgrowth of Westphalian territoriality" that was first "pioneered for ambassadors" before it was put to consular use in Istanbul and Shanghai.[69] There is no indication that the likes of the Ottoman Empire, Persia, China, and Siam might once have granted extraterritorial jurisdiction freely and for their own purposes, and no understanding of the fact that the *ahdnames* predated 'Westphalian' sovereignty by centuries. Brett Bowden's *The Empire of Civilization,* similarly, suggests that extraterritorial rights stemmed from the "clear-cut legal distinction between the civilized and uncivilized worlds", citing the nineteenth-century international lawyer Pasquale Fiore's claim that the capitulations were "derogatory" to local law: "they are based on the inferior state of civilization of certain states of Africa, Asia and other barbarous regions, which makes it impracticable to exercise sovereign rights mutually and reciprocally with perfect equality of legal condition."[70] Arguably the most surprising mistake, however, comes from David Armitage and Jennifer Pitts, in their recent editors' introduction to a collection of Charles Alexandrowicz's work. As a heterodox scholar of international law, Alexandrowicz insisted that the early modern capitulations were not derogatory to the sovereignty or prestige of the grantor; he adduced more evidence than anyone to show that this was an

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[68] Raustiala, *Does the Constitution Follow the Flag?*, 242.

[69] *Ibid*, 17.

[70] Bowden, B. (2009). *The Empire of Civilization: The Evolution of an Imperial Idea*. University of Chicago Press, 124.

anachronistic, nineteenth-century assumption.[71] Without providing any relevant citations, however, Armitage and Pitts suggest that he was wrong to do so – carried away, they imply, by his naive attachment to the early modern law of nations.[72] Such basic errors speak to the dangers of critical Eurofetishism – the eternalisation of Western domination – in the historical study of the capitulations.[73] By the mid-nineteenth century, to be sure, western powers controlled the extraterritorial regime in Istanbul, and extraterritorial rights *were* derogatory to that century's conception of territorial sovereignty. Even then, however, anti-imperialists and Ottoman reformers were trying to denaturalise this domination by pointing to the markedly different character of the original *ahdnames*.

This brings us to a second common misapprehension, this time concerning the date of the first capitulations. Historians and IR theorists often date this to the Franco-Ottoman treaty of 1536, when Francis I and Suleiman I established their famous anti-Habsburg alliance.[74] This was a particularly resonant date for a genesis, since Suleiman's reign had been constructed in both Europe and the Ottoman Empire alike as the latter's Golden Age; it was a time of territorial expansion and imperial consolidation.[75] At a stroke, then, this origin date demolished the supposition that the capitulations had always been instruments of European power; in the words of the *Moniteur Ottoman,* the French-language gazette commissioned by Mahmud II in

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[71] Alexandrowicz, *Law of Nations in Global History,* 81, 156, 164, 185, 237, 394.

[72] Pitts, J., & Armitage, D. (2017). 'This Modern Grotius': An Introduction to the Life and Thought of C. H. Alexandrowicz. In C. H. Alexandrowicz, *The Law of Nations in Global History* (pp. 1–34). Oxford University Press, 29. Their citations only provide evidence for the eighteenth- and nineteenth-century cooption of the capitulations – which only seems to corroborate Alexandrowicz's position.

[73] Hobson, J. M., & Sajed, A. (2017). Navigating Beyond the Eurofetishist Frontier of Critical IR Theory: Exploring the Complex Landscapes of Non-Western Agency. *International Studies Review*, *19*(4), 547–572.

[74] e.g. Stein, S. A. (2016). *Extraterritorial Dreams: European Citizenship, Sephardi Jews, and the Ottoman Twentieth Century*. The University of Chicago Press, 141n18; Zarakol, *After Defeat,* 116; Kayaoğlu, *Legal Imperialism,* 107; Case, H. (2018). The Quiet Revolution: Consuls and the International System in the Nineteenth Century. In K. Younger & T. Snyder (Eds.), *The Balkans as Europe, 1821–1914* (Vol. 21, pp. 110–138). Boydell & Brewer, 119.

[75] Howard, D. A. (1988). Ottoman Historiography and the Literature of 'Decline' of the Sixteenth and Seventeenth Centuries. *Journal of Asian History*, *22*(1), 52–77.

1831, such dates "[recalled] periods at which the Musulman power was altogether predominant in Europe".[76] Indeed, more or less the same could be said for the *ahdnames* granted by Mehmed II to Genoa and Venice in 1453 and 1454 – other prominent candidates for the 'first' capitulations, which restored judicial autonomy to the Genoese *podestà* and the Venetian *bailo* over their merchant-nations in newly-conquered Constantinople.

To be sure, all of these are striking and important dates in the history of Mediterranean extraterritoriality, and the point about relative Ottoman strength stands regardless of when, precisely, the regime came into place. Ultimately, however, the search for an ur-capitulation is misguided, and this reflects a broader problem with methodological Ottomanism, or the attempt to isolate a distinctively Ottoman capitulatory regime in the late medieval Mediterranean. No such regime existed. The House of Osman was founded in the late thirteenth century, one of many small Anatolian *beyliks* [principalities] to emerge in the wake of Byzantine and Seljuk decline. As a number of studies have now emphasised, syncretism was the rule in these fluid borderlands: the image of the first Ottomans as orthodox holy warriors has been dismantled as a later imperial invention.[77] And in Mediterranean trade especially, Seljuk, Ilkhanid, Byzantine, Mamluk, and Latin practices had long since converged. The patronage of commercial infrastructure had become particularly important for ruling-class legitimacy in the Islamicate world: the Seljuks, for instance, had built around one hundred caravanserais in the Anatolian peninsula in the thirteenth century, and by the time that the Ottomans annexed the *beyliks* of the Aegean coast the region was well-integrated with the Levantine sea trade.[78] Following the Fatimid and Mamluk model, the Seljuks had signed several *ahdnames* with Venice in the thirteenth century, and the post-Seljuk *beyliks* of Menteşe and Aydin had followed suit in 1318 and 1337. When the Ottoman sultan Bayezid I

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[76] *Moniteur Ottoman*, cited in Urquhart, D. (1833). *Turkey and its Resources*. Saunders and Otley, 131.

[77] See Kafadar, C. (1995). *Between Two Worlds: The Construction of the Ottoman State*. University of California Press; Darling, L. T. (2000). Contested Territory: Ottoman Holy War in Comparative Context. *Studia Islamica*, *91*, 133–163; Lowry, H. W. (2003). *The Nature of the Early Ottoman State*. State University of New York Press.

[78] Kafadar, *Between Two Worlds*, 6.

granted an *ahdname* to Venice in 1390, therefore, he was merely renewing the trading privileges long offered by these conquered principalities; Venetian merchants would not have registered this as a particularly significant rupture in the history of eastern Mediterranean commerce.[79]

By the time that the Ottomans conquered Constantinople in 1453, in other words, they were more than familiar with the trading template of the medieval Mediterranean. They had even acted as the other, extraterritorial party to such agreements: under blockade in 1391, the Byzantine emperor had agreed to establish a Turkish neighbourhood in Constantinople with seven hundred homes, a mosque, an imam, and a *kadi* with internal authority over the community.[80] Much like the Genoese colony of Galata by this time – a walled suburb of Byzantine Constantinople – this was a kind of *imperium in imperio,* its privileges extracted and maintained by force. The power calculus shifted after 1453. But the need for trading colonies remained, and three days after Mehmed II had conquered Constantinople he granted the Genoese an *ahdname* much like the *chrysobulls* they had received from Byzantine emperors. In return for Galata's submission, this document confirmed that the Genoese could follow their "customs and rites" as they had done before, with the "exception of ringing their church bells too loudly"; it also ordered that they "elect someone freely amongst them as *kethüda* [steward] to look after their own affairs."[81] Similar *ahdnames* for Venice, Florence, and Pisa soon followed.

Nor were these the only Mediterranean precedents to flow into Ottoman practice. Before the French ambassador Jean de La Forêt was sent to negotiate the famous *ahdname* of 1536, in fact, the Ottomans had twice renewed the trading privileges of French merchants in Egypt. Selim I had conquered the Mamluk Empire in 1516-17,

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[79] This is not to say that they would not have noticed a change: Bayezid adopted strict controls on the export of grain, the market in which Ottoman expansion had temporarily disrupted. See Fleet, K. (1999). *European and Islamic Trade in the Early Ottoman State: The Merchants of Genoa and Turkey*. Cambridge University Press, 68.

[80] de Groot, A. H. (2003). The Historical Development of the Capitulatory Regime in the Ottoman Middle East from the Fifteenth to the Nineteenth Centuries. *Oriente Moderno*, *83*(3), 575–604, 577.

[81] Cited in Zarinebaf, F. (2018). *Mediterranean Encounters: Trade and Pluralism in Early Modern Galata*. University of California Press, 97.

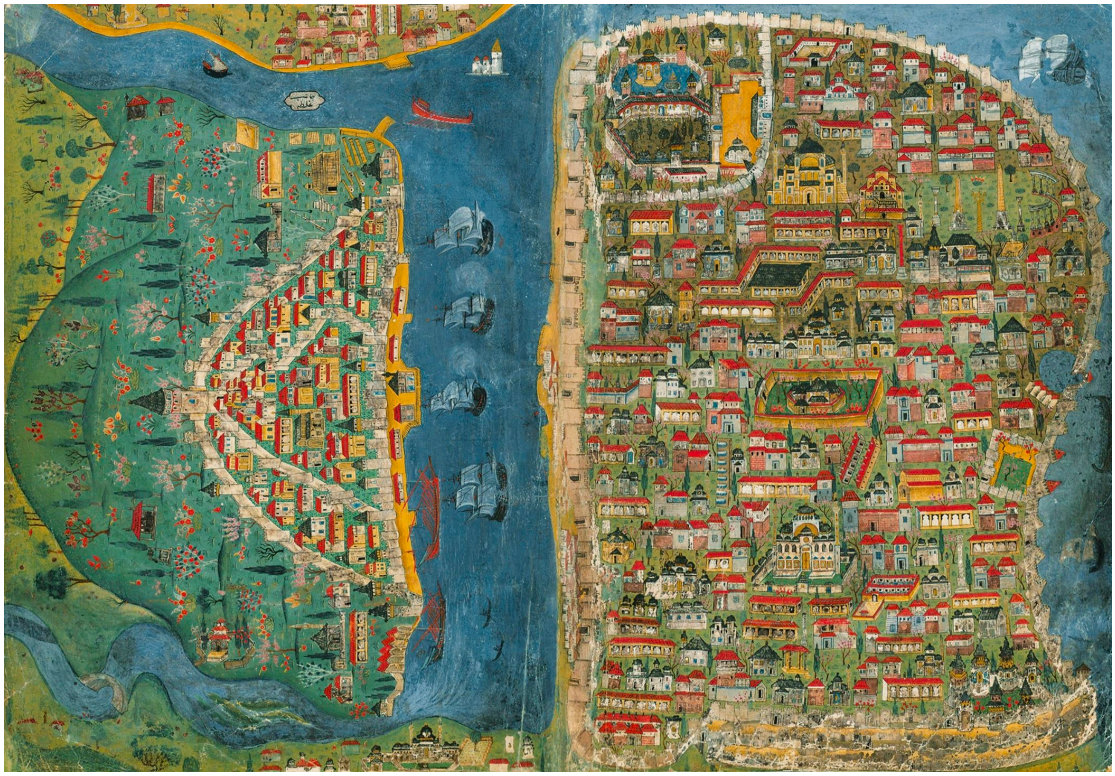


Fig. 1.1. *Map of Istanbul* (1536) by the Ottoman Bosnian polymath Matrakçı Nasuh. Galata is on the left of the map, dominated by its Genoese tower; the hills of Pera beyond were still populated by cypress trees, cemeteries and vineyards.

doubling the size of the Ottoman Empire and transforming the eastern Mediterranean world.[82] Almost immediately, however, Selim had issued a *berat* to the "consul of the Catalans and the French" at Alexandra renewing the concessions once granted by Mamluk sultans.[83] This document formed the basis for the draft *ahdname* of 1536, which merely extended these privileges to French merchants in the rest of the Ottoman Empire. What often passes for the 'first' Ottoman capitulation, in other words, leads us directly back to the capitulations of the *fondaco* system; the break between 'medieval' and 'modern' institutions has been exaggerated here as well as in Renaissance Italy.

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[82] On the social and cultural incorporation of Arab territories into the Ottoman Empire, see Pfeifer, H. (2022). *Empire of Salons: Conquest and Community in Early Modern Ottoman Lands*. Princeton University Press. For the conquests of 1516-17 as one facet of a more gradual transition, see Conermann, S., & Şen, G. (Eds.). (2017). *The Mamluk-Ottoman Transition: Continuity and Change in Egypt and Bilād al-Shām in the Sixteenth Century*. Bonn University Press.

[83] de Groot, Historical Development, 596.

The third interpretation of the capitulations is in some ways the most difficult to dislodge, since it turns on such fundamental narratives about the origins and character of the international system. On this account, the Ottomans exerted *too much* control over the *ahdnames*: the capitulations are explained away as a unilateral act of beneficence that "reflected the Muslim-Ottoman view of the inferiority of Christian Europe" and "did not accord European rulers equality of sovereignty with the sultan".[84] Diplomatic history's lack of interest in the *ahdnames* is justified, on this view, because the Ottomans themselves lacked interest in active diplomatic relations with Europe. According to a standard diplomatic textbook, the Ottomans' "deep-seated view of the world" drew a "clear dividing-line" between the *dar-al-Islam* [House of Islam] and the *dar-al-Harb* [House of War], "backed by all the great weight of Islamic religious conservatism [and making] diplomatic relations of … the normal European kind impossible".[85] A variant of this view is that the *ahdnames* were "tokens of the sultan's magnanimity – to be observed at his discretion … interpreted according to his convenience … and to be withdrawn at his caprice."[86] It is stressed that the capitulations were trade-driven instruments, as if the 'essence' of diplomacy could not involve commerce.[87] And it is stressed, as we have seen, that the sultan did not send resident envoys in the other direction, as this would have been to recognise other sovereigns as equals.[88] For all these reasons, the argument goes, the early modern Ottoman Empire cannot be considered part of the emerging 'international society' – predicated as it was on reciprocity and sovereign equality – and could not have contributed to its common rules.[89]

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[84] Naff, T. (1984). The Ottoman Empire and the European States System. In H. Bull & A. Watson (Eds.), *The Expansion of International Society* (pp. 143–170). Clarendon Press, 148.

[85] Anderson. M. S., *Rise of Modern Diplomacy*, 71.

[86] Abbott, G. F. (1916). *Turkey, Greece and the Great Powers*. Robert Scott, 4.

[87] For a wider discussion of diplomatic history's neglect of commercial, consular institutions, see Neumann, I. B., & Leira, H. (2020). The Evolution of the Consular Institution. In I. B. Neumann, *Diplomatic Tenses: A Social Evolutionary Perspective on Diplomacy* (pp. 26–45). Manchester University Press.

[88] Hurewitz, J. C. (1961). 'Ottoman Diplomacy and the European State System'. *Middle East Journal*, *15*(2), 141–52.

[89] Cf. Watson, A. (1987). 'Hedley Bull, States Systems and International Societies.' *Review of International Studies*, *13*(2), 147–53.

Much of this, of course, is spurious Orientalism. But some of it is true, or at least based in some kind of truth: while the *ahdnames* contained more reciprocal articles than is usually acknowledged, they were ultimately unilateral instruments. In some respects, in fact, the Ottoman conception of the *ahdnames* was even *more* imperial than most diplomatic historians have understood. *Ahdnames* were given to a variety of Ottoman tributaries under Mehmed II: Bosnian Franciscans, the Latin merchants of Galata, the Voivode of Moldavia, the Republic of Ragusa.[90] "There is little indication", in Daniel Goffman's words, "that in the fifteenth or sixteenth centuries Ottoman officials considered the Italian recipients of such *ahidnames* more privileged, or in a substantively different category, than others."[91] Indeed, the authority granted to the Genoese *podestà,* the Venetian *bailo,* and the French ambassador can even be seen as an extension of the authority devolved to Armenian, Orthodox, and Jewish ethnarchs under the empire's so-called "*millet*" system.[92] As *dhimmis,* or protected non-Muslims, Christian and Jewish subjects were required to pay a special yearly tax (the *jizya*) to the Ottoman state, but they were also allowed a good deal of religious-communal autonomy under their patriarchs and rabbis (for all the invocations of a holy war, or *ghazi,* among court historiographers, the ruling class had a structural incentive not to erode this fiscal base by killing or converting too many *dhimmis*). Foreign diplomats and merchants with *aman* (safe-conduct) were notably exempted from this tax. Like other Islamicate polities, the Ottoman government distinguished between *dhimmis* and temporary guests (*musta'mans*); the latter did not have to pay

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[90] On the *ahdnames* given to Ottoman tributaries see Papp, S. (2013). The System of Autonomous Muslim and Christian Communities, Churches, and States in the Ottoman Empire. In G. Kármán & L. Kunčević (Eds.), *The European Tributary States of the Ottoman Empire in the Sixteenth and Seventeenth Centuries* (pp. 375–419). Brill. On *ahdnames* and religion see Dipratu, R. (2021). *Regulating Non-Muslim Communities in the Seventeenth-Century Ottoman Empire: Catholics and Capitulations*. Routledge.

[91] Goffman, D. (2007). Negotiating with the Renaissance State: The Ottoman Empire and the New Diplomacy. In V. H. Aksan & D. Goffman (Eds.), *The Early Modern Ottomans: Remapping the Empire* (pp. 61–74). Cambridge University Press, 64-65.

[92] The "*millet* system" is technically anachronistic here: an early modern sect was more likely to be referred to as a *ta'ifa* [group] than a *millet,* and these communal arrangements were more flexible and *ad hoc* than nineteenth-century *millets*. See Braude, B. (2014). Foundation Myths of the Millet System. In *Christians and Jews in the Ottoman Empire: The Abridged Edition* (pp. 65–86). Lynne Rienner. If anything, however, this lack of systematicity only strengthens my argument that semi-autonomous merchant-nations could have been incorporated into this heterogenous order with relative ease.

the *jizya* unless they overstayed the period of their *aman*.[93] Otherwise, however, the imperial framework could accommodate European ambassadors and their retinues without too much adjustment. "Having chosen to allow Christian and Jewish subjects to live according to their own laws and traditions", as Goffman concludes, "it was not a great step for the state to grant similar rights to foreign visitors".[94]

It is not necessarily a mistake, in other words, to highlight the imperial character of Ottoman diplomacy – the mistake is to assume that "imperial" practices could not have contributed to "international" relations. The extraterritorial privileges granted to European diplomats in the Ottoman Empire did not come about *despite* the imperial genealogy of the *ahdnames*, but emerged *from* this conception. Similarly, the fact that ambassadorial privileges were intended as a show of the sultan's superiority does not mean that we should exclude them from the history of diplomatic immunity. Indeed, magnanimity could lead to far greater leaps in ambassadorial privilege than the slow gains wrought by tit-for-tat reciprocity (the preferred causal mechanism in orthodox diplomatic histories). As a show of benevolence, for instance, the sultan offered *yasakçis* to ambassadors – retinues of janissaries appointed to the service and protection of diplomats – along with a yearly payment (the *tayin*).[95] The underlying impulse may have been a show of imperial power, but it does not follow that we can exclude these practices from the history of diplomacy. As James Der Derian has argued, many of the forces behind the formation of diplomatic institutions have had "purposes often antithetical to the traditional teleology".[96] In this case, universalist motives licensed extraterritorial privileges and immunities. If this seems like a paradox – how could anyone go beyond the territory or authority of a universal sovereign? – it is a typically genealogical one:

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[93] Hallaq, W. B. (2009). *Sharīʿa: Theory, Practice, Transformations*. Cambridge University Press, 332-33.

[94] Goffman, *The Ottoman Empire*, 187.

[95] Eldem, E. (1999). 'Istanbul.' In D. Goffman, B. A. Masters, & E. Eldem, *The Ottoman city between East and West* (pp. 135–206). Cambridge University Press, 145.

[96] Der Derian, *Diplomacy*, 3.

> It is not impossible to imagine society *so conscious of its power* that it could allow itself the noblest luxury available to it, – that of letting its malefactors go *unpunished* … The self-sublimation of justice: we know what a nice name it gives itself – *mercy*; it remains, of course, the prerogative of the most powerful human being, better still, his way of being beyond the law.[97]

Similar royal prerogatives, in fact, licensed diplomatic immunity in Europe. Moreover, while the Ottomans may have conceived the *ahdnames* as unilateral instruments, Europeans tended to view them bilaterally. When Thomas Naff notes that the Europeans regarded the capitulations as treaties of alliance, while the Ottomans regarded them as "no more" than unilateral contracts,[98] we should not take it, as he does, as proof that the Ottomans had nothing to offer international society; we should view it instead as exactly the kind of collision that produces historical change. As reflected in their differing translations of the agreements, Europeans *did* tend to see the *ahdnames* differently to the Ottomans, and this generated new expectations of what extraterritoriality could be (to be sure, expectations that were not always met).[99] Sultans, in turn, would not have offered such generous extraterritorial terms had they conceptualised the *ahdnames* as completely bilateral deals. We do not find sovereign equality or European domination at the bottom of the capitulations; we find disparity and difference.

Having reviewed the most influential account of extraterritoriality and cleared some theoretical ground, it is time to construct a new account of Mediterranean extraterritoriality. The next chapter begins to do so by honing in on its medieval architecture – namely, on the *fondaco* system, around which it revolved for some five hundred years.

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[97] Nietzsche, *Genealogy*, 49.

[98] Naff, 'The Ottoman Empire', 147.

[99] For a comparison of the translations, see Panaite, V. (2019). *The Ottoman Law of War and Peace.* Brill, 172-78.

The *Fondaco* System I: Merchant-Nations in the Medieval Mediterranean

In 1165, the Iberian Jewish traveller Benjamin of Tudela arrived in Alexandria, the commercial capital of the medieval Mediterranean. His *Itinerarium* describes an ancient Aristotelian academy, a sepulchre engraved with hieroglyphs, and the Lighthouse of Alexandria, already 1,500 years old but still a beacon for incoming ships. Amid the classical history, however, he also describes a bustling, cosmopolitan present:

> Alexandria is a commercial market for all nations. Merchants there come from all the Christian kingdoms. On the one side, from the land of Venice and Lombardy, Tuscany, Apulia, Amalfi, Sicily, Calabria, Romagna, Khazaria, Patzinakia, Hungary, Bulgaria, Ragusa, Croatia, Slavonia, Russia, Germany, Saxony, Denmark, Courland, Ireland, Norway, Frisia, Scotland, England, Wales, Flanders, Hainaut, Normandy, France, Poitiers, Anjou, Burgundy, Maurrienne, Provence, Genoa, Pisa, Gascony, Aragón, and Navarre. And from the Muslim west: al-Andalus, Algarve, Ifriqiya, and the land of the Arabs. And from the other side India, Havilah, Abyssinia, Libya, Yemen, Shinar, Syria; also Javan, whose people are called the Greeks, and the Turks. And merchants of India bring thither all kinds of spices, and the merchants of Edom buy of them … Each nation has a *funduq* of its own.[1]

In this chapter, I make a case for the *funduq* or *fondaco* system as a distinct kind of 'international' order which contributed to the making of the modern states-system. A *funduq* or *fondaco* was a specialised complex which served as an inn, warehouse, and business headquarters for medieval merchant-nations like Pisa, Genoa, Venice and Barcelona in Muslim port-cities. The source of extraordinary wealth for these merchants, these *fondacos* were nevertheless not imposed on Muslim port-cities but built and regulated by them. If they are sometimes called colonies, the greatest historian of this system clarifies that these were "colonies without the apparatus of

[1] The Itinerary of Benjamin of Tudela (Concluded) (M. N. Adler, Trans.). (1906). *The Jewish Quarterly Review*, *18*(4), 664–691, 686.

colonialism".[2] Benjamin of Tudela's extraordinary list of nations is almost certainly exaggerated: there were nowhere near this many national *funduqs* in Alexandria, and miscellaneous merchants would have had to arrange lodging with the mainstays of Alexandrian commerce (Genoa and Venice, in particular, maintained a near-continuous presence at the port). Even so, his inventory of nations indicates the social imaginary of his world – an imaginary of commercial internationality vividly represented by the *funduqs* in Egypt's ancient port.

Of course, these were not nations in the modern-day sense; they are better compared to the flexible 'nations' of medieval universities and ecumenical councils like the Council of Constance.[3] The *fondaco* system thus represents a distinctive kind of 'international relations' – the relations of medieval *merchant nations* – worth exploring in its own right. At the same time, however, the *fondaco* system shaped more familiar aspects of the modern international system. The office of consul – a precursor to the resident ambassadors of the Renaissance, and itself an important institution – was first defined and crystallised in the *fondacos* of Muslim Mediterranean port cities over the course of the thirteenth century. The Muslim-Christian treaties which regulated the *fondaco* trade became models for the Ottoman capitulations. And the extraordinary wealth that flowed to Europe through the *fondacos* played a major role in both territorial state-making and capital accumulation. Previous accounts of the 'long thirteenth century' in IR have emphasised the *Pax Mongolica* and the trading privileges given to the Genoese and Venetians by the Mongols in the Black Sea. Anievas & Nişancıoğlu have highlighted, for instance, the concessions made to Genoa in Caffa (c. 1266) and to Venice in Tana (1333), and the significance of this Mongol trade to the development of complex market relations in Europe.[4] Yet historians of Black Sea trade have themselves noted the strong resemblance between Mongol-Italian agreements allowing for the establishment of *comptoirs* and earlier,

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[2] Constable, O. R. (2003). *Housing the Stranger in the Mediterranean World: Lodging, Trade, and Travel in Late Antiquity and the Middle Ages*. Cambridge University Press, 111.

[3] For the organisation of churches into 'nations' at the Council of Constance, see Wight, M. (1977). *Systems of States*. Leicester University Press, ch. 4. For universities see Kibre, P. (1948). *The Nations in the Mediaeval Universities*. Mediaeval Academy of America.

[4] Anievas, A., & Nişancıoğlu, K. (2015). *How the West Came to Rule: The Geopolitical Origins of Capitalism*. Pluto Press, 73-75.

Mamluk-Italian agreements allowing for the establishment of *fondacos*.[5] It is, of course, significant that Italian merchants were allowed to set up shop in Crimea. They did so, however, on a template and foundation already familiar to them from the Mediterranean.

Defining the Fondaco System

What was so special about the *fondaco* system? After all, according to Philip Curtin – a prominent historian of cross-cultural trade – the segregation of traders from their hosts is an almost universal feature of such commerce. Without barriers of some kind, traders eventually assimilate into their host society and lose their all-important capacity to act as cross-cultural brokers. The need for security (both for merchants and their merchandise) and the threat of disease (both to the local population and to traders) provide two more obvious drivers for trader-host separation. Nevertheless, even Curtin suggests that there was something distinctive about the *fondaco* and its institutional relatives in the Mediterranean:

> At the beginning of the eighth century, the division of the Mediterranean basin between a Christian north and a Muslim south reinforced the traders' need for security. The result was the factory system, which provided for the physical segregation of aliens on either shore of the sea in special residences with attached warehouses, variously called *fundaco* or *funduq* or *feitoria*.[6]

Not all of this is correct: Christian traders arguably did not operate in the southern Mediterranean in *systematic* fashion until at least the tenth century. Curtin has, moreover, flattened some of the differences between the *fondaco* and its relatives. While *funduqs* and *fondacos* were strictly regulated by the local Muslim authorities, for instance, *feitorias* can be seen more accurately as expressions of European

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[5] See the comparison in Di Cosmo, N. (2005). Mongols and Merchants on the Black Sea Frontier in the Thirteenth and Fourteenth Centuries: Convergences and Conflicts. In R. Amitai & M. Biran (Eds.), *Turco-Mongol Nomads and Sedentary Societies* (pp. 391–424). Brill, 407-08.

[6] Curtin, P. D. (1984). *Cross-Cultural Trade in World History*. Cambridge University Press, 38

commercial hegemony.[7] Nevertheless, Curtin is right that the Muslim Mediterranean did not blockade the Christian north – as the 'Pirenne thesis' notoriously held[8] – but generated new institutions in order to trade with it.

Indeed, Olivia Remie Constable has shown that the Muslim *funduq* was central to what became the *fondaco*. Needless to say, the *fondaco* has no pure origin either etymologically or institutionally, and the *funduq* was itself an adaptation of a Byzantine institution.[9] Nevertheless, the Arabic *funduq* developed key characteristics in the ninth century that distinguished it from its etymological predecessors – the Greek *pandocheion*, Syriac *putqā,* and Hebrew *pundāq* – and which it passed on to its descendants – the Greek *foundax,* Latin *fundicum*, and Italian *fondaco.* The most important development was the institution's commercialisation. Whereas the Greek *pandocheion* was an inn which provided paid lodging to any and all wayfarers – the Good Samaritan takes the injured traveller in the gospel of Luke, for instance, to a *pandocheion* – the Arabic *funduq* catered particularly to merchants. To be sure, *funduqs* occasionally acted as charitable sites, feeding and housing poor travellers, students, and pilgrims. Increasingly, however, the *funduq* became used as a primarily commercial space, serving the trader's need for lodging, storage, and security. The shift in function was reflected in its architecture. Whereas the *pandocheion* was designed for ease of access, the *funduq* was designed with thick walls, few windows, storerooms, and a gate typically locked from the outside at night; merchandise required protection. A recognisable blueprint gradually emerged: a typical *funduq* was a multi-storeyed, quadrangular, caravanserai-style building complex overlooking a courtyard, with the upper floors lodging merchants and the ground

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[7] Cf. Constable, *Housing the Stranger*, 208; and Sicking, L. (2019). Funduq, Fondaco, Feitoria. The Portuguese Contribution to the Globalisation of an Institution of Overseas Trade. In *Maritime Networks as a Factor in European Integration* (pp. 197–207). Firenze University Press.

[8] For Henri Pirenne, classical Roman civilisation did not give way to the Middle Ages with the Germanic invasions of the fifth century but the Islamic invasions of the eighth. *Mare Nostrum* became a piratical "Musulman lake" instead of the "thoroughfare of commerce and thought which it had always been"; a blockaded West was forced to innovate in order to subsist without trade. Pirenne, H. (1961). *Mahomet et Charlemagne*. Club des Libraires de France, 186. Without Muhammad, in other words, there would have been no Charlemagne.

[9] For the claim that the *fondaco* can be traced back to tenth-century Constantinople and the Byzantine *mitaton* system, see Horden, P. & Purcell, N. (2000). *The Corrupting Sea: A Study of Mediterranean History*. Blackwell, 397.

floor given over to storage, stabling, and shops. Etymologically and architecturally, the *fondacos* of the Muslim Mediterranean would closely resemble the *funduqs* that had been established over the ninth, tenth, and eleventh centuries.

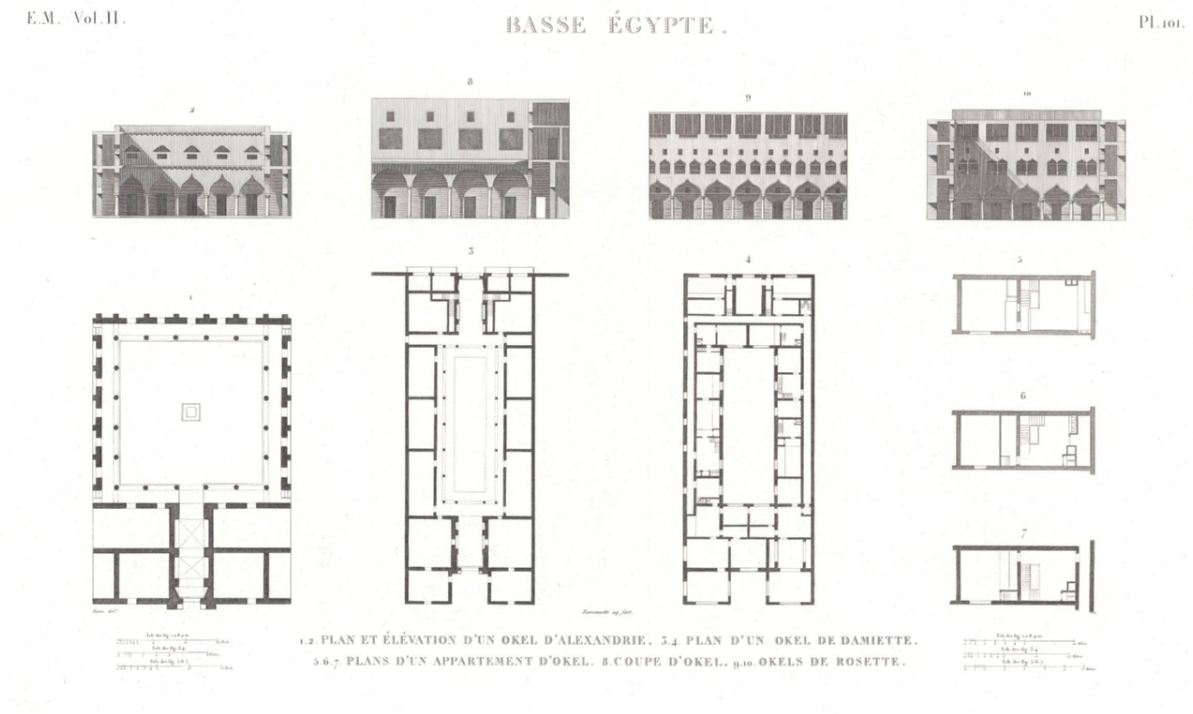


Fig. 2.1. Floor plans for *okels* [*wakalas*] in the *Description de l'Égypte*. The *wakala* was a close relative of the *fondaco,* and shared its most important features: a single, guarded gateway and a central courtyard, which opened onto individual storerooms and apartments. Said characterised the *Description* as an unprecedented attempt "to divide, deploy, schematise, tabulate, index, and record" the Orient. The content here mirrors the form: these cellular buildings were already designed to secure, divide, and index the people and merchandise held within.

European *fondacos* in Muslim port cities, then, built on a well-established template as they began to proliferate in the eleventh century. Indeed, any distinction between the terms *fondaco* and *funduq* is artificial. For simplicity's sake, I follow Constable in designating *fondaco* for facilities intended for Latin Christian merchants, reserving *funduq* for sites that continued to lodge Islamicate merchants. But this is a heuristic rather than a historical distinction. Arab administrators, of course, continued to describe facilities for western traders as *funduqs,* and by the fifteenth century this was in fact its dominant connotation in Arabic; hostelries for Islamicate merchants were increasingly called *khans* or *wakalas* as *funduqs* became associated exclusively with Latin Christians. My use of the Romance cognate *fondaco*, furthermore, should not be

taken to imply that these buildings were the products of Latin agency or design. On the contrary, Islamic states tended to build *fondacos* themselves, much as they ensured a ready supply of goods to these emporia – from Saharan gold to Indian cotton to Indonesian spices – by building thousands of *caravanserai*, *khans*, and *funduqs* to smooth the passage of trade through their domains. Muslim states were far from uninterested in trade, but aimed to channel it in their own favour.

To be sure, the *fondaco* was not unique in granting merchant communities autonomy within a defined space. The Mediterranean *fondaco* system could be compared, for instance, to the Hanseatic *Kontor* system in the Baltic and North Sea region – the 'Mediterranean of the North'.[10] Here, too, was a chain of merchant outposts granted trading privileges and internal jurisdiction, with a system of aldermen analogous to consuls; David Abulafia has described the *Kontor* of Bergen as, in effect, "an extraterritorial enclave" where Lübeckers operated according to their own commercial law.[11] Bruges, Novgorod, and London hosted other important Hanseatic settlements, Hans Holbein the Younger famously capturing the merchants of London's *Kontor* – the *Stahlhof* or 'Steelyard' – in portraiture. The *fondaco* system was, nevertheless, distinct. For one thing, the share of the *fondaco* trade was divided differently: whereas the Hanseatic League cooperated to form a monopoly, the Genoese, Pisan, Venetian, and Catalan 'nations' fought to obtain one. The crusades and a cross-confessional context also gave the *fondaco* distinct characteristics. The Mediterranean enclaves, significantly, were created by the edicts of kings and sultans, while the Hanseatic enclaves tended to emerge more gradually; persistent corsairing in the Mediterranean made relations between merchants and locals particularly fraught, perhaps in ways that only a local state could mediate. Above all, though, the *fondaco* system stands out for its close ties to a Renaissance Italy associated with the birth of the territorial states-system and capitalist modernity.

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[10] Lopez, R. S. (1976). *The Commercial Revolution of the Middle Ages, 950-1350*. Cambridge University Press, 20. For the Mediterranean's influence on comparative maritime history, cf. Abulafia, D. (2005). Mediterraneans. In W. V. Harris (Ed.), *Rethinking the Mediterranean*. Oxford University Press; and Horden, P., & Purcell, N. (2006). The Mediterranean and "the New Thalassology". *The American Historical Review*, *111*(3), 722–740.

[11] Abulafia, D. (2019). *The Boundless Sea: A Human History of the Oceans*. Oxford University Press, 445.

Other extraterritorial enclaves existed. But only the *fondaco* system was so closely tied to the development of European territoriality, against which extraterritoriality was ultimately defined.

Durable Diversity and the Crusades

Like the early modern Indian Ocean, the medieval Mediterranean was a "durably diverse" region populated by heterogenous polity forms: caliphates, empires, city-states, crusader-states, religious military orders, and statelets of merchant-raiders. If the "compatible preferences" of maritime and terrestrial powers and "congruent traditions" of heteronomy enabled diverse actors to co-exist in the Indian Ocean for centuries, the same can be said for the medieval Mediterranean. And if the most important congruent tradition between European and local actors in the Indian Ocean was a shared familiarity with commercial extraterritoriality, Europeans had already encountered similar traditions of extraterritoriality in the Afro-Asian world-system via the *fondaco* trade.[12] Just like the Indian Ocean, in other words, the Mediterranean was not populated by "like units" duplicating one another's activities,[13] but by maritime, terrestrial, and amphibious actors performing different roles in its political ecology. Italian city-states, for instance, shipped crusaders to the Holy Land – or, in the case of the rerouted Fourth Crusade, to Byzantine Constantinople – and resupplied crusader-states in return for religious relics, commercial privileges, and exemptions from criminal law.[14] If the merchant quarters or colonies which they were promised could be quite extensive – the Venetians were

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[12] For these characterisations of the Indian Ocean, see Phillips & Sharman, *International Order in Diversity*. Note, however, that patterns of commercial extraterritoriality were not identical across Mediterranean and Indian Ocean circuits of the Afro-Asian world-system: there are no records of a *funduq, khan,* or caravanserai, for instance, in extant records of medieval Aden, despite the Yemeni port's important role in linking the two spheres. See Margariti, R. E. (2007). *Aden and the Indian Ocean Trade: 150 Years in the Life of a Medieval Arabian Port*. University of North Carolina Press, 103-4. The *fondaco* system, in other words, seems distinct to the Mediterranean circuit.

[13] As in Waltz, K. N. (1979). *Theory of International Politics*. Random House.

[14] For a list of commercial charters and treaties granted to Italian city-states, see La Monte, J. L. (1932). *Feudal Monarchy in the Latin Kingdom of Jerusalem, 1100 to 1291*. Mediaeval Academy of America, 261-75.

granted "a third" of Tyre, or what one historian has called "a state within the state"[15] – the Pisans, Genoese, and Venetians remained *maritime* republics: thalassocracies largely interested in overseas territory insofar as it could serve a commercial purpose. This is not to say that their relationship with the Latin kings of Jerusalem was therefore straightforward. In a dispute in the 1160s the Genoese demanded, for instance, that their privileges be reinscribed inside the Church of the Holy Sepulchre, eventually withdrawing from the Holy Land altogether. But if such contestation over the "special extra-territorial status" of the Genoese shows that cooperation was not a foregone conclusion, the fact remained that the kingdom of Jerusalem "never developed a significant navy of its own".[16] Maritime and terrestrial powers occupied complementary spheres, and their "compatible preferences"[17] often led to military and/or commercial coalition.

Italian thalassocracies wielded an unusual degree of power over Crusader states, and their extraterritorial privileges there were accordingly greater than elsewhere. The award of whole city quarters was much less common in the Muslim Mediterranean. Nevertheless, this widening and deepening of merchant autonomy represented only an extension and adaptation of the pre-existing *fondaco* system, tipped in favour of the merchant community. By this time, the award of a *fondaco* was part of a well-established package of concessions – along with a church, bath, oven, and garden – commonly granted to a merchant community in the Muslim Mediterranean.[18] Such a package was swiftly adopted by Christian merchants and conquerors. Indeed, as Christian rulers conquered Muslim cities in Iberia, Sicily, and the Levant through the twelfth century, the *fondacos* that they granted to Italian merchant communities often merely confirmed pre-existing privileges. A Castilian-Genoese package of 1146, for

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[15] Prawer, J. (1985). Social Classes in the Crusader States: The Franks. In N. P. Zacour & H. W. Hazard (Eds.), *A History of the Crusades: The Impact of the Crusades on the Near East* (Vol. 5, pp. 117–192). Univ of Wisconsin Press, 177. For a cartographic reconstruction of Frankish Tyre, including the Venetian *tercierio* as well as the smaller Genoese and Pisan quarters, see Mack, M. (2007). The Italian quarters of Frankish Tyre: Mapping a Medieval City. *Journal of Medieval History*, *33*(2), 147–165.

[16] Abulafia, D. (2014). *The Great Sea: A Human History of the Mediterranean*. Penguin, 292.

[17] Phillips & Sharman, *International Order,* 46.

[18] Heyd, W. (1885). *Histoire du commerce du Levant au moyen-âge*. Otto Harrassowitz, 397.

instance (a *fondaco,* bath, oven, and garden in return for Genoese help capturing Almería), "almost certainly reflected privileges that Genoese traders already enjoyed in Muslim Almería".[19] There was also no shortage of potential *fondacos* for Christian rulers to parcel out: the geographer al-Idrisi reported that there were 970 *funduqs* in Almería around the time that it was conquered.[20] The German emperor Frederick I promised Genoa a similar package – along with reduced taxes – in 1162 in return for help capturing Syracuse from the Normans. The pledge was ultimately unfulfilled, but as Constable notes, the "familiar reiteration of church, bath, oven, and *fondaco* suggests that the list originated in standard Genoese demands, based on precedents in Iberia, Byzantium, and the Muslim world, rather than in a package of imperial incentives imported from a northern context."[21] This is not to say that Latin merchants enjoyed the same relationship with Muslim states as they did with Christian polities. There was no question, for instance, of Italian republics offering their fleets to Egypt as they did with Christian princes; merchants sold timber and occasionally even whole ships to Egypt, but renting out their navies would have tested papal prohibitions too far.[22] The privileges that they won from the sultan were accordingly smaller: "The question was one of gaining any access to Egyptian markets, rather than of being given preferential access."[23] The core package of *fondaco,* church, bath, oven and garden, however, remained constant, and seems to have been imported from the Muslim Mediterranean to the Christian. While concessions generally fell on a spectrum – the more dependent a polity on the merchant-state, the more generous the concessions – the core of the *fondaco* system remained familiar, and *fondacos* remained at the heart of the city-quarters granted to

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[19] Constable, O. R. (2003). *Housing the Stranger in the Mediterranean World: Lodging, Trade, and Travel in Late Antiquity and the Middle Ages*. Cambridge University Press, 127.

[20] al-Idrisi, M. (2012). Trade and Industry in a Muslim Port. In O. R. Constable (Ed. & Trans.), *Medieval Iberia: Readings from Christian, Muslim, and Jewish Sources* (2nd ed., pp. 232–233). University of Pennsylvania Press, 233.

[21] Constable, O. R. (2003). *Housing the Stranger in the Mediterranean World: Lodging, Trade, and Travel in Late Antiquity and the Middle Ages*. Cambridge University Press, 208.

[22] For papal regulation of inter-religious trade, see López, J. C. (2016). Beyond Eurocentrism and Orientalism: Revisiting the Othering of Jews and Muslims through Medieval Canon Law. *Review of International Studies*, *42*(3), 450–470.

[23] Abulafia, D. (2000). The Role of Trade in Muslim-Christian Contact during the Middle Ages. In *Mediterranean Encounters, Economic, Religious, Political, 1100-1550* (pp. 1–24). Ashgate, 10.

Italians in the crusader-states. Legal architecture aside, the facilities awarded to merchant communities by Christian crusaders also built on Muslim commerce at a more basic urban level: the *funduqs* were already there to be parcelled out, and represented a substantial part of a port-city's value in the first place.

While the crusades did not fundamentally alter the *fondaco* system, they did contribute to a broader military and commercial sea-change. Documentation of Mediterranean trade up until this period is dominated by a network of Jewish merchants centred in Fustat, known to historians as the Geniza merchants – after the *geniza*, or storeroom, in which thousands of their letters were found[24] – and known to economists as the Maghribi traders.[25] While the Amalfitans had managed to ply a lucrative trade to north Africa in the tenth century, Muslim navies had controlled the southern half of the Mediterranean and seriously disrupted Christian maritime traffic elsewhere. By 1150, however, much of the Fatimid navy was at the bottom of the sea, and the merchant letters deposited in the famous *geniza* had all but dried up. Pisa, Genoa, and Venice now commanded all the major Mediterranean sea-lanes. Among other things, the counter-clockwise circulation of Mediterranean currents, prevailing winds, and hostile southern coasts had given Byzantium and the Christian West a considerable advantage.[26] Crucially, though, the *fondaco* system survived the shift in naval hegemony. The crusades had reinforced the importance of the *fondaco* system on the Latin Christian side: *fondacos* were at the heart of the commercial privileges offered to merchant-states as part of crusading alliances. But they had also reinforced the significance of the Alexandrian *fondacos* to the Egyptian state.

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[24] For the classic study, see Goitein's "sociography" of the Geniza merchants in Goitein, S. D. (1967). *A Mediterranean Society: The Jewish Communities of the Arab world as Portrayed in the Documents of the Cairo Geniza*. University of California Press. For a perceptive reading and critique of its reception, see Goldberg, J. L. (2011). On Reading Goitein's A Mediterranean Society: A View from Economic History. *Mediterranean Historical Review*, *26*(2), 171–186.

[25] See Greif, A. (1989). Reputation and Coalitions in Medieval Trade: Evidence on the Maghribi Traders. *The Journal of Economic History*, *49*(4), 857–882. For criticism, see Edwards, J., & Ogilvie, S. (2012). Contract Enforcement, Institutions, and Social Capital: The Maghribi Traders Reappraised. *The Economic History Review*, *65*(2), 421–444. For an excellent study which challenges this literature and highlights the Fatimid state's close involvement in the Geniza trade, see Goldberg, J. (2012). *Trade and Institutions in the Medieval Mediterranean: The Geniza Merchants and their Business World*. Cambridge University Press.

[26] Pryor, J. H. (1988). *Geography, Technology, and War: Studies in the Maritime History of the Mediterranean, 649-1571*. Cambridge University Press.

Deprived of its traditional timber supplies over the eleventh century, Fatimid Egypt now depended on Venetian timber imports to build its own ships.[27] Such ironies were typical of the *fondaco* system, on which Christian and Muslim powers now mutually depended.

Islamicate Origins

Thus far we have seen just how difficult it is to separate the Christian Mediterranean from the Muslim. Etymologically, legally, and commercially, the *fondaco* system adopted by coalitions of crusaders in the Levant built on pre-existing patterns of Christian-Muslim interaction. In this section I zoom closer into the *fondacos* of North Africa, noting that the tight local regulation of these buildings upends standard IR narratives about long-distance medieval trade. *Fondacos,* I argue, were not *laissez-faire* spaces beyond the limits of state control. The *funduq,* in fact, had long been a state-making site *par excellence* – from its function as a granary to a site of taxation – and the *fondaco* was more tightly regulated still. *Fondacos* have to be seen in the context of a symbiotic commercial relationship between Christian and Muslim powers, with the "extensive" economic power of the former operating in and through the "intensive" power of the latter.

These terms are borrowed from Michael Mann, who defines extensive power as the ability to organise large, minimally stable groups over far-flung territories, and intensive power as the ability to organise tightly and command a high level of mobilisation and commitment from participants within a given territory.[28] The primary structures of society, he argues, combine both types of power. Crucially, the *fondaco* system represents an intersocietal combination of both: the extensive power of Latin Christian merchant-states was built *in and through* the intensive power of local Muslim governments. As Constable puts it:

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[27] Lombard, M. (1959). Un problème cartographié: Le bois dans la Méditerranée musulmane (VIIe-XIe siècles). *Annales*, *14*(2), 234–254, 254.

[28] Mann, M. (1986). *The Sources of Social Power* (Vol. 1). Cambridge University Press, 7.

> The existence of the *funduq* and *fondaco* in the Muslim world encouraged European traders to visit Islamic ports, while the lack of comparable institutions in European cities meant that Muslim merchants rarely journeyed to European markets. *Fondacos* in Alexandria, Tunis, Seville, and other Islamic ports facilitated trade in a way that was unknown in Europe.[29]

This may overstate the case somewhat – comparable institutions might have emerged in Europe had there been more commodities worth journeying for[30] – but *fondacos* clearly made cross-confessional commerce possible. They did so through close, day-to-day (i.e. *intensive*) control over both traders and local subjects. Local regimes, that is, had not only to keep the inhabitants of the *fondaco* on a tight leash – locking them in, for instance, at holy times and at night – but also had to keep often hostile local populations at bay. If Christian merchants were able to organise across far-flung Muslim societies, in other words, it was not just thanks to techniques of extensive power transmitted through and from those societies, although these also mattered: the compass,[31] the *commenda*,[32] and Arabic numerals[33] all facilitated long-distance commerce. It was also thanks to local states' intensive penetration of everyday life. It would be tempting to describe the growth of "nations" of commercial capitalists organised into *fondacos* as a kind of "interstitial emergence";

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[29] Constable, *Housing the Stranger,* 110.

[30] Catlos, B. A. (2014). *Muslims of Medieval Latin Christendom, c.1050–1614*. Cambridge University Press, 229. It was not until the late twelfth century that there was sustained demand in the Muslim world for western industrial goods (namely, cloth). See Abulafia, The Role of Trade, 8.

[31] For the "Eastern origins" of the navigational revolution, see Hobson, J. M. (2004). *The Eastern Origins of Western Civilization*. Cambridge University Press, 121-26.

[32] For the origins of the *commenda* in the Muslim *qirad*, see Udovitch, A. L. (1962). At the Origins of the Western Commenda: Islam, Israel, Byzantium? *Speculum*, *37*(2), 198–207; Udovitch, A. L. (1970). *Partnership and Profit in Medieval Islam*. Princeton University Press. For an alternative view which sees the European *commenda* as a creative amalgamation of Roman, Byzantine, Jewish, and Muslim antecedents, see Pryor, J. H. (1977). The Origins of the Commenda Contract. *Speculum*, *52*(1).

[33] Arabic numerals were first used in Europe around 1200 by notaries drawing up contracts for trade with the Muslim world. Leonardo Fibonacci wrote a famous treatise in 1202 advocating for their use, having lived in the Christian community of Tunis. See Abulafia, The Role of Trade in Muslim-Christian Contact, 1, 16.

another of Mann's phrases,[34] inspired by Marx's comment that "trading nations, properly so called, exist only in the interstices of the ancient world, like the gods of Epicurus in the *intermundia,* or Jews in the pores of Polish society".[35] In one sense this is clearly true: the *fondaco* represents a kind of narrow space between two societies where trading nations could flourish. In another sense, however, it is less applicable: the *fondaco* was distinctly not a *laissez-faire* space beyond the authority of local governments. In this it complicates the common conception of medieval long-distance trade as unregulated or interstitial. Far from operating outside the local political economy, Constable points out, "these lucrative facilities were closely regulated by local Muslim authorities, who maintained strict controls over access to and use of *fondaco* buildings."[36] Treaties not only established whether a nation of merchants would be allowed a *fondaco* but regulated everything from its wine to internal worship. To be sure, much of this regulation concerned the suspension of local laws: the very possibility of cross-confessional commerce depended on Christian merchants' access to familiar food-ways, languages, laws, and priests. A desire to separate Christian traders from the Muslim population only strengthened merchant autonomy, with *fondaco* communities eventually granted all the facilities to be self-sufficient during their nightly curfew. But this was hardly the self-regulation of the medieval law merchant described by the likes of Anne Claire Cutler, derived from medieval authorities' *inability* to regulate international transactions.[37] Rather, Muslim administrations built the *fondacos* precisely so that they could channel and regulate long-distance trade. Indeed, they almost always maintained that the buildings were Muslim property, and that Christians enjoyed their use only at the pleasure of the sultan. The share of profit and taxation was frequently contested, and few issues were too small to escape notice: in one document from 1308, the Hafsid sultan of Tunis chastised the Aragonese consul for renting out the *fondaco* oven; only

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[34] Mann, *Sources of Social Power,* 16.

[35] Marx, K. (1976). *Capital: A Critique of Political Economy* (Vol. 1). Penguin Books, 172.

[36] Constable, *Housing the Stranger,* 110.

[37] Cutler, A. C. (2003). *Private Power and Global Authority: Transnational Merchant Law in the Global Political Economy*. Cambridge University Press, 11.

use of the oven had been granted, he wrote, not the right to rent it.[38] If Christian merchants were autonomous, in other words, their autonomy paradoxically depended on Muslim governments. Quasi-extraterritorial European enclaves made it easier, not harder, for Muslim administrations to control foreign merchants and their goods.

To contextualise this close administrative oversight of *fondacos*, it is worth adopting the local state's perspective and considering the historical affordances of the *funduq*. As James C. Scott has explored, not all kinds of wealth are equally legible to the state, and commerce poses a particular challenge for tax collectors. Just as early states preferred visible and assessable cereal grains to underground tubers that could be buried from their view, so too did they suspect the "illegible, concealable, and fugitive" wealth of the merchant class:

> One might tax a market, or collect tolls on a road or a river junction where goods and transactions were more transparent, but taxing merchants was a tax collector's nightmare.[39]

The *funduq* was a partial solution to this commercial illegibility: an artificial bottleneck where goods could be made visible, assessable, and taxable, just like cereal grains. Indeed, the *funduq* had long doubled up as a depot for those grains and other staple goods. In times of drought or famine, the price of wheat, barley, and other grains could soar: *funduqs* were used to store these staple goods and regulate their prices, with governments regularly intervening in the market if not running their own *funduqs*. Merchants were often required to bring their wares to these state-sponsored depots, which sold critical foodstuffs at stable, albeit higher than average prices.[40] In one sense, then, the *funduq* was already a classic site of state legibility, a state-making site that distilled a new kind of intensive power. Such depots

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[38] Archivo General de la Corona de Aragón. (1940). *Los documentos árabes diplomáticos del archivo de la corona de Aragón* (M. A. Alarcón y Santón & R. García de Linares, Eds.). Imprenta de Estanislao Maestre, 266-70.

[39] Scott, J. C. (2017). *Against the Grain: A Deep History of the Earliest States*. Yale University Press, 131.

[40] Constable, *Housing the Stranger*, 74.

represented not only the extraction of surplus labour from a sedentary population but allowed for more mobilisation in the future: stored grain was "ideal for distributing to labourers and slaves, for requiring as tribute, for provisioning soldiers and garrisons, for relieving a food shortage or famine, or for feeding a city while resisting a siege."[41] *Funduqs* for grain remained more common than for any other kind of commodity – indeed, the Castilian cognate *alhóndiga* (*alfóndiga*) came to refer exclusively to this function as a granary[42] – and Muslim states monitored them closely, if not taking on their operation for themselves.

Funduqs, however, went beyond this function as a grain depot. Urban market inspectors funnelled merchants into *funduqs*, for instance, ensuring that they did not lodge with friends, commercial agents, or associates. Fortified watch-stations (*ribats*) along the coast, official couriers, and the secret police all worked to create and broadcast information about market prices while deterring illicit commercial arrangements.[43] The keeper of the *funduq* was responsible for carefully weighing the merchandise with a legal set of scales to properly assess its value, before collecting taxes for the government. Along with a constellation of other similar institutions – the *caravanserai,* the *khan,* the *dar al-wakala* – the *funduq* was therefore a key fiscal chokepoint where the state could protect and capture the fugitive wealth of the merchant class. It was, and had long been, a site of intensive state control. It also served a powerful legitimating function. While most *funduqs* no longer directly served the sick and needy, many were established by members of the ruling class in order to generate revenue for a mosque, school, or hospital as part of a *waqf* endowment. Whether the income of the *funduq* was directed towards a private owner, the state treasury, or a *waqf,* it was an important symbol of both commercial and governmental power.

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[41] Scott, *Against the Grain,* 134.

[42] Jiménez Roldán, M. del C. (2019). Del funduq a la alhóndiga: Un espacio entre el emirato nazarí y el reino de Granada (s. XV-XVI). *Al-Qanṭara*, *40*(2), 315–354.

[43] Goldberg, J. (2012). *Trade and Institutions in the Medieval Mediterranean: The Geniza Merchants and their Business World*. Cambridge University Press, 168-69.

It should not be a surprise, then, that governments adapted *fondacos* – of course, Arab administrators would have called them *funduqs* – to channel and control potentially subversive Latin merchants. Ayyubid and Mamluk Egypt, in particular, instituted strict parameters on European activity through *fondacos* in the fourteenth and fifteenth centuries.[44] Restricting Latin trade to the Mediterranean ports of Alexandria and Damietta, for instance, Saladin pushed European merchants out of Cairo and blocked their direct access to the Indian Ocean. *Funduqs* and *fondacos,* in other words, do not map onto the common characterisation of local and long-distance trade as regulated and *laissez-faire* spheres respectively;[45] the intensive regulatory apparatus of the *funduq* was adapted and, indeed, *tightened* in order to monitor foreign merchants. If governments could be lax in their oversight of lodgings for Islamicate merchants like the Geniza traders, this "laxity … did not extend to foreign Christian traders".[46]

Of course, harbour taxes, tolls, and customs dues had long been an essential source of revenue for coastal Mediterranean communities.[47] For Peregrine Horden and Nicholas Purcell, perhaps the most influential historians of the Mediterranean since Braudel, the close administration of the *fondaco* system thus belongs to a long tradition beginning with classical *emporia* – a periodisation which downplays medieval novelty and bolsters their central argument about the continuity of ancient and medieval Mediterranean history.[48] I certainly do not want to suggest that the *fondaco* sprang up out of nowhere, or that other institutions could not function similarly. Parallel medieval institutions like the Byzantine *mitaton* and the Germanic *loggia* show that this was not the case. If the *fondaco* has to be situated in a wider Mediterranean genealogy, however, it is clear that the Islamic state's close fiscal and administrative control over such spaces was, by the late medieval period,

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[44] Constable, *Housing the Stranger,* 76.

[45] See e.g. Cutler, *Private Power and Global Authority,* 13.

[46] Constable, *Housing the Stranger*, 106.

[47] See Purcell, N. (2005). The Ancient Mediterranean: The View from the Customs House. In W. V. Harris (Ed.), *Rethinking the Mediterranean* (pp. 228–232). Oxford University Press.

[48] Horden & Purcell, *The Corrupting Sea*, 397-99.

unparalleled. This was a power that *produced* new domains, objects, and rituals.[49] The consul was one such product.

The Consul as a Hybrid Agent

Tightly compressed, the *fondaco* was a crucible where new commercial and diplomatic institutions were forged. Far from acting as a despotic chokehold on trade – as Muslim sovereigns are often portrayed in the primary and secondary literature – the concentration of alien merchants into distinct, legible compounds not only made trade possible but generated new innovations within these communities. Local Muslim governments paid to build and repair the *fondacos*, locked their gates from the outside, and monitored their finances.[50] Inside, a full-time staff – administrators, priests, notaries, accountants, bakers, and servants – had to operate a nearly self-sufficient cell. Various titles initially proliferated for the head of the *fondaco*: *baillius, fundicarius, vicecomitatus, guardianus del fondaco, sindicus.* By the second half of the thirteenth century, however, the 'consul' had emerged as the most prominent post, and he increasingly took on the role of representing his state. "It became common, for example, for a consul in Egypt to have regular access to the Mamluk sultan, and the right to travel to Cairo every six months to discuss the affairs of his community."[51] The import of 'consul' from the European Latin tradition, displacing the *fundicarius* derived from the Arabic *funduqānī,* makes it tempting to view this as an Italian innovation or a Roman inheritance. In fact, the consuls of the *fondaco* less

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[49] Foucault, M. (2020). *Discipline and Punish: The Birth of the Prison*. Penguin, 194. Richard Sennett makes a similar point regarding the *Fondaco dei Tedeschi* in Venice*:* "As a consequence of segregation, herded together, isolated, these foreigners began to feel a bond among themselves." Sennett, R. (1996). *Flesh and Stone: The Body and the City in Western Civilization*. W.W. Norton & Company, 231.

[50] Merchant-nations did sometimes pay for their repairs in practice, although they were not obliged to in theory. See Christ, G. (2012). *Trading Conflicts: Venetian Merchants and Mamluk Officials in Late Medieval Alexandria*. Brill, 72n84.

[51] Constable, *Housing the Stranger,* 136. For Mamluk Cairo, see the collection of essays in Bauden, F., & Dekkiche, M. (2019). *Mamluk Cairo, a Crossroads for Embassies: Studies on Diplomacy and Diplomatics*. Brill.

resembled the consuls who governed the Italian city communes than the Fatimid office of the *wakīl al-tujār*.[52] These hybrid origins and functions warrant a closer look.

Wakils were already well-documented in the Geniza trade. They had a complex set of responsibilities. As legal representatives for foreign merchants, they stored, bought and sold goods, collected debts, and generally facilitated long-distance trade, particularly when merchants did not have an affiliate in the city to operate on their behalf. Their warehouses served as lodging houses, neutral meeting grounds, and bourses where goods could be auctioned: one document from 1141 stated that a partnership was only binding if it had been concluded in a *dār wakāla,* pointing to the unique jurisdictional status of these sites. But if they thus enabled "minimally stable cooperation" across far-flung territories – if they served the *extensive* power of merchant diasporas – they also served to increase the intensive power of the Fatimid state. "In a maritime city", S. D. Goitein notes, "a *wakīl tujār* could simultaneously serve as *nāzir*, or superintendent of the port, and as tax-farmer of the customs and other dues."[53] Titles designated them as servants of the government. The proprietor of a *funduq* or *caravanserai,* called a *funduqānī,* played a similar role: Goitein points to one record of a *funduqānī* promising to take goods which had been smuggled past customs to the Arsenal (*al-ṣinā'a*) in Fustat to be properly taxed.[54] These semi-official agents made the fugitive wealth of the merchant class more legible, embodying two kinds of power (intensive-fiscal and extensive-mercantile) in one person.

This is not to say that the consuls of the European *fondacos* did not differ from their counterparts in *funduqs* and *wakālas*: whereas the *wakil* was a local person appointed by the Muslim authorities, for instance, the consul was either appointed by his home state or elected by local merchants. Consuls were further distinguished by the diplomatic functions which they gradually accumulated – not least to manage the constant fallout from Mediterranean piracy. Importantly, though, and like their

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[52] For the emergence of consuls and the Italian city communes, see Wickham, C. (2015). *Sleepwalking into a New World: The Emergence of Italian City Communes in the Twelfth Century*. Princeton University Press.

[53] Goitein, *A Mediterranean Society* (Vol.1), 189.

[54] *Ibid.*, 189-90.

Islamicate predecessors, they still operated in close coordination with the Muslim state, helping to make trade more legible – and foreign travellers more governable. This can be clearly glimpsed in the travel account of the Irish friar Symon Semeonis, who arrived in Alexandria by sea in 1323. Though himself a pilgrim, Semeonis travelled with merchants. He describes the role of the consul in the Mamluk customs process in some detail.

First, two inventories of the vessel are conducted by the harbour authorities, with the Admiral of the port exacting a fixed tribute and apparently communicating with the sultan via carrier pigeon. In a second phase of inspection at the city gates, the resident Christian merchants and their consuls introduce the arrivals to the Admiral, who interrogates them and orders that all their merchandise be weighed in his presence. When Semeonis and the other pilgrims are accused of being spies, they enter into a third phase of detention, in a passage worth translating at length:

> We were then, at the express command of the Governor, brought by the merchants to the *fondaco* belonging to the city of Marseilles, on the way being again exposed as Christians to the insults of the populace. Here for five days we remained in the chapel before we could secure a permit enabling us to proceed, for the Saracens have little desire that poor people, and especially Franciscans, should traverse their country, as they and the Sultan can make but little money out of them. In Alexandria each Christian maritime state possesses its *fondaco* and its consul … Every merchant is obliged to betake himself, along with whatever merchandise he may have brought, to the *fondaco* of his respective state or region in accordance with the directions of his consul, the latter being at the head of the establishment and of all those housed in it. Without his presence and permission no merchant of the state which he represents is admitted into the city along with his wares. He sits before the aforementioned gate assisting the Admiral [*Admiraldo assistens*], and receives only those merchants of the state he represents, and their goods. Of these he requisitions a certain fixed quantity on their arrival, and on their departure must render an account of this.

> The Saracens do this for the purpose of protecting their city with the utmost care…[55]

Here, then, the *fondaco* has a threefold function for the Mamluk state, acting as a detention centre, a site of taxation, and a site of religious control. The European consul, meanwhile, has an ambivalent relationship with the travellers and the city authorities. Semeonis at first writes that the consul introduces them *to* the Admiral, suggesting a kind of representation on behalf of the foreigners. Later, though, the consul takes up a position of inspection *alongside* the Admiral at the city gates. Seemingly operating in close coalition with local authorities, the consul also facilitated tax collection in the *fondaco* much like the *wakil* and the *funduqānī* did within the *funduq*, conducting his own requisitions. Consular authority within the *fondaco* can be viewed, then, as a product of pooled, joint jurisdiction: it was an extraterritorial space that states punched through their own political plastic so as to govern foreigners, goods, and the movement of both to and from their cities.

Yet this is not how consular diplomacy is typically viewed. Of course, consular representation is already sidelined in IR and diplomatic history, which tends to forget resident consuls when dating the rise of "resident diplomacy" to Renaissance Italy. As Halvard Leira and Iver Neumann have pointed out, the treaties that established resident consuls and "extraterritorial jurisdiction" in Byzantine and Muslim port cities "predate similar diplomatic treaties by three centuries", and yet they are "regularly omitted in histories of diplomacy".[56] They rightly note that traditional readings of this development – when it is acknowledged at all – ascribe it to the power and prestige of European merchants, an "inexorably Eurocentric" reading which neglects pre-existing practices of internal jurisdiction in the Eurasian trade-

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[55] Simeonis, S. (1960). *Itinerarium Symonis Semeonis ab Hybernia ad Terram Sanctam* (M. Esposito, Ed.). The Dublin Institute for Advanced Studies, 48-51.

[56] Leira, H., & Neumann, I. B. (2011). The Many Past Lives Of The Consul. In *Consular Affairs and Diplomacy* (pp. 223–246). Brill Nijhoff, 228. Their examples: Anderson, M. S. (1993). *The Rise of Modern Diplomacy, 1450-1919*. Longman; Hamilton, K., & Langhorne, R. (2011). *The Practice of Diplomacy: Its Evolution, Theory, and Administration* (2nd ed.). Routledge; Der Derian, J. (1987). *On Diplomacy: A History of Western Estrangement*. Basil Blackwell.

system. In reality, peripheral European merchants had "no choice" but to enter this system "on the terms of the Arabs".[57]

Leira and Neumann, then, come close to grasping the cross-cultural development of the *fondaco* system and the overlapping functions of the consul, an office which required constant triangulation between the sending state, the local trading diaspora, and the local state. Their own account of these pre-existing practices of internal jurisdiction, however, falls short. They acknowledge the *wakīl al-tujār,* for instance, as a precedent of a consul-like office. But they ultimately focus on the European consul because these predecessors "seem to have had little influence on the consular institution as it developed and spread across the globe in the second millennium".[58] This is a strange claim, given that the first consuls emerged in port cities where these predecessors were present. To suggest that this was a coincidence or that the *wakil* and the *funduqānī* had little influence on the consular institution seems unlikely, particularly when we recall that the head of the *fondaco* was initially called the *fundicarius* (nothing more than a Latinised version of *funduqānī*) before the consul gradually replaced it over the thirteenth century. Their attempt to "excavate the phenomenon's Muslim origins", in other words, does not dig deep enough.[59]

Maia Pal, meanwhile, offers a strong defence of "outward internalism" in her Political Marxist account of extraterritoriality, suggesting that different social property relations in the Dutch, English, Iberian, and French empires led to different strategies of "jurisdictional accumulation" abroad. Building on Marx's concept of primitive accumulation, Robert Brenner's concept of political accumulation, and Benno Teschke's concept of geopolitical accumulation, the concept of jurisdictional accumulation usefully illuminates how early modern commerce was tied up with the accumulation of jurisdictional rights, titles and functions for agents such as consuls. Pal denies, however, that Islamicate states had much influence on such accumulation: her focus is on "European extraterritorial practices *that emerged within* and were

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[57] Leira & Neumann, Past Lives, 227.

[58] *Ibid.*

[59] Neumann, I. B. (2020). *Diplomatic Tenses: A Social Evolutionary Perspective on Diplomacy*. Manchester University Press, xi.

extended, transported, and transplanted throughout and beyond Europe … the research problem requires an inside-out analytical narrative and causal logic of explanation".[60] Where I have argued that the *fondaco* was a site of intensive local power, Pal bakes the derogation of local sovereignty into her theoretical apparatus:

> Jurisdictional functions are forms of extraterritorial power which contravene local sovereignty and assume a separation or sharing of local jurisdiction, obtained following continuous negotiations in Christian and non-Christian countries … Although these powers did not necessarily appear as an encroachment on local power in certain regencies, as capitulations emerged as privileges granted to European powers with practical advantages for the Porte (who according to sharia law could not try non-Muslims), they soon became a way for merchants and consuls to assert themselves and gain significant commercial and diplomatic advantages.[61]

This analysis can be explained in part by a different period of study: Pal focusses on the early modern period when European actors were already growing more powerful relative to their host states. Towards the end of this period, of course, extraterritoriality was put to imperial ends, and by the nineteenth century it was alternately seen as a symptom and cause of the Ottoman Empire's semi-civilised status. European merchants and states clearly gained significant advantages from their participation in this system. When we set the capitulations in an earlier context, on the other hand, it becomes clearer that extraterritorial privileges were not imposed on Muslim states but reflected their administrative capacity; these arrangements did not actively *dis*advantage host states until relatively late in their history (beginning, as Pal points out, with the North African regencies).[62] Consular extraterritoriality was not transported and transplanted to the Ottoman Empire by European agency alone; the Ottomans, in fact, were merely adapting a system that had regulated cross-confessional trade in the Mediterranean for centuries.[63]

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[60] Pal, *Jurisdictional Accumulation*, 60-61.

[61] *Ibid.*, 200.

[62] *Ibid.*, 290.

[63] De Groot remarks that the *ahdname* given to the Pisans by the Fatimid ruler in 1154 bears a "striking" similarity with later Ottoman texts. De Groot, Historical Development, 577-79.

Set in the *longue durée,* in other words, we cannot describe consular extraterritoriality as a practice innovated by Europeans alone. This is not to deny Pal's point that European states and consuls divided up the rights and privileges of jurisdictional accumulation in different ways: states could auction the consulship for a flat fee or for a percentage of revenue, for instance, or they could simply give the consul a fixed salary. Extraterritorial autonomy meant just that – a degree of autonomy – and different polities did different things with it: each Venetian *fondaco*, for instance, housed a patrician 'Council of Twelve' which balanced the consul's authority abroad, in a miniature replica of oligarchical democracy at home.[64] An inside-out analysis can, therefore, illuminate one side of the extraterritorial dialectic, and Pal is right that we ought to differentiate between European strategies of jurisdictional accumulation: she pays particularly close attention to Jean-Baptiste Colbert's mercantilist reforms of the French consular service in the seventeenth century, which gradually forbade consuls from profiting from commerce aside from the *consulage* – the customary two percent consular tax on transactions – and which remunerated them with a fixed salary instead.[65] If the salary or share of customs revenue that a consul received was to be contested with his European state, however, this alone did not guarantee his "access to, and possibilities for the accumulation of, resources necessary for social reproduction".[66] At a very basic level, medieval consuls lived in a *fondaco* provided by the host state, while the accumulation of jurisdictional rights and titles would have been worthless had there been no trade on which to profit. Local states ensured that lucrative goods flowed steadily through the *fondaco* system, for instance, with

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[64] Christ, *Trading Conflicts,* 70-72. For the classic comparative study of Venetian, Dutch, French, and English consular strategies in the early modern period, see Steensgaard, N. (1967). Consuls and Nations in the Levant from 1570 to 1650. *Scandinavian Economic History Review*, *15*(1–2), 13–55. Note, however, that national strategies were not uniform across the Mediterranean: there was no equivalent to the Levant or East India Companies, for instance, for British merchants in North Africa; factors and consuls there reported directly to the Secretary of State. See MacLean, G. M., & Matar, N. I. (2011). *Britain and the Islamic World, 1558-1713*. Oxford University Press, 7.

[65] Pal, *Jurisdictional Accumulation*, 207. Aragonese kings in the thirteenth century attempted to flex their control in a similar way, granting the consul a salary set at the king's discretion as they sought more direct access to the revenues from their Tunisian *fondacos.* Constable, *Housing the Stranger,* 197.

[66] Pal, *Jurisdictional Accumulation*, 18.

the Fatimid trade office [*matjar*] managing the state monopoly on alum and exchanging this with European merchants for iron, wood, and bitumen at set prices.[67] But they could also be involved in jurisdictional accumulation more directly. Some *ahdnames* specified, for instance, that the consul had the right to import, say, 1000 or 2000 dinars worth of goods without paying customs.[68] Other jurisdictional titles were auctioned off. Permission to house pilgrims – a potentially lucrative business for a *fondaco* – had to be granted by the Mamluk sultan. The title of the "consul of the pilgrims" was regularly renegotiated and awarded to the highest bidder.[69]

Local sovereigns could even pay Latin consuls directly. In the fifteenth century, consuls regularly received an additional stipend (called a *gemechia* in Italian or *ma'lum* in Arabic) from the Mamluk sultan, increasing the empire's leverage over European merchants. When one Venetian consul was brought before Sultan al-Mu'ayyad to answer charges of piracy and secret correspondence, the sultan supposedly asked him: "For what reason do you have my protection and remain in my country?" The consul replied, "My Lord, in order to sustain and comfort the merchants of my nation, and also the opportunity to bring things here to benefit your country." The sultan produced an intercepted letter which proved the consul's duplicity, before having him beaten and expelled. "The sultan's angry reaction is readily understandable", Constable suggests, "in light of the fact that the consul was, to some degree, an employee of his own administration".[70] Georg Christ likewise contends that the Venetian consul in early fifteenth-century Alexandria was "simultaneously a Venetian, a local-diasporic and a Mamluk (i.e. imperial) official". With case studies highlighting conflicts settled by joint action from high-ranking Mamluk officials and the Venetian consul, Christ shows that the Venetian consul was a "public figure" and not just a representative for his own trading nation: he was a

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[67] Beaujard, P. (2019). *The Worlds of the Indian Ocean: A Global History* (Vol. 2). University Press, 300-01.

[68] Ashtor, E. (1984). *Levant Trade in the Later Middle Ages*. Princeton University Press.

[69] Jacoby, D. (2012). Western Merchants, Pilgrims, and Travelers in Alexandria in the Time of Philippe de Mézières (ca. 1327–1405). In R. Blumenfeld-Kosinski & K. Petkov (Eds.), *Philippe de Mézières and His Age: Piety and Politics in the Fourteenth Century* (pp. 403–425). Brill, 422.

[70] Constable, *Housing the Stranger*, 286.

"guarantor, arbiter, facilitator, and lobbyist representing to the sultan in Cairo the interests of a substantial part of the cosmopolitan community in Alexandria, including their Jewish and Greek subjects".[71] Pal is right that internalism should not be used as an *a priori* charge against a historical approach. If the logic of causality were indeed "outward" – if jurisdictional accumulation was "historically shaped" only by European actors and "their attempts to differentiate themselves, especially in the Mediterranean, from those they considered as non-European or simply other by being non-Christian"[72] – it would suffice to describe these dynamics. At least in this earlier period, though, this was not the case. Consular extraterritoriality did not emerge within Europe before its export to Muslim states; it was a hybrid institution that emerged in and through the *fondacos* built by these states. Consuls, meanwhile, were embedded in local governance structures like *wakils* and *funduqānīs* before them. Home states gradually co-opted these agents as they realised how resident diplomacy could increase their extensive power – the adoption of the European Latin 'consul' probably marked one such step along these lines – but host states also shaped the consular office. If the significance of these links has been missed by IR scholars, it is partly due to an anachronistic separation between 'economics' and 'politics' that has relegated consuls, factors, and merchants to a private space beneath the public sphere of diplomacy. But even scholars who recognise the importance of such actors – and the artificiality of private-public distinctions in this period – have largely neglected the *fondaco* system.

International (Merchant) Relations in the Medieval Mediterranean

As we saw in the last chapter, the consul would go on to set an important precedent for the resident ambassador – a key development in the history of the states system, and one typically attributed not to Mediterranean connectivity but to the supposed isolation of the Italian sub-system. Italian consuls, however, bely this isolation through their involvement in their own kind of "international relations" in the Muslim Mediterranean – the relations of merchant-nations. The *fondacos*, as we have

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[71] Christ, G. (2014). The Venetian Consul and the Cosmopolitan Mercantile Community of Alexandria at the Beginning of the Ninth/Fifteenth Century. *Al-Masāq*, *26*(1), 62–77, 64.

[72] Pal, *Jurisdictional Accumulation*, 62.

seen, were intensively regulated, taxed, and compressed into distinct units by the Egyptian state. If this gave rise to consuls who could be held responsible for the merchants affiliated to their *fondaco,* it also required a way of dividing merchants into legible groups: merchant nations were the answer. To be sure, this shift reflected European developments as well – the growing autonomy of Italian city-states and, from the middle of the twelfth century, the grouping of merchants *in universitas*.[73] As Constable notes, however, parallel patterns of thought and practice in the Muslim world complemented these developments "and further assisted the development of a system of 'nationally' based western *fondacos"*:

> Muslim law had always recognised distinctions between different Christian groups (Nestorians, Jacobites, Melkites, etc.) within the *dhimmī* Christian community, so it was probably no surprise to find that foreign Christian merchants were mutually hostile and resistant to being categorised as one large group … [*funduqs*] had always been informally associated with particular commercial, professional, and even regional groups, and it was thus only a short step to create different "national" *fondacos* for merchants from Venice, Genoa, Pisa, Barcelona, and elsewhere. As with most categories of personal identity in the medieval world, both Muslim and Christian, the primary distinction was based on religion, but in the context of the *fondaco* religion became closely aligned with regional and political affiliation. From the middle of the twelfth century, therefore, "national" distinctions dominated the discourse on *fondacos* and their function, and this continued through the later middle ages and into the Ottoman period.[74]

To borrow a phrase from Christian Reus-Smit, this represented an important new "diversity regime": an institutionalised form of recognition which authorises certain forms of difference, orders them hierarchically, and relates them to units of political authority.[75] If diversity is always constructed in a particular way, privileging certain

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[73] *Universitas* is the Roman legal term for "corporation" – i.e. a group with a collective legal identity separate from the identities of those it represents.

[74] Constable, *Housing the Stranger,* 116-17.

[75] Reus-Smit, C. (2017). Cultural Diversity and International Order. *International Organization*, *71*(4), 851–885, 880.

identities while marginalising others – Westphalia privileging religion, Versailles privileging civilisation and ethnicity and so on – the *fondaco* system privileged "national" identities. Much has been made of the fact that the Italians established themselves in Flanders along national lines from the late thirteenth century on, breaking with the temporary trade of the Champagne fairs. By the end of the Middle Ages, Janet Abu-Lughod writes, there were some sixteen "tightly organised" nations in the city of Bruges – Germans, Venetians, Lucchese, Genoese, Florentines, Milanese, Placentines, Pisans, Catalans, Aragonese, Castilians, Biscayans, Navarrese, Portuguese, English, and Scots – a situation which she compares to the capitulatory system that prevailed much later in the Ottoman Empire.[76] The more natural comparison, however, is to the medieval *fondaco* system. The Italians had organised themselves along national lines in the *fondacos* of Alexandria since at least the middle of the twelfth century,[77] well before the Genoese established a regular galley service to Bruges around 1290.[78] The chronology suggests, in other words, that the "nations" of consular houses in Bruges were built on a Mediterranean model, perhaps imported by the Genoese.

Of course, the difference between religious and national identities was not always clear in the late Middle Ages. A 1478 statute from Bruges illustrates this nicely, depicting the Lucchese "nation" as a trade association, social club, and religious brotherhood devoted to the *Volto Santo di Lucca,* a large wooden crucifix purported to show the actual face of Christ: "the religious and mystical element was closely interwoven with political, social, and other activities."[79] Nor did diasporic merchant-nations map on neatly to metropolitan identities. If Venetian citizenship required long-term residence in the capital itself, for instance, Cretan Greeks and Jews enjoyed

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[76] Abu-Lughod, J. L. (1991). *Before European Hegemony: The World System A.D. 1250-1350*. Oxford University Press, 90.

[77] Constable, *Housing the Stranger,* 117.

[78] Abu-Lughod, *Before European Hegemony,* 88.

[79] De Roover, R. A. (1948). *Money, Banking and Credit in Mediaeval Bruges: Italian Merchant Bankers, Lombards and Money-Changers*. Mediaeval Academy of America, 18.

Venetian protection abroad as members of the *Stato da Màr*.[80] These were not nations in the modern sense: they bear a closer resemblance to the Roman *natio* than they do to the modern nation-state. Still, these diasporic merchant-nations played an important role in nascent state-building, commercial diplomacy, and the development of national capitals. Recognition of this "international" diversity from Muslim governments also confirms, if confirmation were needed, that religious difference was not the only kind of identity construction that mattered in the medieval Mediterranean. Julia Costa López has noted that papal policy at the time differentiated between different Muslim communities, calling into question "the unified idea of an "infidel' enemy that seems to emanate from the IR crusading literature."[81] The treaties of the *fondaco* system confirm that Muslim states likewise distinguished between the polities of the *dar al-harb*.[82]

My point is not that, say, Mamluk Egypt saw itself as one state among sovereign equals, although the treaties of the *fondaco* trade do, in fact, recognise Christian sovereignty to a remarkable extent.[83] My point is rather that Muslim states helped to shape the terrain of international (merchant) relations – even if they did not, after a certain point, participate in the commercial competition. As merchants in Mallorca,

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[80] Jacoby, D. (2018). Jews and Christians in Venetian Crete: Segregation, Interaction, and Conflict. In *Medieval trade in the Eastern Mediterranean and beyond* (pp. 239–279). Routledge, 256.

[81] López, Beyond Eurocentrism and Orientalism, 453.

[82] A 1292 treaty between King James II of Aragon and al-Ashraf Khalil, the Mamluk sultan of Egypt, shows a clear understanding of this diversity: "And if the Pope of Rome, or some Frankish king, crowned or not, great or small, of Genoa, of Venice, or of any of the various nations of the Franks and Byzantines, the Military Orders, Templars or Hospitallers, the Greeks or any other nation of Christians, set out to damage the country of al-Malik al-Ashraf Khalil through war or any kind of harm, King James and his brothers and brothers-in-law will prevent them and make them desist." Alarcón y Santón, M. A., & García de Linares, R. (Eds.). (1940). *Los documentos árabes diplomáticos del archivo de la corona de Aragón*. Imprenta de Estanislao Maestre, 341.

[83] For instance, in addition to the titles and epithets given to Aragonese kings – "the august king", "the just in his kingdom", "defender of the borders", "friend of kings and sultans", "pride of the Christians" – Mamluk treaties recognised their dominion over previously Muslim territory as kings of Aragon, Castile, Toledo, Seville, Cordoba, and Jaén. See Moukarzel, P. (2019). The European Embassies to the Court of the Mamluk Sultans in Cairo. In F. Bauden & M. Dekkiche (Eds.), *Mamluk Cairo, a Crossroads for Embassies: Studies on Diplomacy and Diplomatics* (pp. 685–710). Brill, 700-01.

for instance, attempted to break away from the Arago-Catalan realm in the late thirteenth century, they competed for their own *fondacos* in Maghribi cities – partly to symbolise their independent political existence, and partly to bring in the revenue that would help safeguard that existence. The confused Hafsid ruler wrote to James II of Aragon asking if he was right to infer that Mallorca was now a separate kingdom.[84] While technically still under the overlordship of James II, it seems that Mallorcan merchants were, in fact, able to create their own consulates along the North African coast shortly after, in open rivalry with the Catalan *fondacos* that already existed.[85] Regardless of Muslim states' own conception of their international standing, in other words, the *fondaco* system played a important role in processes of international recognition, differentiation, and ordering among Christian polities. Insofar as the profits that accrue from membership in a group are "the basis of the solidarity which makes them possible",[86] moreover, it was the plunder and profit of the *fondaco* trade which lay at the basis of these "national" solidarities to begin with.

Conclusion

The Mediterranean *fondaco* system has long been neglected as a site of international relations. Disrupting the usual categories and assumptions of historical IR – these are not 'nations' or 'colonies' as we know them today – this chapter has argued that the interpenetration of Latin Christian commercial capitalism and Islamic state power resulted in a distinct kind of 'international' space. Much more remains to be said about this system. For now, I have argued that the *fondaco* system underpinned the durable diversity of the Mediterranean, structured this diversity along "national"

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[84] For the letter in Arabic and in Spanish translation, see Alarcón y Santón, M. A., & García de Linares, R. (Eds.). (1940). *Los documentos árabes diplomáticos del archivo de la corona de Aragón*. Imprenta de Estanislao Maestre, 400-01.

[85] See summaries of the episode in Abulafia, D. (1995). The Rise of Aragon-Catalonia. In D. Abulafia (Ed.), *The New Cambridge Medieval History: Volume 5, C.1198-c.1300* (pp. 644–667). Cambridge University Press, 666; Abulafia, D. (1994). A Mediterranean Emporium: The Catalan Kingdom of Majorca. Cambridge University Press, 12. For the primacy of North African trade in Catalan shipping, see Abulafia, D. (1985). Catalan Merchants and the Western Mediterranean, 1236-1300: Studies in the Notarial Acts of Barcelona and Sicily. *Viator*, *16*, 209–242, 224.

[86] Bourdieu, P. (1986). The Forms of Capital. In J. G. Richardson (Ed.), *Handbook of Theory and Research for the Sociology of Education* (pp. 241–258). Greenwood Press, 249.

lines, and moulded the consular institution – a critical development in the history of resident diplomacy. Above all, though, I have focussed on the sometimes counterintuitive dynamics of extraterritorial space, where internal autonomy was to some extent produced by external restriction. Not all historians of the *fondaco* system have seen things in this way. David Jacoby, for instance, has argued that:

> The internal autonomy granted to the *funduks* of the western nations was not tantamount to exterritorial status, since these compounds remained property of the sultan and subject to his supreme authority. This is strikingly illustrated by the residential segregation imposed upon the Latins, reinforced by limitations upon their movement in the city. At night and during the Muslim Friday prayer the Latins were confined to the *funduks,* the gates of which were locked by the Egyptian authorities.[87]

Yet on my account, all of this – the residential segregation, the limits on movement, the gates that were locked from the outside – was *precisely* what marked out the *fondaco* as an extraterritorial space. The power of such compression was epitomised by one pilgrim's reaction to arriving at the Catalan *fondaco* in Alexandria*:* "… it seemed to us that we had reached the threshold of our own land [*quod in foribus terrae nostrae essemus*]".[88] The point is not to deny that local rulers typically considered the *fondaco* to be their personal property; it is rather to bring this fact *within the history of extraterritoriality*. The spectre of the Oriental despot has long loomed over the western historiography of this system, making it difficult to conceptualise sultanic authority over the *fondaco* as anything but total and parasitic. Modern assumptions about the indivisibility of territorial sovereignty have not helped. This chapter has outlined a different view, in which the extraterritorial space of the *fondaco* constituted a kind of 'outside within', opened up to the extensive power of foreign merchants but shaped by intensive state power.

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[87] Jacoby, Western Merchants, 406-07.

[88] Fabri, F. (1849). *Evagatorium in terrae sanctae, arabiae et egypti* (Vol. 3). Bibliothek des Litterarischen Vereins, 149. Note, however, that Fabri is talking more about the Catholic status of the Catalan *fondaco* – then serving as the consul of the pilgrims – than any national affiliation. Constable's translation – "it seemed to us that we had reached the borders of our own country" – is thus slightly misleading. *Housing the Stranger,* 112.

The *Fondaco* System II: Commercial Capitalism and the State

So far we have followed the operations of the *fondaco* system in the Muslim Mediterranean. This chapter returns to Italy and the rest of Latin Christendom: what effect did Mediterranean trade and diplomacy have on commercial capitalism and state-formation here? I begin philologically: what happened to the *fondaco* itself as it was adapted or transplanted into new Latin contexts? The evolution of the Byzantine Greek *pandocheion* into the Arabic *funduq* into the Italian *fondaco* is itself evocative, an etymological thread running from late antiquity through to the Islamic Golden Age and the Renaissance.[1] Just as each cognate was different, however, so too was each iteration of the institution, and the variety of Romance cognates – from the Latin (*fonticum*) and Venetian (*fontego*) to the Catalan (*alfondech*) and Castilian (*alfóndiga*) – was more than matched by their institutional variation. In Venice, for instance, the *Fontego dei Todeschi* closely resembled the trading enclaves of Alexandria; in Castile, the *alhóndiga* came to refer exclusively to a public granary. In *The Decameron,* the Florentine diplomat, poet, and humanist Giovanni Boccaccio uses '*fondaco*' to signify everything from a warehouse or shop to a market stall or trading colony. But the most common Tuscan usage – certainly the most suggestive – was the use of *fondaco* to describe the foreign branches of Florentine merchant-banks like the House of Medici. Given the importance of Florentine networks of trade and high finance to the development of a capitalist state-system, the connection is worth drawing out. The idea behind this chapter, then, is to use the *fondaco* as a specific, concrete point of departure – what Erich Auerbach called an *Ansatzpunkt* – from which to illuminate a much broader set of relationships between the state and merchant capital.

The second part of the chapter explores these relationships at a higher level of abstraction. More important than the diffusion of the *fondaco*, I argue, was the package of commercial technologies imported with and through it. Indo-Arabic numerals, commercial contracts, and bills of exchange were particularly significant, revolutionising the relationship between merchant capitalism and the financial administration of the state. Sidestepping the usual tropes of Marxist IR theory, I

[1] On commercial capitalism, see Banaji, J. (2020). *A Brief History of Commercial Capitalism*. Haymarket Books.

argue that Mediterranean *commercial* capital began to transform the state system before the emergence of agrarian capitalism in England. Crucially, the logic of capital does not need to dominate or subsume the labour process in order to transform states and interstate relations – as Marx himself implied. Inspired by Fernand Braudel, I therefore stress the financial combination of different cycles of capital accumulation across time and space – the combination of Genoese, Dutch, English, and American cycles of capital accumulation – as well as the symbiotic relationship which emerged between states and merchant capitalists. All of this was made possible by credit instruments derived from the Mediterranean *fondaco* system – applied and combined in a new political context – while Genoese capital accumulation was itself kickstarted by the plunder of Mediterranean *funduqs*. The pivotal invention of public debt can also be traced back to inter-Italian competition over Mediterranean trade routes.

The story comes to a head with what Braudel called the age of the Genoese (1557-1627). This is also as far as a concrete spatial history of Mediterranean trade and finance will take us. Controlling European interstate payments with their paper bills of exchange, Giovanni Arrighi has argued that Genoese financiers developed a system that anticipated the Eurodollar market with its "dream of absolute non-territoriality".[2] At its nexus were the 'Bisenzone fairs' where the Genoese converted plundered American silver into bills of exchange (in order to pay Spanish troops in the Low Countries) while attracting liquid Italian capital (in order to supply the Spanish Crown with more renewable short-term credit). Their Florentine rivals bitterly noted that they had invented a new kind of exchange: *una fiera senza luogo*, a placeless market.[3] It was not just that the Genoese held the Bisenzone fairs (originally held in Besançon) wherever they liked (they settled on neutral Piacenza). They had also created a new kind of offshore currency market, backed by the state, operating under Genoese control but encompassing genuinely international monetary flows. In the words of Boyer-Xambeau, Deleplace, and Gillard, "it was not so much their geographical moves as their dubious monetary allegiance that was at issue: being outside the countries of the five mintages [Castile, Genoa, Venice, Florence, and

[2] Arrighi, *The Long Twentieth Century*, 83.

[3] Boyer-Xambeau, M.-T., Deleplace, G., & Gillard, L. (2015). *Private Money and Public Currencies: The Sixteenth Century Challenge*. Routledge, 182.

Naples] as a whole, but inside each one of them … enrichment by bills was of a peculiar nature."[4] Genoese financiers profited, that is to say, from the fluctuating value of the currencies which flowed through their fairs in ever greater quantities – fluctuations, moreover, which they could manipulate thanks to their control over silver and the *conto,* the exchange rate for liquidation at the end of each fair. "Flows of commodities and means of payment that were 'external' to the declining and rising states were, in fact, 'internal' to the non-territorial network of long-distance trade and high finance."[5] The territorial states-system *co-evolved* with this network, this "shadowy zone, hovering above the sunlit world of the market economy … [where] capitalism takes up residence and prospers."[6] The rise of this monetary and financial network represents, in a sense, the end of the *fondaco* system as I have described it. I argue in this chapter, however, that it also developed *out* of this extraterritorial system – that its financiers owed much to an older tradition of Mediterranean commercial capitalism, shaped in the first instance by Islamicate techniques and technologies.

The Fondaco in the Latin Mediterranean: Venice, Castile, and the Crown of Aragón

> One's territorial imperative in this city is circumscribed by water; the window shutters bar not so much daylight or noise (which is minimal here) as what may emanate from inside.
>
> Joseph Brodsky, *Watermark: An Essay on Venice*

Whether imported or inherited by conquest, the *fondaco* inevitably changed as it adjusted to its new Latin Christian contexts. Nevertheless, in some places – most notably in Venice – the Alexandrian model was copied almost wholesale. The most famous *fondaco* of all – the *Fontego dei Todeschi* – was one such replica. Braudel described it as "a sort of miniature Germany" in Venice.[7] A large building on the Grand Canal facing the Rialto Bridge, it resembled its counterparts in Alexandria

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[4] Boyer-Xambeau, Deleplace, Gillard. *Private Money and Public Currencies,* 182.

[5] Arrighi, *The Long Twentieth Century,* 83.

[6] Braudel, F. (1992). *The Structure of Everyday Life (Civilization and Capitalism, 15th-18th Century)*. University of California Press, 14.

[7] Braudel, *The Mediterranean*, 209.

"not only in architectural form, but also in its administration, regulations, and purpose".[8] Like them, it seemed at once an unsettlingly alien colony – during the Reformation the papal nuncio characterised it as a heretical Protestant cell[9] – as well as a site of extravagant domestic power: when the first building burned down in 1505, it was the Venetian Council of Ten which funded the construction of its stone replacement, adorned with frescos by Titian and Giorgione. Nearly two hundred merchants, officials, and servants lived in its rooms, according to the nuncio, and like Latin Christian merchants in Alexandria they were subject to a strict nightly curfew.



Fig. 3.1. *The Grand Canal and the Rialto Bridge from the North*, c. 1740 - 1745. Colección Carmen Thyssen, artist unknown. The *Fontego dei Todeschi,* with its faded red frescoes, is on the left.

[8] Constable, *Housing the Stranger,*, 315-16.

[9] Bolognetti, A. (2001). Heresy and Irreligion Among the Germans of Venice. In D. Chambers & B. S. Pullan (Eds.), *Venice: A Documentary History 1450-1630* (pp. 330–331). University of Toronto Press.

Just as Ayyubid and Mamluk administrators restricted Latin Christians to *fondacos* in Alexandria – blocking their access to the Red Sea and the Indian Ocean – so too did Venetian officials funnel German merchants into the *Fontego dei Todeschi,* blocking their entry to the Adriatic and the eastern Mediterranean beyond. "In both cities", Constable writes, "*fondacos* were located at the end point of a trade diaspora, where one group of merchants was forced – by both geography and legislation – to hand off their business to another group."[10]

These particular *fondacos,* in other words, were terminal emporia, uniquely lucrative sites where the world's trade circuits overlapped under close supervision from city officials. Venetian administrators, in fact, exercised arguably even more control within the *Fontego dei Todeschi* than Egyptian administrators did over the *fondacos* of Alexandria. Whether appointed by a home government or elected by the merchant diaspora, Latin consuls in North African *fondacos* were remunerated mostly by other Latins. In Venice, by contrast, the building's overseers, notaries, weighers and tavern-keepers were all salaried city appointees.[11] Each merchant that arrived was assigned one of the building's thirty agents (*sensali*) who would act, dragoman-style, as a guide for the merchant but also as a potential informant for the Venetian state. "Like the *fondaco* itself", Deborah Howard writes of such brokerage, "the system was both a facility and a restriction – two contradictory modalities suspended in a precarious equilibrium."[12] Germany in miniature, then, but the *Fontego dei Todeschi* was simultaneously an extraterritorial expression of Venetian power, aiding easy surveillance and centralising customs receipts.[13] A winged lion over the entrance represented Saint Mark the Evangelist – Venice's patron saint – and asserted Venetian jurisdiction over the building, while its position overlooking the Rialto put it at the terraqueous heart of the city.

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[10] Constable, *Housing the Stranger,* 326.

[11] *Ibid.*, 323.

[12] Howard, D. (2000). *Venice & the East: The Impact of the Islamic World on Venetian Architecture, 1100-1500*. Yale University Press, 129-30.

[13] Crouzet-Pavan, É. (2002). *Venice Triumphant: The Horizons of a Myth*. Johns Hopkins University Press, 121.

The *Fontego dei Todeschi* became a heretical site with the Protestant Reformation, but the creation of the *Fondaco dei Turchi* – the *fondaco* opened for 'Turkish' merchants in 1621 – was controversial from the outset. A Greek commercial broker, Francesco Lettino, petitioned for such a *fondaco* almost as soon as the Fourth Ottoman-Venetian War (1570-73) was over, calling for a "particular hotel [*albergo particular*] like the ones that many other nations and peoples have in this city and that the Turks have provided in their countries of the Levant for the Christian nation [*Nation Christiana*]."[14] Once again, the system was framed in part as a facility: the distinct cleansing, eating, and sleeping habits of Turkish merchants, Lettino argued, would be better accommodated by a dedicated institution than the scattered lodgings around the Rialto which they had hitherto relied on, where they were prey to violence and fraudulent landlords. But it was also restrictive: Lettino suggested that Muslim merchants were taking advantage of their current freedoms to kidnap Christian boys and sleep with Christian women.[15] The resulting *fondaco* was typical of extraterritoriality and its antinomies: the regulations mandated a guardian [*custode*] who would be "obliged to lock the doors, both to landward and to seaward, at dusk, and to open them again at sunrise, with good and effective keys, which he must keep."[16] Two doorkeepers would refuse entry to any "women or beardless persons who may be Christians", while even visual contact was to be blocked off: "It shall be made impossible to see into the courtyard of the house from the landward side: either a wall shall be erected to block the view, or else all the windows and openings shall be stopped up, so that the Turks cannot be seen by their neighbours."[17] Also typical was the problem of national differentiation: were Anatolian merchants to share the *fondaco* with Bosnians and Albanians? Their petition for separate lodging was denied – it would result, the Board of Trade warned, in as many *fondacos* as there were Ottoman nations – but the palace was soon partitioned into two wings "to distinguish the nations of Bosnia from those of

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[14] Cited in Rothman, E. N. (2012). *Brokering Empire: Trans-Imperial Subjects Between Venice and Istanbul*. Cornell University Press, 198.

[15] Rothman, *Brokering Empire,* 198.

[16] Chambers, D. & Pullan, B. S. (Eds.). (2001). *Venice: A Documentary History 1450-1630*. University of Toronto Press, 352.

[17] *Ibid.*, 350.

Istanbul and other regions."[18] Safavid merchants created even more confusion. In 1662 the Board of Trade attempted to move them into the *Fondaco dei Turchi,* insisting that the whole point of the *fondaco* was to have the "Mohammedan Nations" [*Nationi Mahomettane*] live separately from Christians. The merchants understandably protested that their countries were historic enemies, claiming that they would not be able to return to Persia if they entered the *fondaco*: "our King of Persia would have us beheaded." The board was unmoved, presumably calculating that the handful of Safavid merchants were not worth their own *fondaco.* It was difficult to tell Turkish and Persian Muslims apart, they wrote, and every Muslim would pretend to be Persian if the latter were granted more freedoms than the former. The Board of Trade continued to use the word *Turchi* to signify Muslim – describing Persian Muslims as *Turchi Persiani* – while the Public Dragoman translating for the Safavid merchants tried in vain to distinguish between the *Turchi di Persia* and *li altri Turchi* – "the other Muslims, who are our enemies, opposed to us in law, Religion, and Prince" [*nostri nimici, contrarij di legge, de Religgione, e di Prencipe*].[19]

Compared to the Muslim administrators of the *fondaco* system – who understood and accommodated intra-Christian, 'international' differences – Venetian categories were clearly crude, reflecting the lack of Muslim subjects in Latin Christendom. But it was unusual for an Italian port to accommodate Ottoman merchants at all. Only Ancona and Livorno really competed with Venice in this respect: in 1514 the former turned its granary into a *fondaco* for "*mercanti Turchi et altri Maumetani*" who supplied Italy with grain and other goods,[20] while the Medici took a more experimental path with Livorno, a planned Renaissance city conferred with free port status towards the end

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[18] Rothman, *Brokering Empire,* 205.

[19] For this exchange see Rothman, *Brokering Empire,* 206-10.

[20] Stoianovich, T. (1960). The Conquering Balkan Orthodox Merchant. *The Journal of Economic History*, *20*(2), 234–313, 237. Ancona, Livorno, and Venice were also the only three Italian ports with a substantial Jewish mercantile settlement: see Ravid, B. (1991). A Tale of Three Cities and their *Raison d'Etat*: Ancona, Venice, Livorno, and the Competition for Jewish Merchants in the Sixteenth Century. *Mediterranean Historical Review*, *6*(2), 138–162.

of the sixteenth century.[21] The *Fondaco dei Turchi*, then, will be an exceptional point of comparison moving forwards, when we return to the experiences of Christian merchants and diplomats in Ottoman territory.



Fig. 3.2. *The Grand Canal with the Fondaco dei Turchi*, 1719. Jacopo Fabris. Note the wall concealing the landing-stage – the Board of Trade had it heightened – and the walled up balcony, also mandated by the regulations of 1621.

Before leaving Venice, however, it is worth comparing the *Fontego dei Todeschi* and *Fondaco dei Turchi* to the *Ghetto Nuovo,* the Jewish ghetto established by the Venetian Senate in 1516 (and from which the word *ghetto* derives).[22] The *ghetto* departed from the *fondaco* template in several ways. It was larger than most *fondacos*, for one thing, and it confined permanent residents rather than itinerant merchants: the *Ghetto*

[21] In an attempt to undercut Venice, a series of privileges called the *Livornine* extended low customs duties and the right of settlement to "merchants of all nations, Levantine and Ponentine, Spanish and Portuguese, Greeks, Germans and Italians, Jews, Turks and Moors, Armenians, Persians and others." Trivellato, F. (2009). *The Familiarity of Strangers: The Sephardic Diaspora, Livorno, and Cross-Cultural Trade in the Early Modern Period*. Yale University Press, 76.

[22] The *Ghetto Nuovo* already had its name before Jews were forced to relocate there; it was originally a foundry (*getto*) for the melting and refining of raw copper. Schwartz, D. B. (2019). *Ghetto: The History of a Word*. Harvard University Press, 21-26.

Nuovo was a small island initially intended to house 700 Jews. In 1541 the Venetian Senate granted their request for more space, walling off the adjacent *Ghetto Vecchio,* and in 1633 the *Ghetto Novissimo* was added; all together the three zones housed nearly 5,000 inhabitants.[23] More peripheral than the palatial *fondacos* on the Grand Canal, the ghetto was also more crowded: Venetian Jews were forced to build vertically, constructing tenements up to nine stories high.[24] And if the city profited from and gave commercial privileges to wealthy Levantine and Ponentine Jews, the ghetto also housed a doubly marginalised Ashkenazi population forbidden from all commercial activities except money-lending and the trade of second-hand clothes.[25] Nevertheless, many historians have pointed to the medieval *fondaco* system as an inspiration for the Venetian ghetto.[26] There are certainly parallels: the ghetto was also subject to a nocturnal curfew, its bridges guarded and surveilled at night to prevent illicit contact between Jews and the *Corpus Christianum*.[27] Windows, doors, and balconies were walled off in an attempt to restrict the crossing of gazes. And contemporaries, at least, thought the institutions were comparable. Protesting the opening of the *Fondaco dei Turchi* in 1602, one anonymous petitioner argued that such a separate residence should be rewarded only to 'safe' groups like the Jews and the Germans: the former were dispersed among nations, lacking an emperor or navy, while the latter performed their Protestant rituals clandestinely, and in any case had not been heretics when their *fondaco* was established.[28] Venice was not the first European city to create a mandatory and enclosed Jewish quarter, but its ghetto was an influential model.[29] And behind it lay principles familiar to us from the Mediterranean *fondaco* system: the same preoccupation with spiritual and sexual

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[23] Calabi, D. (2000). The Jews and the City in the Mediterranean Area. In A. Cowan (Ed.), *Mediterranean Urban Culture, 1400-1700* (pp. 56–68). University of Exeter Press, 60-61.

[24] Katz, D. E. (2017). *The Jewish Ghetto and the Visual Imagination of Early Modern Venice*. Cambridge University Press, 10.

[25] Rothman, *Brokering Empire,* 50.

[26] Howard, *Venice & The East,* 9; Rothman, *Brokering Empire,* 198-201

[27] Doctors, however, were allowed to leave the ghetto at night to visit patients, while the Cinque Savi granted Levantine and Ponentine merchants nighttime access to the sea. See Katz, *The Jewish Ghetto,* 101.

[28] Rothman, *Brokering Empire,* 200.

[29] For comparisons with the likes of Frankfurt's *Judengasse,* see ch.1 of Schwartz, *Ghetto.*

pollution; the same attitude towards profitable diasporic commerce; and the same desire to make that commerce secure, legible, and profitable to the state via cellular, residential segregation. Venice notably imposed Jewish residential segregation in its maritime colonies from around 1325 – long before the creation of its metropolitan ghetto.[30]

Fondacos also retained their association with communal residence in the Arago-Catalan sphere, with commercial towns like Valencia and Barcelona still frequented by Muslim merchants. Jaume I, in particular, was eager to profit from the *funduqs* he had inherited from Islamic Spain, whether by redistributing them to archbishops and merchants or by leasing them back to the Muslim community.[31] By the fourteenth and fifteenth centuries, Catalan *alfondechs* or *fondechs* were associated with Muslim quarters, and foreign Muslims visiting the *morerías* of Valencia, Játiva and Zaragoza were in fact required to lodge in these buildings.[32] Elsewhere in the Latin Mediterranean, however, where fewer Muslim merchants travelled, there was less pressure for restricted communal lodging. There were already plenty of inns, private houses and hostels in medieval Christendom. The model that flourished in the Mediterranean during the Reconquista and the Crusades – residential *fondacos* granted in return for military assistance – did spread briefly to its northern shores: the lord of Montpellier granted Genoa and Pisa residential *fondacos* and customs exemptions, for instance, in exchange for their help quelling a bourgeois revolt in 1141-43.[33] Ultimately, however, this kind of *fondaco* proved superfluous in an intra-

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[30] Jacoby, D. (1987). Venice and the Venetian Jews in the Eastern Mediterranean. In G. Cozzi (Ed.), *Gli Ebrei e Venezia: Secoli XIV-XVIII* (pp. 29–58). Edizioni Comunità, 37.

[31] In 1257, for instance, James leased the *fondaco* at Biar to a Christian businessman in exchange for half the profits; in 1267 he rented out the establishment directly to the Saracens (*sarracenorum de Biar et universis sarracenis*) for four years. See Burns, R. I. (1976). *Medieval Colonialism: Postcrusade Exploitation of Islamic Valencia*. Princeton University Press, 66.

[32] These eventually garnered a reputation as sites for drinking, sex work, and illicit contact between Christians and Muslims. Royal license fees involved the Crown in these activities: "The prominence royal leases give to prostitution as a source of income indicates that most fonduks were quasi-bordellos where the *alfondeguers* were responsible for collecting the *tarquena* [tax] from the prostitutes." Meyerson, M. D. (1991). *The Muslims of Valencia in the Age of Fernando and Isabel: Between Coexistence and Crusade*. University of California Press, 155.

[33] Reyerson, K. L. (1994). Montpellier and Genoa: The Dilemma of Dominance. *Journal of Medieval History*, *20*(4), 359–372, 362.

confessional context: Italian merchants in France or Spain simply did not need tailored accommodation to meet their religious, dietary, or linguistic needs. A different aspect of the *fondaco* system was therefore preserved in the likes of Castile: the *alfóndiga* or *alhóndiga* here meant a royal grain depot, just as state-administered *funduqs* in the Muslim Mediterranean had long stored grain in order to manage prices and the threat of famine.[34] All grain coming through Seville was supposed to pass through its massive public granary, the *Alhóndiga del Pan,* an institution centralised and strengthened by Ferdinand and Isabella in the face of elusive merchants and food shortages[35] – a model, in turn, for the great colonial *alhóndigas* of New Spain.[36]

Boccaccio's Trans-Mediterranean Fondaco Stories

> The literature of society acquired what it had not previously possessed: a world of reality and of the present.
>
> Erich Auerbach, *Mimesis*

Something of the bewildering variety of functions now being taken on by the Latin Mediterranean *fondaco* can be seen in Giovanni Boccaccio's *The Decameron* – that epic of the Florentine merchant class[37] – where different versions of the institution appear in five separate stories. Most of the sources surviving from the *fondaco* system are more concerned with merchandise than its lived experience. Boccaccio's novellas, by

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[34] Constable, *Housing the Stranger,* 337-41. There were also *fondacos* with this function in Venice, as explored by Calabi, D. (2004). *The Market and the City: Square, Street and Architecture in Early Modern Europe*. Ashgate, ch. 6.

[35] For a detailed study of these reforms, see Hernandez-Muzquiz, R. (2005). Economy and Society in Medieval and Early Modern Seville (1391–1506): A Study of the Abasteçimiento [Provisioning] of an Iberian Urban Center [Ph.D., Columbia University].

[36] Most famously, the fortress-like *Alhóndiga de Granaditas* of Guanajuato City, where royalist soldiers barricaded themselves in the first battle of the Mexican War of Independence. The template of the *funduq* is still visible beneath the building's neoclassical style: see Gordo Peláez, L. (2013). "A Palace for the Maize": The Granary of Granaditas in Guanajuato and Neoclassical Civic Architecture in Colonial Mexico. *RACAR*, *38*(2), 71–89.

[37] See Branca, V. (1956). L'epopea dei mercatanti. *Lettere Italiane*, *8*(1), 9–33. For more on the mercantile ethic in Boccaccio, see Scaglione, A. (1973). Boccaccio, Chaucer, and the Mercantile Ethic. In D. Daiches & A. Thorlby (Eds.), *Literature and Western Civilization, II: The Medieval World* (pp. 579–600). Aldus Press.

contrast, are famous for their rich social atmosphere, and as such they offer an unusual opportunity to recover the texture of life associated with the *fondaco* system. On the basis of these stories, I suggest that *fondacos* were experienced as advanced outposts of Florentine merchant-capitalism, associated with its emergent structure of feeling; these were not sites of courtly chivalry but of eroticism, subterfuge, and commercial transformation. Intriguingly, however, Boccaccio's trans-Mediterranean stories present us with *fondacos* under various levels of state control, registering in fiction the historical divergence between Tuscan *fondacos* (private company-branches) and Alexandrian *fondacos* (tightly controlled by the Sultan and his officials). In this way they form a bridge to the chapter's more abstract insights into the changing relationship between merchant-capitalism and territorial state-making.

The *fondaco* arguably plays its most significant role in 'The Tale of Jancofiore and Salabaetto' (VIII, 10), which revolves around a *fondaco*-warehouse in Palermo: "In the ports of all marine lands [*terre marine*] it used to be the custom, and possibly still is, that any arriving merchants … take their cargo to a *fondaco*, which in our lands is called the *dogana* and is maintained by the commune or the lord of the state."[38] As in Reconquista Spain, of course, *fondacos* in Sicily were directly inherited from Arab rule. Visiting in the 1180s, the Muslim traveller Ibn Jubayr described spending the night in the *funduqs* of Palermo and Messina in much the same way that he described lodging in the *funduqs* of Alexandria and Damascus.[39] But as Sicily was Christianised – in 1239-40 Frederick II deported the last Muslim rebels to an internal colony in southern Italy[40] – its *fondacos* became increasingly less important for cross-confessional lodging and increasingly more important as sites of royal taxation and control. Crucially, by Boccaccio's time, merchants tended not to stay with their merchandise but simply stored it in the *fondaco*, where state officials (*fundicarii*)

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[38] Boccaccio, G. (2000). *Decamerone*. Einaudi, 700.

[39] For the description of Sicily see Ibn Jubayr, M. (2020). *The Travels of Ibn Jubayr: A Medieval Journey from Cordoba to Jerusalem*. I.B. Tauris, 355-72. See also Constable, *Housing the Stranger,* 203.

[40] For internal resettlement as a Mediterranean practice, see Abulafia, D. (1994). Ethnic Variety and Its Implications: Frederick II's Relations with Jews and Muslims. *Studies in the History of Art*, *44*, 213–224, 217.

collected the appropriate dues, recording and advertising the cargo in their register.[41] This separation of merchant and merchandise opens up, in Boccaccio's novella, the potential for fraud, and the women of Palermo come to prey upon the wealthy foreign merchants which the *dogana* attracts: "Among the many seaports where this system prevailed was Palermo, in Sicily, which was also notable, and still is, for the number of women, lovely of body but strangers to virtue, who to anyone unfamiliar with their ways are frequently mistaken for great ladies of impeccable honesty."[42] In this particular story, Madonna Jancofiore seduces the young merchant Salabaetto, discovering his wealth from the *dogana* register before tricking him out of five hundred florins. Salabaetto then swindles her out of a thousand florins in return, by replacing his casks of oil in the warehouse with sea-water before escaping to Ferrara.

Like many of *The Decameron's* novellas, then, the story seems to register the emergence of what the Boccaccio scholar and philologist Vittore Branca called the *ragion di mercatura* – a commercial logic existing in constant, often comic tension with older feudal, familial, and religious norms.[43] Boccaccio himself was familiar with both the aristocratic French culture of the Neapolitan court and Florence's powerful merchant class. Apprenticed to his father as a bank teller and messenger in Naples – where he may have lived in the Florentine *fondaco*[44] – he had also mixed with a third milieu: "a broad cross-section of the trading and seafaring classes that constituted the

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[41] While Boccaccio characterises this as a universal system, Abulafia notes that this degree of fiscal oversight was a "direct descendant" of Frederick II's reforms. Legal compendia like the *Constitutions of Melfi* lay down regulations and regalian monopolies over strategic commodities like iron, steel, and salt, while commercial tolls were standardised with tariffs like the *ius fundici* and *ius dogane,* and merchants compelled to store their goods in state *fondacos.* Abulafia, D. (1988). *Frederick II: A Medieval Emperor*. Allen Lane, 216. These taxes were listed, compared, and translated in contemporary merchant handbooks such as Pegolotti, F. (1936). *La pratica della mercatura* (A. Evans, Ed.). The Mediaeval Academy of America.

[42] Boccaccio, G. (2000). *Decamerone.* Einaudi, 701.

[43] Branca, V. (1956). L'epopea dei mercatanti. *Lettere Italiane*, *8*(1), 9–33. A fairly substantial secondary literature now exists on the *ragion di mercatura* in Boccaccio's work. For Branca himself, this logic was as iron and inexorable as the *ragion di stato* which followed it two centuries later, subordinating and dominating morality, politics, and love with its cold, inhuman reason. McWilliam, on the other hand, suggests that Boccaccio's attitude to the *ragion di mercatura* was more ironic than moralising. McWilliam, G. H. (1995). Introduction. In *The Decameron* (pp. xxxi–cli). Penguin, cxxii.

[44] Branca, V. (1976). *Boccaccio: The Man and His Works*. New York University Press, 16-17.

core of a thriving commercial society."[45] Boccaccio would have appreciated more than most, in other words, the connections between Florentine commercial capitalism and a trans-Mediterranean trading culture. Skilled in "the mercantile art of *dissimulazione*",[46] Jancofiore's seduction of Salabaetto is, significantly, embroidered by the sensuous commodities of the *fondaco* system: a quilt of whitest Cyprian buckram; soap steeped in musk and cloves; naked slave-girls; and silver phials, exquisitely wrought, filled with rose-water, orange flowers, and jasmine blossom. Salabaetto deceives Jancofiore, meanwhile, with an elaborate lie involving Monegasque pirates, ransomed goods, and the exchange-value of linen: "If I were to sell the goods I have in store here at the moment, I should lose half their true value, because it's the wrong time to sell. On the other hand, I can't find anyone here to lend me the money …"[47] Boccaccio is ambivalent about the effects of market exchange, commodity fetishism, and dissimulation. He is clear, however, that the *fondaco* was a focal point for all three.

Another novella, the Tale of Bernabó and Zinevra (II, 9), reveals how Florentines imagined the *fondaco* system as it operated in the Muslim Mediterranean. Again, dissimulation – and more precisely, the dissimulation of gender – is at the core of the story. A Genoese merchant in Paris, Bernabò, bets five thousand florins that his wife, Zinevra, will not cheat on him, and orders her murder after Ambrogiuolo, another merchant, tricks him into believing that she has. The hired killer takes pity on her, however, and Zinevra escapes to Alexandria as a cabin-boy on a Catalan ship – still not knowing why her husband wanted her dead – becoming the male Sicurano in the process. After encountering and impressing the Sultan with his mastery of falconry – a trans-cultural signifier of sovereignty and high birth – Sicurano is appointed captain [*signore e capitano*] of an annual trade-fair in Acre between Saracens and Christians, charged with protecting and inspecting the merchants and their merchandise.[48] Recognising his old purse and belt at a Venetian stall [*un fondaco di*

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[45] McWilliam, Introduction, xxxiv.

[46] Olson, K. M. (2020). The Tale of Lisabetta da Messina (IV.5). In M. Sherberg (Ed.), *The Decameron: Fourth Day in Perspective* (pp. 86–106). University of Toronto Press, 100.

[47] Boccaccio, *Decamerone*, 710.

[48] *Ibid.*, 192.

mercatanti viniziani], Sicurano asks why the vendor is laughing: "Is it because you see me, a soldier, inquiring about these female commodities?"[49] Without recognising Zinevra/Sicurano, Ambrogiuolo describes the bet and his deception of Bernabò. Realising what has happened, Sicurano has a *fondaco* built for Ambrogiuolo in Alexandria, placing a large sum of money at his disposal to keep him there until some Genoese merchants can find a way to bring Bernabò to the city.[50] All is then revealed before the Sultan, who praises Zinevra for her virtue, has Ambrogiuolo executed, and spares Bernabò from death at Zinevra's request. The couple return to Genoa on a chartered ship laden with riches.

What can this story tell us about the the overseas *fondaco* system in the Florentine imaginary? The annual trade-fair at Acre, most obviously, seems out of place, resembling the great Champagne Fairs more than Levantine practice. It was not that there were no trade fairs in the Islamicate world. But they were less important, relatively speaking, than they were in northwestern Europe, and they were rarely associated with Christian-Muslim trade. "Prisons or not", as Braudel writes, "fonduks constituted a sort of permanent fair in Muslim cities." These quarters reserved for foreigners were like "permanent international meeting-places", obviating the need for the trade fairs that, in Europe, seemed a condition of historical backwardness.[51] When Boccaccio uses the *fondaco* to describe a kind of market stall, in other words, the anatopism reveals less about Acre than it does about the deterritorialisation of the *fondaco* in the Latin West. Other aspects of the story, however, are striking for their verisimilitude, from the way that Ambrogiuolo, as a merchant from Piacenza, initially sells his goods with a Venetian *fondaco* – merchants from smaller Italian towns often traded under Venetian auspices – to Sicurano's role in building a *fondaco* for Ambrogiuolo in Alexandria. Boccaccio, it would seem, was conscious that Italian merchants did not build their own trading colonies in Egypt, but lived in *fondacos* provided by the sultan and his officials. Trade seems accordingly domesticated: the *femmes fatales* that surround the Palermitan *fondaco* are absent here.

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[49] *Ibid.*

[50] *Ibid.*, 193.

[51] Braudel, F. (1992). *The Wheels of Commerce (Civilization and Capitalism, 15th-18th Century)*. University of California Press, 129.

The commodities of the *fondaco* system are again feminised, but this time they begin the process of return to marital order and the status quo. And if Zinevra, like Jancofiore, demonstrates "her prowess in the mercantile/masculine skill of dissimulation"[52] by tricking Ambrogiuolo, she does so in order to restore her virtue, gender, and spouse in the end; the Sultan provides her with the finest women's clothing and a retinue of ladies before she clasps her husband in a "wifely embrace".[53] The difference with the Sicilian *fondaco*, of course, might be chalked up to context: *fondacos* across the sea are not erotically, exotically charged sites but reminders of an Italian homeland; speaking to merchants from Sicily, Pisa, Genoa, Venice, and other parts of Italy, Sicurano becomes nostalgic for the country (*contrada*) of his birth. Yet given how much of *The Decameron* is taken up with the shifting relations between the feudal aristocracy and the commercial bourgeoisie, it is hard not to see the Sultan's close oversight of trade as significant. Asserting the jurisdiction of the "signoria" and the "grandi uomini" of his court over Mediterranean commerce,[54] the Sultan also disciplines and domesticates the gender trouble arising from it. It could be said, perhaps, that all this merely tracks the representation of Saladin as the model of chivalry and *courtoisie* in medieval romance. Even so, the Sultan's pacification of the *ragion di mercatura* stands out in a series of Italian tales where it otherwise runs riot, speaking to a different kind of relationship between state and capital.

In three other stories, finally, the institution appears in its most common late medieval Tuscan sense as a privately-owned commercial branch. In the Tale of Lisabetta (IV: 5), three rich brothers in Messina employ a young Pisan named Lorenzo in one of their trading establishments (*in uno lor fondaco*); they murder him after he begins an affair with their sister. In the Tale of Girolamo and Salvestra (IV: 8), the fourteen-year-old Girolamo is in love with the lowly Salvestra. His mother wants his guardians to send him off to some distant part of the world in the service of the firm [*voi il doveste in alcuna parte mandare lontano di qui ne' servigi del fondaco*] in order

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[52] Olson, The Tale of Lisabetta da Messina, 99.

[53] Boccaccio, *Decamerone,* 196.

[54] *Ibid.,* 192.

to cool his passion; he is ultimately sent to Paris in order to learn how his business is managed. In the Tale of Lodovico and Beatrice (VII, 7), meanwhile, the *fondaco* represents a mercantile alternative to the French court: a Florentine merchant (and one-time nobleman) in Paris secures his son a place in the French royal household rather than sending him to some company-branch (*mettere ad alcun fondaco*). A spell as a factor or junior partner in a distant *fondaco*, then, was a kind of rite of passage for young merchants. This was accompanied by a subtle drift in usage: no longer confined to merchant-nations or state-administered warehouses, Tuscans seem to have increasingly associated the *fondaco* with private companies, branch offices, merchant partnerships, accountancy, and banking. From storing physical goods to storing cash – late medieval merchant account books frequently refer to sums paid or posted to a *fondaco* – the term was even used to signify an abstract bank account.[55] A story by Boccaccio's contemporary Franco Sacchetti sees a swindler come up with a "new method of making money": visiting new *fondacos* and withdrawing money from fake accounts.[56] He is ultimately "paid in blows" by two representatives of an older, itinerant trading culture – pedlars (*barattieri*) – but not before he briefly obtains fifty florins from one *fondaco*. New developments in banking and exchange created new anxieties – and new possibilities for comic relief.

Historians of the commercial revolution have attributed great significance to the eclipse of the Champagne Fairs and its travelling merchants by the likes of Francesco Datini, the paradigmatic sedentary businessman who supposedly invented modern partnership systems.[57] It seems significant, then, that Datini's trade network was composed of precisely such *fondacos* in Avignon, Florence, Pisa, Genoa, Barcelona, Valencia, Majorca, and Ibiza. In the words of his biographer, Iris Origo:

> If at home, in Calimala or Por S. Maria, a *fondaco* was often merely a merchant's counting-house and shop (above which, perhaps, he lived), in settlements

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[55] Constable, *Housing the Stranger*, 352.

[56] Sacchetti, F. (1970). *Il Trecentonovelle*. Einaudi, 501.

[57] Padgett, J. F., & McLean, P. D. (2006). Organizational Invention and Elite Transformation: The Birth of Partnership Systems in Renaissance Florence. *American Journal of Sociology*, *111*(5), 1463–1568.

> abroad it still kept much of the character of the Arab *funduk* from which it took its name … Here [Datini's factors] penned the long reports they sent home, and received Francesco's rare praise and frequent 'canings'; here they tried to teach their Moorish slaves the rudiments of Tuscan cooking; here they kept their concubines, and sometimes, in spite of Francesco's reproofs, their bastards. The *fondaco* was, in an alien land, their home.[58]

Consuls still held jurisdiction and authority within these merchant communities: in lieu of a Florentine consul, for instance, Datini told his agent in Ibiza to turn to the Genoese consul if he ever needed help.[59] But if, in Alexandria, the whole merchant-nation was typically contained within one *fondaco* – with the consul at its head – each of Datini's factors in the western Mediterranean controlled their own *fondaco* and the household economy within: accountants, scriveners, shop-boys (*garzoni*), apprentices (*discepoli*) and slaves all answered to him. The factor answered, in turn, to Datini's scribbling pen. Five hundred ledgers and account-books, three hundred deeds of partnership and 140 thousand letters – along with bills of lading, bills of exchange, and cheques – testify to the extent of his patriarchal reach. The development of trade and commercial capital, Marx wrote, "always gives production a growing orientation towards exchange-value, expands its scope, diversifies it and renders it cosmopolitan."[60] Datini's merchant-capitalism exemplifies this process. Importing wool from his *fondacos* in Majorca to be washed, combed, spun, shorn, dyed, pressed, and folded in Prato, he sold the finished cloth on the markets of Spain and Barbary. The whole process took over three years, the production of 222½ pieces of cloth involving, on one estimate, roughly one thousand specialised workers.[61] Little wonder, then, that late medieval literature registered these *fondacos* – some of the most visible symbols of commercial capitalism – as sites of possibility, dissimulation, and commodification. If merchant capital has a "solvent effect" on pre-existing relations of production, in summary, the *ragion di mercatura* has an analogous effect

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[58] Origo, I. (2020). *The Merchant of Prato*. New York Review of Books, 125.

[59] *Ibid.*, 127.

[60] Marx, *Capital: Volume III*. Penguin Books, 449.

[61] Melis, F. (1962). *Aspetti della vita economica medievale: Studi nell' Archivio Datini di Prato*. Monte dei Paschi di Siena, 511.

on feudal social relations in *The Decameron*. Notwithstanding their variety – the Sultan's courtly grip on commerce, in particular, stands out – Boccaccio's *fondaco* stories find this commercial ethic distilled in its most concentrated form.

Burckhardt, Engels, and Weber: State Monopolies, Profit, and the Commenda

> The Venetians and Genoans in the ports of Alexandria and Constantinople, each 'nation' in its own '*fondaco*' – a dwelling house, inn, warehouse, exhibition and sales room as well as a central office – formed complete trading partnerships closed off against competitors and customers … Here for the first time we encounter profit, and rate of profit.
>
> Friedrich Engels, *Supplement to Capital: Volume III*

The *fondaco* was hardly the only commercial institution which the Latin Mediterranean took from the Islamic world. The words for cheque, bazaar, tariff, and traffic are all derived from Persian or Arabic. The astrolabe and lateen sail were redeveloped in the Islamic world; paper and the compass came via that world from China.[62] The portolan charts which mariners used to navigate around the Mediterranean were themselves the products of constant Mediterranean exchange.[63] And Indo-Arabic numerals were first brought to Europe by the notaries of the *fondaco* system: Leonardo Fibonacci, whose *Liber Abaci* (1202) popularised their usage, first learned to use them in the Pisan *fondaco* of Béjaïa where his father was in charge.[64] A substantial literature is now devoted to 're-orienting' the Renaissance as a whole towards east-west exchange.[65] In truth, even Jacob Burckhardt – the art historian who

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[62] Hobson, J. M. (2004). *The Eastern Origins of Western Civilization*. Cambridge University Press, ch. 6.

[63] Brotton, J. (1997). *Trading Territories: Mapping the Early Modern World*. Reaktion, 106.

[64] A brief autobiographical section at the beginning of the *Liber Abaci* describes Fibonacci's father as a public scribe [*publicus scriba*] appointed to preside over the Pisan *dogana* in Béjaïa, [*in duana bugee pro pisanis mercatoribus ad eam confluentibus constitutus preesset*], an Almohad port in modern-day Algeria. Fibonacci, L. (1857). *Scritti di Leonardo Pisano* (Vol. 1). Baldassarre Boncompagni, 1.

[65] See, for instance, the essays collected in MacLean, G. M. (Ed.). (2005). *Re-Orienting the Renaissance: Cultural Exchanges with the East*. Palgrave Macmillan.

invented the modern conception of the Renaissance in the nineteenth century[66] – did not view it as an entirely insular European phenomenon. *Die Kultur der Renaissance in Italien* (1860) foregrounded classical antiquity, to be sure, but it also highlighted the discovery of the New World and its basis in Mediterranean commerce.[67] The first chapter famously discusses the state as a work of art (*Der Staat als Kunstwerk*) – the state as an outcome of calculation and reflection. It is less well known that it attributes this development in large part to Mediterranean syncretism, making much of Frederick II's (1194-1250) exposure to Oriental despotism in Sicily: "Bred amid treason and peril in the neighbourhood of the Saracens, Frederick, the first ruler of the modern type who sat upon a throne, had early accustomed himself to a thoroughly objective treatment of affairs."[68] This objectivity, Burckhardt claims, came from Frederick's intimate acquaintance with "the internal condition and administration of Saracenic states". His system of taxation was based on "Muhammadan usages", his internal police was "composed of Saracens", and he centralised the state "in a manner hitherto unknown *in the West*". Burckhardt even touches upon Frederick's reform of the Sicilian *fondaco* system – the system later encountered by Salabaetto:

> It was after the example of Muhammadan rules that Frederick traded on his own account in all parts of the Mediterranean, reserving to himself the monopoly of many commodities, and restricting in various ways the commerce of his subjects.[69]

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[66] Jules Michelet was the first to use the term to periodise a break with the Middle Ages, but he traced the "discovery of the world and the discovery of man" to the sixteenth century and France; it was Burckhardt who defined the Renaissance as a fourteenth and fifteenth-century Italian phenomenon. Cf. Michelet, J. (1855). *Histoire de France: Renaissance*. Chamerot, ii and Burckhardt, J. (2004). *The Civilization of the Renaissance in Italy*. Penguin, 185.

[67] Burckhardt, *The Civilization of the Renaissance in Italy*, 185.

[68] Burckhardt, *The Civilization of the Renaissance,* 20. Compare Nietzsche, F. W. (2002). *Beyond Good and Evil: Prelude to a Philosophy of the Future*. Cambridge University Press, 87. See also Amari, M. (1854). *Storia dei Musulmani di Sicilia*. Felice le Monnier. For an excellent discussion of Amari and the historiography of Arab Sicily, see Mallette, K. (2010). *European Modernity and the Arab Mediterranean: Toward a New Philology and a Counter-Orientalism*. University of Pennsylvania Press, 65-99.

[69] Burckhardt, *The Civilization of the Renaissance,* 21. For a more recent statement of the Fatimid influence on Norman Sicilian reforms, see Johns, J. (2002). *Arabic Administration in Norman Sicily: The Royal Diwān*. Cambridge University Press.

Political self-consciousness, patterns of Islamic administration, and commerce, Burckhardt goes on to write, combined in Venice and Florence to produce "a true science of statistics" for the first time.[70] To be sure, the Swiss historian was no admirer of Islam – or of the European states-system. If he admitted the influence of 'Saracenic states' on Renaissance politics, this reflected his distaste for the "modern centralised state, dominating and determining culture, worshipped as a god and ruling like a sultan."[71] Nevertheless, this meant that he did *not* portray the Renaissance as an entirely self-generated phenomenon – a characterisation for which North American 'Western Civ' classes are far more responsible.[72] He instead hints at a complex relationship between Mediterranean commerce and the development of the modern state – mediated, admittedly, by the 'Italian genius' which he sporadically invokes.

If Jacob Burckhardt saw the state monopolies enforced at Sicilian *fondacos* as harbingers of a despotic modernity, Friedrich Engels found a different facet of modernity in the *fondacos* of the medieval Mediterranean: "Here for the first time we encounter profit, and rate of profit."[73] The Genoese, Venetians, and Catalans in the ports of Alexandria and Constantinople – each 'nation' sealed in its own 'fondaco' – were closed off against competitors and customers. Within each nation, however, merchants "deliberately and consciously" sought to equalise the rate of profit: "each merchant paid the same prices for his product as did his neighbour, they cost him the same in transport, he received the same prices for them, and [he] similarly bought return cargo at the same price as every other merchant in his 'nation'."[74] Internally, in other words, cooperation equalised the rate of profit. The equalisation *between* these

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[70] Burckhardt, *The Civilization of the Renaissance, 63.*

[71] Burckhardt, J. (1943). *Reflections On History*. George Allen and Unwin, 113.

[72] See Molho, A. (1998). The Italian Renaissance, Made in the USA. In A. Molho & G. S. Wood (Eds.), *Imagined Histories* (pp. 263–294). Princeton University Press.

[73] Engels, F. (1976). Supplement and Addendum to Volume 3 of Capital. In K. Marx, *Capital: A Critique of Political Economy* (Vol. 3, pp. 1027–1047). Penguin Books, 1039.

[74] Engels, Supplement, 1039.

"various company rates of profit", however, was brought about in the opposite way: by competition.

> First of all, [this brought about the] equalisation between the profit rates in different markets for one and the same nation. If Alexandria offered higher profit for Venetian goods than did Cyprus, Constantinople, or Trebizond, then the Venetians directed more capital to Alexandria and withdrew this from their trade with the other markets. Next came the gradual equalisation of profit rates between the individual nations exporting the same or similar commodities to the same markets, which very often meant that certain of these nations were displaced and vanished from the scene.[75]

Now, the medieval Mediterranean hardly enjoyed perfect market competition or factor mobility: Engels himself conceded that merchant-nations enjoyed periods of monopoly profits, and it is not clear how this is to be squared with his account of equalisation-by-competition. His account of profit equalisation within the *fondaco* is also questionable. Engels attributes this internal equalisation to the "primitive communism" of the medieval guild. But we would do just as well to look to the other partners in the *fondaco* trade: to the Fatimid trade office, for instance, which monopolised the sale and purchase of key goods at set prices. Since the prices at Alexandria were already fixed, in other words, no conscious effort would have been required for Venetian merchants to pay the same rates; Islamic polities, as I argued in the last chapter, had already done much of the work when it came to compressing and compacting merchant-nations into distinct units. Consider, too, the Venetian *muda,* which forced merchant ships to leave Venice in convoy during a fixed window each spring. The creation of the *muda* is often viewed as a Venetian innovation in reducing protection costs (there was safety from piracy in numbers), and it certainly would have helped to equalise profits within the merchant-nation (the convoy joined ships in a community of fate). As Janet Abu-Lughod has pointed out, however, Alexandria's strict customs policy might also have moulded the *muda:* in order to prevent unpredictable price fluctuations, no Italian ship was allowed to unload at

[75] Engels, Supplement, 1040.

Alexandria until all had arrived for the season.[76] Much of the merchant-nation's "primitive communism" was a byproduct of extraterritorial privilege and restriction.

If profits were hardly a new discovery, Engels was nevertheless onto something: a sophisticated understanding of merchant capital had developed in the Islamicate Mediterranean.[77] Al-Shafi'i, for instance, had defined the function of a commercial partnership as the expansion of capital [*nama al-mal*]; Maimonides had ruled on such partnerships in his role as an author-jurist; Ibn Khaldun had described commerce as "the attempt to earn a living by increasing capital [*bi tanmiyat al-mal*]".[78] Unsurprisingly, Italian merchant capitalism was heavily influenced by its contact with Islamicate practice and theory. If not an outright copy of Islamic commercial partnerships, for instance, the Italian *commenda* – the contract by which an investor [*commendator*] provided the capital for a travelling agent [*tractator*] – was at the very least a Mediterranean amalgamation of Byzantine, Jewish, and Islamic contracts.[79] The *commenda* entailed no liability for the investor beyond the sum of merchandise or money handed over to the agent; the agent, equally, was not liable for the capital in the event of any loss. For Max Weber, this was a breakthrough for impersonal rationality, calculability, and book-keeping, an essential building block for limited

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[76] Abu-Lughod, *Before European Hegemony*, 240.

[77] For classic accounts see Labib, S. Y. (1969). Capitalism in Medieval Islam. *The Journal of Economic History*, *29*(1), 79–96 and Rodinson, M. (1974). *Islam and Capitalism*. Allen Lane. More recently, see Banaji, J. (2007). Islam, the Mediterranean and the Rise of Capitalism. *Historical Materialism*, *15*(1), 47–74, as well as the appendix to Banaji, *A Brief History of Commercial Capitalism*.

[78] Al-Shafi'i cited in Udovitch, A. L. (1970). *Partnership and Profit in Medieval Islam*. Princeton University Press, 81; Cohen, M. R. (2017). *Maimonides and the Merchants: Jewish Law and Society in the Medieval Islamic World*. University of Pennsylvania Press, 154-69; Ibn Khaldun, I. (2020). *The Muqaddimah: An Introduction to History*. Princeton University Press, 309-10.

[79] Nonspecialist histories often attribute its invention to the Italian towns – e.g. Mann, M. (1986). *The Sources of Social Power*. Cambridge University Press, 437. Abraham Udovitch argued for its origins in the Islamic *qirâd.* John Pryor, however, makes a convincing case for Mediterranean eclecticism, arguing that the *commenda* combined several different strands of practice in one contract: it resembled the Islamic *qirâd* when it came to liability for loss; the Jewish *'isqa* when it came to the division of profit; and the Byzantine *chreokoinōnia* when it came to its duration (an individual sea voyage). Udovitch, A. L. (1962). At the Origins of the Western Commenda: Islam, Israel, Byzantium? *Speculum*, *37*(2), 198–207; Pryor, J. H. (1977). The Origins of the Commenda Contract. *Speculum*, *52*(1), 5–37.

liability companies and a precondition for the emergence of modern capitalism.[80] Contracts along these lines in fact make relatively frequent appearances throughout the history of long-distance trade (Weber himself found a Babylonian analogue).[81] If they were hardly distinct to Italy, however, the technologies of Mediterranean commercial capitalism *were* new to Latin Christendom, and quickly became essential to its maritime trade and proto-colonial ventures:

> In this way, for example, the great sea expeditions of the Genoese against Cyprus were financed through the formation of a "maona", a share commenda enterprise for the conquest and exploitation of the island.[82]

Indeed the Genoese *maona* represented, for Engels, a "still closer association" than the merchant-nations contained within Italian *fondacos* and Hanseatic *Kontore*.[83] Widely considered a template and precursor to joint-stock companies like the East India Company (EIC) and the Verenigde Oostindische Compagnie (VOC), the *commenda* thus provided the basis for a *fusion* of state and capital in hybrid corporate form.[84]

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[80] Weber argued that the *commenda* employed "capitalistic accounting" for the first time, albeit only for a single venture – it was left to its corporate successors to make the enterprise permanent. Weber, M. (1927). *General Economic History*. The Free Press, 206-07. For a typical periodisation leading from the *commenda* via the joint-stock corporation to the modern multinational, see Baars, G. (2019). *The Corporation, Law and Capitalism: A Radical Perspective on the Role of Law in the Global Political Economy*. Brill, 55-58.

[81] Weber, M. (1927). *General Economic History*. The Free Press, 206.

[82] Weber, *General Economic History,* 259. Closely related to the *commenda,* the *maona* was yet another institution derived from the Arabic world, a kind of private bank which loaned out the state's money (*ma'una* meant mutual aid in Arabic). Importantly, "the Arabic *maona* did not undergo the same development as did the occidental *maona;* it was not used for financing wars or mining." Labib, Capitalism in Medieval Islam, 94.

[83] Engels, Supplement, 1039.

[84] On the relation between the Genoese *maone* and the joint-stock company, see Arrighi, *Long Twentieth Century,* 143; Sombart, W. (1915). *The Quintessence of Capitalism: A Study of the History and Psychology of the Modern Business Man*. E. P. Dutton, 73.

Studying the dialectic between state formation and capital accumulation, the world-systems theorist Giovanni Arrighi once proposed that capitalism developed simultaneously in two different spaces: spaces-of-places and spaces-of-flows. The constructivist John Ruggie – inspired by Frederic Jameson's picture of "postmodern hyperspace" – had observed in 1993 that globalisation seemed to have created "a non-territorial 'region' in the world economy – a decentred yet integrated space-of-flows, operating in real time, existing alongside the spaces-of-places that we call national economies."[85] Arrighi took up the conceptual language to describe the history of capitalism more broadly. Noting Fernand Braudel's hesitant language when discussing sixteenth-century Genoa – a capitalist power no longer 'contained' by a state but spanning a system of states – Arrighi suggested that these difficulties were rooted in our conceptual language, an apparatus biased "in favour of the space-of-places that defines the process of state formation and against the space-of-flows of capital that defines the process of capital accumulation."[86] Capitalism, he stressed, developed in both spaces at once. In the space-of-places, it triumphed by becoming identified with particular states. In the space-of-flows, it triumphed by constructing world-encompassing, non-territorial business organisations. If Venice was the prototype for the capitalist state, the sixteenth-century Genoese "nation" was the prototype for non-territorial systems of capital accumulation. One genealogy would describe the development of capitalism as a succession of world hegemonies; another would describe that same development through cycles of capital accumulation.[87]

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[85] Ruggie, Territoriality and Beyond, 172. For Jameson, the Bonaventure Hotel in Los Angeles typified postmodern hyperspace, a cognitively unmappable miniature city whose glass reflection created "a peculiar and placeless dissociation" from the surrounding neighbourhood. Jameson, F. (1984). Postmodernism, or The Cultural Logic of Late Capitalism. *New Left Review*, *146*, 53–92, 81-82.

[86] Arrighi, *The Long Twentieth Century,* 85.

[87] Note that the distinction between 'capitalists' and 'territorialists' does not map onto Tilly's distinction between 'capital-intensive' and 'coercion-intensive' regions; the space-of-flows and the space-of-places can overlap. *Cf.* Tilly, C. (1990). *Coercion, Capital, and European States, A.D. 990-1990*. Basil Blackwell, 15.

It is hopefully clear by now that the *fondaco* system contributed to both. Particularly for the Catalan king Jaume I, the Hohenstaufen emperor Frederick II, and (most durably) for the Venetian Council of Ten, the *fondaco* was a state-making site where it could exercise monopolistic and fiscal power over the flow of goods and people. As Jacob Burckhardt had implied, this trade policy had clear precedent in the Muslim administration of *fondacos*. And in what Arrighi calls the 'territorialist' context of Castile, this state-making side of the *fondaco* was isolated and taken to its extreme: under Ferdinand II and Isabella I in particular, the *Alhóndiga del Pan* became an important central depot for the redistribution of grain, a state-making site *par excellence*. More generally, the Mediterranean saw fierce international competition over "protection rents" – Frederic Lane's term, later taken up by Charles Tilly, for the extra profits that accrue to merchants who pay comparatively less for their protection.[88] Thus the trading privileges conceded to Venice by the Byzantine *chrysobull* of 1082 – not only granting Venetians their own quarter [*embolo*], shops, church, and bakery, but exemptions from all tariffs – secured Venetians "a differential in their favour even against the Greeks."[89] Compelling Byzantine emperors through military force to renew the charter for the next century – and compared to Pisan and Genoese merchants who paid tariffs at 4 or 10 per cent – Lane argued that Venetian wealth owed more to this kind of protection rent than it did even to booty and tribute. With its great diplomatic machinery, state-run Arsenal and publicly-owned galleys – private merchants simply had to charter freightage on a convoyed ship – no other state could provide better protection for less. Indeed, as competition intensified for a larger share of a smaller market in the wake of the Black Death, Venice ultimately defeated Genoa in their "death struggle" for control over Mediterranean trade routes.[90] This is hardly the end of the story for protection costs: a typical work in the genre will go on to describe the Portuguese *cartaz* system in the Indian Ocean, superseded in turn by the VOC's brutally efficient regime.[91] Venice's merchant-

[88] Tilly, C. (1985). War Making and State Making as Organized Crime. In D. Rueschemeyer, P. B. Evans, & T. Skocpol (Eds.), *Bringing the State Back In* (pp. 169–191). Cambridge University Press, 175.

[89] Lane, F. C. (1979). *Profits from Power: Readings in Protection Rent and Violence-Controlling Enterprises*. SUNY Press, 25.

[90] Abu-Lughod, *Before European Hegemony*, 130.

[91] See, for instance, Phillips & Sharman, *International Order in Diversity*, 116-19.

capitalist oligarchy, however, was the original pioneer in protection rents. Its unusual control over its *fondacos* was a testament to its hegemony.

Simultaneously, however, a space-of-flows was developing within the *fondaco* system. The *Fontego dei Todeschi* was, *from a Venetian perspective,* central to a state-centred regime of accumulation; from the perspective of an Augsburg merchant it was just another node (albeit a crucial one) in a branching commercial network. For Florentine merchants in particular, *fondacos* were becoming deterritorialised and disassociated from state control, becoming the private branches of a trans-continental wool trade. And what was Engels describing, if not a Mediterranean space-of-flows where profit rates began to converge in real time, where capital began to flow towards its highest returns? The diasporic merchant-nations of the *fondaco* system shaped state-building back at home: revenues from Genoa's *fondaco* in Alexandria were worth around ¼ of Genoa's own port revenues; income from the Genoese colony in Pera around ½.[92] They also shaped colonialism abroad: shortly after Castile took Seville in 1248, the Genoese were awarded "a quarter, *fondaco*, church, oven, and bath" in the port.[93] While Castilian *fondacos,* as we have seen, soon lost this mercantile function, the charter laid the foundation for an alliance between Genoese financiers and Iberian rulers – Arrighi calls it an alliance between 'capitalists' and 'territorialists' – that became crucial, in turn, to the colonisation of the New World and world-systemic processes of capital accumulation.[94]

Territorial state-making and commercial capitalism, in other words, were becoming mutually dependent. There were early signs of this during the 1340s, when European warfare was sharpened by the same crisis in the Eurasian world-system that sharpened Venetian-Genoese competition in the Mediterranean. As returns on the wool trade fell, Florentine merchant bankers found "a new foundation in the rapidly increasing demand for mobile capital engendered by the power struggle between the

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[92] Lopez, *The Commercial Revolution*, 100.

[93] [*Otorgamosles que ayan barrio e alfondiga e forno e baño en çibdat de Sevilla* …] See González Gallego, I. (Ed.). (1974). El libro de los privilegios de la nación genovesa. *Historia. Instituciones. Documentos*, *1*, 275–358, 289.

[94] Pike, R. (1962). The Genoese in Seville and the Opening of the New World. *The Journal of Economic History*, *22*(3), 348–378.

emerging territorialist states of Western Europe".[95] The 'age of the Fuggers' – which saw both Maximilian I and Charles V become heavily indebted to the Augsburg merchant family – represented another stage in this dialectic. Seemingly representing a shift away from Mediterranean leadership – the Fuggers' business centred on the silver mines of Tyrol – the family firm was in fact refined in the *Fontego dei Todeschi.* It was here that Jakob Fugger spent his teenage years, and it was here that he learned "the art of *partita doppia* (double-entry book-keeping) unknown in Germany at the time"[96] – the cutting-edge accounting methods required to pull the strings of imperial finance. The whole operation, moreover, depended on Genoese bills of exchange, which gave the Fuggers the ability to buy the votes of German prince-electors at short notice.[97]

Indeed, it is the bill of exchange which most neatly encapsulates the outgrowth of high finance from Mediterranean commerce. Latin merchants would have first encountered something like the bill of exchange in the form of the *suftaja* – the letter of credit well documented in the Cairo Geniza.[98] Small slips of paper on which a merchant wrote a signature or code, bills of exchange ordered an agent to pay a third party a specified amount, on a specified date, in a specified currency. Funds could thus be transferred to distant locations, redeemed in local currency, and used to either purchase goods or pay down debts, all without transporting the money itself:

> They offered merchants a safe alternative to the transport of minted coins, protecting their wealth from pirates, corrupt customs guards, storms, and landslides. Over time, bills of exchange also came to be used for purely speculative purposes. Experienced and savvy bankers could buy and sell these instruments without any intent of acquiring merchandise but merely to profit

[95] Arrighi, *Long Twentieth Century,* 99.

[96] Braudel, *The Wheels of Commerce,* 409.

[97] Boyer-Xambeau, Deleplace, & Gillard, *Private Money and Public Currencies,* 20.

[98] Goitein, S. D. (1999). *A Mediterranean Society*. University of California Press, 242-43.

> from fluctuating currency exchange rates. In this respect they signalled private finance's incipient autonomy from commodity trade.[99]

Bills of exchange, then, not only allowed previously wandering merchants to settle down – a process stressed by the historians of the commercial revolution[100] – but quickly became essential to the operations of high finance, with early adopters like the Knights Templar [c. 1118-c.1312] using them to finance the Crusades before King Philip IV, deep in debt to the order, had their wealth expropriated and their leaders executed.[101] The banking houses of Italy offered a more secure home base, and bills of exchange eventually became integral to what Braudel called the age of the Genoese (1557-1627): the cycle of capital accumulation that succeeded the age of the Fuggers. It represented a quantum leap in high finance which not everybody grasped: the Fuggers' factor in Spain accused the Genoese (rightly, of course) of having *mehr Papier als Baargeld,* more paper than cash.[102]

The Bisenzone Fairs were at the heart of the system. No merchandise was bought or sold at these "placeless" fairs, which jumped from Besançon to Lons-le-Saulnier to Montluel to Chambéry to Piacenza. Instead an irregular stream of American silver came from Seville, which the Genoese exchanged for gold and bills of exchange, delivered in turn to the Spanish forces in the Netherlands in exchange for the *asientos* – the contracts that guaranteed future shipments of silver to Genoa. The fairs became the central money market for all of Europe in the process. As Braudel puts it, they became "a sort of clearing-house for European debts" where millions of crowns'

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[99] Trivellato, F. (2019). *The Promise and Peril of Credit: What a Forgotten Legend about Jews and Finance Tells Us about the Making of European Commercial Society*. Princeton University Press, 2.

[100] For N.S.B. Gras, the founder of business history, sedentary merchants like Datini were the "nerve centres" of a new mercantile capitalism. Gras, N. S. B. (1940). The Growth of Rigidity in Business During the Middle Ages. *The American Economic Review*, *30*(1), 281–289, 288. His students and successors – the likes of Raymond de Roover, Robert S. Lopez, and Frederic Lane – famously put bills of exchange, the *commenda*, and merchant sedentarisation at the heart of what they called the commercial revolution.

[101] Graeber, D. (2014). *Debt: The First 5,000 Years*. Melville House, 291. For the Holy Grail as a blank check – a condensed and sublimated symbol of financial abstraction – see Shell, M. (1982). *Money, Language, and Thought: Literary and Philosophical Economies from the Medieval to the Modern Era*. University of California Press, 24-46.

[102] Braudel, F. (2019). *Out of Italy*. Europa Editions, 130.

worth of bills of exchange were balanced against one another, "melting like snow in the sun, and rendering unnecessary the movement of cash."[103] Charging interest rates on all this currency exchange, a small cartel of Genoese financiers – around sixty families – became extraordinarily wealthy. Their rule was "so discreet and so sophisticated" that "historians for a long time failed to notice it".[104] Crucially, according to the Braudelian narrative, they knew the "secret of the modern capitalist system" – a system which consists of "delaying payments and settlements and continuously making these deferrals overlap one another", a system "which would collapse if all the accounts were cleared simultaneously".[105] States, meanwhile, became wholly dependent on the liquid finance they provided: only Genoese bills of exchange could have converted the irregular stream of American bullion into a constant flow of revenue for the Spanish crown.

Is Arrighi correct to say that the Genoese system of accumulation triumphed by *not* becoming identified with any particular state? In a sense – the focal point of the whole system, Braudel wrote, was "not the city of Genoa itself, but a handful of banker-financiers (today we would call them a multinational consortium)."[106] Arrighi is certainly correct to stress that the system was not defined by any of the places it occupied – Antwerp, Seville, Genoa, or the mobile Bisenzone fairs – but by "the flows of precious metals, bills of exchange, contracts with the Imperial government of Spain, and monetary surpluses which linked these places to one another."[107] Yet it was also no coincidence that this offshore money market was manipulated by Genoa – a city-state uniquely alienated to private capital. Both Venice and Genoa had issued

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[103] Braudel, *Out of Italy,* 127.

[104] Braudel, F. (1992). *The Perspective of the World (Civilization and Capitalism, 15th-18th Century).* (Vol. 3). University of California Press, 157.

[105] Heers, J. (1961). *Gênes au XVe siècle: Activité économique et problèmes sociaux*. SEVPEN, 96; Bloch, M. (1953). Mutations monétaires dans l'ancienne France: Seconde partie. *Annales. Histoire, Sciences Sociales*, *8*(4), 433–456, 456.

[106] Braudel, *The Perspective of the World,* 157.

[107] Arrighi, *The Long Twentieth Century,* 84.

public debt to raise fleets for their escalating Mediterranean conflicts.[108] Highlighting the origins of national debt in medieval Genoa and Venice, Marx wrote that this "alienation of the state [*Veräußerung des Staats*] … marked the capitalist era with its stamp."[109] But the alienation to private capital went deepest in Genoa, which was forced in 1407 to consolidate its debts into the *Casa di San Giorgio,* the syndicate of oligarchic creditors that served as a reference point for the founders of the VOC (1602), the Bank of England (1694), and John Law's Mississippi Company (1720).[110] Famously described by Machiavelli as having its own "mode of government" [*loro di governo*], this pioneering institution of finance capitalism was, suggestively, located in the old palatial customshouse [*dogana*] and granted customs-revenue [*l'entrate della dogana*] and overseas territories (Corsica and Gazaria) in exchange for its loans to the city of Genoa; Machiavelli recognised it as a completely unprecedented institution.[111] Braudel called it "a state within the state, one of the keys to the secret and paradoxical history of the republic."[112] And it was this institution that was the "almost invisible focus" of the Genoese regime of accumulation, the coordinating agency that maintained solidarity among the notoriously fractious Genoese bourgeoisie. All of the Genoese families with permanent factors in Madrid, Larry Neal points out, held shares in the *Casa di San Giorgio,* "valuable collateral for their repeated business with one another".[113] Spain's debts to Genoa, in other words, were

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[108] In 1171, with Italians raiding and pillaging each other's commercial colonies in Constantinople, the Byzantine Emperor Manuel I arrested thousands of Venetian merchants and confiscated assets worth an estimated 400,000 *nomismata*. To finance a fleet to recover these hostages, the Venetian doge forced a loan on wealthy citizens which the state would pay back with interest. Genoa, Venice, and Florence eventually consolidated these debts into perpetual and tradable securities: see Eichengreen, B. J. *et al.* (2021). *In Defense of Public Debt*. Oxford University Press, 17-18.

[109] Marx, *Capital Volume I,* 919.

[110] Stasavage, D. (2011). *States of Credit: Size, Power, and the Development of European Polities*. Princeton University Press, 117-24. Taviani, C. (2022). *The Making of the Modern Corporation: The Casa di San Giorgio and its Legacy (1446-1720)*. Routledge.

[111] See Machiavelli, N. (1848). *Le istorie fiorentine*. F. Le Monnier, 400-02. On Machiavelli's (perhaps surprising) praise for this oligarchic institution, see Winter, Y. (2022). A Government of Creditors: Machiavelli on Genoa, the Bank of San Giorgio, and the Financial Oligarchy. *Polity*, *54*(4), 658–683.

[112] Braudel, *The Wheels of Commerce,* 440.

[113] Neal, L. (2015). *A Concise History of International Finance: From Babylon to Bernanke*. Cambridge University Press, 48.

structurally related to Genoa's own public debt – to Genoa's own alienation to private capital. Experimenting with the technologies of the *fondaco* system in the wake of their defeat by Venice, the Genoese had developed a new kind of finance capitalism – a new regime of accumulation that operated in the space-of-flows.

Commercial Capitalism in the Longue Durée

Another important clarification is required at this point: I am *not* arguing that these developments amounted to a wholesale capitalist transition. Political Marxists are right, I think, to insist that the dispossession of the agrarian poor in early modern England marked a qualitative transformation in social property relations. There was no Mediterranean equivalent to the English proletariat, who could only access the means of subsistence by selling their labour-power for a wage. There was no Mediterranean equivalent to the Enclosures.

My claim is rather that the logic of capital was woven into the fabric of the state-system *before* it was woven into the fabric of production: commercial capitalists did not need to totally subsume the labour process in order to radically alter the state form. Now, one might generally accept Marx's claim that the "specific economic form, in which unpaid surplus-labour is pumped out of direct producers, determines the relationship of rulers and ruled".[114] In a feudal system, for instance, lords extract surplus from their peasants via politically legitimate, "extra-economic" violence: each lord becomes a "fragment of the state" and sovereignty, insofar as we can speak of it under these conditions, is parcellised and particularistic.[115] But what if surplus extraction takes place elsewhere? This was the case, Justin Rosenberg pointed out, for the Italian city-states, which reproduced themselves "athwart the flows of exchange which serviced European feudalism and which carried their citizens into every major town and court of the continent."[116] For Rosenberg, it was precisely this interstitial role – this distance from extra-economic surplus extraction – that allowed the urban

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[114] Marx, *Capital: Volume III*, 927.

[115] Wood, E. M. (1981). The Separation of the Economic and the Political in Capitalism. *New Left Review*, *127*, 66–95, 88.

[116] Rosenberg, Secret Origins, 144.

citizenries of Italy to develop an autonomous public realm separate from the sphere of exchange:

> The city-states indeed innovated 'purely political' geopolitical networks (culminating in standing diplomacy) just as they innovated many 'purely economic' ones (in the financial and commercial fields). The conditions of each were the same: a radical institutional separation of politics and economics premissed upon a form of material reproduction dominated by exchange relations, itself contingent upon a structural location within feudal Europe which enabled the cornering of such flows sufficient to support them.[117]

Clearly Italy's role could not be generalised to Europe as a whole, depending as it did on pre-capitalist surplus extraction elsewhere. But Rosenberg is wrong to conclude that the Italian city-state system was therefore a "dead end" disconnected from the modern states-system. This conclusion is not just difficult to reconcile with the list of Italian innovations that he begins with: publicly-traded state debt, marine insurance, sophisticated credit instruments, coordinated commercial and financial branch activity across the continent, resident diplomacy, and the discourse of *realpolitik*. It more importantly neglects the possibility of genealogical 'exaptation': the possibility that a structure originally built for one purpose might be coopted or borrowed for another.[118] The conditions that produced Italian innovations might not have been generalisable, in other words, but this tells us almost nothing about whether the innovations were generalisable themselves. I have already touched on public debt and the *Casa di San Giorgio,* for instance, as a prototype for future central banks. In this case, in fact, there was more than just diffusion and emulation at play: systems of national debt *themselves* allowed for the combination of different moments of primitive accumulation across time and space, revealing, *pace* Rosenberg, the continuity and change inherent to cycles of capital accumulation. As Marx put it:

> Along with the national debt there arose an international credit system, which often conceals one of the sources of primitive accumulation in this or that people.

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[117] *Ibid.*, 145.

[118] Gould, S. J., & Vrba, E. S. (1982). Exaptation-A Missing Term in the Science of Form. *Paleobiology*, *8*(1), 4–15.

> Thus the villainies of the Venetian system of robbery formed one of the secret foundations of Holland's wealth in capital, for Venice in her years of decadence lent large sums of money to Holland. There is a similar relationship between Holland and England … The same thing is going on today between England and the United States. A great deal of capital, which appears today in the United States without any birth-certificate, was yesterday, in England, the capitalized blood of children.[119]

While only a fragment in Marx's *Capital*, this pattern became central to Braudel's history and theorisation of capitalism, moving from Venice to Amsterdam to London to New York.[120] For Braudel, material expansion – that is, profits accrued through trade and/or commodity production – was consistently followed by financialisation, with capital pursuing higher returns and interest rates abroad when it could no longer be employed as effectively at home. Rather than seeing industry as "the final flowering which gave capitalism its 'true' identity", in other words, he emphasised the "eclecticism" of the most advanced forms of capitalism, the dialectical sublation of one *conjoncture* into the next.[121] Financialisation was simultaneously a "sign of autumn" for one sequence of capital accumulation and the "spring" for a material expansion elsewhere.[122] With his fascination for the autumnal, the decadent, and the baroque, it was no coincidence that Braudel studied the Mediterranean in the age of Philip II (1556-1598) – precisely the period in which the Atlantic replaced the Mediterranean as the centre of capitalist gravity. But this period was no historical *cul-de-sac*. There was continuity to these phases of capital accumulation, each time replicated on a larger scale, the capital of one cycle financing the next.

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[119] Marx, *Capital: Volume I*, 920.

[120] Braudel was too emphatic here about the Mediterranean origins of financial capitalism, at least when it comes to the diffusion of technologies and techniques: "The northern countries …invented nothing, either in technology or in business management." The exaggeration mirrors that of the "tenuous theory" he is trying to do away with: Max Weber's Protestant Ethic thesis. Braudel, F. (1977). *Afterthoughts on Material Civilization and Capitalism*. Johns Hopkins University Press, 66.

[121] Braudel, *The Wheels of Commerce*, 381.

[122] Braudel, *The Perspective of the World*, 246.

If all this was facilitated by Mediterranean credit instruments, it is finally worth stressing that these cycles of capital accumulation were originally set in motion by Mediterranean plunder. Having preserved and expanded the urban economies of late antiquity, the huge market complexes of the Islamicate world – densely packed with *funduqs* – constituted rich pickings for barbarian crusaders. Ibn Khaldun reports, for instance, that a single Genoese raid on Mahdia in 1087 extracted 100,000 dinars from its commercial quarter.[123] It was significant that these coins were made from gold. Centuries of trade deficits – Latin merchants could offer little for Oriental fabrics, spices, and luxury items except slaves and specie – had resulted in the long, slow drain of gold towards the East.[124] The Muslim Mediterranean, by contrast, was heavily monetised, irrigated by the Saharan gold trade and the liquidation of late antique hoards, their treasures melted down and stamped into coinage of remarkable purity.[125] Whether it was stolen or bought, North African gold became, in Braudel's words, "the driving force of the Mediterranean over the fourteenth and fifteenth centuries".[126] Ernest Mandel puts the point more forcefully: "The accumulation of money capital by the Italian merchants who dominated European economic life from the eleventh to the fifteenth centuries originated directly from the Crusades, an enormous plundering enterprise if ever there was one."[127]

By the late sixteenth century, of course, the liquidity for Genoa's finance capitalism came from American bullion, traded in turn for Chinese goods: this was a genuine world-system. Christopher Columbus 'discovered' the Americas in 1492, while Vasco de Gama rounded the Cape of Good Hope in 1497, bypassing the eastern

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[123] Banaji, 'Islam, the Mediterranean and the Rise of Capitalism', 63.

[124] Bloch, M. (2014). *Feudal Society*. Routledge, 72. Up until the second half of the thirteenth century, as Janet Abu-Lughod points out, Venetian and Genoese merchants employed the prestigious gold coins of Constantinople and Egypt (the *nomisma* and the *dinar* respectively) rather than striking their own: "a rough indicator of their semi-peripheral status in world trade." Abu-Lughod, *Before European Hegemony*, 67.

[125] For a vivid monetary history of the Mediterranean (stressing the "dethéseurisation" of Syrian and Egyptian hoards in particular), see Lombard, M. (1972). L'or musulman du VIIe au XIe siècle: Les bases monétaires d'une suprématie économique. In *Espaces et réseaux du haut moyen âge* (pp. 7–29). Mouton de Gruyter.

[126] Braudel, *The Mediterranean*, 467.

[127] Mandel, E. (1971). *Marxist Economic Theory*. Monthly Review Press, 103.

Mediterranean as a route to India; European merchant-capitalists had seemingly outgrown the Middle Sea. Yet the colonisation of Old and New Worlds alike can also be related to the history of the Mediterranean *fondaco* system. Portuguese expansion down the African Atlantic coast, for instance, was prefigured by Genoese expansion into Moroccan ports. The original goal was not to find an oceanic route to India – Ptolemaic geography declared the Indian Ocean to be landlocked – but to tap into the Saharan gold trade closer to its source, bypassing the North African *fondacos*. "Portuguese expansion *started* on a classically Mediterranean model", in the words of Jairus Banaji, "even if its consequences were destined to end the centrality of the Mediterranean (and 'Antiquity') forever."[128] Jean de Béthencourt and Gadifer de La Salle, the French knights who began the subjugation of the Canary Islands on behalf of Castile (1402-05), had similar motivations: "Like the denizens of the Maghribi *funduks* and the later Portuguese navigators of the west African coast, Bethencourt and La Salle were part of the late medieval gold rush."[129] The colonisation of the Canaries became a model for the colonisation of the Americas. There were important differences between *fondacos* and the string of *feitorias* [merchant factories] which the Portuguese established along the African, Indian, and Brazilian coasts. If the former were typically built and controlled by local authorities, the Portuguese built the latter themselves. Breaking away from the *fondaco* both etymologically and architecturally, the heavily fortified *feitoria* was unambiguously colonial, a cognate and model for the seventeenth-century 'factories' of the East India Companies. Nevertheless, some historians have claimed that there are enough parallels – the *feitoria* was a self-enclosed market, warehouse, and customshouse governed by a *feitor* (factor) – for it to constitute a missing link between the *fondaco* and colonial factory systems.[130]

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[128] Banaji, J. (2007). Islam, the Mediterranean and the Rise of Capitalism. *Historical Materialism*, *15*(1), 47–74, 63.

[129] Fernández-Armesto, F. (1987). *Before Columbus: Exploration and Colonisation from the Mediterranean to the Atlantic, 1229-1492*. University of Pennsylvania Press, 181.

[130] Sicking, L. (2020). The Medieval Origin of the Factory or the Institutional Foundations of Overseas Trade: Toward a Model for Global Comparison. *Journal of World History*, *31*(2), 295–326.

Conclusion

By the time that John Ruskin encountered the *Fondaco dei Turchi* the palace was in ruins, its seams and hollows "choked with clay and whitewash, oozing and trickling over the marble,—itself blanched into dusty decay by the frosts of centuries."[131] Just one of Giorgione's red frescoes on the *Fontego dei Todeschi* survived, "flaming like the reflection of a sunset" in the waters of the Grand Canal.[132] Its "crimson traces", according to Walter Pater, gave "a strange additional touch of splendour to the Rialto."[133] These remnants were all that was left of the last *fondaco* system in Latin Europe, which had finally stopped operating with the fall of Venice itself to Napoleonic and Austrian forces. Something like this system had survived in the Ottoman Empire, as the next chapter explores. In western Europe, however, the concept and function of the *fondaco* was gradually forgotten, transformed, or consigned to an Oriental past; the role that the *fondaco* had played in Europe's own history was forgotten. This chapter has attempted to excavate this role, underlining the Mediterranean and multi-civilisational origins of the territorial states-system.

According to Max Weber, the "world-historical distinctiveness" of modernity was produced by interstate competition for mobile capital. At the beginning of modernity, various countries involved in the struggle for power had needed "ever more capital" for their geopolitical competition, resulting in "that memorable alliance between the rising states and the sought-after and privileged capitalist powers that was a major factor in creating modern capitalism."[134] I have argued that *fondacos* evolved to play an important role on either side of this alliance. On the one hand, the *fondaco* became an important state-making site for the likes of Venice and the Kingdom of Sicily. For Jacob Burckhardt, as we have seen, Frederick II's monopolistic control over Sicilian *fondacos* prefigured the modern state. And in Castile, the *alhóndiga* evolved to become a public grain market – a distillation of Isabella and Ferdinand's royal, centralised

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[131] Ruskin, J. (1851). *The Stones of Venice*. Merrill and Baker, 119.

[132] Ruskin, J. (1848). *Modern Painters* (Vol. 1). Smith, Elder & Company, 108.

[133] Pater, W. (1897). *The Renaissance: Studies in Art and Poetry*. MacMillan & Company, 149.

[134] Weber, *Economy and Society*, 353-54. Weber himself attributed to this insight to Ranke, L. von. (1909). *History of the Latin and Teutonic nations (1494 to 1514)*. G. Bell & Sons.

control. Elsewhere, however, *fondacos* became nodes for commercial capitalism. In Florence, *fondacos* came to refer to private company branches, and I argued that Boccaccio's *Decameron* registered a subtle but significant difference between the Egyptian *fondaco* system (controlled by the Sultan and a class of 'signorial' officials) and an Italian *fondaco* system (increasingly ruled by the impersonal *ragion di mercatura*). The Florentine and Genoese merchant-nations went on to play a crucial role in the development of sovereign lending, transforming their commercial networks into financial ones which could service the nascent world-system. The *fondaco* system, finally, played a small but suggestive role at the beginning of the great Iberian-Genoese alliance. If this alliance was based on a complementary political exchange between Iberian aristocrats (pursuing power) and Genoese financiers (pursuing profits), it can be traced back to the extraterritorial *fondaco* and quarter granted to Genoese merchants following the Siege of Seville (1248).

Tracing the evolution of the *fondaco* itself, however, only gets us so far, and I have also stressed the significance of the *commenda* and the bill of exchange, both of which Italian merchants and notaries would have first encountered in the *fondacos* of the Muslim Mediterranean. Both shaped the emerging territorial states-system. Capital mobility is particularly significant for Weber's thesis: "The separate states had to compete for *mobile* capital, which dictated to them the conditions under which it would assist them to power."[135] And it was the bill of exchange which gave capital this mobility, the all-important power of flight which was to give modern interstate relations its quality of permanent impermanence. Of course, the Italian merchant-nations remained dependent upon pre-capitalist forms of surplus extraction elsewhere. But other states became dependent on the *means of payment* which they provided – means which Genoa, in particular, possessed in abundance – and this dependence ought to be theorised separately to market dependence in production. Of course, I have only touched on the origins of sovereign lending, and I do not want to exaggerate the extent of rationalisation involved: Quentin Bruneau, for instance, has stressed that early modern merchant-bankers were forced to assess creditworthiness through courtly "gentility" in the absence of statistical

[135] Weber, *General Economic History*, 337.

knowledge.[136] Capital was only just beginning to dictate its conditions to early modern princes and emperors. By the time of the Bisenzone Fairs, it nevertheless seems clear that merchant capital and states were confronting one another on a new basis. A new kind of non-territoriality was generated in the space where they met: the Genoese system described by Braudel has more in common with "placeless" Eurodollar markets than it does with diplomatic or consular extraterritoriality.[137] At the same time, we cannot understand the emergence of this system of accumulation without returning to that older extraterritorial system: to the *fondaco* system that helped incubate both capitalist modernity and the territorial states-system.

[136] Bruneau, Q. (2023). *States and the Masters of Capital: Sovereign Lending, Old and New*. Columbia University Press.

[137] Cameron, A. (2016). Where Has All the (Xeno)Money Gone? In M. Amir & R. Sela, *Extraterritorialities in Occupied Worlds* (pp. 137–156). Punctum Books.

Capitulations/*Ahdnames*: Ottoman Extraterritoriality from Aleppo to Izmir

Such a 'metastable' state is the fact of the polyrhythmic.
Henri Lefebvre & Catherine Régulier, *Attempt at the Rhythmanalysis of Mediterranean Cities*

On the evening of January 21, 1535, a delegation of Ottoman janissaries looked on as six French Protestants were burned to death in front of the Notre-Dame – the end of an emphatic royal response to the Affair of the Placards, and an inflection point in the history of the French Reformation.[1] It was the second Ottoman embassy to France in as many years. Two summers before, Francis I had received a delegation from the corsair-admiral Hayreddin Barbarossa, who had given him a lion and one hundred Christian captives as gifts; the kingdoms of France and Algiers had declared their friendship and sealed a commercial pact for three years. Now the janissaries were preparing to return to Istanbul, taking with them the first French ambassador to the Porte, Jean de La Forêt, and his visionary interpreter, Guillaume Postel. They stopped first in Tunis, where La Forêt asked Barbarossa to pillage Habsburg and Italian cities (starting with Genoese Corsica) on behalf of France.[2] Then they proceeded to the court of Suleiman I. After witnessing an early campaign in the Ottoman-Safavid War – the embassy accompanied the sultan as far as Azerbaijan – La Forêt finally obtained his prize: the draft of a capitulatory treaty, negotiated with the grand vizier Ibrahim Pasha in February 1536, just weeks before the latter's execution.[3] This agreement has often been seen as little more than cover for a sacrilegious alliance against the Holy Roman Emperor Charles V, the ruler of Spain, Austria, and the Burgundian

[1] That October, placards denouncing Mass had been posted in public places and on the king's bedchamber door, ending Francis I's relative tolerance towards Protestantism.

[2] Rodríguez-Salgado, M. J. (2020). "No Great Glory in Chasing a Pirate". The Manipulation of News During the 1535 Tunis Campaign. *Mediterranea: Ricerche Storiche*, *17*(49), 417–44. Since 1453 Corsica had been administered by the Genoese *Casa di San Giorgio,* the financial state within a state close to the heart of the Spanish Empire – and thus a natural target for Francis I.

[3] This execution has shrouded the status of the agreement in historiographical confusion, since the document was never ratified: see e.g. Horniker, A. L., & Steensgaard, N. (1968). The First French Capitulations: 1536 or 1569? *Scandinavian Economic History Review*, *16*(2), 168–170. More important than legal authenticity, however, are the practical consequences: a resident French ambassador was thereafter established in Istanbul.

Lowlands who threatened Europe with universal monarchy. French and Ottoman galleys indeed stepped up their collaboration over the following decade, going so far as to winter in each other's ports (most famously in 1543-44, when Toulon's cathedral was temporarily transformed into a mosque for the 30,000 members of Barbarossa's fleet).[4] But the draft agreement promised French merchants something too: a foothold on the *échelles du Levant* – the 'scales', or the port-cities, of the Levant. Explicitly citing the *fondaco* in Alexandria as a precedent, the agreement also established a resident embassy in Istanbul from which an ambassador would "hear, judge, and conclude civil and criminal cases" between subjects of the French king on Ottoman territory.[5]

The Protestant Reformation, Ottoman seapower, a global Spanish empire – all of this transformed the Mediterranean world in the sixteenth century, along with the new sea route to India, the end of the Mamluk Sultanate, and the mass expulsion of Jews from Portugal (1496) and Spain (1492). Then, shortly after the Battle of Lepanto (1571), came what Braudel called the 'northern invasion': heavy Atlantic sailing ships that ended the era of large-scale galley warfare altogether.[6] England obtained capitulations from the Ottoman sultan in 1580, and William Harborne, England's first resident ambassador at the Porte, was soon joined by consuls at Aleppo, Alexandria, Algiers, Cairo, Damascus, and Jerusalem. Dutch capitulations followed shortly after in 1612, its ships swarming into the Mediterranean, in Braudel's words, "like so many heavy insects crashing against the window panes".[7] Molly Greene has argued that this northern invasion paradigm posits too sudden a rupture in Mediterranean commerce – at least from the perspective of the eastern Mediterranean carrying trade, where Greek and Turkish ships also moved into the vacuum left by Venetian

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[4] Isom-Verhaaren, C. (2011). *Allies with the Infidel: The Ottoman and French Alliance in the Sixteenth Century*. I.B. Tauris, 114-140.

[5] Testa, B. de (Ed.). (1864). Traité de paix, d'amitié et de commerce en date de fevrier 1535. In *Recueil des traités de la Porte ottomane avec les puissances etrangères*. Amyot, 16.

[6] This is not to say that the galley became irrelevant: for its continued uses see Guilmartin, J. F. (2004). *Gunpowder and Galleys: Changing Technology and Mediterranean Warfare at Sea in the 16th Century*. Naval Institute Press.

[7] Braudel, *The Mediterranean*, 634.

maritime decline.[8] Even in the western half of the Mediterranean, in fact, the power transition was neither linear nor uniform: Braudel himself characterised the period following Lepanto as a kind of piratical interregnum, an anarchical "free-for-all".[9] The Knights of Malta, the Knights of St. Stephen, the Republic of Salé, the Uskoks of Senj, and the Ottoman regencies of Algiers, Tunis, and Tripoli, among others, all thrived in this golden age for corsairs.[10] Morocco, meanwhile, conquered the Songhai Empire in 1591, bringing the Trans-Saharan gold trade under its direct control; Ahmad al-Mansur's ambassadors arrived in Elizabethan London as the representatives of a rich and powerful civilisation, inspiring the complex, unsettling figure of 'the Moor' on the Shakespearean stage.[11] In the eastern Mediterranean, the Ottoman Empire conquered Venetian Crete as late as 1669.[12] The scales started to tip decisively towards the northern powers, nevertheless, in the second half of the seventeenth century as gunboat diplomacy arrived on the North African coast: light-weight and longer-range cannons allowed the British fleet to attack Algiers with impunity in 1664 and 1669 and Tripoli in 1675, while France bombarded Algiers in 1682, 1683, and 1688.[13] If the transfer of power was far from complete, especially on land – England's expensive occupation of Tangier (1661-84), for instance, ended in a humiliating evacuation – the outlines of Europe's modern domination were beginning to emerge.[14]

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[8] Greene, M. (2002). Beyond the Northern Invasion: The Mediterranean in the Seventeenth Century. *Past & Present*, *174*, 42–71.

[9] Braudel, *The Mediterranean*, 865.

[10] White, J. M. (2017). *Piracy and Law in the Ottoman Mediterranean*. Stanford University Press; Greene, M. (2010). *Catholic Pirates and Greek Merchants: A Maritime History of the Early Modern Mediterranean*. Princeton University Press.

[11] Matar, N. I. (2005). *Britain and Barbary, 1589-1689*. University Press of Florida.

[12] On Venice and the Ottoman Empire as representatives of the Mediterranean ancien regime, see Greene, M. (2000). *A Shared World: Christians and Muslims in the Early Modern Mediterranean*. Princeton University Press.

[13] Matar, N. (2014). *British Captives from the Mediterranean to the Atlantic, 1563-1760*. Brill, 160-91.

[14] Hunter, F. R. (1999). Rethinking Europe's conquest of North Africa and the Middle East: The opening of the Maghreb, 1660–1814. *The Journal of North African Studies*, *4*(4), 1–26.

Throughout and beyond this period, however, European trade in the Mediterranean continued to depend on the apparatus of the capitulations, or *ahdnames,* through which Islamic states ensured the flow of commerce to their lands. The *ahdnames* have been written out of the history of international relations on the basis that they were not treaties but unilateral, imperial grants. If the European trading company is typically represented in global and dynamic terms, the capitulations are represented as despotic or passive; the latter are usually taken for granted and the two are rarely studied in tandem. Elizabeth I would have had no monopoly to grant the Levant Company, however, without the capitulations granted by the Ottoman sultan in 1580; we can only speculate as to whether the East India Company, initially financed by Levant Company merchants, would have existed in this counterfactual world.[15] So far I have described the *fondaco* system as it operated in the medieval Mediterranean. Something like this system lived on (by another name) in the Ottoman world, and it continued to structure the lives of European merchants and consuls in cities like Aleppo. In other Ottoman cities, however, the extraterritorial *musta'min* (the protected non-Muslim foreigner) was less and less confined to this system. European embassies in Istanbul migrated from the walled enclave of Galata to the hillside palaces of Pera, where there were fewer restrictions on the movements of the ambassador, his household and his guests. In the port-city of Izmir, meanwhile, European merchants and consuls had even more autonomy than their counterparts in Istanbul.

Nevertheless, foreign diplomats and merchants still operated in and through the Ottoman *ahdnames*. If the *fondaco* was a double-edged space – simultaneously facility and restriction – the agency of European diplomats was now both facilitated and restricted by transimperial agents. The second half of the chapter thus turns to embassy janissaries and dragomans – quasi-extraterritorial Ottoman subjects who both helped and surveilled European diplomats as they moved through Ottoman space. I focus, in particular, on the dragomanate: the translator-interpreters who mediated between Ottoman and European conceptions of international relations.

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[15] On the East India Company's origins in the Levant trade, see Brenner, R. (2003). *Merchants and Revolution: Commercial Change, Political Conflict, and London's Overseas Traders, 1550-1653*. Verso, 47-49.

Dragomans had always played an important role in the management of the capitulatory system: the draft *ahdname* of 1536, for instance, mandated their presence whenever a French subject was tried by a Turkish court, a custom that gave western subjects a degree of representation and protection in mixed legal cases.[16] But they also played a symbolic role in its breakdown. Dragomans were commonly identified by their *berats* – the sultanic letters of appointment that gave them tax exemptions and some of the privileges of extraterritoriality. This *beratlı* or *protégé* status marked the dragomanate out as a distinct professional caste. During the eighteenth century, however, European diplomats started to sell additional *berats* to wealthy non-Muslim Ottoman merchants, who would pay large sums for the fiscal exemptions and commercial privileges they conferred. By the end of the century, these 'honorary' dragomans included some of the richest merchants in the country. Blurring the lines between the ambassadorial household and the Ottoman population, the dragomanate had once sustained a fragile capitulatory equilibrium. European states now weaponised that ambiguity to make extraterritorial claims on more and more Ottoman subjects, culminating, as later chapters explore, in the legal imperialism of the nineteenth century.

An Urban History of Ottoman Extraterritoriality: On Hans, Galata, and the Vigne di Pera

> His Highness, the above-mentioned influential and well-informed vizier, built in that frightful place a lofty *han*, which in spaciousness and solidity is a sign of the guest-house of the world.
>
> *Waqfiyya* for the Sokullu Mehmed Pasha complex at Payas (est. 1574)

What became of the *fondaco* system in the Ottoman Mediterranean, and what became of extraterritoriality as the northern invasion (gradually, unevenly) took hold? The terminology may have changed – the Arabic *funduq* was replaced by the Turco-Persian *han*/*khan* – but the first thing to note is that commercial hostelries continued to play an essential role in the Ottoman economy. Along with the *bedestan*, a kind of covered market, members of the Ottoman ruling class continued to build caravanserais into the fabric of their imperial domain, typically as the profit-making

[16] Testa, Traité de paix, 17. ["…les *cadi* et *soubachi* et autres ne pourront ouïr ni juger lesdits sujets du roi, sans la présence de leur drogman."]

portion of a *waqf*.[17] In this form, the *han* was a portal to a complex that might include a mosque, bath-house, hospice, madrasa, school, fountains, or even a surveillance tower. More than ever, the provision of such commercial infrastructure acted as an expression of power, status, and legitimacy: the influential grand vizier Sokollu Mehmed Pasha, for instance, built two large *hans* as part of a vast mosque complex in Lüleburgaz designed by Sinan Pasha; distinguished travellers were to dine for free in this "orthogonally planned city".[18] During the 'Sultanate of Women' (c.1533-1656), the wives and mothers of sultans were also important patrons of such public works, which functioned as visible expressions of their imperial-philanthropic power: the largest *han* in Istanbul, for instance, was founded in 1651 by Kösem Sultan, regent to Murad IV and Mehmed IV and probably the most powerful sultan's mother (*valide sultan*) ever.[19] Nineteenth-century travellers to Istanbul still visited her flagship *Büyük Valide Han,* then occupied by Persian merchants:

> The Roman emperors displayed their magnificence in the construction of the public Thermae, Porticos, &c.; the Sultans have chosen bazaars and hans for that purpose … The hans were consecrated to a kind of religious hospitality, and they are yet the only secure places in Constantinople as depositories for goods. They are built of solid stone or of brick, and the compartments well secured; so that all the first-rate merchants are to be found with their goods at the hans. The rooms are disposed round a vast court, in two or three stories, not much unlike the cells of a monastery. I visited the "Valide" han, that is, one built by a mother Sultana.[20]

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[17] Zarinebaf, *Mediterranean Encounters*, 61.

[18] Necipoğlu, G. (2005). *The Age of Sinan: Architectural Culture in the Ottoman Empire*. Reaktion Books, 351-52.

[19] Peirce, L. P. (1993). *The Imperial Harem: Women and Sovereignty in the Ottoman Empire*. Oxford University Press, 209.

[20] Burgess, R. (1835). *Greece and the Levant, or, Diary of a Summer's Excursion in 1834* (Vol. 2), 197. See also e.g. Thévenot, J. de. (1687). *The Travels of Monsieur de Thevenot into the Levant*. H. Faithorne, J. Adamson, C. Skegnes, and T. Newborough, 26. Later in the nineteenth century, the building became the extraterritorial headquarters for the Iranian constitutional movement: see Duranti, A. (2012). A Caravanserai on the Route to Modernity: The Case of the Valide Han of Istanbul. In M. Gharipour (Ed.), *The Bazaar in the Islamic City: Design, Culture, and History* (pp. 229–250). American University in Cairo Press.

The architectural template was often modified to accommodate Istanbul's dense urban topography – the rectangular layout was frequently deformed, and basements or a third storey were sometimes added – but the *han* otherwise played an important and largely stable role for both domestic and foreign merchants in the Ottoman Empire.[21] Indeed, urban caravanserais remained so central to the domestic economy that contemporary Ottoman travellers counted them (much like classical Islamic geographers before them) as a rough proxy for a city's commercial significance: in addition to the hundreds in early modern Istanbul, there were approximately 34 in Algiers, 35 in Mosul, 44 in Baghdad, 57 in Damascus, 100 in Aleppo, and 360 in Cairo.[22] They were also an important space of encounter for foreigners visiting the Ottoman Empire: *hans* feature prominently, for instance, in a visual album created in the 1660s by Ottoman miniaturists, Italian draftsmen and Venetian dragomans at the *bailate* of Istanbul (fig. 4.1).[23] From the medieval pilgrimage to the nineteenth-century travelogue, an overnight stay in a rural *caravanserai* or urban *han* remained an almost universal experience for the European traveller in the Orient, informing their experience of time (nocturnal curfews remained in place) and space (the *han*, generally, was characterised as a place of rest and safety). Belying tropes of Oriental predation and despotism, the security and hospitality offered by these hostels often created cognitive dissonance for western travellers – though this was partly resolved, after the 1760s, by the stadial Enlightenment paradigm that associated hospitality with primitive nomadism and rustic simplicity.[24]

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[21] In Istanbul the institution did not substantially change until the rise of office hans in the second half of the nineteenth century, the *han* coming to specialise in business and retail as its old productive, storage, and lodging functions were transferred to factories, warehouses, and hotels respectively. See Çakır, C., & Akkuş, Y. (2019). Trade in Ottoman Istanbul. In C. Yılmaz (Ed.), *The History of Istanbul from Antiquity to the 21st Century* (Vol. 6, pp. 158–164). İSAM.

[22] Raymond, A. (2008). The Economy of the Traditional City. In R. Holod, S. K. Jayyusi, A. Petruccioli, & A. Raymond (Eds.), *The City in the Islamic World* (pp. 731–752). Brill.

[23] Rothman, E. N. (2012). Visualizing a Space of Encounter: Intimacy, Alterity, and Trans-Imperial Perspective in an Ottoman-Venetian Miniature Album. *Osmanlı Araştırmaları*, *40*, 39–80.

[24] Osterhammel, J. (2018). *Unfabling the East: The Enlightenment's Encounter with Asia*. Princeton University Press, 438.

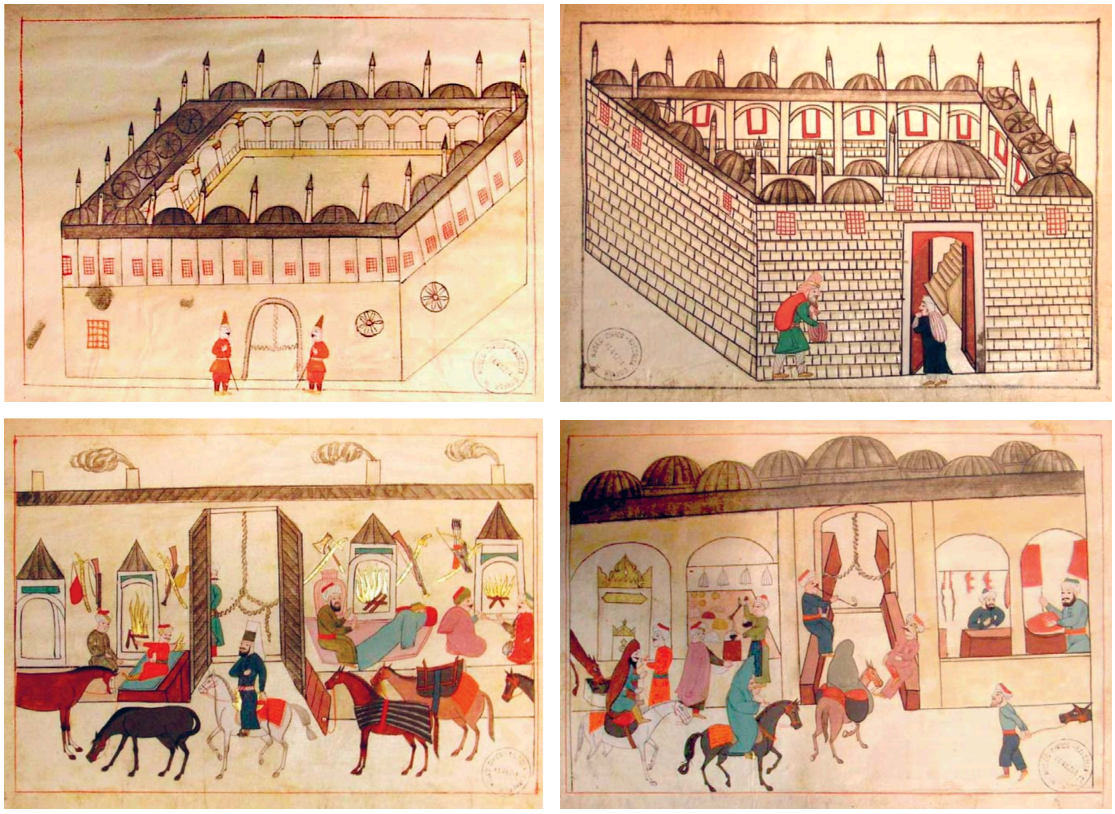


Fig. 4.1. Miniatures from the Ballarino album (c. 1660), clockwise from top left: *The First Han of Edirne*, *The Büyük Valide Han*, *The Han in Istanbul*, and *An Open Caravanserai*. Note the doors "crossed by chains, guarded by custodians" [*attraversata da catene, guardata da custodi*].

The old enclave of Galata, too, retained something of the quasi-extraterritorial status that it had enjoyed as a Genoese merchant-colony in Byzantine Constantinople. Mehmed II, the city's conqueror, adopted an ambivalent strategy towards the port. On the one hand he used it for the resettlement of Ottoman subjects, as well as Jewish and Muslim refugees from the Iberian peninsula; on the other hand he used *ahdnames* to draw Latin merchants back to the depopulated city. The Ottomans administered Galata more closely than the late Byzantine Empire – Mehmed appointed a *voyvoda* (mayor), *kadi* (judge), *subaşi* (chief of day police), *asebaşi* (nightwatchman,) *muhtesib* (market inspector) and customs collector to oversee its social, fiscal, and legal affairs – but this was a joint administration: he also left intact the *Magnifica Comunità di Pera* (the Genoese Council), which was given internal authority over Galata's 'Frankish' community [*efrenc taifesi*] in the *ahdname* of 1453.[25] Venice was also allowed to resettle its *bailate* [resident embassy] there, although the

[25] Zarinebaf, *Mediterranean Encounters*, 37.

bailo no longer wore imperial purple as he had in late Byzantium.[26] Officially Ottoman, in other words, Galata was simultaneously a window onto the land of the Franks: Mehmed II's chronicler, Tursun Beg, wrote that "if you would like to cross from Istanbul to Frangistan, it is enough for you to pay one *akçe* to the boatman."[27] Like a *fondaco,* the gates of Galata were locked at night, and as a hub for European merchants and sailors the town was popularly identified with taverns, brothels, and sin. The seventeenth-century traveller Evliya Çelebi described it as a place of "notorious forbidden ruby-dripping wines".[28] As a kind of "halfway house" between the domestic and foreign, however, it was also useful for the Ottoman state and its interlocutors – not least, as we will see, as a source for embassy dragomans, the multilingual interpreters who occupied an equally liminal position between the interior and the exterior of the Porte.[29]

The physical architecture of the *fondaco/han* system endured, in other words, along with the legal architecture of the *ahdnames* (as I noted in chapter one). Crucially, however, the Ottoman *han* no longer played the same role in the production of commercial and diplomatic space: it was no longer a container for the merchant-nation. Depending on the time and the city, of course, some merchants had escaped the confines of their *fondaco* or *han* before. Under the Mamluks, for instance, Venetian merchants had at one time rented houses in Damascus and Beirut.[30] Under the Ottomans, however, the diplomatic and commercial arms of the European merchant-nation became increasingly distinct – a change reflected in the migration of Western European embassies from Galata to the *Vigne di Pera*, the cooler vineyards uphill. At first this was only the Venetian *bailo's* summer residence. After 1577, however, the *bailate* was permanently relocated to Pera, setting a precedent for the French, English,

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[26] Ağır, A. (2015). From Constantinople to Istanbul: The Residences of the Venetian *Bailo* (Thirteenth to Sixteenth Centuries). *European Journal of Archaeology*, *18*(1), 128–146.

[27] Cited in İnalcik, H. (2019). Galata. In C. Yılmaz (Ed.), *The History of Istanbul from Antiquity to the 21st Century* (Vol. 1, pp. 69–85). İSAM.

[28] Evliya Çelebi. (2010). *An Ottoman Traveller: Selections from the Book of Travels of Evliya Çelebi* (R. Dankoff & S. Kim, Eds.). Eland, 19.

[29] For Galata as a "halfway house" see de Groot, 'Historical Development', 582.

[30] Lamprakos, M. (2017). Life in the Khans: The Venetians in Early Ottoman Aleppo. *Muqarnas*, *34*(1), 125–155, 150n34.

and Dutch embassies to follow. Plague, congestion, and fires within Galata's increasingly cramped walls provided the official rationale for the move.[31] But the change also allowed ambassadors, in the words of one observer, to "be more free, and to have more ease to smuggle escaped slaves and similar."[32] In 1612-13 the grand vizier threatened to move all European embassies to Istanbul proper, in order to keep them under closer surveillance. Ultimately, however, they were allowed to stay in Pera, much to the dismay of Venetian merchants accustomed to living in close quarters with their *bailo*.[33] Merchants were left to rent their own houses in Galata, their diplomatic representatives came to live in Pera, and both mixed quite freely with the local population.

Philip Mansel has suggested that the birth of this "Levantine interzone" in Istanbul was a turning point, a model for the cosmopolitanism of nineteenth-century Smyrna, Beirut and Alexandria that he contrasts with the "diplomatic ghettoes" prevailing before and elsewhere.[34] The embassy district of Pera certainly broke with the introversion and segregation of the *fondaco* system, its palatial embassies resembling the Ottoman Empire's traditional wooden mansions [*konaks*] more than *hans*.[35] Their doors were thrown open, and they hosted so many guests that one Venetian *bailo* wrote of a "continual tavern" in his house.[36] The British ambassadress Mary Wortley Montagu (1689-1762) purported to have lost some of her English in its Levantine atmosphere: "My grooms are Arabs; my footmen French, English and Germans; my nurse an Armenian; my housemaids Russians; half a dozen other servants Greeks; my steward an Italian; my janissaries Turks … I live in perpetual hearing of this medley of sounds, which produces a very extraordinary effect upon the people that

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[31] See Zarinebaf, *Mediterranean Encounters,* 68-88.

[32] Cited in Dursteler, E. (2006). *Venetians in Constantinople: Nation, Identity, and Coexistence in the Early Modern Mediterranean*. Johns Hopkins University Press, 26.

[33] Dursteler, *Venetians,* 26.

[34] Philip Mansel, *The Levant,* 10-11.

[35] Girardelli, P. (2014). Power or Leisure? Remarks on the Architecture of the European Summer Embassies on the Bosphorus Shore. *New Perspectives on Turkey*, *50*, 29–58.

[36] Dursteler, E. R. (2013). 'A Continual Tavern in My House': Food and Diplomacy in Early Modern Constantinople. In *Renaissance Studies in Honor of Joseph Connors* (Vol. 2, pp. 166–171). Harvard University Press.

are born here."[37] Embassy dragomans were recruited from this local, polyglot population – above all, from the *Magnifica comunità di Pera*, the sultan's very own Roman Catholic subjects – and they were trained, in the Venetian case, within the *bailate* itself (see Fig. 4.2). These were more permeable institutions than the *fondacos* of late medieval North Africa, and they reached a vast scale: by 1750, the French ambassador was licensed to purchase 80,500 kilograms of duty-free wine grapes each year for his household and dependents.[38]



Fig. 4.2. *The Venetian Bailate* depicted in a seventeenth-century Ottoman picture book. The apprentice dragomans, or *giovani di lingua*, lived on the second floor.

As soon as they opened, these embassies (and the urbane culture of Ottoman Istanbul more generally) exerted a powerful influence on European society and politics. Between 1492 and 1630 in France, according to one study, at least four times more books were published on the Ottoman Empire than on the New World; the establishment of a relatively accessible French embassy in Istanbul dramatically

[37] Montagu, M. W. (2012). *The Turkish Embassy Letters*. Broadview, 163.

[38] Zarinebaf, *Mediterranean Encounters*, 241-42. This wine could also be gifted to Ottoman officials or sold for profit: see Ghobrial, J.-P. A. (2013). *The Whispers of Cities: Information Flows in Istanbul, London, and Paris in the Age of William Trumbull*. Oxford University Press, 30n39.

increased the scope and volume of this work.[39] In just a few years around 1550, for instance, the French ambassador Gabriel d'Aramon hosted five writers at his embassy in Galata: the antiquarian topographer Pierre Gilles, the cosmographer André Thevet, the geographer Nicolas de Nicolay, the naturalist Pierre Belon, and the returning Guillaume Postel, the heterodox linguist, astronomer, and Christian Kabbalist. At a time when the Ottoman Empire seemed to pose an existential, even apocalyptic threat to Christendom, this interest in Turkey was of course highly charged. It was difficult for these travellers to know what to do with the easy affluence of Pera's Ottoman Christian merchants, or indeed the extraterritorial hospitality that made their visits possible. Nicolas de Nicolay settled for Orientalising the local women, both "Peratines Franques" and Greeks: "there is not so base a citizens or merchants wife, which doeth not weare her gownes of velvet, crymsin, sattin, or damask, set with passement lace & buttons of gold or silver …"[40] Blending the travel book with the illustrated costume album, Nicolay's *Navigations, Peregrinations and Voyages Made into Turkey* "laid the groundwork for future fantasies of the Oriental female".[41] Its depictions of Pera's Christian women as "Nymphes" who "give themselves too all voluptuousness and unshamefastness" were typical of his ethnographic style, which mapped the Ottoman Empire above all in terms of sexual alterity and female dress.[42] It was precisely Pera's liminality, however, that made it so useful for European-Ottoman diplomacy, and Orientalist knowledge production was distinctly marked by its Perote sources. "[All] such notes must have

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[39] Dursteler, E. (2000). Reverberations of the Voyages of Discovery in Venice, ca. 1501: The Trevisan Manuscript in the Library of Congress. *Mediterranean Studies*, *9*, 43–64.

[40] Nicolay, N. de. (1585). *The Navigations, Peregrinations and Voyages, Made into Turkie by Nicholas Nicolay* (T. Washington, Trans.). T. Dawson, 66.

[41] Wunder, A. (2003). Western Travellers, Eastern Antiquities, and the Image of the Turk in Early Modern Europe. *Journal of Early Modern History*, *7*(1), 89–119, 119. On the prehistory of harem discourse more broadly see Madar, H. (2011). Before the Odalisque: Renaissance Representations of Elite Ottoman Women. *Early Modern Women*, *6*, 1–41.

[42] Nicolay, *Navigations,* 66. See Brummett, P. J. (2015). *Mapping the Ottomans: Sovereignty, Territory, and Identity in the Early Modern Mediterranean*. Cambridge University Press, *et passim*; see also Holmberg, E. J. (2022). *British Encounters with Ottoman Minorities in the Early Seventeenth Century: 'Slaves' of the Sultan*. Springer Nature, 139-40.

been only the hearsay of the Christians of Pera", as one British ambassador wrote of a previous work.[43]

By the time that the Montagus took up residence in the British embassy in 1716, European anxiety about the Turkish threat had died down, subsiding into a comfortable fashion for *turquerie.* Pera was a crucial vector for this trend, and Montagu's *Turkish Embassy Letters,* in particular, were hugely influential, with their celebrated vignettes of public baths, gardens, palaces and harems – scenes nuanced by a proto-feminist solidarity with aristocratic Turkish women (later fetishised by painters like Jean Augustine Dominique Ingres).[44] Relishing her ability to penetrate the feminine spaces previously closed to the likes of Nicolay, Montagu also exploited the anonymity of the veil to cross the Bosporus and wander the capital's streets: "I ramble every day, wrap'd up in my *ferigé* [outer coat] and *asmak* [veil], about Constantinople and amuse my selfe with seeing all that is curious in it."[45] Along with its complicated appropriation of the male Orientalist gaze, the crossed borders of the *Turkish Embassy Letters* measure just how much Ottoman-European diplomacy had relaxed compared to the segregation and surveillance of the *fondaco* system. The *fondaco* was short on windows, and turned inwards; travellers had rarely ventured into the city alone. From her palace in Pera, by contrast, Montagu could see "the port, the city, and the seraglio, and the distant hills of Asia; perhaps, all together, the most beautiful prospect in the world."[46]

It is tempting to read the architecture of western embassies as a proxy for their gradually increasing power and scope in the Ottoman Empire, from the cramped quarters of Renaissance Galata to the airy timber palaces of Enlightenment *turquerie.*

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[43] Porter, J. (1755). Queries sent to a friend in Constantinople; by Dr. Maty, F. R. S.; and answered by his Excellency James Porter, Esq; his Majesty's Ambassador at Constantinople, and F. R. S. *Philosophical Transactions of the Royal Society of London*, *49*, 96–109, 102.

[44] For a biography see Grundy, I. (2001). *Lady Mary Wortley Montagu: Comet of the Enlightenment*. Oxford University Press, USA. For 'Enlightenment Orientalism' more generally see Aravamudan, S. (2012). *Enlightenment Orientalism: Resisting the Rise of the Novel*. The University of Chicago Press.

[45] Montagu, M. W. (2012). *The Turkish Embassy Letters*. Broadview, 170-71.

[46] *Ibid.*, 143.

It was only in the nineteenth century, however, that these buildings came to symbolise an extraterritorial *negation* of Ottoman sovereignty. Wooden buildings by this point had become a marker of Oriental backwardness, and after a fire in 1831 the British, French, and Russian empires rebuilt their compounds in neoclassical stone, competing for the most conspicuous embassy-palace in Pera. At the same time that Russia tried to claim millions of Orthodox Ottoman subjects as its extraterritorial *protégés,* its vast new palace was supposed to have "[transferred] a fragment of St. Petersburg to Istanbul"; a popular myth held that it stood literally on imported Russian soil, while travel writers compared it to a fortress.[47] By virtue of exorbitant capitulatory privileges, as one observer put it during the Crimean War, "Pera is no longer Turkey, it is France, England, Austria, Russia, Holland, Spain, etc., with the Palaces of their embassies as capitals."[48] By the late nineteenth century, the *Grande Rue de Pera* resembled a Levantine Paris or London with its covered arcades, department stores, cafés, theatres, clubs, hotels, and streetcars: it was "the West End of the European colony" compared to the "narrow and tortuous streets" of Galata, still as "dark, damp, muddy and sticky" as "the lowest London quarter".[49]

The City and the City in Ottoman Aleppo

Different Ottoman cities, however, offer us a different chronology, a different sense of extraterritorial space in what was, after all, a relatively decentralised empire. As Edhem Eldem, Daniel Goffman and Bruce Masters have pointed out, there was no such thing as a typical Ottoman city: "The colonies of Europeans in early modern Istanbul (the labyrinthine Galata and Pera), Izmir (the exposed Street of the Franks), and Aleppo (the semi-fortified khans) each took different forms as they followed the distinctive cultural contours of their particular milieus."[50] In Aleppo – the pivotal caravan city halfway between the Mediterranean and the Euphrates – European

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[47] Girardelli, Power or Leisure?, 34. For the fortress comparison see Amicis, E. D. (1896). *Constantinople*. Putnam's, 53.

[48] Ubicini, A. (1855). *La Turquie actuelle*. L. Hachette, 436.

[49] Amicis, *Constantinople,* 53, 49.

[50] Eldem, E., Goffman, D., & Masters, B. A. (1999). *The Ottoman City between East and West: Aleppo, Izmir, and Istanbul*. Cambridge University Press, 15.

consuls and merchants continued to live relatively sequestered lives well into the eighteenth century. Venetian presence there dated back to the early thirteenth century, when the Republic was granted a bath, *fondaco,* and church in Aleppo [*baigno et fontigo et glexia ad Alapo*] by the Kurdish Ayyubid amir al-Malik al-Zahir, the third son of Saladin.[51] Sacked by the Ilkhanate in 1260 and the Timurids in 1400 – and devastated in between by the bubonic plague – the city did not provide a secure foothold for merchants in the years that followed. Aleppo's commerce began to revive in the fifteenth century, however, as Mamluk beys began to finance new khans and other kinds of commercial infrastructure in the city. Construction continued in the sixteenth century under the Ottomans, who doubled the size of Aleppo's famous covered *bazaar* or *suq*, the commercial core of the city which contained all of its western khans.[52] Recognising and consolidating its new position as the most important emporium of the caravan trade – above all, as the most important depot for Iranian silk – Venice transferred its Syrian consul from Damascus to Aleppo in the 1540s.[53] The French established a consul in the city in 1557. The English Levant Company followed suit in 1583, its factory in Aleppo soon doubling up as an important way-station for East India Company officials on their way to the Persian Gulf.[54]

The Scottish physician and naturalist Alexander Russell lived in Aleppo between 1740 and 1754, in the Levant Company factory within the Khan al-Jumruk. Built as part of another important *waqf* by Sokullu Mehmed Pasha, this vast khan iterated on the traditional design – a quadrangular courtyard with rooms opening onto a colonnaded gallery above – with a reception room over its gate in the style of other

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[51] Tafel, G. L. F., & Thomas, G. M. (Eds.). (1856). *Urkunden zur älteren Handels und Staatsgeschichte der Republik Venedig* (Vol. 2). Cambridge University Press, 65. Eddé, A.-M. (1991). On the thirteenth-century treaties between Aleppo and Venice see Eddé, A.-M. (1991). Les relations commerciales entre Alep et Venise au VIIe/XIIIe siècle. *Revue des Etudes Islamiques*, *61*, 165–186. In practice, the Venetian compound seems to have been located outside the city gates.

[52] Masters, B. A. (1999). Aleppo: The Ottoman Empire's Caravan City. In E. Eldem, D. Goffman, & B. A. Masters, *The Ottoman City between East and West: Aleppo, Izmir, and Istanbul* (pp. 17–78). Cambridge University Press, 26.

[53] Lamprakos, Life in the Khans, 133.

[54] MacLean & Matar, *Britain and the Islamic World*, 66.



Fig. 4.3. The interior gate and façade of the Khan al-Wazir, in the same late Mamluk style as the Khan al-Jumruk: consuls tended to live in the chambers over the entrance, with their decorated windows overlooking both the street outside and the inner courtyard.

Aleppine khans (fig. 4.3).[55] Russell could have been describing medieval Venetian merchants when he described his contemporaries' living quarters: "…they much resemble cloisters; and as they are unmarried, and their communication with the people of the country is solely on account of trade, their way of life also not a little resembles the monastic."[56] Others were reminded of Oxford. Writing to a friend at Exeter College, one Levant Company chaplain characterised life in the khan as a "safe" and "quiet" existence: "Our way of life resembles, in some measure, the

[55] Jean Sauvaget speculated that this could be the most considerable *waqf* of the Islamic Orient. Sauvaget, J. (1941). *Alep, essai sur le développement d'une grande ville syrienne: Des origines au milieu du XIXe siècle*. P. Geuthner, 263. Watenpaugh notes that some sultanic *waqfs* (like the Süleymaniye mosque complex in Istanbul) were larger, but adds that the grand vizier's *wafq* was remarkable for the extent of its geographic dispersion. Watenpaugh, H. Z. (2004). *The Image Of An Ottoman City: Imperial Architecture and Urban Experience In Aleppo In The 16th And 17th Centuries*. Brill, 95-96. The Khan al-Franj in the Lebanese port-city of Sidon, for instance, was endowed by the same *waqf*, suggesting a "supra-regional" trading vision. See Weber, S. (2010). The Making of an Ottoman Harbour Town: Sidon/Saida from the Sixteenth to the Eighteenth Centuries. In P. Sluglett & S. Weber (Eds.), *Syria and Bilad al-Sham under Ottoman Rule* (pp. 177–239). Brill, 199-200.

[56] Russell, A. (1756). *The Natural History of Aleppo*. A. Millar, 134.

academical. We live in separate squares, shut up every night after the manner of colleges. We begin the day constantly, as you do, with prayers; and have our set times for business, meals, and recreations."[57] This was a more homosocial environment than the embassies of Pera – where English ambassadors were joined by their wives from the seventeenth century[58] – and it was a relatively segregated one: if British merchants occasionally enjoyed a "kabab" from the bazaar, or a drink from the nearby coffee-house, they tended to create their own amusements. "Our delights are among ourselves", the chaplain added, describing hunting expeditions and bowling games among other "innocent and manly" pursuits.[59]

Some elements of the *fondaco* system did erode over time. The gate, for instance, was locked at sunset, but by a resident porter (typically an Armenian intermediary) rather than an external official; later on there was also a "wicket by which persons can have access at night."[60] Nor did each merchant-nation necessarily have its own *khan:* at one point in the seventeenth century the French, English and Dutch all had their factories within the Khan al-Jumruk, which also came to contain an Ottoman customs house. The Venetian traveller Ambrosio Bembo called these customs officials "atrocious thieves" who robbed both the Franks and the *aga,* the intermediary who collected his own duties on goods that entered the khan.[61] Russell, a cosmopolitan representative of the Scottish Enlightenment, thought that Europeans had no cause to complain:

> Their capitulations with the *Port* prevents their being any way subject to the oppressions of government; and the *bashaws,* and the people of distinction,

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[57] Maundrell, H. (1703). *A Journey from Aleppo to Jerusalem at Easter, AD. 1697* (7th ed.). Guil. Delaune, 148.

[58] Allen, G. (2019). The Rise of the Ambassadress: English Ambassadorial Wives and Early Modern Diplomatic Culture. *The Historical Journal*, *62*(3), 617–638.

[59] Maundrell, *A Journey*, 148-49.

[60] A detail added in a later edition edited by Patrick Russell, who succeeded his half-brother as physician and lived in Aleppo from 1750 to 1772: see Russell, A. (1794). *The Natural History of Aleppo* (P. Russell, Ed.). J. Robinson, 19.

[61] Bembo, A. (2007). *The Travels and Journal of Ambrosio Bembo* (A. Welch, Ed.). University of California Press, 60-61.

> usually treating the consuls with civility and respect, others of course follow their example; so that we can live among them in great security in the city, and can travel abroad unmolested by *Arabs* or *Curds,* where the natives dare not venture…[62]

Arguably the most striking feature of Aleppo's khans, however, was their situation within the *madina* – the city within the city. Surrounded by a high wall, this was the urban core of Aleppo, given over to the bazaar and the *waqf* institutions funded by it (mosques, baths, schools, libraries, and coffeehouses).[63] A cavernous network of shop-lined corridors, illuminated at intervals by small holes in the high vaulted ceiling, Evliya Çelebi found the *suq* to be "cool like the cellars of Baghdad".[64] The only gate of the Khan al-Jumruk opened onto one of its inner streets.[65] During the daytime, this was one of the most cosmopolitan markets in the early modern world, a riot of shade and colour where Syrian Christians and Indian Muslims traded alongside Sephardic Jews and Julfan Armenians, the last of these being particularly important to the city's all-important silk trade.[66] Another English chaplain, arriving in Aleppo in 1624, described it as "an Epitome of the whole world."[67] At night, however, the *madina* fell quiet. Almost no locals lived there, and the streets of the bazaar were locked shortly after sunset.[68] The most prominent residents were the inhabitants of the khans: foreign merchants and the Catholic missionaries

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[62] Russell, *The Natural History of Aleppo*, 135-36.

[63] Watenpaugh, *The Image of an Ottoman City,* 235-36.

[64] Cited in Masters, B. (1988). *The Origins of Western Economic Dominance in the Middle East: Mercantilism and the Islamic Economy in Aleppo, 1600-1750*. New York University Press, 126.

[65] Starkey, J. (2012). The Continuity of Social Space: Khan al-Jumruk within the Bazaars of Aleppo. In M. Gharipour (Ed.), *The Bazaar in the Islamic City: Design, Culture, and History* (pp. 115–148). American University in Cairo Press, 124.

[66] The Armenians of Julfa were already integral to the silk trade by the Safavid-Ottoman wars of 1603-1605, when Shah 'Abbas I forcibly deported them from the frontier back to the Iranian capital of Isfahan, where they were allowed to build a suburb – New Julfa – in memory of their old home. On their role in Aleppine commerce see Masters, *Origins*, 83. See, in general, the seminal text by Aslanian, S. D. (2011). *From the Indian Ocean to the Mediterranean: The Global Trade Networks of Armenian Merchants from New Julfa*. University of California Press.

[67] Robson, C. (1628). *Newes from Aleppo*. M. S.,14

[68] Russell, *The Natural History of Aleppo*, 6.

(Franciscans, Jesuits, Capucins) who had established semi-clandestine chapels within them.[69] The city's historic Christian populations (Armenians, Maronites, Melkites and Jacobites) lived outside the city walls, and fraternisation across this boundary was anxiously policed.[70]

European merchants, then, were doubly locked inside their khans, at once central to the city and marginal to its social life. The contrast between conservative ghettoisation and cosmopolitan co-habitation, in other words, is misleading in the case of early modern Aleppo, where spatial segregation allowed for an otherwise unlikely degree of commercial and religious tolerance (as we saw with the medieval *fondaco* system more broadly). While this was tested, particularly from the early seventeenth century, by the introduction of missionary Catholic orders, the system survived here in a way that it did not in other Ottoman entrepôts – perhaps because of the additional buffer of the bazaar, itself an "exceptional microcosm".[71] Of course, Aleppo was not immune to broader economic trends, and the city's control over foreign merchants was never absolute. Even in the sixteenth century, the jurist Ibn al-Hanbali could be found lamenting that "although the Franks used to only live in khans, now some live in [ordinary] houses".[72] Local staff were another bridge between western khans and Aleppine society, from Sephardic dragomans and Armenian brokers to Greek Orthodox porters and Bedouin couriers; Edward Pococke, the most influential Levant Company chaplain of all, had no difficulty employing servants, sheikhs, and Sufi dervishes to improve his spoken and literary Arabic while he lived in the city.[73] In the eighteenth century, meanwhile, the extension of *protégé* status from consulate staff to local Christian merchants further

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[69] On Catholic orders and khan chapels (which recall the Dutch *schuilkerken*) see Lamprakos, 'Life in the Khans'.

[70] Watenpaugh, *The Image of an Ottoman City*, 58-59, though see Masters, *Origins*, 94-105 on the gradual Catholicisation of much of the Syrian Christian community.

[71] David, J.-C. (1996). Les territoires des groupes à Alep à l'époque ottomane. Cohésion urbaine et formes d'exclusion. *Revue des mondes musulmans et de la Méditerranée*, *79*(1), 225–254, 248.

[72] Cited in Sauvaget, *Alep*, 173n651.

[73] Mills, S. (2020). *A Commerce of Knowledge: Trade, Religion, and Scholarship between England and the Ottoman Empire, 1600-1760*. University Press, 46.

broke down the borders of this extraterritorial system – a wider Ottoman phenomenon, as we shall see, but one which Aleppo did not escape. All the same, the city shows that the production of extraterritorial space did not follow the same trends everywhere in the empire – and that in some *eyalets*, at least, this space was still delicately negotiated with local administrators well into the eighteenth century.

Izmir and the Street of the Franks

If the capitulatory system seemed relatively well-controlled in early modern Aleppo, the port of Izmir saw a much earlier – and louder – northern invasion. Well-situated in a western Anatolian gulf, Izmir (or Smyrna) was home to just a few thousand people and some remnants of its classical past when the Ottoman sultan granted England its first *ahdnames* in 1580. The empire seems to have had no particular designs for the town, and most of its decrees to the port in the sixteenth century concerned the hoarding and smuggling of fruits and grains – provisions supposed to be sent to the rapidly expanding capital.[74] A century later, Izmir's own population had grown to around 80,000. A product of the capitulations and customs evasion, its very growth, to some extent, was a sign of growing European autonomy at the expense of Ottoman control. Western merchants and consuls lived on the waterfront, and they enjoyed a freedom and prominence there that their counterparts in other Ottoman cities would not enjoy for many years. "If Aleppo's factories constituted an austere and psychologically withdrawn variant on Pera", as Eldem, Goffman, and Masters have put it, "then Izmir's Street of the Franks was a permissive and gregarious rendition."[75] If Aleppo's bazaar was as an "exceptional urban space, extraterritorial to the rest of the city",[76] Goffman has characterised Izmir as a whole as "an essentially extraterritorial port".[77] This is something of an exaggeration: there was probably always a Turkish majority in Izmir, a population that enjoyed no

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[74] Goffman, D. (1999). Izmir: From Village to Colonial Port City. In E. Eldem, D. Goffman, & B. A. Masters, *The Ottoman City between East and West: Aleppo, Izmir, and Istanbul* (pp. 79–134). Cambridge University Press, 86.

[75] Eldem, Goffman & Masters, *The Ottoman City*, 212.

[76] Watenpaugh, *The Image of an Ottoman City*, 58.

[77] Goffman, 'Izmir', 133.

judicial extraterritoriality at all. Foreign merchants, however, were the richest members of the city, and there was a widespread perception (among both Muslims and Christians) that Izmir constituted a kind of European enclave in Turkey:

> The ships of the Franks come so often that half of the city of Izmir is like Frangistan. If someone hits a non-Muslim, everyone immediately surrounds him and takes him to the consular judge or the nonbelievers execute him. And at that time the Muslim people become invisible, so that it seems a dark Frank place like Malta.[78]

However accurate we take this account to be, Evliya Çelebi's impressions in 1671 certainly anticipate later abuses, and they indicate Izmir's position at the leading edge of western consular power. Extraterritoriality took on a different aspect here from the beginning, and the geography of the city was crucial: while Turkish, Greek, Armenian, and Jewish quarters were located inland, European merchants had acquired most of Izmir's waterfront properties by the 1620s.[79] At the front these houses faced onto the Street of the Franks. At the rear, however, they backed onto the sea, with warehouses, wooden jetties and small boats used both to smuggle contraband and to make a quick getaway (in the event of a conflagration) to the safety of the water. If this proximity to the protection of their ships made Europeans relatively invulnerable, it also made them threatening: sailors could always be unleashed on the town, while the seventeenth century brought with it the possibility of bombardment. During the English Civil War, a royalist sympathiser embroiled the whole town in chaos after enlisting the kadi's officers to seize "rebel" merchants and their property.[80] The day's fracas ended with "the Master of the Golden Lyon" landing forty men at the English consul's house, threatening to "beat down the town" if his goods were not released; the next day he retreated to his ship, from

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[78] Cited in Mansel, *Levant*, 26.

[79] Goffman, D. (1990). *Izmir and the Levantine World, 1550-1650*. University of Washington Press, 89.

[80] The English ambassador in Istanbul, the royalist Sackville Crowe, justified these expropriations on the grounds that the Levant Company had appropriated a consular tax (strangers' consulage) rightfully belonging to the crown. See White, J. C. (2017). Royal authority versus Corporate Sovereignty: The Levant Company and the Ambiguities of Early Stuart Statecraft. *The Seventeenth Century*, *32*(3), 231–255.

where it was feared that he would "shoot down" the town instead.[81] Unrest in Izmir, then, did not always fall along communal lines, but naval power typically did: unless the fleet of the *Kapudan Pasha* was in harbour, it fell decidedly on the side of the Christian merchant-nations (even if they were not, necessarily, united).

Under the powerful Köprülü viziers (1656-83) the Ottoman Empire finally came to terms with Izmir's growth and sought to assert its control over the city. A castle was built partly to protect the city from attack – the Cretan War with Venice was ongoing – but also to police and tax the harbour's maritime commerce. An inscription at the gate described it as "the historic key to land and sea"; ships were required to show customs receipts there on departure.[82] A vizierial *waqf* was then used to fund the usual suite of Ottoman buildings and structures – including an aqueduct, a *bedestan*, public baths, and a *han*, as well as a timber customs house built into the sea – transforming "a good two-thirds of the city …into a construction site."[83] European merchants protested the order to unlade their goods at the new customs house, but the palace bureaucracy held firm, wondering why "Christian merchants could so easily condescend to the rules of those Custom houses in their own Countries, where they were Natives, and yet could not support the same in these parts where they were Aliens and Strangers."[84] Around the same time, the grand vizier attempted to tighten up the embassy *protégé* system, issuing a *firman* that required all consuls and dragomans to obtain new *berats* or lose their extraterritorial privileges.[85] The history of Mediterranean extraterritoriality, clearly, cannot be narrated as an always-

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[81] Hetherington, J., & Suma, L. (1648). Letters to Sir Sackville Crow from Smyrna, June 1646. In *Subtilty and Cruelty: Or a true relation of Sr Sackville Crow, His Designe of seizing and possessing himselfe of all the Estate of the English in Turky*, 61-2.

[82] Goffman, 'Izmir', 108.

[83] Olnon, M. (2007). Köprülü Imperial Policy and the Refashioning of Izmir. In M. H. van den Boogert (Ed.), *Ottoman Izmir: Studies in Honour of Alexander H. de Groot* (pp. 31–43). Peeters, 35.

[84] Rycaut, S. P. (1680). *The History of the Turkish Empire: From the Year 1623 to the Year 1677*. John Starkey, 328.

[85] Olnon, M. (2003). «A Most Agreeable and Pleasant Creature»? Merzifonlu Kara Mustafa Paşa in the Correspondence of Justinus Colyer (1668-1682). *Oriente Moderno*, *22*(3), 649–669, 662. Ambassadors were also required to hand over a list of European merchants with Ottoman wives. The *firman* declared them to have become Ottoman subjects; a battle over their legal status and property ensued.

increasing expansion of European power at the expense of the Ottoman Empire, as if it did nothing but atrophy after its Suleimanic golden age.

All the same, European merchants kept their houses on the Street of the Franks, and they never lost their basic leverage over the Ottoman kadi – the threat to set sail from the port, which depended far more than Istanbul or Aleppo on their commerce. Even the Köprülüs' attempts to integrate Izmir more closely into the Ottoman Empire, therefore, never seriously attempted to curtail its extraordinary cultural, religious, and symbolic freedoms: taverns that were open all night; bells that rang out from newly-raised churches; cannon salutes for departing consuls; and national flags raised from consulates on the shoreline. Smyrna's cosmopolitan currents, in truth, created their own kind of maelstrom, near-impossible for any consular or confessional authority to control. They even produced a Jewish messiah, Sabbatai Zevi (1626-1676), the most significant since Jesus of Nazareth, who preached that the exile of the *shekhinah* was coming to an end – that sparks of divine light, scattered and imprisoned in fragments of the world, could be liberated through transgressive acts of *tiqqun*, or repair. In December 1665 Sabbatai smashed down the doors of the Portuguese synagogue and proclaimed himself the messianic king, electrifying the Jewish trading diaspora from Cairo and Salonica to Prague and Amsterdam.[86] One of his most famous miracles, significantly, involved the jurisdiction of Izmir – after his proclamation a pillar of fire was said to have come between him and the kadi – and it was given credence by the fact that, despite his sedition, the kadi initially let him go.[87] Something in his messianism mirrored the extraterritorial anarchy of the city. His antinomianism, at any rate, was not directed against the laws of its commerce. Imprisoned shortly afterwards in Istanbul, Sabbatai was visited by some English merchants from Galata, who complained that Jewish merchants were so "mad and distracted" by the messianic upheaval that they were neglecting to pay their debts (trade, in some cities, had almost totally ceased).[88] Sabbatai supposedly agreed to write a letter to his followers, telling them that until they had settled their accounts

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[86] Scholem, G. (1973). *Sabbatai Sevi: The Mystical Messiah, 1626-1676*. Princeton University Press, 398.

[87] Rycaut, *The History of the Turkish Empire*, 207.

[88] Scholem, *Sabbatai Sevi*, 423-24, *et passim*.

they were "not to enter with us into our Joys and Dominions."[89] Perhaps he remembered his father as he wrote. Mordecai Zevi had been a broker for English merchants on Frank Street, one of thousands of Jews who had migrated to the city (against the wishes of the Ottoman government) in the midst of its first boom.[90] How far this would have exposed Sabbatai to the millenarianism of the English Civil War is still unclear, but the port's "cultural swirl" must have made an impression on the young rabbinical scholar.[91]

Depending on their post, therefore, European ambassadors, consuls and merchants in the Ottoman Empire would have had vastly different experiences of extraterritoriality. Of course, the capitulations were not territorialised *per se*: legal privileges were ultimately rooted in communal membership rather than space. But these privileges could and did take spatial form – ambassadors, consuls and dragomans, for instance, were granted the right to make wine in their houses – and European merchants sometimes managed to rebuff Ottoman customs inspections by invoking the privacy and sanctity of the home.[92] The embassy quarter in Pera, the khans of Aleppo, and the Street of the Franks in Izmir all came to be identified with their Frankish inhabitants in different ways. Again, this was not a formal legal status – Greeks, Jews, Armenians, Franks and Turks took this status with them wherever they went – but there was more to the production of extraterritoriality than law. I have tried to indicate in the above that architectural and urban history, for instance, might tell us something important about the balance of capitulatory power in these three cities. The sea was also significant. Izmir was in some ways a paradigmatic Levantine or Mediterranean town, living in "a regime of compromise between all the

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[89] Rycaut, *History of the Turkish Empire,* 208.

[90] Goffman, *Izmir and the Levantine World,* 82.

[91] Gershom Scholem downplayed the possibility (*Sabbatai Sevi,* 153), seeing Sabbateanism as the product of an immanent Jewish dialectic; historians of Izmir like Goffman have thought the possibility of influence more likely (*Izmir and the Levantine World,* 91).

[92] In the seventeenth century, some consuls even started to obtain personal clauses in their *berats* that formalised this immunity from home inspections: see Goffman, *Izmir and the Levantine World,* 89; Anderson, S. P. (1989). *An English Consul in Turkey: Paul Rycaut at Smyrna, 1667-1678*. Clarendon Press, 95.

political powers".[93] Its merchant warehouses – suspended between land and sea – were typical of this extraterritorial equilibrium, eroded more and more by European states in the eighteenth century. Western powers found it much harder, by contrast, to project their power to Aleppo, where their galleons and cannons could not reach.

Interpreting the Capitulations

> Genealogy is gray, meticulous, and patiently documentary. It operates on a field of entangled and confused parchments, on documents that have been scratched over and recopied many times.
>
> Michel Foucault, 'Nietzsche, Genealogy, History'

Whether in Istanbul, Aleppo, or Izmir, almost all European commerce with the Ottoman Empire was predicated on the capitulations, the framework within which western states struggled for position.[94] In the first instance, this involved the attempted closure of the system to outsiders: quite substantial bribes were paid to Ottoman officials in an effort to exclude potential competitors. The Venetian *bailo* and the French ambassador teamed up to try and thwart the English capitulations of 1580, for instance, and the English ambassador joined in with the attempt to scuttle the Dutch capitulations of 1612.[95] Then came the struggle for commercial, diplomatic, and even religious precedence within the system: ambassadors competed over customs rates (3%, 5%, or 10%?), honorifics (was your sovereign a *beg*, 'a lord', a *kral*, a 'king', or a *padishah*, a 'king of kings'?) and the holy places of Jerusalem (which denomination had priority in the Church of the Holy Sepulchre?).[96] Beyond its

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[93] Lefebvre, H., & Réguiler, C. (2004). Attempt at the Rhythmanalysis of Mediterranean Cities. In H. Lefebvre, *Rhythmanalysis: Space, Time and Everyday Life* (pp. 85–100). Continuum, 92.

[94] For brief histories of the capitulations, see İnalcik, H. (1971). Imtiyāzāt. In *The Encyclopedia of Islam* (2nd ed., Vol. 3, pp. 1179–1189). 1971; and de Groot, Historical Development. For monographs see Theunissen, H. (1998). Ottoman-Venetian Diplomatics: The '*Ahd-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. *Electronic Journal of Ottoman Studies*, *1*(2), 1–698; and van den Boogert, M.H. (2005). *The Capitulations and the Ottoman Legal System: Qadis, Consuls, and Beratlıs in the 18th Century*. Brill.

[95] Arı, B. (2004). Early Ottoman Diplomacy: Ad Hoc Period. In N. Yurdusev (Ed.), *Ottoman Diplomacy: Conventional or Unconventional?* (pp. 36–65). Palgrave Macmillan, 39-40.

[96] See the negotiations for the English capitulation of 1675 as discussed in Maclean & Matar, *Britain and the Islamic World*, 117-19.

obvious commercial significance, Ottoman opinion was also taken seriously in Europe's early modern courts. "[The Turks] distinguish very well", Abraham de Wicquefort wrote in *The Embassador and his Functions* (1681), "between the Characters, as well as between the Merit of the Ministers, and between the Quality of the Princes that employ them."[97]

Not all European ambassadors in Istanbul, to be clear, could call upon a capitulatory charter. Indeed, the highest ranking Christian diplomat, from an Ottoman perspective, was the ambassador of the Holy Roman Emperor, the only great house in Europe that seemed like a plausible competitor for its millennial sovereignty (the Safavid ambassador, of course, ranked higher).[98] For obvious reasons, the Ottoman Empire did not give its greatest European competitor any trading privileges (and the capitulations, in fact, have often been seen as an attempt to strengthen the European balance of power against Habsburg hegemony).[99] The imperial ambassador was housed near the Hippodrome in intramural Constantinople, in what seems to have been a conscious Ottoman policy to isolate him from the merchant-ambassadors of Pera (orators from the Ottoman tributaries of Moldavia, Transylvania, and Wallachia were kept in yet another zone to the far northwest of the city.)[100] Ironically, then, the most prestigious, inter-imperial diplomacy took place over and above the capitulatory system: masters of courtly ceremonial in Europe noted that the French king ranked below the Holy Roman Emperor at the Ottoman court, even if his

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[97] Wicquefort, *The Embassador and His Functions,* 146.

[98] The fragmented sociability of the Ottoman court – ambassadors were rarely summoned to the sultan's palace – makes the Ottoman precedence order hard to establish. Ambassadorial stipends and imperial ceremonial (like the seating arrangements of the Hippodrome at a circumcision festival) nevertheless suggest that the Habsburg ambassador was regarded as the pre-eminent European representative. Sowerby, T. A. (2021). Sociability and Ceremony: Diplomats at the Porte, c. 1550-1632. In T. A. Sowerby & C. Markiewicz (Eds.), *Diplomatic Cultures at the Ottoman Court, c.1500-1630* (pp. 217–242). Routledge, 229-30.

[99] e.g. Yurdusev, 'The Ottoman Attitude', 22; Watson, *Evolution,* 177.

[100] Kármán, G. (2013). Sovereignty and Representation: Tributary States in the Seventeenth-Century Diplomatic System of the Ottoman Empire. In G. Kármán & L. Kunčević (Eds.), *The European Tributary States of the Ottoman Empire in the Sixteenth and Seventeenth Centuries* (pp. 155–186). Brill, 169.

ambassadors enjoyed "precedence" and "preeminence" over other *royal* ambassadors at Istanbul.[101]

The *ahdnames* ultimately provided, nevertheless, a common diplomatic framework for Euro-Ottoman diplomacy – one that became more important and sticky as the capitulatory powers gained in strength. Conceptions of these documents, of course, have always varied widely, and the historiographical debate over their status – bilateral treaties or unilateral charters? – has never been settled. I want to stress here, in fact, that the debate *cannot* be settled, since the ambiguity is immanent to the historical record itself. At first glance, this might seem to conflict with my earlier statement that the *ahdnames* ought to be seen as unilateral sultanic instruments, continuous with the internal, imperial administration of non-Muslim minorities and Ottoman tributaries. From the perspective of the Ottoman chancery, it is worth stressing, an *ahdname* bound the sultan only to God, and this fact was crucial for reconciling capitulatory diplomacy with the world-view of a universal, imperial sovereign. The significance of such an oath, however, should not be underestimated: what did more to bind Christian sovereigns to their word? Like the Byzantine *chrysobull,* moreover, some versions of the instrument implied more equality than others: the Ottoman chancery used a complex range of introductory formulae and clauses to differentiate *ahdnames* given to tributaries, for instance, from those given to an ally like France.[102] More to the point, if the *ahdnames* were 'mistranslated' or 'misunderstood' as bilateral instruments by Christian polities, then this was a

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[101] Bruneau, Q. (2023). Rethinking International Order in Early Modern Europe: Evidence from Courtly Ceremonial. *International Organization*, *77*(4), 691–720, 713. For the original source see Zwantzig, Z. (1706). *Theatrum Præcedentiae*. Rüdiger, Part I, 15-18. Ahmed I had recognised both the French king and the Holy Roman Emperor as *padişahs*. For the "*précédèce et prééminence*" of the French ambassador over "*autres ambassadeurs royaux*" see Murad III's letter to Henri III in Testa, B. de (Ed.). (1864). *Recueil des traités de la Porte ottomane avec les puissances etrangères*. Amyot, 139.

[102] The literature on the *ahdnames* is further complicated by a set of related instruments – *fermans, berats, and nişans* – that were used to renew, supplement, and modify them. Taken together, these documents formed a complex and historically variable assemblage: supplementary *nişans,* for instance, were easier to acquire than an *ahdname,* since they lacked a sultanic oath. See Dipratu, R. (2021). *Regulating Non-Muslim Communities in the Seventeenth-Century Ottoman Empire: Catholics and Capitulations*. Routledge, 5. Theunissen suggests that the form of the *ahdname* underwent a process of "nişanization" in the fifteenth and sixteenth centuries, thus becoming a more unilateral document type: see Theunissen, Ottoman-Venetian Diplomatics, 255.

misconception with real historical force. European merchant-nations referred to their own translations of these documents, and they did not call them *ahdnames* but *capitulations,* after the chapters (*capitula*) into which they were divided. If the *ahdnames* had the form of a unilateral document, the translated capitulations were often presented and understood as bilateral treaties – as "sacred" documents whose privileges, once given, were jealously maintained.

To be sure, Europeans sometimes highlighted the unilateral quality of the capitulations. Particularly from the eighteenth century on, as the next chapter explores, the image of unilateral despotism was used to distance Ottoman legal instruments from the public law of Europe; diplomatic historians, international lawyers, and the English School more or less inherited this view of the capitulations as one-sided and non-international. Paradoxically, however, the tropes of Oriental despotism were once honed against the validity and sanctity of this capitulatory protection: European merchants had long framed almost any Ottoman fine or punishment as a violation of their privileges and immunities. European diplomats, meanwhile, had an incentive to play up their role in bilateral negotiations, just as European princes had an incentive to play up their sovereign equality with the sultan. French, Latin, and Italian copies of sixteenth- and seventeenth-century *ahdnames* described them as capitulations made "with" or "between" Christian sovereigns and the Grand Signor.[103] These translations also added details and privileges that did not exist in the original charters: if the 1604 *ahdname* specified a safe-conduct for Catholic monks in Jerusalem, for instance, the French translation added that this was "due to the honour and friendship of the [French] Emperor"; another translation unilaterally extended this French religious protection to monks

[103] The preface to one printed copy described capitulations made "between us and the Grand Seigneur" ["entre nous et le Grand Seigneur"]. *Articles accordez par le Grand Seigneur en faveur du Roy & de ses subjets* (1570). François Didier. Often the translations were titled as such: e.g. *Capitulations du Turc avec les Polonnois; Capitulatione tra sultan Selim Imperator de Turchi et Sigismondo Augusto Re di Polonia; Foedus inter Serenisimes Principes sultan Selimum Imperatorem Turcarum et Sigismundem Augustum Regem Poloniae.* For discussion of these documents see Panaite, V. (2010). Western Diplomacy, Capitulations and Ottoman Law in the Mediterranean (16th–17th Centuries). In S. Kenan, *The Ottomans and Europe: Travel, Encounter and Interaction from the Early Classical Period until the End of the 18th Century* (pp. 357–383). İslam Araştırmaları Merkezi.

and pilgrims throughout the whole of the Ottoman Empire.[104] This kind of wilful misinterpretation became notorious after the Treaty of Küçük Kaynarca (1774), when Russia construed its largely symbolic protectorate over Orthodox subjects in Wallachia and Moldavia (and one church in Istanbul) as a jurisdictional claim over all Orthodox subjects in the Empire. Such distortions, however, had long characterised the western reception of the *ahdnames* – even if, throughout most of the early modern period, they had lacked the means to press their claims.

Much as intellectual historians study both the original context *and* the subsequent reception of a canonical text, in other words, so might we reconstruct the Ottoman context of the *ahdnames* alongside their western reception – if only to measure the degrees of distance from the original across time, language, and space.[105] Consider, for instance, the nineteenth-century invention of an ancient French protectorate over the Maronites of Mount Lebanon, based on murky invocations of the early modern capitulations (and even murkier invocations of the Crusades).[106] The point is not just that this was an invented tradition. The point is to trace, genealogically, how the capitulations were "used, interpreted and adapted for fundamentally different projects" by different actors at different times.[107] The French foreign minister François Guizot was right to insist, against Catholic, Maronite, and liberal dissent in 1840, that the capitulations had given France no "sovereignty rights" in the Ottoman Empire: "we should not believe that they have granted us the right to decide on the

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[104] ["…pour l'honneur & amitie d'iceluy Empereur…"] For both of these translations see Dipratu, *Regulating Non-Muslim Communities*, 33. Wishful translations often anticipated the next concession: the capitulation of 1673 did in fact guarantee French (and Frankish) subjects this religious protection throughout the empire.

[105] Vergerio, C. (2019). Context, Reception, and the Study of Great Thinkers in International Relations. *International Theory*, *11*(1), 110–137.

[106] On this joint Franco-Maronite construction see Heyberger, B. (2018). La France et la protection des chrétiens maronites. Généalogie d'une représentation. *Relations internationales*, *173*(1), 13–30; Arsan, A. (2016). "There Is, in the Heart of Asia,. . . An Entirely French Population": France, Mount Lebanon, and the Workings of Affective Empire in the Mediterranean, 1830–1920. In P. M. E. Lorcin & T. Shepard (Eds.), *French Mediterraneans: Transnational and Imperial Histories*. University of Nebraska Press.

[107] Nietzsche, *Genealogy*, 55.

administration of these provinces."[108] There was enough ambiguity about the meaning of capitulatory protection, however, for imperialists to transform historic allusions to Catholics in the French *ahdnames* into something remarkably like a 'responsibility to protect' Catholics in Ottoman territory. Whether as diplomatic chaplains, missionaries, or missionaries masquerading as diplomatic chaplains, Capuchins, Jesuits and Lazarists in the Ottoman Empire had long invoked the extraterritorial jurisdiction of France, which had replaced Venice (and indeed the Holy See) as the most important 'protector' of Catholic missions at the Porte by the mid-seventeenth century.[109] Louis XIV's ambassador had even secured a clause in the capitulation of 1673 that had guaranteed the protection of the Catholic clergy ("la secte Franque") throughout the Ottoman Empire – the promise hitherto fabricated by French translators.[110] In practice, however, even these augmented religious articles did not constitute much more than a right to petition Ottoman officials behind the scenes: this system of protection was supposed to work *through* the sultan's sovereignty. While they mattered in terms of dynastic honour and legitimation – they notably affirmed the French monarch's status as the "most Christian king" – the original architects of these clauses probably envisaged nothing more than a right of diplomatic intercession. By 1860, however, France could lead an early form of humanitarian intervention on behalf of the Maronites – Eastern Catholic Christians in Mount Lebanon – relying on precisely this discourse of capitulatory protection, as well as a protean discourse of human rights (the former, indeed, was a laboratory for

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[108] Cited in Hakim, C. (2013). *The Origins of the Lebanese National Idea: 1840-1920*. University of California Press, 42.

[109] On the capitulatory protection of Catholics see Borromeo, E. (2013). Le clergé Latin et son autorité dans l'Empire Ottoman: Protégé des puissances de l'Europe catholique? (xve-xviiie siècles). In N. Clayer, A. Papas, & B. Fliche (Eds.), *L'autorité religieuse et ses limites en terres d'islam* (pp. 87–105). Brill. For an overview with particular reference to the 1622 *Propaganda Fide* see Girard, A. (2013). Impossible Independence or Necessary Dependency? Missionaries in the Near East, the "Protection" of Catholic States, and the Roman Arbitrator. In M. C. Giannini (Ed.), *Papacy, Religious Orders and International Politics in the Sixteenth and Seventeenth Centuries* (pp. 67–94). Viella. On the Jesuit mission in particular see Ruiu, A. (2014). Conflicting Visions of the Jesuit Missions to the Ottoman Empire, 1609–1628. *Journal of Jesuit Studies*, *1*(2), 260–280.

[110] Dipratu, *Regulating Non-Muslim Communities*, 49.

the latter).[111] Such was the genealogy of "modern" extraterritoriality – a set of entangled and confused documents, scratched over, recopied, and reinterpreted many times.

Between Ahdnames and the Capitulazioni: Dragomans and the Protégé System

I want to stay, however, with the dragomans who mediated between European and Ottoman conceptions of international relations – between ideologies of sovereign equality and universal empire. Translation, of course, always implies transformation, some betrayal of original meaning.[112] Even for translators and interpreters, however, embassy dragomans exercised an unusual amount of diplomatic agency, conducting their own negotiations at the imperial *divan* on behalf of their ambassadors. They were also involved in the negotiation and translation of the imperial documents discussed above. In the literature of European diplomatic theory, in fact, embassy dragomans became notorious for their less than faithful translations of these interactions, which ambassadors associated with their vulnerability (as Ottoman subjects) to the sultan's despotic will. Bernard Lewis puts forward the stereotypical view: "the embassies almost all agreed that they were far too scared of the Turkish authorities to deliver any unpalatable message honestly … The severe message as transmitted by the dragoman to the *reis efendi* … became a humble supplication."[113] Notwithstanding the capitulatory abuses noted above, I want to put these "mistranslations" in more productive terms. Paradigmatic go-betweens, dragomans might indeed frame the same diplomatic practice as unilateral or bilateral depending on their audience: a sultanic *ahdname* might become a *conventione della pace, et promessa, che è fra ambi le parti* [a covenant of peace, and a commitment, which is

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[111] On the relationship between the capitulations, minority protection, and human rights discourse see Robson, L. (2021). Capitulations Redux: The Imperial Genealogy of the Post–World War I "Minority" Regimes. *The American Historical Review*, *126*(3), 978–1000; and Aust, H. P. (2014). From Diplomat to Academic Activist: André Mandelstam and the History of Human Rights. *European Journal of International Law*, *25*(4), 1105–1121.

[112] Capan, Z. G., Dos Reis, F., & Grasten, M. (2021). *The Politics of Translation in International Relations*. Palgrave Macmillan.

[113] Lewis, B. (2004). *From Babel to Dragomans: Interpreting the Middle East*. Oxford University Press, 26.

between both parties] when presented to, say, a Venetian audience.[114] If it is difficult to pin down a single international order in early modern Istanbul – if scholars continue to disagree about the status of the capitulations as treaties – we might attribute this to the resulting superposition of states and their status. This system began to collapse in the eighteenth century, when differing interpretations of capitulatory protection began to collide. The Ottoman-French *ahdname* of 1740 is often seen as a particularly significant threshold, after which most-favoured-nation clauses turned the capitulations "into one corpus of texts whose contents could be exploited by all foreign powers, large or small".[115] At least until then, however, we would do well to adopt the contrapuntal perspective of the dragoman, understanding the *ahdnames*/*capitulazioni* in both their unilateral and bilateral dimensions. Later abused by the European powers, it was precisely this ambivalence that made the *ahdnames* such a productive imperial (and international) framework for so long.[116]

The same, in fact, was true of dragomans and their juridical status. Embassy dragomans were granted *berats* by the Ottoman sultan – letters of appointment that granted them distinct tax exemptions and extraterritorial privileges regulated by the *ahdnames*. As Ottoman subjects, however, their diplomatic immunity was unclear, and they were sometimes imprisoned or even executed for their crimes.[117] Diplomatic theorists tended to express outrage at this encroachment on the inviolability of the ambassadorial household, even though (and perhaps because)

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[114] Rothman, E. N. (2021). *The Dragoman Renaissance: Diplomatic Interpreters and the Routes of Orientalism*. Cornell University Press, 194.

[115] De Groot, Historical Development, 599. Note, however, that most-favoured nation clauses had been developing for some time: when an *ahdname* granted a new privilege to one nation, other ambassadors rushed to secure *fermans* confirming that the privilege also applied to their merchants. Embassies kept copies of other nations' *ahdnames* and fought for their capitulatory rights as a matter of both commercial survival and diplomatic prestige: van den Boogert, *Capitulations*, et passim.

[116] For similar reflections on the productive ambiguity of early modern "protection", see Benton, L., & Clulow, A. (2017). Empires and Protection: Making Interpolity Law in the Early Modern World. *Journal of Global History*, *12*(1), 74–92.

[117] See, for instance, the controversy surrounding Etienne Roboly, the French consulate's chief dragoman in eighteenth-century Alexandria, imprisoned in 1767 on the grounds that he was really Ottoman Armenian: Jasanoff, M. (2005). Cosmopolitan: A Tale of Identity from Ottoman Alexandria. *Common Knowledge*, *11*(3), 393–409.

similar questions (the immunities of the ambassadorial household; the immunities of a subject in service of a foreign prince) were far from settled in contemporary Europe.[118] The resulting fears about the immunity and loyalty of Ottoman-born dragomans even led to the creation of language schools in Paris and Vienna – Jean-Baptiste Colbert's *École des Jeunes de langues* and Maria Theresa's *Kaiserlich-königliche Akademie für Orientalische Sprachen* – so as to produce homegrown dragomans like Antoine Galland and Joseph von Hammer-Purgstall, more secure in their extraterritorial status. Absolutist attempts to centralise foreign policy, these schools played an important role in the genealogy of modern Orientalism.[119] Prior to their creation, however, and in the absence of the requisite language skills, all European polities had to rely on local Ottoman subjects: Armenians, Jews, Greeks, and "Frango-Perot" Catholics, the descendants of Italian settlers in Byzantine Constantinople. Much like the medieval *fondaco*, in other words, the sultan's investiture of these dragomans with quasi-extraterritorial status was at once an act of imperial patronage and a privilege that made cross-confessional diplomacy possible. Something similar was true of the janissary guards (*yasakçıs*) that the sultan assigned to protect foreign diplomats and consuls. In the words of Nicolas de Nicolay, these janissaries waited on each ambassador ''for his gard, conservation or surety of his person, his house and family, so as to them or none of theirs be done any wrong or injury, which if any should attempte to doe, these janissaries have full authority for to punishe siche by beating them with a staffe upon their belly, buttocks, yea and sometimes under the soles of their feet…"[120] As Eldem puts it, this was "a show of magnanimity and therefore of superiority on behalf of the Porte, in the same way that the ambassador himself was attributed a yearly payment – the *tayin* – by the

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[118] In this, as in many other aspects of diplomatic practice, the Ottoman Empire offered a rich field for comparison and shame-praising: after describing the imprisonment and release of a dragoman, Abraham de Wicquefort wrote that while "[these] outrages were formerly peculiar to the *Turks* … they have so infected *Christendom*, that the Circumcis'd might come thither, to learn something more than what they know." *The Embassador and His Functions*, 272. The Dutch historiographer Wicquefort had a special interest in the diplomatic immunity of native subjects: he was found guilty of treason by the court of Holland in 1675, despite his status as a representative of the Duchy of Brunswick-Lüneburg.

[119] Hitzel, F. (1996). Les jeunes de langue de Péra-lès-Constantinople. *Dix-Huitième Siècle*, 28(1), 57–70.

[120] Nicolay, *Navigations, Peregrinations and Voyages*, 76-77.

Sultan."[121] But it was also an important contribution to the safety and prestige of the diplomatic retinue – a unilateral contribution to the privileges of the other. Such measures helped to avert the kind of violence unleashed on Muslim embassies in early modern Europe, such as the massacre of the Algerian embassy (at least forty-eight men) by the populace of Marseille in 1619.[122] They also demonstrate, once more, the contribution of unilateralism to the history of diplomacy – a contribution typically denied by the fetishisation of reciprocity and sovereign equality as the only mechanism of international progress.



Fig. 4.4. Entry into Smyrna of Admiral Joseph de Bauffremont in 1766. Note the senior janissaries [5], the janissary guards [6], the honorary dragomans [7], and the consular dragomans [8]. Behind them officials with incense and rosewater [9] perfume the air for the admiral, consul, and the rest of the French nation [10]. The French "consuless" waits ahead with "the ladies of the nation" [1].

In the end, European embassies and consulates were able to co-opt the *berat* system too, selling the exemptions and privileges meant for interpreters to "honorary dragomans" – non-Muslim Ottomans who were thus able to access some of the

[121] Eldem, Istanbul, 145.

[122] Weiss, G. L. (2011). *Captives and Corsairs: France and Slavery in the Early Modern Mediterranean*. Stanford University Press, 16-17.

privileges of extraterritoriality. These European "*protégés*" occupy a controversial role in studies of Ottoman decline. Outcompeting Ottoman Muslim (and even European) merchants thanks to their ability to forum shop between local and consular courts, their flight from Islamic law has traditionally been figured as a crucial rift between the Ottoman state and its "would-be bourgeoisie".[123] Around the end of the eighteenth century, it is often claimed, there were 1,500 non-Muslims holding *berats* in Aleppo alone;[124] the Austrians by themselves, according to the economist Timur Kuran, protected 200,000 Ottoman subjects throughout the empire.[125] The resulting inequality and resentment is said to have shaped inter-communal violence and underdevelopment in the Middle East down to the present.[126] Revisionist studies, by contrast, have estimated that there were only 2,500 *protégés* throughout the entire Eastern Mediterranean at the end of the eighteenth century.[127] A contemporary moral panic over the phenomenon, according to Will Hanley, inflated the scale and significance of the problem out of all proportion; modern historians, he suggests, have reproduced these "imaginary" fears about *protégés,* who symbolically incarnated arbitrary foreign authority as a "fifth column" within Islamic society.[128]

Once more, however, this historiographical confusion reflects an ambivalence in the historical record itself: the extreme variance in estimates, in a sense, is more important than the actual number of *protégés.* To be sure, the number of legitimate *protégés* was small. European embassies were not, in fact, able to issue *berats* at will, and the Ottoman Empire was periodically able to crack down on the number of honorary dragomans and vice-consuls employed by Europeans consulates and

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[123] Eldem, Istanbul, 194.

[124] The widely-cited Aleppo figures come from Kamil al-Ghazzi's twentieth-century chronicle of the city, repeated in Gibb, H. A. R., & Bowen, H. (1967). *Islamic Society and the West: A Study of the Impact of Western Civilization on Moslem Culture in the Near East*. Oxford University Press, 310-311.

[125] Kuran, T. (2011). *The Long Divergence: How Islamic Law Held Back the Middle East*. Princeton University Press, 201.

[126] *Ibid.,* 208.

[127] van den Boogert, *Capitulations,* 92.

[128] Hanley, W. (2017). *Identifying with Nationality: Europeans, Ottomans, and Egyptians in Alexandria*. Columbia University Press, 201.

embassies.[129] With the regulation of 1863 and the Ottoman Nationality Law of 1869, for instance, Tanzimat officials were able to recover some control over the *protégé* system even at the height of capitulatory imperialism.[130] In pure population terms, the nineteenth-century migration of Europeans and their colonial subjects – French Maghribi and British Maltese subjects in particular – made more of an inroad into Ottoman and Egyptian jurisdictions than *berat*-holders ever did.[131] The real significance of the *berat* system, however, lay in the conceptual extension of diplomatic extraterritoriality to Ottoman-born subjects, a system of diplomatic and commercial patronage incubated in the ambassadorial 'household' that came to cover entire confessional communities. At first, at least in Pera, this protected status was limited to a privileged and already interstitial cadre of mercantile, Grecophone Catholics. Marriage alliances and other forms of kinshipping turned this dragomanate into an endogamous caste, dominated by a few elite families with close connections to the Ottoman court;[132] there must have seemed little danger, from the Porte's perspective, that their protected status would spread to its other non-Muslim subjects. The empire, in fact, granted similar privileges and immunities to its own imperial intermediaries – not least to the great Greek Phanariot dynasties that provided the empire's own dragomans and hospodars, administering the Rum *millet*, ruling the Danubian principalities, and orchestrating a good deal of its European affairs.[133] Even diplomats' sale of surplus *berats* to Greeks, Armenians, and Jews must have seemed relatively innocuous at first – a small part of the jurisdictional

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[129] On the production and distribution of *berats* see van den Boogert, *Capitulations,* 93-97.

[130] Hanley, W. (2016). What Ottoman Nationality Was and Was Not. *Journal of the Ottoman and Turkish Studies Association*, *3*(2), 277–298. Greater restrictions on *protégé* numbers, however, perversely increased the number of naturalised foreigners; the reforms neither stemmed capitulatory imperialism nor succeeded in creating an 'Ottoman' citizenry.

[131] For nineteenth-century migration patterns in the Mediterranean see Clancy-Smith, J. A. (2012). *Mediterraneans: North Africa and Europe in an Age of Migration, c. 1800–1900*. University of California Press.

[132] On the trans-imperial kinship network of the Venetian dragomanate see Rothman, E. N. (2009). Interpreting Dragomans: Boundaries and Crossings in the Early Modern Mediterranean. *Comparative Studies in Society and History*, *51*(4), 771–800.

[133] The Phanariots were wealthy Orthodox families from Phanar (Fener), the Greek quarter of Constantinople home to the Ecumenical Patriarchate. For their role in Ottoman diplomacy and governance see Philliou, C. M. (2010). *Biography of an Empire: Governing Ottomans in an Age of Revolution*. University of California Press.

accumulation that ambassadors relied upon to fund their courtly lifestyles in Istanbul.

If the numbers involved were small, however, the discourse of diplomatic protection started to fuse, in the eighteenth century, with a discourse of Oriental despotism that stigmatised Ottoman rule over its non-Muslim populations; the spread of nationalism in the early nineteenth century further delegitimised the "Turkish yoke" as ethnic massacres became more common. As the end of the empire came into sight, therefore, European embassies competed to offer protection to these non-Muslim peoples, intentionally blurring the meaning of *protégé* status so as to lay claim to hundreds of thousands – in Russia's case millions – of Ottoman subjects. The fact that social scientists and historians still reproduce these figures is a measure of their partial success. Each of these claims, of course, had its own, relatively autonomous history. The Russian Tsar's claim over Orthodox Christians, for instance, was different to Austrian claims over Catholics, and the rise of pan-Slavic ideologies in the second half of the nineteenth century had different implications for both. The boundaries of nationality, subjecthood, and citizenship were complicated by more than just *berats*: religious ties, as we have seen, were also crucial to the extension of western extraterritoriality, while Ottoman-born Jews were able to draw upon their diasporic history to claim ancestral ties to the likes of Livorno, Bayonne, and Lisbon.[134] *Berats* were originally crucial, nevertheless, to the extension of foreign 'protection' into the Ottoman Empire, providing the alibi for the more dubious extraterritorial claims that followed.

By way of conclusion: the point is not to adjudicate between European and Ottoman statistics so much as it is to hold them apart, revealing two different and mismatched conceptions of the *protégé* system. The Ottoman chancery maintained that only it could issue *berats.* Diplomats and consuls thought differently, while prospective *protégés* further complicated matters by making their own creative claims to

[134] For these (often fictional) claims see Stein, *Extraterritorial Dreams*. Nationality, subjecthood, and citizenship are arguably poor terms for these sorts of extraterritorial bonds: for the alternative language of 'legal belonging' see Marglin, J. M. (2021). Extraterritoriality and Legal Belonging in the Nineteenth-Century Mediterranean. *Law and History Review*, *39*(4), 679–706.

extraterritorial protection. I began this chapter with a focus on the production of extraterritorial space. Whereas the late medieval *fondaco* system was tightly regulated by the local authorities, I suggested, European merchants and diplomats in the Ottoman Mediterranean were less and less confined to their place of residence, while exercising more and more control (particularly in Ottoman Izmir) over these sites. The accumulation of extraterritorial *subjects* was an even more threatening proposition, however, in an empire that already ruled its non-Muslim populations through the decentralised *millet* system. Denunciations of Ottoman unilateralism, moreover, proved an effective justification for this extension of extraterritorial imperialism. The irony was that European commerce and diplomacy in the Ottoman Empire had long rested on just that: on the empire's unilateral provision of *hans, ahdnames,* and *berats,* mediated bilaterally by extraterritorial dragomans.

Radical Critics of the *Protégé* System: Karl Marx, David Urquhart, and Ottoman 'Entry' into the Concert of Europe

The Crimean War brought the *protégé* system into the focus of international public opinion. The war, of course, could be blamed on several other things. The Ottoman Empire was on the brink of collapse: Balkan nationalism, heralded by the Serbian uprising of 1804, had given new impetus to already powerful centrifugal forces. Greek revolutionaries had won independence from Istanbul in 1830, while Muhammad Ali, the rebellious governor of Egypt, had waged two wars against the sultan in 1831-33 and 1839-40; only Russian and British interventions had prevented him from taking Istanbul. The Russian Empire, meanwhile, kept expanding southwards, gaining ground in the Balkans, Crimea, and the Caucasus in a series of Russo-Turkish wars. The Treaty of Küçük Kaynarca (1774) was a particularly significant milestone, ending Ottoman suzerainty over the Crimean Khanate – the nomadic buffer zone between the two empires – before Catherine the Great annexed it outright in 1783. Access to the Black Sea gave Russia the warm water ports it needed to exercise year-round naval power, but the Ottoman Empire still controlled Russian access to the Mediterranean; Mahmud II had already provoked one war with Nicholas I by closing the Dardanelles in 1828. All this made another conflict likely. The immediate trigger of the Crimean War, however, was an inter-clerical dispute in Jerusalem, which the *protégé* system raised to the level of an inter-imperial controversy: who had the right to 'protect' Christians and their Holy Places in the Ottoman Empire, and what was the meaning of this protection? Napoleon III sparked the crisis by interceding on behalf of the Catholic clergy in their quarrel with Orthodox priests. Tsar Nicholas I, who styled himself as the leader of the Orthodox world, responded by demanding a formal protectorate over the Ottoman Empire's Orthodox subjects – a third of its population. The sultan refused, and the tsar invaded. As the British war declaration put it: "Demands were made which, in the opinion of the Sultan, extended to the substitution of the Emperor of Russia's authority for his own, over a large portion of his subjects."[1]

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[1] Declaration. (March 28, 1854). In *The London Gazette: The Appointed Organ for All Announcements of the Executive. 1854* (pp. 1007–1008). H.M. Stationery Office, 1007.

Even at the time, observers were struck by the triviality of the original dispute. It was difficult to understand, as Paul Schroeder has put it, "why France and Russia should challenge each other over so petty a stake".[2] According to one recent overview, most historians now see the Holy Places question as "no more than a pretext" for the Crimean War.[3] Yet it would be a mistake to draw too stark a contrast between the war's immediate causes and its deep, geostrategic dimensions. In the words of the British *chargé d'affaires* at Istanbul, the quarrel over the Holy Places was "a vital struggle between France and Russia for political influence, at the Porte's cost, in her dominions".[4] The nature of the struggle, meanwhile, drew attention to Europe's ongoing exploitation of the capitulations and their rights of 'protection' in Ottoman territory – a not insignificant factor in the Ottoman Empire's long-term decline.

The war certainly provoked a surge of interest in the *protégé* system among the contemporary European press. What were the origins of the capitulations? Were they European or Ottoman innovations? Were they the product of self-interest, generosity, or despotism? And just whom did Europeans have a right to protect? The Holy Places dispute turned, significantly, on the extension of protection to religious groups rather than merchants or nationals: France based its legal case on its early modern capitulatory role protecting pilgrims in the Ottoman Empire.[5] With the new imperialism of the nineteenth century, however, even old, largely ceremonial rights such as these took on added significance: France would go on to cite its historic role as protector of the Maronites to legitimise humanitarian intervention in the Mount

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[2] Schroeder, P. W. (1972). *Austria, Great Britain, and the Crimean War: The Destruction of the European Concert*. Cornell University Press, 23.

[3] Badem, C. (2010). *The Ottoman Crimean War (1853-56)*. Brill, 65.

[4] Hugh Rose to Malmesbury, cited in Parry, J. P. (2022). *Promised Lands: The British and the Ottoman Middle East*. Princeton University Press, 360.

[5] To make their case, the French cited the capitulations of 1740, which promised that Frankish monks [*les religieux francs*] would not be bothered in their places of pilgrimage, which they would continue to inhabit as before [*ne seront point inquiétes pour les lieux de visitation qu'ils habitent et qui sont entre leur mains, lesquels resteront encore entre leur mains comme par ci-devant*]. See art. 33 of the capitulations compiled in the appendix of Bianchi, T.-X. (1852). *Le nouveau guide de la conversation en français et en turc*. Imprimerie Orientale, 270. If the French claim was controversial, the Russian claim, based on the Treaty of Küçük Kaynarca, was widely considered specious (see below).

Lebanon civil war in 1860.[6] The Saint-Simonian parliamentarian Alphonse de Lamartine had called in 1840 for "a general Protectorate of the West over the East", a "negative patriotism" which would grant each great power a protectorate over the Ottoman region which "most immediately interested them".[7] As a territorial partition of the Ottoman Empire came into view, however, the competitive scramble for extraterritorial protectorates only accelerated: European powers claimed old prerogatives and new *protégés* in order to stake their claim to a post-Ottoman future.

To illustrate contemporary European perceptions of the capitulations, this chapter compares two very different responses to the crisis in Ottoman extraterritoriality. For the German revolutionary Karl Marx, the fundamental problem of the Eastern Question was the "fabric of theocracy" stretched over Ottoman society – a Byzantine system of religious-communal autonomy vulnerable to foreign (and particularly tsarist) control.[8] Until revolutionaries overthrew the Turkish state, however, Marx assumed that extraterritorial protection would still be needed to shelter merchants from Islamic despotism. For the Scottish Orientalist David Urquhart, by contrast, the capitulations hearkened back to a golden age of unconditional hospitality. Idiosyncratically combining Turcophilia with the politics of *doux commerce*, Urquhart argued that the Ottoman commercial system was already well-suited for free trade liberalism in *Turkey and its Resources* (1833), one of the last pro-Turkish works to envisage a future for the capitulations. As consular abuses continued unabated, however, even Urquhart gradually lost faith in their rehabilitation.

Reconstructing the strange, forgotten association between these two authors, I use their writings to illuminate the mid-nineteenth-century watershed in the reputation of the capitulatory system. This is partly an exercise in the recovery of extraterritorial

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[6] On the (legally contentious) capitulatory basis for humanitarian intervention, see Rodogno, D. (2011). *Against Massacre: Humanitarian Interventions in the Ottoman Empire, 1815-1914*. Princeton University Press, 30-31.

[7] Lamartine, A. (1840). *Vues, discours et articles sur la question d'Orient*. Charles Gosselin, 71. The Russian protectorate would cover the Black Sea region; the Austrian protectorate would cover the shores of the Adriatic; the British protectorate would cover Egypt and the Suez Canal; the (notably larger) French protectorate would cover Asia Minor, Rhodes, Cyprus, Syria, and the Euphrates.

[8] Marx, 'Declaration of War.—On the History of the Eastern Question'. *MECW 13*, 103.

international thought. It is also a study of a key date in the history of international relations: 1856. For a long time European international lawyers, politicians and historians (not to mention Ottoman statesmen) viewed this as the year that the Ottoman Empire 'entered' international society, its sovereignty formally recognised by the European powers at the conclusion of the Crimean War.[9] When we focus on extraterritorial protection, however, the middle of the century is cast in a very different light. Even radical critics of European foreign policy, it emerges, struggled to renounce the capitulatory system or imagine a world beyond it, while extraterritorial imperialism only deepened in practice after 1856. Focussing on extraterritoriality, in other words, reveals that Ottoman 'entry' into the family of civilised nations was governed by what Martti Koskenniemi has called a "logic of exclusion-inclusion", in which non-European nations were burdened with the obligations of membership without gaining any of its rights.[10] Adom Getachew, discussing Ethiopia and Liberia's "partial and burdened membership" in the League of Nations, has analysed this process of "unequal integration" through the lens of the global colour line.[11] The difference that legitimised the Ottoman Empire's unequal integration – while racialised – cannot be understood in these binary terms. It was justified, rather, by a densely self-referential discourse of Orientalism and Islamophobia – a discourse reproduced by Marx and Engels – which was itself shaped, in important ways, by the European merchants, consuls, and ambassadors who benefitted from extraterritorial imperialism in the Ottoman Empire.

Karl Marx, Byzantinism, and the Origins of the Capitulations

On the day that Britain and France entered the Crimean War, Karl Marx wrote a brief history of the capitulations for the *New York Tribune.* He was a somewhat unusual

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[9] In a letter to Abdulhamid II (r. 1876-1909) towards the end of his reign, for instance, the grand vizier Küçük Said Pasha wrote that "[the] Sublime State has been a member of the European family of states for some fifty years." As cited in: Deringil, S. (2011). *The Well-Protected Domains: Ideology and the Legitimation of Power in the Ottoman Empire 1876-1909*. I.B. Tauris, 2.

[10] Koskenniemi, M. (2001). *The Gentle Civilizer of Nations: The Rise and Fall of International Law, 1870-1960*. Cambridge University Press, 127.

[11] Getachew, A. (2019). *Worldmaking After Empire: The Rise and Fall of Self-Determination*. Princeton University Press, 19-20.

observer of the Eastern Question. Like most other Europeans, Marx and Engels were largely interested in the decline of the Ottoman Empire insofar as this would determine the European balance of power. As communists, however, they were interested in the balance of power only insofar as this would determine the balance of class forces and the fate of revolutionary democracy in Europe. Critiquing the usual terms of the Eastern Question – "either the Russians at Constantinople, or the maintenance of the *status quo*"[12] – Marx and Engels did not welcome the Anglo-French alliance against Russia out of any attachment to Turkey or the Concert of Europe *per se*. They viewed the Ottoman Empire, in fact, as the "living sore" of European legitimacy, what with its doomed commitment to the territorial settlement "bungled together" at the Congress of Vienna: "Keep up the *status quo* in Turkey!" they exclaimed. "Why, you might as well try to keep up the precise degree of putridity into which the carcass of a dead horse has passed at a given time, before dissolution is complete."[13] For them, propping up the Ottoman Empire was about buying time for working-class revolutionaries in Europe to take power before coming up against their ultimate, world-historical nemesis: the Russian tsar. The Eastern Question would not be resolved until then: "The Sultan holds Constantinople only in trust for the Revolution." Like a *katechon* delaying the advent of the antichrist, the Ottoman Empire would have to hold off the tsarist counter-revolution until this final, eschatological confrontation took place: "The Revolution which will break the Rome of the West will also overpower the demoniac influences of the Rome of the East."[14]

Marx and Engels, this is to say, closely followed the Eastern Question – they wrote more than 600 pages' worth of dispatches on the Crimean War – and they developed

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[12] Engels, 'The Turkish Question', *MECW* 12, 24.

[13] Marx & Engels, 'British Politics.—Disraeli.—The Refugees.—Mazzini in London.—Turkey'. *MECW* 12, 6.

[14] Marx, 'Financial Failure of Government.—Cabs.—Ireland.—The Russian Question'. *MECW* 12, 231. Marx alludes to the notion that the tsar was the political and religious heir to the Byzantine emperor. He simultaneously mocked this doctrine as pre-modern ("who would not laugh at the idea of French politics being conducted on the Testament of Richelieu, or the Capitularies of Charlemagne") and feared Byzantium's eternal power ("if the Sultan were to be supplanted by the Tsar, the *Bas-Empire* would be restored to life with more demoralising influences than under the ancient Emperors, and with more aggressive power than under the Sultan").

a typically heterodox stance on it.[15] On the origin of the capitulations, however, Marx put forward a strikingly orthodox account – one relatively representative of the nineteenth century – beginning with the familiar assumption that Islamic societies could never participate peacefully in an international system: "The Koran and the Mussulman legislation emanating from it reduce the geography and ethnography of the various peoples to the simple and convenient distinction of two nations and of two countries." Borrowing heavily from César Famin's *Histoire de la rivalité et du protectorat des églises chrétiennes en Orient* (1853), Marx wrote that Islamism demanded a state of "permanent hostility" between Muslims and Infidels.[16] How could the Ottoman Empire square this worldview with the existence of its Christian subjects, or the presence of non-believing merchants within its ports? The head tax (*jizya*) accounted for the former, granting *dhimmis* protection in return for submission and tribute. The capitulations accounted for the latter:

> As the Koran treats all foreigners as foes, nobody will dare to present himself in a Mussulman country without having taken his precautions. The first European merchants, therefore, who risked the chances of commerce with such a people, contrived to secure themselves an exceptional treatment and privileges originally personal, but afterwards extended to their whole nation. Hence the origin of capitulations.[17]

For Marx and Engels, then, the capitulations were the product of European enterprise; a crude Orientalism prevented them from acknowledging any Muslim or Turkish initiative. After all, Engels asked in another article, who were the traders in Turkey? "Certainly not the Turks. Their way of promoting trade, when they were yet in their original nomadic state, consisted in robbing caravans; and now that they are

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[15] This correspondence was later collected and published as Marx, K. (1897). *The Eastern Question* (E. Marx & E. A. Aveling, Eds.). S. Sonnenschein. On the 'Eastern Question' corpus as a model for Marxist IR theory, see Tansel, C. B. (2016). Geopolitics, Social Forces, and the International: Revisiting the 'Eastern Question'. *Review of International Studies*, *42*(3), 492–512.

[16] Marx, 'Declaration of War.—On the History of the Eastern Question'. *MECW* 13, 102. See Famin, C. (1853). *Histoire de la rivalité et du protectorat des églises chrétiennes en Orient*. Firmin Didot Frères, 7-8.

[17] Marx, 'Declaration of War.—On the History of the Eastern Question'. *MECW* 13, 106. See Famin, *Histoire de la rivalité*, 23.

a little more civilised it consists in all sorts of arbitrary and oppressive exactions."[18] Engels once complained that common knowledge about Turkey was based more upon the *Arabian Nights* than upon any historical facts. More insightfully, he had noted that diplomats lacking competence in Turkish or Greek were forced to rely on their dragomans or merchants to communicate: knowledge produced about the Ottoman Empire was thereby filtered through the "interested accounts of Greek interpreters and Frank merchants".[19] When it came to the capitulations, however, neither Marx nor Engels considered the possibility that merchants' tales of arbitrary exactions might be similarly self-motivated. Oriental despotism – which Marx was simultaneously (and infamously) studying in an Indian context – proved too powerful a lens for the Eastern Question.[20] The unilateral character of the capitulations only served to underline their precarity in the face of Turkish caprice:

> …the capitulations are one-sided concessions on the part of the Government granting them, in consequence of which they may be revoked at its pleasure. The Porte has, indeed, at different times nullified the privileges granted to one nation by extending them to others, or repealed them altogether by refusing to continue their application.[21]

A year earlier, Marx had enthusiastically recommended François Bernier's *Voyage dans les États du Grand Mogol* (1671) to Engels: "Bernier rightly sees all the manifestations of the East—he mentions Turkey, Persia and Hindustan—as having a common basis, namely the *absence of private landed property.*"[22] Vast tracts of desert, Marx and Engels had conjectured, required large-scale irrigation works which could only be carried out by a centralised state; the resulting absence of landed property

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[18] Engels, 'The Turkish Question', *MECW* 12, 26.

[19] *Ibid.*, 22.

[20] See e.g. Marx, 'The British Rule in India', *MECW 12*, 125-33. On the 1853 India writings and the formulation of an 'Asiatic mode of production' in 1857-8, see Anderson, P. (1974). *Lineages of the Absolutist State*. NLB, 473-83. On the contrast between these writings and Marx's late works see Lindner, K. (2010). Marx's Eurocentrism: Postcolonial Studies and Marx Scholarship. *Radical Philosophy*, *161*, 27–41.

[21] Marx, 'Declaration of War.—On the History of the Eastern Question'. *MECW* 13, 104.

[22] 'Marx to Engels, 2 June 1853', *MECW* 39, 333-34 [italics in original].

was the "key" to the history of the Orient.[23] In truth, the Ottoman Empire was a particularly awkward fit for the hydraulic theory of Oriental despotism.[24] In any case, as the likes of Anquetil-Duperron had already pointed out, landed property and commercial property ought to be kept conceptually distinct: the lack of a hereditary nobility in the Ottoman Empire – a lack which had long haunted the European aristocracy – did not mean that foreign merchants had no rights of inheritance there.[25] Orientalists, however, tended to elide the two, and here Marx and Engels followed suit: "Turkish, like any other Oriental domination, is incompatible with a capitalist economy; the surplus value extorted is not safe from the hands of greedy satraps and pashas. The first basic condition of bourgeois acquisition is lacking: the security of person and the property of the trader."[26] This individual insecurity seemed to be replicated on a larger scale by the "one-sided" and "precarious" capitulations, which could be unilaterally repealed at any moment.

All of this left the Marxian account of the capitulations – like most contemporary European accounts – with an unresolved tension. At times emphasising the scale of the European protectorates in the Ottoman Empire – the Sublime Porte's complete subjection to Europe's Great Powers – at other times Marx and Engels spoke of Turkish domination. At times acknowledging European control over the capitulations, at other times they acted as if the Sublime Porte could abolish the

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[23] 'Engels to Marx, 6 June 1853', *MECW* 39, 339; 'Marx to Engels, 14 June 1853', *MECW* 39, 346; Marx, 'The British Rule in India', *MECW* 12, 127.

[24] While the Ottomans repaired and maintained pre-existing irrigation systems in Mesopotamia and Egypt, Karl Wittfogel concluded, they generally "displayed no effective zest for hydraulic development", preferring to extend the "non-hydraulic margin" than to intensify "the hydraulic core." Wittfogel, K. A. (1957). *Oriental Despotism: A Comparative Study of Total Power*. Yale University Press, 170-71. The hydraulic thesis as a whole is now widely discredited among environmental historians. For water management in Ottoman Iraq see Husain, F. H. (2021). *Rivers of the Sultan: The Tigris and Euphrates in the Ottoman Empire*. Oxford University Press; for Ottoman Egypt see, A. (2013). *Nature and Empire in Ottoman Egypt: An Environmental History*. Cambridge University Press.

[25] Anquetil-Duperron, in fact, pointed out that on some measures – like the renunciation of the *droit d'aubaine* (the state's right to inherit the property of a deceased foreigner) – 'despotic' Oriental states compared favourably to European ones: Anquetil-Duperron, A.-H. (1778). *Législation orientale*. Marc-Michel Rey, 66.

[26] Engels in 1890. Marx, K., & Engels, F. (1953). *The Russian Menace to Europe: A Collection of Articles, Speeches, Letters, and News Dispatches*. Allen and Unwin, 40.

capitulations at will. How could the Turkish government wield such arbitrary power if it was so weak? Throughout the early modern period, to be sure, the Ottoman Empire had used the *ahdnames* to play European nations off one another, favouring its allies with lower tariffs and suspending commerce with its rivals.[27] By the outbreak of the Crimean War, however, the Ottoman Empire was reliant on European powers for its survival; there was no longer any possibility that it could unilaterally suspend the capitulations. Most-favoured-nation clauses, meanwhile, ensured that concessions extended to one nation would automatically be extended to the others, accelerating and generalising the extraction of privileges. The chronological imprecision encouraged by Orientalism – Marx did not specify *when* the Porte had repealed the capitulations – thus concealed dramatic changes in Ottoman history, allowing him to present the empire as simultaneously anarchic and all-powerful.

More to the point, such contradictions were built into the contemporary understanding of Oriental despotism thanks to Montesquieu's hugely influential iteration of the theory. For Montesquieu, the despotic Turkish state was characterised by fear at every level: commoners were vulnerable to pashas because the pashas themselves lacked security, while the sultan himself was vulnerable to assassination and revolt from below. In this way, as Noel Malcolm has put it, Montesquieu was able to assimilate the (increasingly obvious) precarity of sultanic rule without adulterating its despotism.[28] Marx and Engels' picture of the capitulations closely resembles this vision of universal precarity, depicting a world in which merchants, ambassadors, consuls, pashas, and sultans alike were threatened by mutual insecurity.

This was not to say, however, that the *protégé* system completely lacked a regulatory structure. Like other commentators in Britain and France, Marx observed that Russia's demands for protective rights over the Ottoman Empire's Orthodox subjects – ostensibly based on the Treaty of Küçük Kaynarca (1774) – were unprecedented and

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[27] In 1619, for instance, the Comte de Césy failed to renew the capitulations for France. Before Ottoman-French capitulations were revived in 1673, French trade had fallen to a tenth of its former level. See Inalcik, H. Imtiyāzāt. In *The Encyclopedia of Islam* (2nd ed.).

[28] Noel Malcolm, *Useful Enemies,* 387.

unfounded. As Marx stressed, the capitulations gave foreign powers the "right of a *protectorate*" in the Ottoman Empire, but this was supposed to apply only to "co-religionists visiting Turkey or residing there as foreigners" and not to "the Christian subjects of the Porte".[29] Even the peace treaty of 1774, full of humiliating concessions as it was, had only granted Russia this right for Orthodox subjects in Wallachia and Moldavia, and for one Orthodox church in Istanbul.[30] The tsar, however, was now demanding "the conversion of that exceptional privilege into the general Protectorate of the whole Greek Church in Turkey", which effectively amounted to "the resignation of the Sultan's sovereignty into the hands of Russia."[31] Marx's censure of the Russian envoy – he had combined "Northern barbarity with Byzantine duplicity" to make Russia "the laughing stock of Europe" – relied on the sense that Ottoman sovereignty and capitulatory custom had been violated.[32]

In the end, however, Marx viewed the *protégé* system – and the *millet* system with which it was mingling – as a political atavism. The fundamental problem was that "the Turkish State, like all Oriental States [was] founded upon the most intimate connection, we might almost say, the identity of State and Church, of Politics and Religion."[33] It recognised the existence of *dhimmis* in the Ottoman Empire, but it did so by subjecting them to the theocratic rule of their own religious leaders, who answered in turn to the Porte. The patriarch of Constantinople was the "spiritual chief" of Greek Orthodox society. But he was also their "Chief justice" and "political representative" in their dealings with the Turkish government. By routing legal and political identity through the *millet* system in this way – by recognising nations only as confessional communities – Islamic law "sanctioned the combined spiritual and

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[29] Marx, 'Declaration of War.—On the History of the Eastern Question'. *MECW* 13, 104.

[30] Davison, R. H. (1976). 'Russian Skill and Turkish Imbecility': The Treaty of Kuchuk Kainardji Reconsidered. *Slavic Review*, *35*(3), 463–483, 474.

[31] Marx, 'Affairs in Holland.—Denmark.—Conversion of the British Debt.—India, Turkey, and Russia.' *MECW 12,* 105.

[32] Marx, 'Mazzini.—Switzerland and Austria.—The Turkish Question'. *MECW 12,* 110. When the Ottomans outlined this *casus belli* in their war declaration, Marx praised the document as superior "in every respect" to the state papers which had inundated Europe since Russia's ultimatum. See Marx, 'The Turkish Manifesto.—France's Economic Position'. *MECW 12*, 416.

[33] Marx, 'The Greek Insurrection', *MECW 13,* 71.

temporal power of their priests."[34] This was why Russia's attempt to annex the Orthodox *millet* was so politically significant. And this was why the "sacred row" over the Holy Places concealed a "profane battle" of nations and races.[35]

Here, too, it would be easy to draw parallels with Montesquieu, who saw Islamic states as inherently despotic regimes where religion reigned in lieu of law.[36] Islamophobia certainly coloured Marx and Engels' scepticism about the Tanzimat and the Ottoman government's capacity for reforms: all "attempts at civilisation" in the Balkans, they wrote, were undermined by the "fanaticism of Islam" and the "mob of Constantinople", which jealously protected its "imaginary superiority" and the "real impunity for excesses" it enjoyed under the Koran.[37] To establish legal equality under a civil code – to establish a single Ottoman identity which transcended religious difference – would be to "abolish Mahometanism".[38] If theocracy conformed to the "Oriental notions" of the Turks, however, it was also rooted in "Byzantine society."[39] The urban Muslim "mob" was not the only class fragment which opposed civil and political reforms: Orthodox priests, among others, fought for the maintenance of their traditional privileges under the *millet* system. Nothing scared Marx more, in fact, than the revival of "Byzantinism" under the Russian Empire – a system which discomfortingly combined the new and the old, the Occidental and the Oriental alike.

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[34] Marx, 'Declaration of War.—On the History of the Eastern Question'. *MECW 13*, 103.

[35] Marx, 'Declaration of War.—On the History of the Eastern Question'. *MECW 13*, 108. This post-Feuerbachian analysis brings to mind Marx's study of Jewish emancipation in 1844*:* "The Jewish question acquires a different form depending on the state in which the Jew lives. In Germany, where there is no political state, no state as such, the Jewish question is a purely *theological* one. The Jew finds himself in *religious* opposition to the state, which recognises Christianity as its basis." Marx, 'On the Jewish Question'. *MECW 3,* 150.

[36] Montesquieu, C. (1989). *The Spirit of the Laws*. Cambridge University Press, 19.

[37] Marx & Engels, 'British Politics.—Disraeli.—The Refugees.—Mazzini in London.—Turkey'. *MECW 12,* 8.

[38] Marx, 'The Greek Insurrection', *MECW 13,* 72. Note, however, that Marx had once criticised Richard Cobden for making the same argument: "We may as well ask Mr. Cobden whether with the existing State Church and laws of England, it is possible to put her working-men upon equality with the Cobdens and the Brights?" Marx, 'Debates in Parliament', *MECW 13,* 14.

[39] Marx, 'The Greek Insurrection', *MECW 13,* 72.

In contemporary English, Byzantinism is most often associated with verbal intricacy, deception, and labyrinthine theological disputes. It had these resonances for nineteenth-century German intellectuals too, but it stood even more powerfully for servility, authoritarianism, and caesaropapism – everything, in other words, that was opposed to German liberty. In Hegel's philosophy of history the Eastern Roman Empire was a kind of aberrance, a "highly cultivated" [*hochgebildeten*] empire where an overly abstract Christianity was debased by mob rule and courtly intrigue.[40] For the Swiss Protestant liberal Jacob Burckhardt, *Byzantinismus* was a despotic system "infinitely strengthened by the union of churchly and secular dominion" that had developed "analogously to Islam and in frequent interaction with it".[41] For the Tyrolean traveller and historian Jacob Philipp Fallmerayer, meanwhile, post-Christian history had split into two elements: "a mobile life process" [*beweglicher Lebensprozeß*] in the West and "a formless, immature stasis" [*formlos unausgegorenes Insichverharren*] in the East.[42] Terrified by the thought of a restored Greco-Slavic Orthodoxy in Constantinople, Fallmerayer called for a strong Ottoman state to hold back tsarist expansionism.[43] Marx's reflections on the Eastern Question bear the imprint of this Byzantinist discourse:

> Constantinople is the eternal city—the Rome of the East. Under the ancient Greek Emperors, Western civilization amalgamated there so far with Eastern barbarism, and under the Turks, Eastern barbarism amalgamated so far with Western civilization, as to make this center of a theocratical Empire the effectual bar against European progress … if the Sultan were to be supplanted by the

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[40] Hegel, G. W. F. (1837). *Vorlesungen über die Philosophie der Weltgeschichte*. Duncker und Humblot, 350.

[41] Burckhardt, J. (1853). *Die Zeit Constantin's des Grossen*. Schweighauser, 463; Burckhardt, J. (1905). *Weltgeschichtliche Betrachtungen*. W. Spemann, 112.

[42] Fallmerayer, J. P. (1845). *Fragmente aus dem Orient*. J.G. Cotta, 304.

[43] Against the backdrop of philhellenic support for the Greek Revolution, Fallmerayer notoriously denied the racial continuity between ancient and modern Greeks in Fallmerayer, J. P. (1830). *Geschichte der Halbinsel Morea während des Mittelalters*. J.G. Cotta. For the geopolitical motivations behind Fallmerayer's racial discontinuity thesis see Gourgouris, S. (2021). *Dream Nation: Enlightenment, Colonization and the Institution of Modern Greece*. Stanford University Press, 141-42.

> Czar, the *Bas-Empire* would be restored to life with more demoralising influences than under the ancient emperors, and with more aggressive power than under the Sultan.[44]

Byzantinism was preoccupied, above all, with the uncanny *familiarity* of the Eastern Roman Empire. Much like Balkanism, the construction was unsettling to Western Europeans not because it was completely foreign but because it seemed to combine self and other, calling their ontological security into question.[45] For Enlightenment thinkers, as Dimiter Angelov has put it, the Byzantine Empire was "demoted to a sort of lower branch of the evolutionary tree of history, into which the West – the idealised West – never evolved, but might have."[46] For Marx, the potential rejuvenation of Byzantinism under the tsar was alarming for a similar reason, representing the counter-revolutionary modernity that would prevail if the European working class failed to carry out its world-historic mission. The Ottomans were not to be reproached for dismantling the Byzantine privileges of the Christian priesthood. On the contrary, they were to reproached for keeping them alive: "under their rule this all-embracing oppressive tutelage, control, and interference of the Church has been permitted to absorb the whole sphere of social existence."[47] Marx did not fully accept the image of a monolithic Orthodoxy controlled by the tsar, citing an article by David Urquhart which stressed Greek Orthodox resistance to Russian Orthodox hegemony.[48] The *millet* system, however, left the Ottoman Empire uniquely exposed to the expansion of the Russian Church, a state instrument of "subjugation at home" and "aggression abroad".[49] Pashas had once profited from the

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[44] Marx, 'Financial Failure of Government.—Cabs.—Ireland.—The Russian Question'. *MECW* 12, 231.

[45] On Balkanism see Todorova, M. N. (1997). *Imagining the Balkans*. Oxford University Press.

[46] Angelov, D. (2003). Byzantinism: The Imaginary and Real Heritage of Byzantium in Southeastern Europe. In E. Elias-Bursać, D. Keridis, & N. Yatromanolakis (Eds.), *New Approaches To Balkan Studies* (pp. 3–23). Brassey's, 14.

[47] Marx, 'The Greek Insurrection', *MECW 13*, 72.

[48] Marx, 'Urquhart.—Bem.—The Turkish Question in the House of Lords'. *MECW 12*, 257. See also the excerpt from the *Constitutionnel* in Marx, 'Mazzini.—Switzerland and Austria.—The Turkish Question', *MECW 12*, 111.

[49] Marx, 'The Greek Insurrection', *MECW 13*, 72.

sale of firmans over holy places, leveraging Latin, Greek, and Armenian claims against one another to sell privileges at higher and higher prices. Now they triangulated out of fear, desperately making incompatible promises to Catholics and Greeks. If the Holy Places question appeared "ridiculous to the Occident", Marx concluded, the Byzantine combination of church and state made it "all important to the Orientals".[50]

One obvious problem with this analysis, of course, was that it was Napoleon III (not Nicholas I) who had first sparked the crisis. If the Holy Places dispute appeared ridiculous to the West, then why had France made such dramatic demands on behalf of the Latin church in 1850? This seemed to require a wholly different explanation – a theory of Bonapartism – and elsewhere, in fact, Marx called the Bonapartist insurrection "*the true origin of the present Eastern complication.*"[51] He batted away Urquhart's theory that the tsar's secret agents had somehow seduced the French president into the dispute. Building on his analysis in *The Eighteenth Brumaire of Louis Bonaparte* (1852), Marx instead concentrated on Louis Napoleon's need to impress his core constituency, the (overwhelmingly Catholic) small-holding peasantry that were to make him emperor "in spite of the bourgeoisie and in spite of the proletariat."[52] Bonaparte's military and religious adventurism, in other words, flowed directly from the fragility of his position at home; the Holy Places dispute could not be blamed wholly on the irrational Byzantinism of the East.[53] Bonapartism, too, was haunted by ghosts of the living dead, having lapsed into a parody of its Napoleonic past.

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[50] Marx, 'Declaration of War.—On the History of the Eastern Question'. *MECW* 13, 108.

[51] Marx, 'Russian Diplomacy.—The Blue Book on the Eastern Question.—Montenegro'. *MECW* 12, 615.

[52] *Ibid.*

[53] Marx also suggested that Jesuit newspapers and advisors had influenced Bonaparte's decision. *MECW 12,* 12. It is worth noting that the Swiss civil war of 1847 was widely (if simplistically) interpreted as a war between liberal Protestants and Catholic reactionaries; attacks on "Jesuitical servitude" patterned the 1848 Revolutions. See Clark, C. (2023). *Revolutionary Spring: Fighting for a New World, 1848-1849*. Penguin, 262. Much of the German hostility towards Byzantine "caesaropapism", in fact, might be read as a sublimation of anti-clerical fears in Europe, where ultramontanism was on the rise.

Later in life, Marx became more open to the possibilities of what we would now call uneven and combined development. With Russia's military threat receding, he even suggested that the peasant commune could provide the basis for Russia's social regeneration in his famous correspondence with Vera Zasulich.[54] Thanks to its "contemporaneity" with modern capitalist production, he suggested, it might be possible for the agricultural commune to appropriate the technological achievements wrought by capitalism without undergoing its "fatal vicissitudes".[55] During the 1850s, however, he was far more sceptical about combining the modern with the archaic: *The Eighteenth Brumaire* called on revolutionaries to stop taking their poetry from the past, while he consistently criticised his acquaintance David Urquhart for his (admittedly reactionary) romanticisation of Oriental tradition.[56] As for extraterritorial jurisdiction, Marx never changed his mind, seeing the capitulations (like almost everyone else by the mid-nineteenth century) as an anachronistic and irredeemable legal system – an intuition seemingly confirmed by its role in the outbreak of the Crimean War. The European left would not return to the concept of non-territorial autonomy until the turn of the century, when Austro-Marxists and Jewish Bundists experimented with the idea as an alternative to the territorial nationalism threatening the existence of minorities in Central and Eastern Europe. Even then, Austro-Marxists were more likely to invoke the medieval Carolingian Empire than the contemporary Ottoman capitulations – a widely stigmatised system which the Ottomans themselves were trying to abolish.[57]

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[54] 'Marx to Vera Zasulich, 8 March 1881', *MECW 46*, 71-72.

[55] Marx, 'Drafts of the Letter to Vera Zasulich', *MECW 24*, 349; 'Marx to *Otechestvenniye Zapiski*', *MECW 24*, 199. For discussion see Anderson, K. (2010). *Marx at the Margins: On Nationalism, Ethnicity, and Non-Western Societies*. University of Chicago Press, 224-36.

[56] Marx, 'The Eighteenth Brumaire of Louis Bonaparte', *MECW 11*, 106.

[57] See chapter seven.

> The foreigner is first of all foreign to the legal language in which the duty of hospitality is formulated.
>
> Jacques Derrida, *Of Hospitality*

> The hospitality [the Turks] offer their guests is not that of the tent, nor is it that of the laws … they have done more; they have granted to the stranger his own laws, exercised by functionaries of his own nation.
>
> *Moniteur Ottoman* (September 1832)

Marx and Engels knew that not everybody shared their perception of the Ottoman Empire. Engels sardonically remarked that the Radical liberal newspaper *The Daily News* portrayed the Sublime Porte as "a paradise compared with Austria and Russia" where "life and property [were] safe" under its "mild, paternal government". The "key to this strange enthusiasm for Turkey", he wrote, was to be found in the works of David Urquhart: "the great Eastern authority for all English Liberals who object to Palmerston."[58] He may have exaggerated, but Engels was right: the Scottish Turcophile, now forgotten, was then at the height of his influence. For our purposes he is particularly significant for his early encomium to the Ottoman commercial system – arguably the most significant western reevaluation of the capitulations in the first half of the nineteenth century. By 1856, however, the Turcophilia of Urquhart and his followers was increasingly rare. Even the radical-Benthamite tradition favourable to Islam tended to be "much more pro-Arab than it had ever been pro-Turk", while a brief spell of optimism at the start of the Tanzimat era ended with greater pessimism than ever about "the Turk's" capacity for reform.[59] What Wilfrid Scawen Blunt called the "Urquhart school of Orientalists" remained marginal in British foreign policymaking.[60] Urquhart did, however, create a significant movement in his own right – with its own Foreign Affairs Committees, newspapers, and

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[58] Engels, 'The Turkish Question', *MECW* 12, 25-26.

[59] Parry, *Promised Lands*, 392-93; Gürpinar, D. (2012). The Rise and Fall of Turcophilism in Nineteenth-Century British Discourses: Visions of the Turk, 'Young' and 'Old'. *British Journal of Middle Eastern Studies*, *39*(3), 347–372.

[60] Cited in Kedourie, E. (1987). *England and the Middle East: The Destruction of the Ottoman Empire, 1914-1921*. Mansell, 26.

'Urquhartites' – and late Victorian critics of the capitulations owed much to his idiosyncratic politics. Tracing Urquhart's changing views on consular extraterritoriality – from the reactionary utopianism of *Turkey and its Resources* (1833) to the resignation of *Mount Lebanon: A History and a Diary* (1860) – reveals the mid-nineteenth century as a turning point in the reputation of the capitulations.

Of all British foreign policy's nineteenth-century dissenters, A.J.P. Taylor once wrote, David Urquhart was the strangest.[61] Originally persuaded by Jeremy Bentham to fight as a philhellene in the Greek War of Independence, he was appointed to Stratford Canning's embassy in Istanbul in 1831 to help establish the new border between Turkey and Greece. Cultivating a close relationship with Ottoman reformists like Reşid Pasha, the future architect of the Tanzimat, Urquhart soon transferred his loyalties to Turkey, becoming what Marx knew him as: "a dyed-in-the-wool, almost maniacal Russophobe and Turkophile".[62] In 1833, he published the influential *Turkey and Its Resources,* which confidently imagined the commercial regeneration of an Ottoman Empire allowed to return to its supposed foundations: free trade and taxation by self-administered municipalities.[63] In 1834 he travelled from the British embassy at Istanbul to the North Caucasus in an attempt to stoke a Circassian uprising against Russia.[64] In 1835 his pamphlet *England, France, Russia and Turkey* contributed to a surge of Russophobia in Britain; Richard Cobden held him almost single-handedly responsible for diffusing "a feeling of terror and a spirit of

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[61] Taylor, A. J. P. (1957). *The Trouble Makers: Dissent Over Foreign Policy, 1792-1939*. Hamish Hamilton, 46.

[62] On Urquhart's transformation from philhellenism to Turcophilia, see Lamb, M. (1981). The Making of a Russophobe: David Urquhart: The Formative Years, 1825-1835. *The International History Review*, *3*(3), 330–357.

[63] Conveniently, as Jonathan Parry points out, these principles were "also in line with English values and preferences". See *Promised Lands*, 177. The book was well-received: King William IV, who was falling under Urquhart's spell, gave a copy to each of his ministers. Gleason, J. H. (1950). *The Genesis of Russophobia in Great Britain: A Study of the Interaction of Policy and Opinion*. Harvard University Press, 154.

[64] King, C. (2007). Imagining Circassia: David Urquhart and the Making of North Caucasus Nationalism. *The Russian Review*, *66*(2), 238–255.

hatred towards Russia in the public mind".[65] In 1836 he sparked an international crisis when he hired a ship to break a Russian embargo on a Circassian port.[66] Finally losing patience with Urquhart's attempts to start a major war with Russia, the British Foreign Secretary Palmerston revoked his diplomatic papers and recalled him from Istanbul in 1837, creating a life-long enemy in the process.[67] The Anglo-Ottoman Treaty of 1838 (also known as the Treaty of Balta Liman) nevertheless bore Urquhart's imprint – he had written the first draft – and it served as the model for the Ottoman free trade treaties of 1838-41. Ironically for such an ardent Turcophile, it has become a landmark in the historiography of Ottoman decline, an 'unequal treaty' that confirmed and consolidated the empire's semi-peripheral status as a market for finished cloth.[68]

Returning to England, the second half of Urquhart's career was defined by agitation against Russia and Palmerston, whom he soon accused of being a Russian agent. Largely failing to win over the upper classes, Urquhart made unexpected inroads with working-class Radicals already suspicious of Russian autocracy. Drawing on the structure of Chartist 'wardmotes', he set up no fewer than sixty-nine 'Foreign Affairs Committees' – the most active were in Hull, Newcastle, and Sheffield – where elite cells of 'Urquhartites' would pore over diplomatic documents, publish their own newspapers, and root out conspiracies in an attempt to bring foreign affairs under

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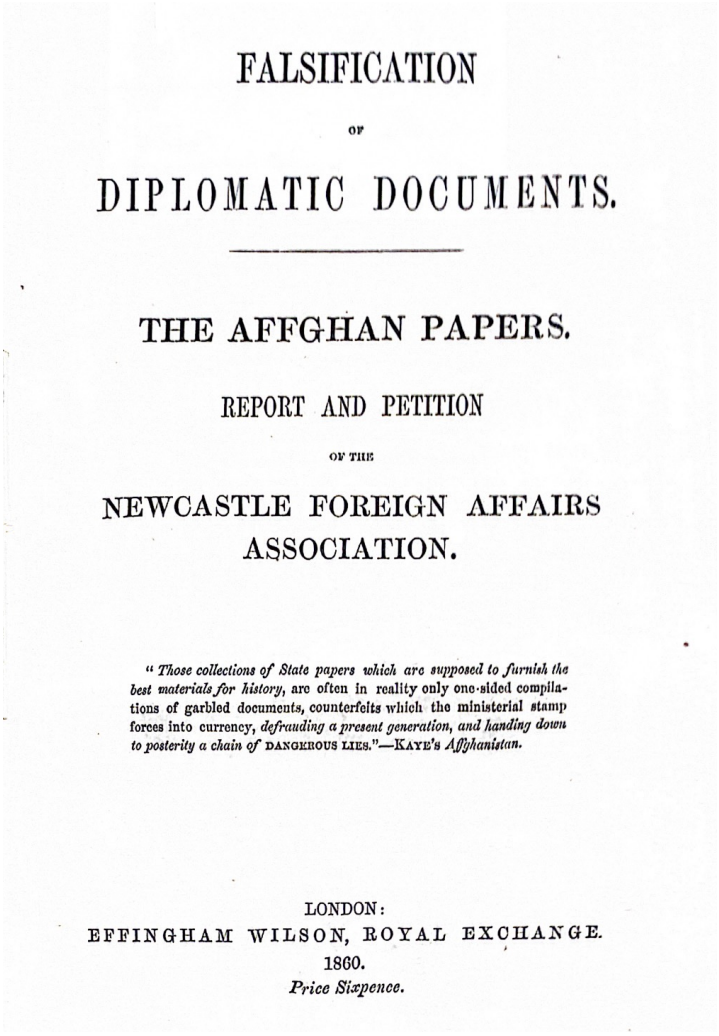
[65] Cobden's first ever pamphlets were directed against Urquhart. The first called for Britain to keep its distance from the Eastern Question, citing travel literature by Volney and Chateaubriand in order to censure the "withering and destroying influences of Mahometanism" on Turkey's naturally fertile lands. Cobden, R. (1835). *England, Ireland, and America*. J. Ridgway, 16-20. The second doubled down on its claim that Istanbul would be better off in Russian hands: Cobden, R. (1836). *Russia*. W. Tait.

[66] Gleason, *The Genesis of Russophobia*, 191-93.

[67] Webster, C. (1947). Urquhart, Ponsonby, and Palmerston. *The English Historical Review*, *62*(244), 327–351, 345.

[68] For free trade treaties in Ottoman historiography see Pamuk, Ş. (1987). *The Ottoman Empire and European Capitalism 1820-1913: Trade, Investment and Production*. Cambridge University Press, 18-21. While for the most part affirming pre-existing trends, Balta Liman was nevertheless a bellwether for the liberalisation and integration of the Ottoman economy into the world market: see also Quataert, D. (1994). The Age of Reforms, 1812-1914. In H. İnalcık & D. Quataert (Eds.), *An Economic and Social History of the Ottoman Empire, 1300-1914* (pp. 759–943). Cambridge University Press, 825-27. On Urquhart's *laissez faire* views see İnalcık, H. (2004). When and How British Goods Invaded the Levant Markets. In H. Islamogu-Inan (Ed.), *The Ottoman Empire and the World-Economy* (pp. 374–383). Cambridge University Press.

their enlightened control (Fig. 5.1).[69] Evoking a golden age of international law under Grotius and Vattel, Urquhart argued that foreign policy could yet be rationalised, provided that "the people or some portion of it" understood the law of nations; A.J.P. Taylor described these committees as "the first forerunner" to the Union of Democratic Control.[70] Historians have wondered why such an unabashed reactionary was able to exercise so much influence over so many Radicals and



FALSIFICATION

OF

DIPLOMATIC DOCUMENTS.

THE AFFGHAN PAPERS.

REPORT AND PETITION

OF THE

NEWCASTLE FOREIGN AFFAIRS ASSOCIATION.

"*Those collections of State papers which are supposed to furnish the best materials for history*, are often in reality only one-sided compilations of garbled documents, counterfeits which the ministerial stamp forces into currency, *defrauding a present generation, and handing down to posterity a chain of* DANGEROUS LIES."—KAYE'S *Affghanistan.*

LONDON:
EFFINGHAM WILSON, ROYAL EXCHANGE.
1860.
Price Sixpence.

Fig. 5.1. 'Falsification of Diplomatic Documents.' Representative Literature from the David Urquhart Papers, Balliol College Archives.

[69] On the relationship between the Foreign Affairs Committees, Chartist wardmotes, and Joshua Toulmin Smith's Anglo-Saxon 'folkmotes', see Salt, J. (1968). Local Manifestations of the Urquhartite Movement. *International Review of Social History*, *13*(3), 350–365.

[70] Urquhart, D. (1855). *Familiar Words, as Affecting the Character of Englishmen and the Fate of England*. Trübner & Company, 72; Taylor, *Trouble Makers,* 47.

Chartists ever since, diverting their attention from mass suffrage to secret diplomacy.[71] A shared romanticisation of Anglo-Saxon self-government certainly helped to bridge the gap, while Urquhart also offered working-class men his own brand of adult education, lecturing his committees on everything from the *Consolato del Mare* to William Beach Lawrence's commentaries on Henry Wheaton's *Elements of International Law*.[72] Having mastered the repertoire of Moral Force Chartism – public meetings, petitions, and pamphlets – Urquhart could also call upon a common enemy in Russia, the *bête noire* of British Radicals ever since its brutal repression of the November Uprising in Poland. A Tory MP, Benthamite free-trader, and Radical conspiracist, Urquhart thus managed to combine an unusual set of positions even for the early nineteenth century, when modern ideologies were still in formation and political idiosyncrasy was the norm.

In some ways Urquhart's stance on extraterritoriality in *Turkey and its Resources* (1833) was less unusual, belonging to a small but recognisable cross-current of Orientalist literature which used the history of the capitulations to critique despotic images of the Ottoman Empire. Most European observers viewed the unilateralism of the capitulations as Marx and Engels did – as evidence of arbitrary despotism. Sympathetic Turcophiles like Urquhart turned this interpretation on its head, seeing in Ottoman unilateralism an *unqualified* respect for commerce, as well as the rationality of self-inhibition:

> As Turkey neither requires reciprocity for the freedom of trade she allows, nor corresponding immunities and rights for her subjects in our territories, for those she grants to British subjects in hers, it is very clear that that freedom of

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[71] Christopher Hill, for instance, stressed the "widespread realisation" that Russian tariffs hampered British exports as the "economic basis for Urquhart's simultaneous appeal to the industrial bourgeoisie and the working class". Hill, C. (1952). Review of *The Genesis of Russophobia in Great Britain,* by J. H. Gleason]. *Science & Society*, *16*(3), 281–283.

[72] For romantic municipalism, see Urquhart, D. (1856). *The Question is Mr. Urquhart a Tory Or a Radical? Answered by His Constitution for the Danubian Principalities*. Printed by I. Ironside. For Urquhartite committees as forerunners of the Union of Democratic Control, see Taylor, *The Trouble Makers,* 47. For Q&As with Urquhart on the *Consolato del Mare* – "the fountain of modern law" and William Beach Lawrence ("a writer of no weight … an annotator") see *The Part of France and Russia in the Surrender by England of the Right to Search: Correspondence Between the Sheffield Foreign Affairs Committee and the Lord Advocate.* (1866). Robert Hardwicke, 11, 5.

> commerce, and those immunities and rights, are granted and maintained of her own free will, and by reason of self-imposed obligations …[73]

For Urquhart, the Ottoman capitulatory system had preserved the ancient principle of hospitality lost in Europe under feudalism. No doubt, he wrote, "our own ancestors long preserved their early and nomade reverence for their guest", but feudalism had ended this reverence when it divided men into "proprietors and property".[74] Putting forward the usual critique of Europe's hypocrisy regarding foreigners' property rights, he cited the *jus naufragii* ("storms were prayed for as we now pray for rain") and the *droit d'aubaine* ("a right which has not been very long extinguished") to prove that "alien was a term of reproach" in early modern Christendom.[75]

In Turkish and Saracen lands, by contrast, hospitality and commodity exchange had always been respected. Here Urquhart turned to the work of another Turcophile: Alexandre Blacque, or 'Black Bey', a French journalist enlisted by Mahmud II in 1831 to edit the *Moniteur Ottoman,* the first official Ottoman gazette. In an article from September 1832, this gazette had put forward capitulatory extraterritoriality as the only true form of hospitality. By granting the stranger the "safeguard of his own laws, exercised by functionaries of his own nation", Ottoman hospitality combined civil and commercial liberty "according to the laws of nature and of reason." The capitulations were not an outdated vestige from the past but combined "the future with the present"; this was the only kind of hospitality "worthy of its honourable name".[76] Nor had extraterritoriality been forced upon the Ottomans, as Marx and so many other observers thought: "Away with the supposition that these facilities, granted to strangers, are concessions extorted from weakness!"[77] The gazette argued

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[73] Urquhart, D. (1833). *Turkey and its Resources*. Saunders and Otley, 208-09.

[74] *Ibid.*, 124.

[75] *Ibid.*

[76] *Moniteur Ottoman,* cited in Urquhart, *Turkey and its Resources,* 127.

[77] *Ibid.*, 131.

that the first capitulations had been granted to France in 1536 under Suleiman I, whose reign was widely recognised as the Ottoman Empire's golden age.

With Enlightened munificence and foresight, in other words, the Ottomans had avoided mercantilism and its jealousies of trade, anticipating "the most ardent desires of civilised Europe."[78] Most theorists of commercial society thought in terms of a four-stage theory of history, a natural sequence of stages – from hunter-gathering to pasturage to agriculture to commercial society – leading from simple autarky to the complex division of labour.[79] Urquhart, however, framed Ottoman respect for commerce as Oriental simplicity itself: "early nomade habits" and the erection of pilgrimages "into a religious obligation" preserved an ancient reverence for hospitality, merchants, and their goods. Physiocratic and Ricardian theory was unnecessary when *waqfs* made the construction of commercial infrastructure into a matter of philanthropic rapture:

> The penitence, or piety of a devout Turk, displays itself in building a bridge or a causeway, in constructing a fountain, or planting a tree beside it, to shade the traveller or merchant; but this feeling is particularly striking in the erection of stores for the purposes of commerce exclusively. The Turk, who builds his own habitation of lath and plaster, erects a Han of solid stone, with spacious courts, and iron gates, to protect commerce, from the too frequent casualties of insurrection and fire.[80]

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[78] *Ibid.*

[79] Meek, R. L. (1971). Smith, Turgot, and the "Four Stages" Theory. *History of Political Economy*, *3*(1), 9–27. The physiocrats Mirabeau and Quesnay anticipated the four-stages theory with one major difference: commercial societies did not succeed agricultural societies but complemented them, as specialised trading polities existing alongside territorial monarchies. See Hont, I. (2005). *Jealousy of Trade: International Competition and the Nation-State in Historical Perspective*. Belknap Press, 189-92.

[80] Urquhart, *Turkey and its Resources*, 134-36. Needless to say, *waqfs* often played a rather more complex role in Islamic finance – they could also be used to circumvent inheritance laws – while *khans* typically served commercial and philanthropic purposes alike. On this blend of profit-making and charitable functions, see Constable, *Housing the Stranger,* 83-85. On *waqf* endowments, see Leeuwen, R. V. (1999). *Waqfs and Urban Structures: The Case of Ottoman Damascus*. Brill.

Turkish merchants, in sum, were unburdened by legislation, lawyers, credit, dishonesty, and fictitious capital: the sanctity of exchange rendered this whole legal and financial superstructure unnecessary. Partially accepting the idea, put forward by the likes of Montesquieu, that religion substituted for law in Oriental societies, Urquhart thus transformed the "absence of all legislation" on commerce from a weakness into a strength.[81] For him the "perfect simplicity of barter" in Islam represented an enviable, almost prelapsarian form of exchange corrupted in Europe by feudalism and finance; it called to mind a Phœnician Mediterranean where trading settlements were welcomed according to ancient rites of hospitality.[82] Amidst "the Babel of tongues" in Ottoman coffee-houses, bazaars, and caravanserais, the names of currencies were the "universally intelligible sounds"; nothing, meanwhile, captured the timelessness of Oriental trade quite like the "many-tongued caravan" unloading its exotic goods for the night. No one could witness this, Urquhart argued, "without being amazed at so eloquent a contradiction of our preconceived notions of indiscriminate despotism and universal insecurity [in] the East."[83] Islamic and Ottoman principles of government were theoretically sound. Applauding the Wahhabist movement for its late revival of these principles in all their "ancient purity" in Arabia, Urquhart blamed their corruption in Turkey on non-Islamic influences: Armenian bankers, Jewish brokers, Greek dragomans, and Frankish merchants.[84]

While generous consular immunities and privileges testified to Ottoman benevolence, in other words, they had also opened up Turkey to exploitation from a hybrid, comprador class. One of the books Urquhart cited, Richard Robert Madden's *Travels in Turkey, Egypt, Nubia and Palestine*, had called "our vice-consuls, especially …

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[81] Urquhart, *Turkey and its Resources,* 136.

[82] *Ibid.,* 138. For Urquhart, Phœnician trading settlements were the original transterritorial model for "dominion without conquest" and "commerce without legislation". The great nations of antiquity eschewed navigation but welcomed these traders as guests: "The Phœnicians, in the structure of the old world, may be compared to the lime cementing the blocks, or to the veins and arteries spreading life through the body." Urquhart, D. (1850). *The Pillars of Hercules; or, A Narrative of Travels in Spain and Morocco in 1848* (Vol. 1). Richard Bentley, 198.

[83] Urquhart, *Turkey and its Resources,* 139, 133.

[84] *Ibid.,* 90.

a mixed race of Levantines, half Frank, entire knaves."[85] Urquhart similarly complained that the "motley crew of Jews, Armenians, Greeks, and Franks" who served as European vice-consuls dishonoured the flags they represented.[86] He despised the *protégé* system: the "traffic in protections" had created a "parasitical Frank population, the offspring of consular authority and prerogative", a class which "[debased] Europeans in the eyes of the Turks, by our apparent identity with them."[87] Flags of convenience today allow merchant ships to be registered under the jurisdiction of foreign countries; the *protégé* system complicated then-emerging notions of citizenship and ethnicity by renting out national 'protection' to the merchants, vice-consuls, and brokers themselves. The abolitionist Madden concluded that while he bore "no feeling of hostility to our foreign agents in the Levant … these offices might be filled by gentlemen of character, and Englishmen."[88] Ever the Romantic reactionary, Urquhart longed for the abolition of the whole interstitial class in favour of direct, unmediated exchange. Celebrating the 1802 edict which had granted Ottoman merchants the same privileges as foreigners, Urquhart dreamed of capitulations without *protégés*.

A parasitical class of 'Levantine' vice-consuls was a convenient scapegoat, but Urquhart could not deny that European consuls also abused their commercial privileges. Indeed, this pointed to some fundamental contradictions in Urquhart's plan to revitalise the Ottoman Empire on the basis of the capitulations and free trade (*Turkey and its Resources* was in many ways a blueprint for the 1838 Anglo-Ottoman Treaty). On the one hand Urquhart argued that the Ottomans upheld immunities and privileges by "her own rule of right".[89] On the other hand he complained that European consuls could interfere in the justice system with impunity, possessing "sometimes unlimited powers".[90] The unconditionality of Ottoman hospitality made

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[85] Madden, R. R. (1833). *Travels in Turkey, Egypt, Nubia and Palestine in 1824, 1825, 1826 & 1827*. Whittaker, Treacher, 118.

[86] Urquhart, *Turkey and its Resources,* 211.

[87] *Ibid.,* 206.

[88] Madden, *Travels in Turkey, Egypt, Nubia and Palestine,* 119.

[89] Urquhart, *Turkey and its Resources,* 209.

[90] *Ibid.,* 208.

it attractive. But was it really freely given? The Porte did not receive reciprocal trading privileges in Europe for those it granted in its own territory. Was this to be celebrated as an act of beneficence, as Urquhart thought, or did it simply reflect waning Ottoman power? Urquhart lauded Ottoman decentralisation. But to what extent was this conscious policy, and to what extent was it the product of collapsing imperial authority? Ironically, the Ottoman state under Mahmud II was then attempting to reassert its central control.[91] And above all, if the Ottoman Empire's commercial openness was so advantageous, then why was it in such a bad state, and how could European capitalists be prevented from abusing it? The Phœnicians, perhaps, had managed to "abstain from encroachments on the Lybian or Iberian populations, who afforded them a settlement."[92] But Urquhart knew very well that modern European states had shown no such self-restraint; Levantine *protégés* were not the only ones who had exploited the capitulations.

The continuing abuse of the capitulations soon spelled the end of Urquhart's faith in consular reform. It is worth stressing, however, how open the future still seemed to Urquhart in the early 1830s, at a critical juncture in Ottoman history. The destruction of the Janissaries – widely identified with the sclerosis of the Ottoman state – had cleared the way for a new political system. The dissolution of the English Levant Company, meanwhile, had cleared the way for a new British commercial policy towards the Sublime Porte. This allowed Urquhart to acknowledge England's past extraterritorial abuses without denting his hopes for the future:

> Our factories formerly resembled military establishments in a hostile country, where the national banner waved in proud defiance to the local authorities, and the consul considered himself the depository of the power of his synonyme of Rome … The dissolution of the company has changed this system. Our policy is now directed to the extension of our commerce, not to the favouring of our merchants.[93]

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[91] Hanioğlu, M. Ş. (2008). *A Brief History of the Late Ottoman Empire*. Princeton University Press, 60-65.

[92] Urquhart, D. (1850). *The Pillars of Hercules; or, A Narrative of Travels in Spain and Morocco in 1848* (Vol. 1). Richard Bentley, 198.

[93] Urquhart, *Turkey and its Resources*, 185.

Above all Urquhart could still dream about free trade and the rationalisation of the Ottoman economy. What makes *Turkey and its Resources* so unusual is its utopian vision of commerce without legislation and extraterritoriality without conquest, combining a Turcophilic account of the capitulations with the apolitical naiveté of the Manchester School. Like Cobden, Urquhart believed that commerce was a "grand panacea"; he had an almost limitless faith in the capacity of free trade to break down monopolies and prevent political conflicts. Unlike Cobden, however, he believed that the Ottoman capitulations could serve as the foundation for an effective *laissez-faire* politics.[94] If the "personal character" of consuls could only be guaranteed – if men "zealous in the extension of enlightenment" could be found – then both Britain and Turkey could prosper at Russia's expense.[95]

If this dream had ever been plausible, it did not survive contact with the realities of reform. The Anglo-Ottoman commercial treaty of 1838 in many ways instantiated Urquhart's vision, reducing tariffs and abolishing monopolies in the hopes of creating a strong, low-tax Ottoman state.[96] The import of finished industrial British goods, however, had a predictably devastating effect on the traditional craft industries he so romanticised. As Geoffrey Nash has observed, Urquhart was fatally torn between free trade imperialism and a desire to defend Ottoman institutions from western interference.[97] Travelling in Lebanon in 1850, Urquhart was told by a Druze sheikh that English imports had decimated the local production of clothes,

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[94] Cf. Cobden, *Russia,* 4. "Probably in nothing has this people been more unduly represented than in the praises which have been bestowed on their unrestricted principles of trade … If [the Turk] has failed to imitate more civilised … nations, by fortifying its coasts with customs-houses, it is certainly from no wise principle of taxation, but simply because such a circuitous method of fiscal exaction would be far too complicated and wearisome for the minds of Ottoman governors…"

[95] Urquhart, *Turkey and its Resources,* 215.

[96] While Henry Lytton Bulwer (Urquhart's successor as secretary of embassy) shepherded the Commercial Convention through its final stages, Urquhart wrote the first draft. The final treaty contained most of Urquhart's ideas, though it crucially dropped a provision to reduce British import duties on Ottoman goods (through which Urquhart hoped to make Turkey, rather than Russia, the main source of Britain's raw materials). Bolsover, G. H. (1936). David Urquhart and the Eastern Question, 1833-37: A Study in Publicity and Diplomacy. *The Journal of Modern History*, *8*(4), 444–467.

[97] Nash, G. (2005). *From Empire to Orient: Travellers to the Middle East 1830-1926*. I. B. Tauris, 52.

silk, and tobacco. In the sheikh's eyes, Urquhart reported, England was "a dark cloud overhanging the Lebanon, oppressing it with spinning-jennies, treaties, intrigues and bewilderment."[98] Urquhart responded by blaming the Lebanese (for their laziness), the Ottoman government (for raising duties), and Palmerston (for his usual treachery).

During the Tanzimat period (1839-76), moreover, it became increasingly obvious that consular extraterritoriality would be an obstacle rather than a vehicle of reform. In the run-up to the Crimean War, as Russia demanded a protectorate over the Ottoman Empire's Orthodox subjects, Urquhart tried in vain to restrict the meaning of capitulatory protection. When legal cases arose between foreigners and Ottoman subjects, he argued in 'The Greek Church and Russian Protection', it meant "no more than the right of having a certain advocate or attorney", the presence of a consul or interpreter to "protect" the foreigner's rights.[99] The line between subject and foreigner was difficult to police, however, and in practice consular protection extended far beyond a right to counsel. In the very same article, Urquhart reported that the 8,000 "so-called" British subjects in Turkey could literally get away with murder: they were taken out of the hands of the native authorities, sent to Malta for trial, acquitted, and could return in three months to kill another Turkish subject.[100]

In the second half of his career, therefore, Urquhart called for the wholesale abolition of the consular system, cataloguing case after case of interference in Ottoman politics in his travel account of Mount Lebanon: "The self-love of the Consular agent works upon that of the Ambassador; transferred to narrative, it surprises the perspicacity of a Minister, and, by anticipating, compromises the decisions of a Cabinet."[101] He now argued that consular extraterritoriality could not help but degrade interstate relations and the moral character of its statesmen. Their meddling violated the law of nations,

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[98] Urquhart, D. (1860). *The Lebanon (Mount Souria): A History and a Diary* (Vol. 2). Thomas Cautley Newby, 38-39.

[99] Urquhart, D. (1854). The Greek Church and Russian Protection. In *Recent Events in the East* (pp. 1–9). Trübner & Co., 6.

[100] *Ibid.*, 8.

[101] Urquhart, *The Lebanon* (Vol. 2), 348.

and the principle of non-intervention as laid down by Vattel. Citing Grotius, Urquhart suggested that the states inflicting semi-colonial conditions on Turkey would one day be subject to them: "In the scenes I daily witness, the picture of what, at a future time, England will have herself to undergo is presented to me."[102] If England wanted to maintain the Ottoman Empire as a bulwark against Russian aggression, he concluded, it only needed to withdraw its ambassador. If it wanted its trade to prosper it would withdraw its consuls as well.[103]

'Subjectively Reactionary, Objectively Revolutionary': Marx and the Urquhartites

On March 10, 1853, Friedrich Engels sent Marx a letter: "I now have at home the book by Urquhart, the mad MP who denounces Palmerston as being in the pay of Russia." Noting Urquhart's surge in popularity, he satirised the contents of *Turkey and its Resources* at length*:*

> Turks, particularly those of the Ottoman Empire in its heyday, are the most perfect nation on earth in every possible way. The Turkish language is the most perfect and melodious in the world. All the foolish talk of barbarism, cruelty and absurd barbaric arrogance stems solely from European ignorance of Turkey and from the biased calumnies of Greek dragomans … The author himself was several times kicked in the bottom by Turks, but subsequently realised that he alone was to blame. Contact with Europeans, and attempts at civilisation, have only enervated and disorganised the Turks. The Turkish Constitution in its 'purity' is the finest there is, and is almost superior to the English.[104]

This did not deter Marx, however, who went on to have a curious relationship with David Urquhart and his followers. In August he told Engels that "despite quirks and quiddities" he found much that was interesting in Urquhart's recent articles on religious protectorates and the Eastern Question.[105] In November, he informed

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[102] *Ibid.*, 349.

[103] *Ibid.*, 360-61.

[104] 'Engels to Marx, 10 March 1853', *MECW 39*, 284-85.

[105] 'Marx to Engels, 18 August 1953', *MECW 39*, 357.

Engels that he had come to "the same conclusion as that monomaniac Urquhart" about Palmerston's Russian loyalties.[106] After the publication of the resulting articles (*The Story of the Life of Lord Palmerston*), he wrote that he had become "very thick" with Urquhart, who started to send him books and articles as well as information from his Foreign Affairs Committees.[107] In February 1854, they even had a meeting, although it was not a success: Urquhart apparently complimented Marx by comparing him to a Turk, which Marx did not take well.[108] Marx was soon fretting about how to distance himself from newspaper reports that he was an Urquhartite: "I do not wish to be numbered among the followers of that gentleman with whom I have only one thing in common, viz. my views on Palmerston, but to whom in all other matters I am diametrically opposed."[109] Even so, a cash-strapped Marx went on to write a series of conspiratorial articles about Russo-British collaboration (*Revelations of the Diplomatic History of the 18th Century*) for Urquhartite newspapers.[110] And he remained on amicable terms with Urquhart and his followers even after war broke out "between Chartism and Urquhartism" in 1856.[111] Never wavering in his opposition to Urquhart's anti-democratic domestic politics, Marx nevertheless saw the Urquhartites as part of a popular international front struggling against Russia, Palmerston, and Bonaparte until at least 1860: the fact that Urquhart was "subjectively reactionary", he told Ferdinand Lasalle, did not preclude "the

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[106] 'Marx to Engels, 2 November 1953', *MECW 39,* 395.

[107] 'Marx to Engels, mid-November 1953', *MECW 39,* 398.

[108] 'Marx to Engels, 15 February 1854', *MECW 39,* 413.

[109] 'Marx to Ferdinand Lassalle, 1 June 1854', *MECW 39,* 455.

[110] Marx, 'Revelations of the Diplomatic History of the 18th Century', *MECW 15*, 25-96. For Marx's own summary of his relations with the Urquhartites, see the lengthy footnote in Marx, 'Herr Vogt', *MECW 17,* 116-17.

[111] 'Marx to Engels, 8 May 1856', *MECW 40,* 44. Urquhart had leaked Chartist plans to the British government. On the political differences between the Chartists and Urquhartites, see Marx, 'The Association for Administrative Reform.—People's Charter'. *MECW 14,* 243-44.

movement in foreign policy, of which he is the head, from being *objectively revolutionary.*"[112]

Marx came close to breaking with the Urquhartites when the First International was set up in 1864: their denunciations of Bakunin as a Tsarist agent had long complicated relations between the two revolutionary exiles.[113] Marx and his family, however, were becoming closer and closer to Collet Dobson Collet, the Urquhartite editor of *The Free Press* (later renamed *The Diplomatic Review*). Marx and Engels often made fun of these newspapers' "oracular announcements", along with Urquhart's late turn to the papacy (he wanted to restore the law of nations on the basis of canon law) and his enthusiasm for Turkish baths (which he popularised throughout the British Isles).[114] But they continued to pay attention to the Urquhartites' distinctive perspective on the Eastern Question. Engels was impressed by their coverage of the Cretan insurrection (1866), while Marx appreciated their critical coverage of the Bulgarian Atrocities (1876).[115] By this point Marx and Engels' attitude to Russia had changed: *Das Kapital* had sold more copies in St. Petersburg than anywhere else, while Marx and Engels had learned Russian and forged ties with the agrarian socialist Narodniks. When they hoped for Turkish victory in the war of 1877-78, therefore, it was no longer to hold back Tsarism but to accelerate the Russian insurrection: "This time the revolution will begin in the East, hitherto the

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[112] 'Marx to Ferdinand Lassalle, 2 June 1860', *MECW 41,* 153. Marx viewed the Urquhartites as allies in the struggle he was then waging against the scientific materialist, polygenist, and left-wing Frankfurt parliamentarian Carl Vogt, who had defamed Marx and the communists in an 1859 pamphlet. Marx spent nearly all of 1860 working on his rebuttal, *Herr Vogt,* which denounced Vogt (correctly, it turned out) as a Bonapartist agent. In his letter to Lasalle, Marx was justifying his relationship with the Prussian Urquhartite Eduard Fischel, who had excerpted Marx's *Lord Palmerston* in his small newspaper, *Das Neue Portfolio*, and who was helping Marx with the libel action in Berlin.

[113] Marx discussed Urquhart's denunciations with Bakunin in their first meeting in sixteen years – their first since the latter's exile in Siberia. See 'Marx to Engels, 4 November 1864', *MECW 42,* 19, and the summary in Carr, E. H. (1975). *Michael Bakunin*. Macmillan, 246-7.

[114] 'Engels to Marx, 12 August 1869', *MECW 43*, 346. For Urquhart's papal turn see Urquhart, D. (1868). *Appeal of a Protestant to the Pope to Restore the Law of Nations*. Diplomatic Review Office; Urquhart, D. (1869). *Effect on the World of the Restoration of the Canon Law*. Diplomatic Review Office. For a Catholic perspective see Maison, M. (1966). David Urquhart: Peacemaker at Vatican One. *The Catholic Worker*, 5.

[115] 'Engels to Marx, 14 April 1869', *MECW 43,* 260. 'Marx to Leo Frankel, 13 October 1876', *MECW 45,* 158.

impregnable bastion and reserve army of counter-revolution."[116] Their perceptions of that war, however, were arguably still coloured by Urquhartism, from Engels' insistence that Turkey would perform best if left alone to Marx's claim that Turkey was defeated by English and Austrian treachery. As late as 1876, Marx was sending Urquhart covert information about Russia's potential blackmail of William Gladstone; he never left behind his conspiratorial attitude towards foreign policy, and towards Anglo-Russian diplomacy in particular.

On secret diplomacy, in other words, Marx was rather closer to Urquhart than later generations of Marxists have cared to admit.[117] While he rightly criticised Urquhart for his overly subjective conception of history – "History to him is more or less exclusively the work of diplomacy"[118] – Marx's paranoid reading of diplomatic manuscripts in *Lord Palmerston* and *Revelations* resembled nothing so much as the Urquhartite method. Marx was right, however, to stress their differences in most other respects, and the Ottoman capitulations were no exception. Where Urquhart saw unconditional hospitality, Marx saw barbarous unilateralism. Where Urquhart saw ancient commercial wisdom, Marx saw obsolete theocracy. Both struggled to reconcile their perception of the capitulatory system with its abuse by European powers, but where this exploitation threatened Urquhart's faith in *laissez-faire* commerce, it threatened Marx's picture of uninhibited Turkish despotism. I have argued that Urquhart's attitude towards European-Ottoman relations in *Turkey and its Resources* was more ambivalent than his reputation as a Turkish fundamentalist would suggest. It would have been strange indeed if the architect of the Ottoman free trade treaties had believed, as Engels implied, in Turkish autarky. By the time that Urquhart encountered Marx, however, there could be no doubt that he was radically disillusioned with the civilising capacity of European commerce. This disenchantment coincided with a broader change in the reputation of capitulatory extraterritoriality, which was becoming increasingly difficult to reform or defend.

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[116] 'Marx to Friedrich Adolph Sorge, 27 September 1877', *MECW 45,* 278.

[117] *Revelations of the Diplomatic History of the 18th Century,* for instance, was left out of the forty-three volume *Marx-Engels-Werke,* even though its authenticity was not in doubt. See Leopold, D. (2014). Karl Marx and British Socialism. In W. J. Mander (Ed.), *The Oxford Handbook of British Philosophy in the Nineteenth Century* (pp. 402–422). Oxford University Press, 407.

[118] Marx, 'David Urquhart', *MECW 12,* 478.

'An Insuperable Obstacle to All Improvements': Ottoman Extraterritoriality After the Crimean War

The Crimean War was brought to an end by the Treaty of Paris in 1856, which also invited the Sublime Porte "to participate in the advantages of the public law and concert of Europe".[119] The meaning of this article has been debated ever since, and it was once seen as the paradigmatic case of "entry" into international society – the first time a non-European state had ever been admitted into the European states-system.[120] Such discussion tends to elide the states-system with the Concert of Europe, a more exclusive great power club and a more recent invention: the "admission" above all redressed the Ottoman Empire's exclusion from the Congress of Vienna in 1815. By bringing the Ottoman Empire into their multilateral security culture, the great powers hoped to put an end to Russia's Mediterranean ambitions once and for all; the article was informed more by geopolitics than any standard of civilisation.[121] In any case, it did not make much difference to the Porte's practical standing.[122] The great powers spoke of jointly guaranteeing the "independence" and "territorial integrity" of the Ottoman Empire.[123] But these terms were as pliable then as they are now: Lamartine had thought that his plan to quarter the Ottoman Empire

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[119] *Protocols of Conferences Held at Paris Relative to the General Treaty of Peace*. (1856). British Archives, 63, art. vii.

[120] See e.g. Phillimore, S. R. (1857). *Commentaries Upon International Law* (Vol. 3). T. & J. W. Johnson, iii. Like any state, Phillimore argued, Turkey had always been subject to public international law, but now it was subject to the positive law of Christian communities – notwithstanding some "obvious" exceptions in private international law (i.e. the continuation of extraterritoriality) thanks to "the very nature of Mohammedanism". See also Hall, W. E. (1884). *A Treatise on International Law* (2nd ed.). Clarendon Press, 40; Oppenheim, L. (1920). *International Law: A Treatise* (3rd ed.). Longmans, 34. The English School initially reiterated the textbook chronology, making 1856 a key moment in the expansion of international society: see Wight, *Systems of States*, 115-16; Bull, *The Anarchical Society*, 14. More considered accounts came later: see e.g. Watson, A. (1987). Hedley Bull, States Systems and International Societies. *Review of International Studies*, *13*(2), 147–153, 148.

[121] Wood, H. M. (1943). The Treaty of Paris and Turkey's Status in International Law. *The American Journal of International Law*, *37*(2), 262–274. See also Gong, G. W. (1984). *The Standard of 'Civilization' in International Society*. Clarendon Press, 106-07.

[122] For the marginal effect on its treaty-making participation, see Keene, E. (2012). The Treaty-Making Revolution of the Nineteenth Century. *International History Review*, *34*(3), 475–500, 489.

[123] *Protocols of Conferences Held at Paris*, 63, art. vii.

into four protectorates was perfectly compatible with its territorial integrity.[124] Extraterritorial jurisdiction would be the acid test of the empire's new status. At Paris, the westernising Ottoman statesman Mehmed Emin Âli Pasha had called for its abolition, the consular courts having created "a multiplicity of Governments within the Government, and, consequently, an insuperable obstacle to all improvements."[125] The other plenipotentiaries promised to dedicate a conference in Istanbul to the subject, acknowledging the recent proclamation of the Imperial Reform Edict – the latest statement of the Tanzimat, which had just promised non-Muslims various kinds of equality among other reforms. But the conference never came, and the exploitation of the capitulations only intensified in the years thereafter.[126]

Nominally, then, the Ottoman Empire was part of the Concert of Europe, but its territorial sovereignty was ignored in practice. With the roughly simultaneous consolidation of semicolonial treaty systems in the likes of Persia, Siam, and China, European international lawyers were becoming if anything *more* confident that extraterritorial jurisdiction marked out a legal gulf between the Orient and the Occident; it was fast becoming central to the theory and practice of legal Orientalism, uniting otherwise disparate Asian societies in the imaginary of international law. In an 1859 study of French jurisdiction in the ports of Barbary and the Levant, the French lawyer Féraud-Giraud argued that where "a very great difference" separated two peoples in customs, laws, and religion, lasting diplomatic relations depended on "exceptional guarantees, without which security of person and property cannot

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[124] Lamartine, *Vues*, 71. ["Je les résume en deux mots: Protectorat général de l'Occident sur l'Orient. Intégrité de l'empire turc, respect du territoire et des nationalités."]

[125] *Protocols of Conferences Held at Paris*, 54.

[126] Âli Pasha had shepherded through the Imperial Reform Edict a week before going to Paris, partly hoping to persuade the European powers that consular extraterritoriality was no longer necessary in Turkey. Sharia courts and the *millet* system survived, however, and Turan Kayaoğlu argues that the reforms did not meet the European threshold for abolition: "Even if the parties had met, the proposed "Istanbul Conference on Extraterritoriality" would have rejected the abolition of extraterritoriality in the Ottoman Empire…" Kayaoğlu, *Legal Imperialism*, 187.

exist".[127] Tracing the history of Mediterranean extraterritoriality back to the medieval *fondaco* system only confirmed, for Féraud-Giraud, the longstanding precedent for these concessions, otherwise "so contrary to the ordinary rules of public international law and the principles of sovereignty".[128] Friedrich Martens' 1873 doctoral thesis likewise traced Mediterranean consular jurisdiction back to the twelfth and thirteenth centuries, concluding that it was the only way to establish international intercourse and commerce with "the non-Christian and half-civilised states" [*nichtchristlichen und halbcivilisirten Staaten*].[129] Drawing a stark civilisational contrast between East and West, Martens argued that only extraterritoriality could protect visitors from Muslim fanaticism and Asiatic despotism: the scope of consular jurisdiction existed in inverse proportion to the host state's ability to meet the obligations of international society [*Staatengesellschaft*].[130] In 1884, meanwhile, Travers Twiss defended extraterritoriality as the only way to bridge "the religious abyss, which separates Islam from Christendom" as well as to protect Europeans who "would, under the *Lex Loci*, have no title either to safety of life or to security of property."[131] The Ottoman Empire might want to abolish the capitulations, Twiss explained, but this would be against its "true interests"; the Capitulations were "to be regarded as a special chapter of the Conventional Law of Europe, indispensable to Islam in order to enable her to participate in the European Concert of Public Law without doing violence to her own Religious Law."[132] If this was membership in the European Concert, it was a partial and burdened membership: historicist international lawyers argued that it could not be much more than that, given the

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[127] Féraud-Giraud, L. J. D. (1859). *De la juridiction française dans Les échelles du Levant et de Barbarie*. Durand, 9-10. Féraud-Giraud did not only have the difference between Orient and Occident in mind: he also cited the Visigoths, who allowed foreign merchants to submit their disputes to "*juges nationaux*" in the sixth century, along with Muslim self-administration under the Tang dynasty.

[128] Féraud-Giraud, *De la juridiction française,* 8.

[129] Martens, F. F. (1874). *Das Consularwesen Und Die Consularjurisdiction Im Orient*. Weidmannsche Buchhandlung. See also Müller, A. T. (2014). Friedrich F. Martens on 'The Office of Consul and Consular Jurisdiction in the East'. *European Journal of International Law*, *25*(3), 871–891.

[130] Martens, *Das Consularwesen*, 28.

[131] Twiss, T. (1884). *The Law of Nations*. Clarendon Press, 468.

[132] *Ibid.*, 468-69.

insecurity of the rights-bearing individual (particularly the Christian foreigner) in the Orient. A commission established by the *Institut de droit international* concluded that the time had not yet come to abolish consular extraterritoriality in Asia; it was not clear that it ever would.[133]

The Ottoman Empire's entry into the Concert, in other words, exposed "a deep fault line" in nineteenth-century international law.[134] While Twiss, Martens, and Féraud-Giraud attempted to rationalise their double standards, the conservative James Lorimer poked fun at their legal contortions: the Western powers had taken refuge "in a fiction" at the Treaty of Paris, agreeing to pretend among themselves that the Ottoman Empire was still a sovereign agent. "In the keeping of a phantom state, which was no longer subject to the changes and chances of mortality, it was hoped that Constantinople had been placed finally beyond the reach of mortal ambition."[135] The first condition of international recognition was "autonomous existence". But consular tribunals constituted "an *imperium in imperio*" in Turkey, and their continued existence was "a complete *reductio ad absurdum* of the 'integrity and independence of the Ottoman Empire.'"[136] With the erosion of its *de facto* foundations, the "technical superstructure" of Ottoman recognition would soon fall to the ground. Lorimer's racism was unusually overt, and his Turcophobia virulent even by the standards of 1876, when newspaper reports of the Bulgarian Atrocities whipped European public

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[133] The commission was composed of Égide Arntz, Tobias Asser, Johann Caspar Bluntschli, Édouard Clunet, David Dudley Field, Joseph Hornung, Friedrich Martens, Leopold Neumann, Louis Renault and Nikolaus Saripolos, with Travers Twiss as rapporteur. See the questionnaire, report, and minutes on the 'Application aux nations orientales du droit des gens coutumier de l'Europe' (1880) in the *Annuaire de l'Institut de droit international 3/4*, 298-311. Twiss stressed the need to disaggregate the Orient: the "pirates and cannibals" of the Indian Archipelago required direct tutelage in a way that the "civilised" Ottomans, Persians, Chinese, and Japanese did not; Islam, however, was more difficult to assimilate into the Christian-European law of nations than Buddhism or Confucianism. The commission decided to restrict its scope to consular reforms in Turkey, but continued to use the Porte as a template: a solution there, Martens argued, would be a model for the rest of the Orient.

[134] Cobbing, A. (2018). A Victorian Embarrassment: Consular Jurisdiction and the Evils of Extraterritoriality. *The International History Review*, *40*(2), 273–291.

[135] Lorimer, J. (1876). *Of the Denationalisation of Constantinople and its Devotion to International Purposes*. Edmonston and Douglas, 7.

[136] Lorimer, J. (1890). Does the Corân Supply an Ethical Basis on Which a Political Superstructure Can Be Raised? In *Studies National and International* (pp. 132–147). William Green & Sons, 144.

opinion into new heights of humanitarian outrage. As Jennifer Pitts points out, however, Lorimer could claim "with some justice" that he was simply articulating openly what his colleagues tacitly acknowledged: the political reality of the Ottoman Empire's unequal status.[137]

By the second half of the nineteenth century, in sum, the reputation of the capitulations lay in tatters. The Ottoman Empire was now actively trying to abolish capitulatory extraterritoriality, and even western apologists for the system struggled to praise it wholeheartedly, instead citing the "immiscibility" of Islam and Christianity which the capitulations alone could bridge. Much like colonial tutelage, extraterritoriality was otherwise excused by a temporality of deferral;[138] it was an anachronism justified by Oriental backwardness, to be abolished only if and when the empire met liberal standards of civilisation regarding foreigners' property rights. As late as the 1830s, Ottoman reformers and their allies had imagined that extraterritoriality was capable of rehabilitation. By 1856 this was no longer the case, and the capitulatory system encroached even further on Ottoman sovereignty in the decades that followed.[139] As Britain and Russia expanded their empires elsewhere in Asia, they even began to lay claim to Afghan, Bukharan, and Uyghur Muslim subjects in Turkey; this was a particular affront to the sultan's caliphal legitimacy (while rather undermining the claim that extraterritoriality was about religious "immiscibility").[140] Public debt accrued during the Crimean War, meanwhile, quickly spiralled out of control, leading to insolvency in 1875 and the establishment, in 1881, of the Ottoman Public Debt Administration (OPDA): an internationally-administered institution that would collect Ottoman taxes on behalf of European creditors.[141] A

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[137] Pitts, *Boundaries of the International,* 172.

[138] Seikaly, S. (2019). The Matter of Time. *The American Historical Review*, *124*(5), 1681–1688.

[139] Ahmad, F. (2000). Ottoman Perceptions of the Capitulations. *Journal of Islamic Studies*, *11*(1), 1–20.

[140] Can, L. (2016). The Protection Question: Central Asians and Extraterritoriality in the Late Ottoman Empire. *International Journal of Middle East Studies*, *48*(4), 679–699. For an early British attempt to claim extraterritorial jurisdiction over Gujarati Muslims in the Yemeni port of Mocha, see Toussia Cohen, I. (2024). "Lost in Translation": Extraterritoriality, Subjecthood, and Subjectivity in the Anglo–Yemeni Treaty of 1821. *Law and History Review*, 1–23.

[141] Clay, C. (2000). G*old for the Sultan: Western Bankers and Ottoman Finance, 1856-1881: A Contribution to Ottoman and to International Financial Histor*y. I. B. Tauris.

vast, independent bureaucracy within the Ottoman state, the OPDA employed around 5,000 officials and collected more than ¼ of the empire's revenue. It became "justly famous as the collective instrument of European financial imperialism", both modernising and subordinating the Ottoman economy in line with its bondholders' interests.[142]

If the late capitulations were widely associated with political backwardness, then, it would be a mistake to think that they left no mark on the thought and practice of modern international relations. Extraterritoriality had slipped almost entirely out of Ottoman control, leaving a variety of colonial powers competing for influence in one polity. This represented – as Marx, Urquhart, and other observers of the 'Eastern Question' agreed – a potentially fatal threat to the Concert of Europe. But it also represented a stimulus and opportunity for some of the earliest internationalists, since inter-imperial cooperation in Istanbul could provide a concrete model for international government on the ground. As western empires competed for territory elsewhere, multilateral organisations like the OPDA allowed the European bourgeoisie to believe in a *collective* civilising project, trending not towards inter-imperial war but a technocratic-internationalist utopia. The next chapter tackles one such organisation with a particular relevance for twentieth- and twenty-first conceptions of race, purity, and territory: the Mediterranean sanitary council.

[142] Quataert, D. (1986). The Employment Policies of the Ottoman Public Debt Administration 1881—1909. *Wiener Zeitschrift Für Die Kunde Des Morgenlandes*, *76*, 233–237, 233. See also Birdal, M. (2010). *The Political Economy of Ottoman Public Debt: Insolvency and European Financial Control in the Late Nineteenth Century*. Bloomsbury Publishing.

Sanitary Internationalism, the *Lazaretto* System, and the Defense of Europe

> The naval hospital must treat, but in order to do this it must be a filter, a mechanism that pins down and partitions; it must provide a hold over this whole mobile, swarming mass, by dissipating the confusion of illegality and evil.
>
> Michel Foucault, *Discipline and Punish*

This chapter explores the origins of sanitary internationalism in the semi-colonial, consular administration of the Eastern Mediterranean. Diseases, rivers, and canals in this region emerged as early preoccupations of technocratic governance, helping to establish some of the first conferences, commissions, and organisations of modern multilateral internationalism. It is no coincidence, I argue, that so much of this centred on the semi-sovereign, extraterritorial space in and around the Ottoman Empire. The most distinctive feature of extraterritorial imperialism, after all, was the *multiplicity* of actors in play: each foreign ambassador claimed extraterritorial jurisdiction over their 'nation', while increasingly claiming the right to protect Ottoman minorities as well.[1] The resulting fragmentation of authority left a vacuum that could not be filled by a single empire without destabilising the balance of power in Europe – the root of the so-called Eastern Question. International government was put forward as a natural solution. In 1876, James Lorimer went so far as to suggest "denationalising" Constantinople and making it the seat of a new "International Government". A joint-occupation by European powers, he wrote, would at a stroke place Constantinople "safely beyond the reach of national ambition" and raise International Law "to the character of a positive system, springing out of an International Legislature, dispensed by an International Judicature, and enforced by an International Executive".[2] Lorimer's scheme, of course, was a fiction. For the Fabian socialist and League of Nations architect Leonard Woolf, however, the Constantinople Conference (1876) that same year had come close to establishing an international legislative organ in fact: "in so far as Europe treated the Conferences as

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[1] Sonyel, S. (1991). The Protégé System in the Ottoman Empire. *Journal of Islamic Studies*, *2*(1), 56–66.

[2] Lorimer, *Of the Denationalisation of Constantinople*, 23-24.

international legislative organs, they succeeded; in so far as it treated them as Councils of Conciliation and Mediation, they failed."[3]

Indeed, Woolf thought that the creation of the Superior Health Council (1838) in Constantinople had already marked a key development in the history of "International Government" – it was, he wrote, arguably the first moment in the *"ex nihilo"* evolution of a new kind of international "organism" in the nineteenth century.[4] Established so that foreign consulates could supervise the Ottoman quarantine of 1838, this body makes the affiliation between consular, extraterritorial control and early international organisation clear.[5] As we will see, hegemony over sanitary councils in the Muslim Mediterranean was continually contested, and Ottoman or Egyptian officials, certainly, sometimes dominated these institutions. The point of this chapter is not that sanitary internationalism emerged out of, say, French or British domination of the Ottoman Empire. The point is that it emerged in the uniquely *multipolar* context provided by systems of extraterritorial control.[6]

It also emerged around port-cities, canals, and coasts – Istanbul, Tunis, Tangier, Alexandria, Suez – where Orient met Occident. This, too, was no coincidence. Waterways, as Joanne Yao has persuasively shown, were potent sites for Enlightenment internationalism: taming and straightening the unruly, meandering flows of the Rhine, for instance, went hand in hand with a diplomatic project to rationalise the "Teutonic insanity" of its many tolls, recovering it from the "moral barbarism of swampy disuse" and converting it into a frictionless highway of free

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[3] Woolf, L. (1916). *International Government*. Brentano's, 50. Convened in response to the Herzegovinian (1875) and Bulgarian (1876) uprisings, the Sublime Porte had refused the conference's proposals for greater Bosnian and Bulgarian autonomy, leading to the Russo-Turkish War (1877-78). A more muscular intervention, Woolf thought, could have averted war.

[4] Woolf, *International Government*, 163-64.

[5] Designed to minimise the expenses that a quarantine would incur on European merchants, the Superior Council of Health was pushed onto the Ottoman Empire by the British alongside the Treaty of Balta Liman. See Bulmuş, B. (2012). *Plague, Quarantines and Geopolitics in the Ottoman Empire*. Edinburgh University Press, 111.

[6] Of course, these systems extended beyond the Mediterranean. For an influential analysis of 'hygienic modernity' in treaty-port China, see Rogaski, R. (2004). *Hygienic Modernity: Meanings of Health and Disease in Treaty-Port China*. University of California Press.

navigation.[7] The 1815 Rhine Commission, however, fell short of Wilhelm von Humboldt's more radical vision of the river as a communal resource to be overseen by a detached, central administration representing the "ensemble" of nations; Rhenish polities like Bavaria, Baden, Hesse Darmstadt, and Nassau preferred a committee, composed of their representatives, whose decisions would be non-binding.[8] It was an intergovernmental, not an international organisation. The 1856 Danube Commission was different. The Ottomans and Russians were taken to have forfeited their authority over the river with their failure to discipline it, while the Danube connected the heartland of Europe to an unsettlingly liminal 'Near East': representations of the Danube delta as a desolate, marshy, noxious space at the fringe of European civilisation "moved diplomats, particularly the French and British, to reject the Rhine Commission model as too weak a body to control this untamed geography."[9] The result was a strong contender for the first international organisation, with the Danube Commission eventually granted independent engineering, policing, and judiciary powers that put it, for some, at "the twilight of statehood".[10]

The creation of a powerful Danube Commission, in other words, was as much about checking the flow of barbarism upriver – from East to West – as it was about bringing civilisation downstream from West to East. Sanitary internationalism was motivated by similar concerns. Through the work of Adrien Proust (1834-1903), an epidemiologist, hygienist, and veteran of the International Sanitary Conferences, this chapter details how quarantine-stations, or lazarettos, were envisaged as check-valves that would allow civilisation to flow out to the Orient while preventing "Asiatic diseases" from flowing back into Europe. In the late eighteenth and early nineteenth centuries, travellers had been quarantined *en masse* in Southern European

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[7] Yao, J. (2022). *The Ideal River: How Control of Nature Shaped the International Order*. Manchester University Press, 40.

[8] Sluga, G. (2022). *The Invention of International Order: Remaking Europe after Napoleon*. Princeton University Press, 130.

[9] Yao, *The Ideal River,* 14. On the relationship between the Balkans, marginality, and stigmatisation see Todorova, M. N. (1997). *Imagining the Balkans*. Oxford University Press.

[10] Blackburn, G. A. (1930). International Control of the River Danube. *Current History*, *32*(6), 1154–1159, 1154.

ports – Napoleon's defeated *Armée d'Orient,* for instance, was quarantined in Marseilles's vast *lazaretto* on return from Egypt, some 30,000 soldiers detained in a process that took over a year – but by the mid-nineteenth century quarantine was becoming increasingly "externalised" to Europe's Oriental edges.[11] Recommending a dramatic softening of French quarantine rules, an 1847 French Academy of Medicine Report explicitly called for "the transfer onto the coasts of the Orient, that is to say the point of departure, the precautions, which, in the past, have been taken on arrival."[12] Sanitary internationalism began as a way of managing this process.

The process of sanitary externalisation also reflected and contributed to a new construction of the Mediterranean world. As its historiographers often remark, the Mediterranean was only invented as a region, a cultural totality, in the nineteenth century, first beginning to crystallise in early German human geography, the philhellenic movement, and Saint-Simonian thought.[13] Like the simultaneous construction of the Maghreb, it was above all an expression of French ambition, a loose geographic unit that was as much the product of modern territoriality as the precisely-demarcated border: it was no coincidence that the geographers, biologists, botanists, zoologists, linguists, archaeologists and statisticians of colonial Algeria tended to discover shared 'Mediterranean' characteristics that would detach the territory from Africa while linking it to France.[14]

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[11] For the quarantine of the *Armée d'Orient*, see Chase-Levenson, A. (2020). *The Yellow Flag: Quarantine and the British Mediterranean World, 1780-1860*. Cambridge University Press, 1-2. For "externalisation' see Chiffoleau, S. (2012). *Genèse de la santé publique internationale: De la peste d'Orient à l'OMS*. Presses universitaires de Rennes, 65.

[12] Cited in Chiffoleau, *Genèse de la santé publique,* 67.

[13] Deprest, F. (2002). L'invention géographique de la Méditerranée: Éléments de réflexion. *L'Espace géographique*, *31*(1), 73–92. For Carl Ritter and the influence of German anthropo-geography, see Shavit, Y. (1988). The Mediterranean World and 'Mediterraneanism': The Origins, Meaning, and Application of a Geo-Cultural Notion in Israel. *Mediterranean Historical Review*, *3*(2), 96–117, 102-03. On Saint-Simonian Mediterraneanism, see Drolet, M. (2015). A Nineteenth-Century Mediterranean Union: Michel Chevalier's *Système de la Méditerranée*. *Mediterranean Historical Review*, *30*(2), 147–168.

[14] Hannoum, A. (2021). *The Invention of the Maghreb: Between Africa and the Middle East*. Cambridge University Press, ch. 1.

Like sanitary internationalism, the Mediterranean unit was also the product of a shrinking world. In Michel Chevalier's Saint-Simonian scheme *Système de la Méditerranée* (1832), a vast infrastructure of railways, telegraphs, canals and steamships around the sea would channel conflict into peace and progress: "The Mediterranean will become the nuptial bed of East and West".[15] For the anarchist geographer Élisée Reclus, meanwhile, this longed-for union was projected back onto the classical past: "Western civilisation would never have been born if the Mediterranean did not wash the shores of Egypt, Phoenicia, Asia Minor, Hellas, Italy, Spain and Carthage"; the dense coasts, islands, and peninsulas of the Greek and Phoenician Mediterranean were like "the folds of a brain in which the thought of humankind has developed."[16] No longer speaking of a dividing sea, in other words, the human geographers of the nineteenth century began to think of the Mediterranean as a bridge between Oriental history and European modernity. Inheriting this school of thought from his time at the University of Algiers, Braudel famously retained "the firm conviction that the Turkish Mediterranean lived and breathed with the same rhythms as the Christian, that the whole sea shared a common destiny, a heavy one indeed …"[17] Sanitary internationalists would have agreed. The externalisation of quarantines to the coasts of the Mediterranean Orient reflected that seaboard's status as a kind of semi-peripheral, semi-civilised buffer zone. But it also reflected its partial *inclusion* in a shared, sanitary, Euro-Mediterranean space.[18]

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[15] Chevalier, M. (1832). *Système de la Méditerranée*. Bureaux du Globe, 31.

[16] Reclus, E. (1876). *Nouvelle géographie universelle: La terre et les hommes*. Paris: Hachette, 33, 47. For a comparison of Mediterraneanism in the work of Chevalier and Reclus, see Blais, H., & Deprest, F. (2012). The Mediterranean, a Territory between France and Colonial Algeria: Imperial Constructions. *European Review of History*, *19*(1), 33–57, 47.

[17] Braudel, *The Mediterranean*, 14. For the intermediary influence of Algiers geographer Émile-Félix Gautier, see Deprest, F. (2010). Fernand Braudel et la géographie « algérienne »: Aux sources coloniales de l'histoire immobile de la Méditerranée ? *Matériaux pour l'histoire de notre temps*, *99*(3), 28–35.

[18] Huber, V. (2006). The Unification of the Globe by Disease? The International Sanitary Conferences on Cholera, 1851-1894. *The Historical Journal*, *49*(2), 453–476.

> It is in moments of illness that we are compelled to recognise that we live not alone but chained to a creature of a different kingdom, whole worlds apart …
>
> Marcel Proust, *The Guermantes Way*

In 1892, Adrien Proust, Marcel's father and a leading sanitary internationalist, published *Le défense de l'Europe contre la choléra.* Cholera, Proust reported in his preface, continued to rage in India and the Far East. The Bay of Bengal, Burma, Indochina, the Chinese treaty-ports, Korea, Japan, and the coasts of the China Seas up to Vladivostok were afflicted. But in recent years, Proust added, cholera had raged in Mesopotamia, Persia, Syria, Arabia (Mecca), and Africa (Massawa). What he called the "economic transformations" beginning to take place in Africa would aggravate the danger. How to defend Europe against the surging threat? "Our goal must be to intercept all direct communication between the contaminated sources of the Far East, on the one hand; and Egypt, the Mediterranean and Europe, on the other."[19] The Suez Canal had opened up the Mediterranean to the epidemic flows and "pathological geography" [*géographie pathologique*] of *l'Extrême-Orient*.[20] Shipments of British Indian troops, the transport of indentured Chinese, Javanese, and Indian labourers to the Americas, and, above all, pilgrims converging on the Hijaz added to the potential for a melting pot of cholera on the Red Sea.[21]

Proust was France's medical delegate at the International Sanitary Conferences, and at the seventh conference in Venice that year – centred on the sanitary control of traffic through the Suez Canal – he made the case for stringent quarantining at Suez:

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[19] Proust, A. (1892). *La défense de l'Europe contre le choléra*. G. Masson, v.

[20] Proust, *La défense de l'Europe*, 286.

[21] Sanitary internationalists had become obsessed with the role of the *hajj* in relaying cholera after 1865, which saw a virulent outbreak in Mecca. See Mishra, S. (2011). *Pilgrimage, Politics, and Pestilence: The Haj from the Indian Subcontinent, 1860-1920*. Oxford University Press.

disembarkment, sterilisation, and isolation.[22] British and British Indian delegates, on the other hand, claimed that ships bound directly to British ports offered no threat to continental Europe. "Nothing could be worse," the deputy surgeon-general had argued at a committee convened by the British secretary of state for India a few years earlier, "than to remove the crew and passengers from a ship and put all suspected persons in lazarettos, as these would almost certainly become hotbeds of disease, and the effect would be to make a place like Suez into a central depot of cholera."[23] Unsurprisingly, the medical debate on the transmission of cholera (between 'contagionist' theories, on the one hand, and 'miasmist' or 'anti-contagionist' theories on the other) was highly politicised.[24] Britain had faced its last cholera outbreak in 1866, and its ministers preferred to address the disease through light regulation and public sanitation – above all by controlling the quality of the water supply – than through quarantines which slowed down the flow of free trade. French and Ottoman delegates at Venice pointed out that not everyone could spend on public works like Victorian Britain, and both sides accused each other of motivated reasoning. But a compromise was eventually reached, dividing ships into three classes (clean, suspect, and infected). The result was the first ever International Sanitary Convention, the reorganisation of the Sanitary Council at Alexandria, the creation of sanitary surveillance at Suez, and the establishment of a lazaretto, a hospital, a sanitary corps and a disinfection centre at Moses' Wells.[25] Proust, as the in-house WHO history puts it, has "every claim to be considered the doyen of international relations in the field of health." He did "more than anyone" to lay the foundations for the *Office*

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[22] On the structure of the International Sanitary Conferences (each country sent one diplomatic and one medical representative), see Rangel de Almeida, J. (2015). Epidemic Opportunities: Panic, Quarantines, and the 1851 International Sanitary Conference. In R. S. Peckham (Ed.), *Empires of Panic: Epidemics and Colonial Anxieties* (pp. 57–86). Hong Kong University Press, 67.

[23] Ogawa, M. (2000). Uneasy Bedfellows: Science and Politics in the Refutation of Koch's Bacterial Theory of Cholera. *Bulletin of the History of Medicine*, *74*(4), 671–707, 699.

[24] For the seminal account of this mid-nineteenth-century debate, see Ackerknecht, E. H. (1948). Anticontagionism between 1821 and 1867. *Bulletin of the History of Medicine*, *22*(5), 562–593. According to the classic paradigm, authoritarian centralists tended towards contagionism while laissez faire liberals were anti-contagionists. Things were often more complex, as countless articles have pointed out since.

[25] On the quarantine station at Moses' Wells see Huber, V. (2013). *Channelling Mobilities: Migration and Globalisation in the Suez Canal Region and Beyond, 1869-1914*. Cambridge University Press, 254-56.

International d'Hygiene Publique (1907) – the first permanent international health office – while the title of his book "reflects the main theme of the International Sanitary Conferences of the 19th century: the protection of Europe against the importation, especially by sea, of exotic diseases."[26] Indeed, the first phase of epidemiological internationalism was almost exclusively concerned with the protection of Europe and North America from the big three "Asiatic diseases": plague, yellow fever, and cholera. It was not until 1926 that diseases historically common to Europe – typhus and smallpox – were added to the International Sanitary Convention.[27] Proust's concern with the maritime spread of cholera was emblematic.



Fig. 6.1. Cholera Wearing a Fez: The Kind of "Assisted Emigrant" We Can Not Afford to Admit. Friedrich Graetz, *Puck* (1883)

In reality, cholera was never to reach Europe through Suez. Robert Koch, who isolated the cholera vibrio in Calcutta, suggested that the disease usually reached

[26] Howard-Jones, N. (1975). *The Scientific Background of the International Sanitary Conferences, 1851-1938*. World Health Organization, 82.

[27] Fidler, D. P. (2005). From International Sanitary Conventions to Global Health Security: The New International Health Regulations. *Chinese Journal of International Law*, *4*(2), 325–392, 331.

Europe over land. Lengthy international arguments about maritime quarantine, he said, were "quite superfluous".[28] But this, of course, was besides the point. As a direct conduit to the Orient, Suez made "Europe" permeable to its pathologies. This was the era of the imperial Gothic, when steamships and railways extended European rule into an occult heart of darkness that threatened to corrupt its civilisation from within.[29] Whether the adventurers of colonial fiction 'went native' or disturbed the sleeping, vengeful magic of the Orient – a trope later recycled in pulp Hollywood franchises like *Indiana Jones* and *The Mummy* – late Victorian and Edwardian fiction betrayed a deep anxiety about reverse colonisation and demonic invasion.[30] What if the circuits of trade and empire designed to civilise primitive forces instead brought those forces back to the metropole? In a shrinking world, how could Europe still be demarcated and defended against the Orient? The epidemiological Orientalism of the International Sanitary Conferences reflected these anxieties. Beginning in the 1830s, as Vladimir Hamed-Troyansky writes, the medical and economic dimensions of eastern Mediterranean quarantines made the Eastern Question a *domestic* question for European states;[31] steamships and the Suez Canal only added to this sense of porousness. A map in Proust's 1873 *Essai sur l'hygiène internationale* depicted the spread of cholera in 1865 in lines of red (Fig. 6.2.).[32] Reversing the trade routes of the commercial atlas, these lines show cholera flowing from right to left, from the Ganges to Paris. Most eye-catching of all, however, is the fountain of red that spurts from Alexandria and seeps through the Mediterranean. This was while Suez was still under construction: how much more dangerous would this vector of transmission be, Proust wondered, after its completion?

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[28] Cited in Howard-Jones, *The Scientific Background*, 76.

[29] For the imperial Gothic, see Brantlinger, P. (1990). *Rule of Darkness: British Literature and Imperialism, 1830–1914*. Cornell University Press.

[30] See Arata, S. D. (1990). The Occidental Tourist: 'Dracula' and the Anxiety of Reverse Colonization. *Victorian Studies*, *33*(4), 621–645.

[31] Hamed-Troyansky, V. (2021). Ottoman and Egyptian Quarantines and European Debates on Plague in the 1830s–1840s. *Past & Present*, *253*(1), 235–270, 238.

[32] Proust, A. (1873). *Essai sur l'hygiène internationale, ses applications contre la peste, la fièvre jaune et le choléra asiatique*. G. Masson, appendix.



Fig. 6.2. Carte indiquant la marche des épidémies de choléra par les Routes de terre et la Voie maritime, *Essai sur l'hygiène internationale* (1873).

For Proust, the threat of cholera called for the sanitisation of the whole Mediterranean basin: the externalisation of its lazaretto system as part of a new, outer *cordon sanitaire* dividing Occident and Orient. A kind of medicalised *fondaco*, the lazaretto was a quarantine station for maritime travellers, a compound which might include a warehouse for merchandise or a small guard of garrisoned soldiers. In a familiar historical narrative, Proust dates the first lazaretto to Venice and its need, thanks to its trade with the East, to combat *la peste d'Orient*. Created in 1403, the *Santa Maria di Nazareth* was a lazaretto-island in the Venetian Lagoon. It had served, Proust wrote, as a "model" for Europe, and had won the support of Montesquieu and Voltaire.[33] From its earliest days, "every ship coming from Alexandria was placed there for observation, simply because it had come from Alexandria, and not because there was the slightest indication of any illness at sea."[34] Passengers from the Orient, in other words, were quarantined indiscriminately: ships here were not divided into classes (the compromise that would go on to see the first International Sanitary Convention through to ratification). Spreading to Genoa (1467), Marseilles (1526) and eventually to the rest of the 'civilised' Mediterranean, the old lazaretto network, in Proust's telling, nevertheless needed modernisation. New, larger, and airier lazarettos

[33] Proust, *Essai sur l'hygiène internationale*, 40.

[34] *Ibid.*

needed to be built further away from populations, ideally on deserted islands with a hard, rocky surface (under the influence of Max von Pettenkofer's miasmist soil theory, Proust was suspicious of humid, marshy, porous terrain).[35] This is followed by a loose categorisation of different lazarettos. In Oriental countries there were temporary lazarettos: inexpensive, improvised quarantines in tents or barracks that could be easily enlarged, invaluable near sites of pilgrimage where "hordes of individuals" could suddenly accumulate.[36] Then there were floating lazarettos, pontoons or large ships which could be fitted out for quarantine in an emergency. Finally, there were international lazarettos, which would recruit their administrative personnel from the governments that founded and maintained them. Two decades before the conference in Venice, Proust wrote:

> An international lazaretto would be usefully placed at the entrance to the Red Sea, thus preventing the dangers of the pilgrimage to Mecca. The cooperation of the whole of Europe would make such a lazaretto a model lazaretto, by making all sanitary requirements binding. Our energetic centralisation and unity of decision would be impossible to obtain from the peoples of the Orient.[37]

The significance of this international lazaretto was underlined by the *cordon sanitaire* and the imagined geographies on which Proust thought such a barrier had to map. Proust is popularly credited with the invention of the *cordon sanitaire,* the militarised medical border.[38] While this is a misattribution, he was, nevertheless, one of its most important theorists. Sanitary cordons had to be established, Proust wrote, on little-frequented roads with natural barriers and few points to be guarded, in the midst of

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[35] *Ibid.*, 56. Von Pettenkofer founded and dominated the academic discipline of hygiene in Germany until the 1880s, when Robert Koch started to gain influence in universities and the Imperial Health Office. Von Pettenkofer's reputation was ultimately discredited by his disastrous handling of Hamburg's 1892 cholera outbreak, during which he refused to purify the city's drinking supply – Hamburg's laissez faire liberalism losing out to the centralising, militarised Prussian state embodied by Koch. See Evans, R. J. (2005). *Death in Hamburg: Society and Politics in the Cholera Years*. Penguin, 265-72.

[36] Proust, *Essai sur l'hygiène internationale*, 56.

[37] *Ibid.*, 58-9.

[38] See, for instance, Marquez, G. G. (2007). *Love in the Time of Cholera*. Penguin, 136.

"sparse populations, as on the limits of the Orient and the Occident".[39] The "points to be defended" (*les points à défendre*) were the border points (*les points limitrophes*) of India, Asia, and Europe. The Russo-Persian and Indian borders fulfilled these conditions. The *cordons sanitaires* established in 1830-32, "in the midst of dense populations and in the heart of Europe", did not.[40] Indeed, these immense military cordons (surrounding Moscow, Prussia, and Austria) had been liable to become centres of dissemination themselves. *Artificial* sanitary borders between European nation-states, in other words, were ill-advised. They were better placed along the *natural* seams dividing India, the Orient and the Occident. To be sure, the "natural obstacles" that made cholera "easy to defend" in, say, Afghanistan needed some additional reinforcement: "in these savage countries, the initiative for a sanitary system could come only from the English government in the Punjab".[41] And insofar as Russia intended "to do with the Oxus what the English have done with the Indus" – commerce and civilisation would flow along these two great routes, these two great channels, back to where civilisation began – it risked establishing a new route for plague across Central Asia to the Caspian and Black Seas (and ultimately, back to Europe).[42] To protect against another reverse *"invasion epidemique"*, then, the Russian government would have to institute "serious health measures" and establish far more sanitary stations along the route, where compliance with regulations could be enforced, arrivals controlled, and travel patents checked.[43] Frequently doubling up as customshouses and adopting similar architectural forms as the caravanserai and *fondaco*, the *lazaretto* might be seen as a biopolitical relative of these Silk Road and Mediterranean institutions.[44] But where those institutions had brought Europe into

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[39] Proust, *Essai sur l'hygiène internationale*, 55.

[40] *Ibid.*, 366.

[41] *Ibid.*, 366.

[42] *Ibid.*, 369.

[43] *Ibid.*, 369.

[44] For their architectural relations in the early modern Adriatic, see Bilić, D. (2022). Daniel Rodriga's Lazaretto in Split and Ottoman Caravanserais in Bosnia: The Transcultural Transfer of an Architectonic Model. In A. Payne (Ed.), *The Land between Two Seas: Art on the Move in the Mediterranean and the Black Sea 1300–1700* (pp. 59–78). Brill; Calabi, D. (1994). Città e territorio nel Dominio da mar. In *Storia di Venezia: Dalle origini alla caduta della Serenissima: Dal Rinascimento al Barocco*. Istituto della Enciclopedia Italiana.

contact with Asiatic trade and disease, sanitary internationalists like Proust envisaged the *lazaretto* as a check valve, allowing the benefits of commerce and civilisation to flow from west to east while preventing disease from flowing back upstream.[45]

If Proust was relatively confident about establishing a *cordon sanitaire* across sparsely populated Central Asia, however, he had presented the other great "*point limitrophe*" between Orient and Occident – the newly-dug Suez Canal – as a teeming crossroads for thousands of pilgrims, merchants, and soldiers. How, then, could he claim that the geographical situation at Suez was "favourable to defence", as he did in the preface to *La défense de l'Europe*?[46] The answer, of course, is that he was ultimately less concerned with population density than with the imagined geography of Orientalism. If a dense concentration of people made quarantines dangerous within Europe, the confluence of thousands of travellers here offered an opportunity: a chokepoint at an outer gate where cholera could be arrested. As Peter Baldwin puts it, "the eastern Mediterranean, especially Egypt, offered a bottleneck at which communication could effectively be throttled".[47] In a process prefiguring EU border externalisation in Turkey and North Africa today, the international lazaretto at Suez thus continued a process of externalising quarantines and medical responsibility to the Orient. This was already in evidence with the establishment of sanitary councils (Tunis in 1835, Istanbul in 1839, Tangiers in 1840, Alexandria in 1843).[48] And it continued after quarantines were thought to have outlived their practicability within Europe. One delegate at the international sanitary conference of 1866 spoke of Turkey as "the gatekeeper [*la gardienne*] of public health".[49] Another suggested in 1874 that

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[45] As Huber puts it, sanitary internationalists conceptualised borders as "semipermeable membranes". See Huber, The Unification of the Globe by Disease?, 471.

[46] Proust, *La défense de l'Europe,* vi.

[47] Baldwin, P. (1999). *Contagion and the State in Europe, 1830-1930*. Cambridge University Press, 230.

[48] On Austrian attempts to transfer Europe's "first line of defense" as far East as possible, see Chahrour, M. (2007). 'A Civilizing Mission'? Austrian Medicine and the Reform of Medical Structures in the Ottoman Empire, 1838–1850. *Studies in History and Philosophy of Science Part C: Studies in History and Philosophy of Biological and Biomedical Sciences*, *38*(4), 687–705.

[49] *Procès-verbaux de la Conférence sanitaire internationale ouverte à Constantinople le 13 février 1866*. Imprimerie Centrale, N° 10, 12.

there was no concept of the value of time in the Orient, implying that quarantines there would be felt less keenly than in Europe, where communications were "so frequent and material interests of such vital importance that quarantines become quite impossible".[50] On the one hand, then, the lazaretto system included Egypt and the Ottoman Empire in its construction of a shared Euro-Mediterranean biopolity. On the other hand, it excluded them from Europe proper, constructing the Egyptian seaboard in particular as a liminal site where Orient met Occident – an epidemiological airlock where different norms applied.

Consuls, Quarantine, and the Capitulations

It would be easy to fold all of this into the logic of 'imperial hygiene' – "colonising by means of the known laws of cleanliness", as one bureaucrat put it, "rather than by military force".[51] As with extraterritoriality in general, however, it would be a mistake to view the quarantine systems (much less the public health reforms) adopted in Egypt and the Ottoman Empire as purely European impositions. Nineteenth-century lazarettos were often built in *tahaffuzhane* (preservation houses) that the Ottomans had long maintained.[52] Ottoman and Egyptian governments, meanwhile, each had their own reasons to institute and standardise quarantine networks during the second cholera pandemic (1826-37). The creation of a lazaretto in Alexandria, for instance, was intended to smooth trade and communications between Egypt and Syria, which Mehmed Ali had conquered in the first Egyptian-Ottoman War (1831-33). Sir George Seaton Buchanan, a key figure in the League of Nations' *Organisation d'Hygiène,* recognised both the importance of the Mediterranean sanitary regime to the internationalisation of public health and the contribution of Egyptian actors to that regime:

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[50] *Procès-verbaux de la Conférence sanitaire internationale ouverte à Vienne, le 1 Julliet 1874*. Imprimerie Impériale et Royale, N° 6, 83-4.

[51] Cited in Bashford, A. (2004). *Imperial Hygiene: A Critical History of Colonialism, Nationalism and Public Health*. Palgrave Macmillan, 1. See also Arnold, D. (1993). *Colonizing the Body: State Medicine and Epidemic Disease in Nineteenth-Century India*. University of California Press.

[52] Hamed-Troyansky, Ottoman and Egyptian Quarantines, 244-45.

> It is interesting to note, from evidence kindly given to me by Dr. Shahin Pacha, the present Minister of Health for Egypt, how far back [the Egyptian Quarantine Board] can trace its origins. It is a common assumption that the Board is a body originally imposed on the Government of Egypt by the European powers. In fact, however, it was a reverse process, as its beginnings are found as long ago as 1831, when [Mehmed] Ali called on the European Consular body in Alexandria to organise and apply measures against plague and other infectious diseases … a request repeated and fortified in 1835, when the whole of the foreign consular body in that city were asked to undertake the direction of the service.[53]

The sanitary regimes instituted in Alexandria clearly have to be understood in the context of Mehmed Ali's reforms. Combining Prussian and Napoleonic military techniques, Saint-Simonian engineering, and Benthamite panopticism, the 1820s and 1830s had seen the institution of a new kind of disciplinary power in Egyptian barracks, schools, and model villages. According to Timothy Mitchell, this disciplinary power was modelled above all on the 'New Order' (or *nizam jadid*) of the army – it was a power that aimed to conscript, drill, confine, and surveil the Egyptian population at every level. At its heart was the principle of enframing – "a method of dividing up and containing" that would create a cellular, legible space open to state intervention – visible in the construction of barracks and the creation of regular, open streets.[54] Lazarettos slotted in neatly with these reforms and their military grammar (Fig. 6.3), while they were indispensable for Ali's ultimate, neomercantilist objectives: to turn Egypt into a major cotton-exporter and industrial power.[55] Ottoman quarantines, likewise, had as much to do with the Tanzimat as

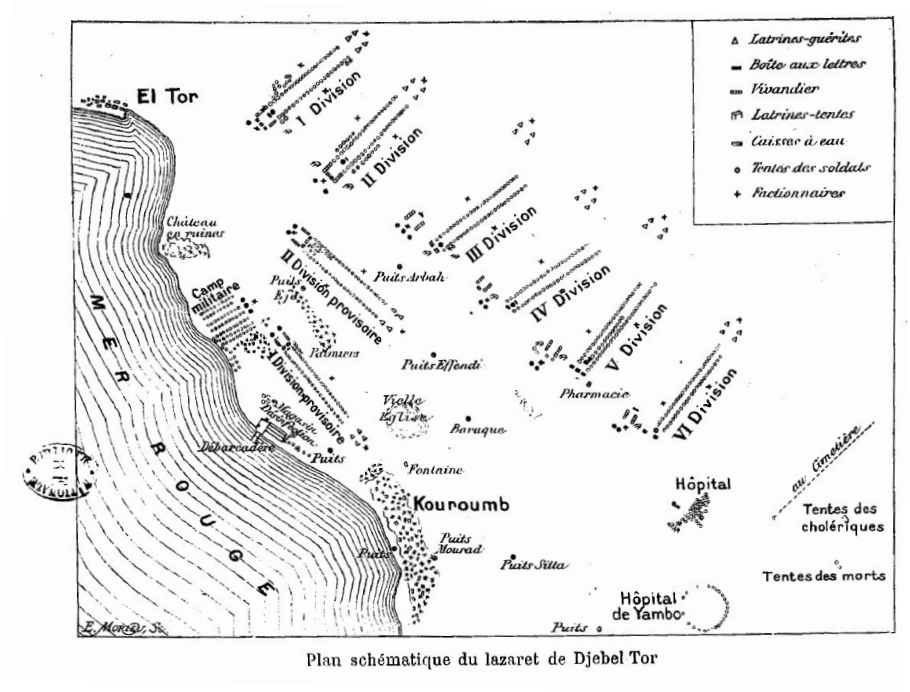
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[53] Buchanan, G. S. (1934). International Coöperation on Public Health: Its Achievements and Prospects, Lecture II. *The Lancet*, *223*(5775), 935–942, 941.

[54] Mitchell, T. (1991). *Colonising Egypt*. University of California Press, 44.

[55] For Ali's neomercantilist policies see Helleiner, E. (2021). *The Neomercantilists: A Global Intellectual History*. Cornell University Press, 304-311.

with European pressure – although the two, of course, are almost impossible to disentangle.[56]



Plan schématique du lazaret de Djebel Tor

Fig. 6.3. Schematic plan for the Djebel Tor Lazaretto in *La défense de l'Europe contre le choléra* (1892).

As with capitulatory extraterritoriality more broadly, then, there were plenty of local actors who welcomed, shaped, and exploited the new international sanitary regime coalescing in and around the Oriental Mediterranean.[57] As with capitulatory

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[56] The Tanzimat era (1839-76) was a period of reform and modernisation announced by Sultan Abdülmecid's Rose Chamber Edict, promising new laws regulating property rights, conscription, and taxes, which would be applied to Muslim and non-Muslim subjects alike. The bureaucratic cadres responsible for the Tanzimat were inspired by Metternich's reforms, while the edict's architect, Mustafa Reşid Pasha, hoped to secure recognition for the Sublime Porte within the Concert of Europe. See Hanioğlu, *A Brief History*, ch. 4.

[57] For Ottoman debates on the economics and epidemiology of the 1838 quarantine reform, see Bulmuş, *Plague, Quarantines and Geopolitics*, ch. 5. Over the coming decades, the Ottoman Empire was to use quarantines and sanitary reforms to shore up its border with Qajar Iran and expand its influence down the Euphrates to the Persian Gulf. See Bolaños, I. A. (2019). The Ottomans during the Global Crises of Cholera and Plague: The View from Iraq and the Gulf. *International Journal of Middle East Studies*, *51*(4), 603–620. For Ottoman attempts to harness the medicalisation of the hajj to extend their control in the Arabian Peninsula, see Low, M. C. (2015). Ottoman Infrastructures of the Saudi Hydro-State: The Technopolitics of Pilgrimage and Potable Water in the Hijaz. *Comparative Studies in Society and History*, *57*(4), 942–974.

extraterritoriality, however, these actors struggled to maintain their influence over consular systems. Muhammad Ali's 1835 "request" that the British consul-general head up an international sanitary committee in Alexandria – it ultimately did not undertake any concrete projects – has to *also* be understood in the context of his complete dependence on European powers for the continuation of international trade (European powers, for that matter, deeply prejudiced about the state of public health and sanitation in the Orient).[58] Representation on sanitary councils and commissions was also continually contested. A short-lived attempt to nationalise the quarantine board during the second Egyptian-Ottoman War (1839-41) – the Egyptian liaison officer was named permanent president and the board declared directly responsible to the viceroy – ended after the British and Austrians intervened on behalf of the Ottomans. The reconstituted board included appointees from Austria, France, Britain, Greece, Prussia, Russia, and Sardinia, with only two Egyptian officials.[59]

In Istanbul, meanwhile, dependence on British support during the same war – as well as vulnerability to the Russian navy – forced the Sublime Porte to accept a foreign-dominated quarantine board. The British Ambassador had sounded the familiar cry of despotism when the possibility of a domestic quarantine was raised in 1838: "This power will occasion a serious inroad upon one great and precious principle and right created by our capitulations, that is the inviolability of the domicile of the Frank; and it will probably occasion robbery, perhaps murders, and certainly infinite distress and misery to the sick."[60] And so, by the late 1840s, the Ottoman Quarantine Administration was thoroughly internationalised, including delegates from the United States, Austria, France, the Netherlands, Britain, Sweden,

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[58] Kuhnke, L. (1990). *Lives at Risk: Public Health in Nineteenth-century Egypt*. University of California Press, 58. For nineteenth-century epidemiological Orientalism and its pre-history, see Varlik, N. (2017). "Oriental Plague" or Epidemiological Orientalism? Revisiting the Plague Episteme of the Early Modern Mediterranean. In N. Varlik (Ed.), *Plague and contagion in the Islamic Mediterranean* (pp. 57–87). ARC Humanities Press.

[59] Kuhnke, *Lives at Risk*, 96-97. This board went by many names: the Consular Commission of Health (1831-35); the Consular Committee of Health (1835-39); the Magistrate of Public Health (1840-43); the Health Administration (1843-49); the General Sanitary Administration of Egypt resident in Alexandria (1849-80); and the Sanitary, Maritime, and Quarantine Council of Egypt (1881-). See Kuhnke, *Lives at Risk, 206*.

[60] Cited in Bulmuş, *Plague, Quarantines and Geopolitics*, 124.

Norway, Iran, Italy, Spain, Belgium, Greece, and Russia, with eight Ottoman representatives.[61] By the mid-1890s, there were only two Ottoman members left.[62] Questions of 'international' sanitation were also used as a pretext for extending British control in the Hijaz and the Sharifate of Mecca, semiautonomous areas previously exempt from the capitulations. As imperial British officials became increasingly paranoid about anti-colonial and pan-Islamist networks in the decades after the Indian Rebellion of 1857, the *hajj* came to represent a source of "twin infection" – a vector for political contagion as well as disease.[63] The international sanitary administration of the Red Sea – the medicalisation of the pilgrimage which so obsessed Proust – offered a readymade architecture for the biopolitical surveillance of poor, sick, and politically subversive Muslim subjects.[64]

Clearly, then, sanitary internationalism was the product of a complex process involving, in particular, Ottoman, Egyptian, British, French, and other European actors. What I would like to stress, however, is the particularly fertile context for internationalism produced by systems of extraterritoriality in the Muslim Mediterranean. To be sure, the initial expansion and standardisation of a Mediterranean lazaretto system dates back to the late eighteenth century. Before the imagined borders of disease were pushed back to Egyptian and Ottoman ports, Alex Chase-Levenson stresses, a system of "universal quarantine" extending to all passengers prevailed in "European" ports until roughly the 1840s: "From Trieste on the Adriatic to Semlin on the River Save, from Ancona on Italy's eastern coast to Genoa on its northwestern, from Malta to Marseille, and to floating hulks off the British coast, Western Europe marked itself off from the ostensibly plague-ridden

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[61] Ersoy, N., Gungor, Y., & Akpinar, A. (2011). International Sanitary Conferences from the Ottoman Perspective (1851–1938). *Hygiea Internationalis: An Interdisciplinary Journal for the History of Public Health*, *10*(1), 53–79, 54.

[62] Hamed-Troyansky, Ottoman and Egyptian Quarantines, 244.

[63] Roff, W. R. (1982). Sanitation and Security: The Imperial Powers and the Nineteenth Century Hajj. *Arabian Studies*, *6*, 143–160.

[64] Low, M. C. (2008). Empire and the Hajj: Pilgrims, Plagues, and Pan-Islam under British Surveillance, 1865-1908. *International Journal of Middle East Studies*, *40*(2), 269–290; Low, M. C. (2020). *Imperial Mecca: Ottoman Arabia and the Indian Ocean Hajj*. Columbia University Press.

"East" by a tangible *cordon sanitaire*."[65] Transnational cooperation between low-level bureaucrats helped to coordinate sanitary laws in all the "civilised" ports of the Mediterranean, and the lazarettos that made up this network were sometimes even identified with an international legal space. As Marseilles' *Intendants* successfully claimed in an 1818 court case: "To speak properly, the lazaretto belongs to the domain of all nations, diverse subjects of which come within its bosom, to purge themselves of the contagion they might well be carrying."[66] Others have located the origins of international sanitary regulation in Napoleon III's mid-century bid for Mediterranean hegemony[67] or, more broadly, in the congress culture of post-1815 Europe.[68]

Yet nowhere was epidemiological internationalism given such permanent expression as in the sanitary councils of Alexandria, Tangier, Tunis, and Istanbul. Put simply, sanitary boards and commissioners in India, say, ultimately reported to the British Raj, however much international sanitary conferences blamed Indian pilgrims or the British administration for the global spread of cholera. The board of health in, say, Marseilles, was likewise administered locally, even if there was coordination with other ports. But in the extraterritorial context of the Muslim Mediterranean – where legal imperialism was the affair of *the whole consular and diplomatic corps* – the stage was set for multilateral, self-consciously internationalist administration in the name of commerce and civilisation. Writing in the *Revue de droit international,* for instance, the Russian lawyer Friedrich Martens could portray the "internationality" of Egypt

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[65] Chase-Levenson, *The Yellow Flag*, 6. Universal quarantine, Chase-Levenson notes, was replaced by a much more racialised model as the century progressed, a development taken up by Maglen, K. (2014). *The English System: Quarantine, Immigration and the Making of a Port Sanitary Zone*. Manchester University Press.

[66] Cited in Chase-Levenson, *The Yellow Flag*, 89.

[67] Martínez, F. J. (2016). International or French? The Early International Sanitary Conferences and France's Struggle for Hegemony in the Mid-Nineteenth Century Mediterranean. *French History*, *30*(1), 77–98.

[68] Harrison, M. (2006). Disease, Diplomacy and International Commerce: The Origins of International Sanitary Regulation in the Nineteenth Century. *Journal of Global History*, *1*(2), 197–217.

in the age of the Suez Canal as a "material fact".[69] The French and British interest in the Khedivate was obvious. But Greece and Italy also had a stake – Martens noted that the Greek and Italian "colonies" in Egypt were more numerous than the French – while the German, Austro-Hungarian, and Russian colonies also gave those states a legal and commercial foothold in Egypt, in addition to the "positive right" (*droit positif*) enshrined in the Convention of London (1840) to oppose any changes to its international status.[70] As what Valeska Huber has called "an extraterritorial locus of experimental rule-making", the Suez Canal Zone seemed even more like 'international' territory – a natural location for sanitary internationalists to regulate.[71] At a very basic level, then, systems of extraterritoriality provided a multinational foundation on which sanitary internationalism could be built.

They also provided a rationale. Domestically administered quarantines, as we have seen, were resisted using the familiar language of capitulatory outrage: such quarantines would have infringed upon the "inviolability of the domicile of the Frank" supposedly enshrined by the capitulations. For centuries, European diplomats, consuls, and merchants had played up threats to their "security of life and property" – usually when their merchandise was threatened with taxation. Quarantine meant intervention at the level of the body itself – "the penetration of regulation", as Foucault put it, "into even the smallest details of everyday life" – a biopolitical power unconscionable in the hands of the Oriental despot.[72] But nor could sanitary administration in the Ottoman Empire or Egypt be handled by a single European power without upsetting the delicate balance of power in Europe. The Turkish Straits and the Suez Canal, in particular, needed to be kept free from unipolar domination. Joint, international control was presented as a natural solution.

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[69] Martens, F. F. (1882). La question égyptienne et le droit international. *Revue de Droit International*, *14*, 355–402, 391.

[70] *Ibid.*

[71] Huber, *Channelling Mobilities,* 73. For internationalism's role in legitimating the Suez Canal, see Eijking, J. (2022). *A World From Nowhere: Nineteenth-Century Expert Politics and the Technocratic International* [DPhil]. University of Oxford, 134-61. See also Huber, V. (2012). Connecting Colonial Seas: The 'International Colonisation' of Port Said and the Suez Canal during and after the First World War. *European Review of History*, *19*(1), 141–161.

[72] Foucault, *Discipline and Punish*, 198.

If the consular and diplomatic corps had long had a sense of itself as a united body in Istanbul – united above all by Ottoman abuses of their extraterritorial rights – this was now expressed in the form of an international body: the international sanitary council.

Of course, there was a serious tension in appointing consuls to administer maritime quarantines – that is to say, "restraints on the commerce their own governments had charged them to promote."[73] And the "international character" of these councils undoubtedly varied over time. In *La défense de l'Europe contre la choléra* (1892), for instance, Proust was to be found complaining about the "caprice" of the Egyptian government and the need to reconstitute the Alexandrian council as "une institution *vraiment* international" – a truly international institution.[74] Content with the changes made that year – when the number of Egyptian members was reduced from nine to three – a few years later he was complaining about the status of the Constantinople Superior Health Council, which had been "attacked" and "weakened" by Ottoman functionaries. European public health, commerce, and shipping now depended, he wrote, on the whims – the *bon plaisir* – of the Turkish government, whose recent policy was excessive and unjustified – *ultra-quarantenaire*.[75] To restore consular authority, Proust prescribed a reduction in the number of Ottoman members from eight to four, while adding delegates from the United States, Persia, Holland, Spain, Belgium, Sweden, and Norway. If the international character of sanitary administration varied, in other words, Proust took the meaning of that international character for granted – it meant the dominance of European consuls, "in conformity

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[73] Kuhnke, *Lives at Risk,* 14. On the tension between profits and sanitation more generally, see Taha, M. (2019). Drinking Water by the Sea: Real and Unreal Property in the Mixed Courts of Egypt. In D. S. Margolies, M. Pal, U. Özsu, & N. Tzouvala (Eds.), *The Extraterritoriality of Law* (pp. 119–133). Routledge.

[74] Proust, *La défense de l'Europe contre la choléra,* 384.

[75] Proust, A. (1897). *La défense de l'Europe contre la peste et la conférence de Venise de 1897*. G. Masson, 264-65. Two decades later, Leonard Woolf was complaining for precisely the opposite reason. The whole world, he argued, was endangered by Turkish government's sanitary laxity: "that government is typically Eastern, and is incapable of and hostile to any other system other than that of *laissez-faire"*. See *International Government*, 233.

with the principles established by the capitulations, in the independent and privileged situation which they enjoy and which has never before been contested."[76]

Whatever the efficacy, balance, or longevity of these sanitary boards, then, there was clearly an elective affinity between the multipolar capitulatory system and international sanitary administration. International sanitary administration, in turn, could pave the way for the further internationalisation of territory. In Tangier, the powerful sanitary council gave way to none other than the Tangier International Zone (1924-56), a haven for international finance, Beat poets, and queer authors from Claude McKay to Jane and Paul Bowles. "The internationalization of Tangiers", wrote one American political scientist in *Foreign Affairs*, "came about as the result of two factors – the rivalries of European Powers, particularly France, Spain and Great Britain; and the special status of the city due to the degree to which its institutions were controlled by the diplomatic corps."[77] "Panorama of the City of Interzone", wrote William S. Burroughs in *Naked Lunch,* his hallucinatory vision of the resulting, internationalised Tangier. "The blood and substance of many races, Negro, Polynesian, Mountain Mongol, Desert Nomad, Polyglot Near East, Indian – races as yet unconceived and unborn, combinations not yet realized pass through your body." Ironically, nineteenth-century schemes for sanitary internationalisation in the Mediterranean were intended to control precisely such dangerous bodily mixtures – the fluid mixtures of race, sexuality, politics and disease long associated, in the western imagination, with the ports of the Orient.

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[76] Proust, *La défense de l'Europe contre la peste,* 265.

[77] Stuart, G. H. (1945). The Future of Tangier. *Foreign Affairs*, *23*(4), 675–679, 675. See also Stuart, G. H. (1931). *The International City of Tangier*. Stanford University Press. As a "condominium of select states" acknowledging no responsibility to the world at large, international lawyers noted that Tangier was very different from the "formal international government" of the Free City of Danzig. Fenwick, C. G. (1929). The International Status of Tangier. *The American Journal of International Law*, *23*(1), 140–143, 141. While it was not administered by the League of Nations, laymen nevertheless saw Tangier as an experiment in international government: Tunis, J. R. (1933). Tangier: A Test in Internationalism. *Current History (1916-1940)*, *37*(6), 675–679.

> Soon the whole town would be astir with the cracking of whips, the beating of gongs, cryings to prayer, lashing of mules, and rattle of brass-bound wheels, while sour odours, made from bread fermenting and incense, and spice, rose even to the heights of Pera itself and seemed the very breath of the strident multi-coloured and barbaric population.
>
> Virginia Woolf, *Orlando*

In 1917, Leonard Woolf published a short work called *The Future of Constantinople*, calling for the internationalisation of the city: a Commission on the Bosphorus modelled on the Commission of the Danube.[78] It was one of the last of a string of pamphlets, letters, and journalistic essays which had put forward the internationalisation of Constantinople as a solution to the Eastern question. Beginning with the 'Great Eastern Crisis' of 1875-78, this sub-literature included texts like James Lewis Farley's *Turks and Christians: A Solution of the Eastern Question* (1876); James Lorimer's *Of the Denationalisation of Constantinople and its Devotion to International Purposes* (1876); "Budge's" *The Eastern Question Solved: A Vision of the Future* (1881); Sir Edwin Pears' 'Macedonia and the Neutralisation of Constantinople' (1907); and Joseph Conrad's 'The Future of Constantinople' (1912). The schemes drew on everything from Byzantine symbolism (Farley, "Budge") to Balkan federation (Farley, Conrad) to the Habsburg language of the 'free city' (Farley, Conrad, "Budge") and the inherent cosmopolitanism of Constantinople (Lorimer, "Budge", Woolf). The scale and meaning of internationalisation varied in each case. Pears proposed only a neutralised state: "The Larger Constantinople would be a kind of Eastern Belgium, under the rule of the Sultan, protected by the Powers and to some extent at least administered under their surveillance."[79] Lorimer, on the other hand, suggested a radical "denationalisation" of the city, proposing that Constantinople be made into nothing less than the seat of an international legislature, judicature, and executive – not only solving the Eastern question, he wrote, but solving the "ultimate problem" of international law by raising it "to the character of a

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[78] See Zaman, F. (2022). The Abstraction of Sovereignty: The Ottoman Empire in Early Twentieth-Century Socialist Thought. *Twentieth Century British History*, *34*(1) 1–38.

[79] Pears, E. (1907, January 1). Macedonia and the Neutralisation of Constantinople. *The Contemporary Review*, *91*, 153–172, 168. See also Munro, W. B. (1901). The Neutralization of the Suez Canal. *The Annals of the American Academy of Political and Social Science*, *17*, 13–34.

positive system".[80] The proposals were united, above all, by geopolitical anxiety – only the British navy had stopped the Russian army from entering Istanbul in 1878 – and by an increasing contempt for Turkish rule following the Bulgarian Atrocities of 1876. Most famously denounced by William Gladstone, this was a turning point in European public opinion, after which calls to clear out the Turks "bag and baggage" from Europe proliferated.[81]

This was a speculative, often utopian imaginary made irrelevant by Kemalism and the rise of the Turkish nation-state. The League of Nations was headquartered in Geneva instead: the next best place for a permanent international organisation, according to Lorimer.[82] Nevertheless, this miscellaneous literature helps to underline the affinities between late extraterritoriality and early global governance. Jennifer Pitts has described Lorimer's project to denationalise Constantinople as "characteristic" in its confidence "that European experiments in the 'semi-barbarous' societies at Europe's periphery could furnish solutions to the greatest challenges of

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[80] Lorimer, *Of the Denationalisation of Constantinople,* 23-24. For Lorimer's hierarchical account of international law see Koskenniemi, M. (2016). Race, Hierarchy and International Law: Lorimer's Legal Science. *European Journal of International Law*, *27*(2), 415–429.

[81] In the Midlothian campaigns running up to the general election of 1880, Gladstone attacked Benjamin Disraeli's Conservative government for continuing to ally with the Ottoman Empire, introducing a new tenor of populism and humanitarian outrage to British foreign policy. The "bag and baggage" language implied that the Turks had only ever been temporary interlopers in Europe – "nothing but alien conquerors", as Leonard Woolf put it. While the policy originally referred to Bulgaria, Woolf and others used it to legitimise the 'internationalisation' of the capital city: "If the Turks be removed from Constantinople – and even the shade of Disraeli agrees to-day, we imagine, that it is time that he went, 'bag and baggage'…" Woolf, *The Future of Constantinople,* 18, 25. For the original usage see Gladstone, W. E. (1876). *Bulgarian Horrors and the Question of the East*. John Murray, 31.

[82] Lorimer, J. (1884). *The Institutes of the Law of Nations: A Treatise of the Jural Relations of Separate Political Communities* (Vol. 2). W. Blackwood and Sons, 267.

international society."[83] A brief examination of Constantinople's futures past will help to clarify why the city was the source of such utopian speculation, and what relation this had to the seemingly mundane world of Mediterranean sanitary councils.

Extraterritoriality, it is worth first re-emphasising, had already cleared the ground for internationalisation. It was not just that Istanbul was the site for one of the oldest diplomatic corps in the world – a body that had instantiated a European international society against 'the Turk' – or that the vast jurisdictional powers accumulated by ambassadors opened up the space to imagine diplomats as legislators. It was also that these extraterritorial systems were widely felt to have shattered the territorial authority of Islamic states. Lorimer, for instance, found it easy to imagine Constantinople as a *res nullius*, a "vacant territory" in search of an international owner.[84] Now, Constantinople was clearly not vacant in the sense that America was once imagined to be; it was not a tract of wild, communal, uncultivated land that could be claimed via the standard Grotian or Lockean formula. If it was not a state of nature in the primordial sense, however, jurists suggested that extraterritoriality had gone so far as to make it an international state of nature *in microcosm*. One episode that illustrated the anarchic quality of Ottoman port-space in particular was the Koszta Affair (1853), when the United States and the Austrian Empire clashed over the status of Martin Koszta, an exile of the Hungarian

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[83] Pitts, *Boundaries of the International*, 173. International lawyers were particularly interested in the Mixed Courts of Egypt as a possible foundation for an international court. Friedrich Martens did not go this far, but he did make the case for a "large-scale experiment in international administration" which would reconcile the interests of all while guaranteeing Egyptian independence and neutrality. See Martens, La question égyptienne et le droit international, 391. While praising Nubar Pasha for beginning the process of judicial reform, Martens thought that the Mixed Courts arrogated too much authority from the Egyptian government, undermining its own "civilising influence" in the process (374). While Todd compares Martens' proposal to Lorimer's 'denationalisation' of Constantinople, therefore, his plan to neutralise Suez is better compared to Pears' proposal to neutralise the Turkish Straits while civilising (but not replacing) the sultan's rule with an international administration. Todd, D. (2018). Beneath Sovereignty: Extraterritoriality and Imperial Internationalism in Nineteenth-Century Egypt. *Law and History Review*, *36*(1), 105–137, 132. Reviewing a book which *did* make the case that the mixed tribunals of Egypt could form the basis for "un tribunal permanent supérieur aux États" – Leonide Kamarowsky's *Le Tribunal International* – Martens thought it a utopian dream. See Martens, F. (1882). Du tribunal international, par le comte Kamarowsky. *Revue de droit international*, *14*, 90–91.

[84] Lorimer, *Of the Denationalisation of Constantinople*, 14.

Revolution who had declared his intention to become a naturalised American citizen. Kidnapped and held on an Austrian brig-of-war in Smyrna, the Americans threatened to open fire if the Austrians did not surrender him. William Beach Lawrence's introduction to the sixth edition of Henry Wheaton's *Elements of International Law* (1855) summarised the bleak implications for Ottoman territoriality:

> Whatever the merits of the controversy, as regards these parties, it cannot be questioned that the territorial sovereignty of the Ottoman Porte was violated, without the slightest interposition of the local authorities, or any subsequent reclamations on the part of the government at Constantinople; and it was assumed in the American argument, that 'all parties were in the same condition at Smyrna, in respect to rights and duties … *as they would have been [had it occurred] in some unappropriated region, lying far beyond the confines of any sovereign State whatever*.' To the anarchy of which this transaction was an illustration, the leading journal of Great Britain thus alluded at the time: 'It is one of the most unfortunate results of the present condition of the Ottoman Empire that the authority of its officers is hardly sufficient to command respect in its own ports ...[85]

International organisation, of course, has often been put forward as a way of ameliorating international anarchy, and Brian Schmidt has noted that it was also put forward as a way of ameliorating 'internal' anarchy – the internal lawlessness supposedly resulting from inept or absent sovereignty in barbarian or savage zones.[86] Constantinople's significance for early theorists of international organisation was that it combined the two in an extraterritorial cross-section. It was not *just* that it created a security dilemma for the great powers, the possibility of its capture rendering it "a perpetual bone of contention and a source of mutual distrust."[87] Nor was its fragile domestic authority the kind that could be strengthened by tutelage: most of these writers felt that the Turkish government was itself an alien power, which had if anything exercised too much control over a panoply of nations.

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[85] Lawrence, 'Introductory Remarks', p. clxxviii.

[86] Schmidt, B. C. (1998). *The Political Discourse of Anarchy: A Disciplinary History of International Relations*. State University of New York Press, ch. 4.

[87] Lorimer, *Of the Denationalisation of Constantinople*, 6.

Constantinople's internal anarchy was rather *itself* international, extraterritorial, irreducibly cosmopolitan – Constantinople was a city "not of one nation, but of many, and hardly more of one than of another."[88] Each set of consular courts in the Ottoman Empire constituted, as Lorimer put it, "an *imperium in imperio*, and their existence is a complete *reductio ad absurdum* of the 'integrity and independence of the Ottoman Empire.'"[89] (Egypt's jurisdictional status was even more confused, "the prototype of absolute anarchy" in the words of one French lawyer.[90]) If they fragmented territorial sovereignty beyond repair, however, the presence of so many nations and jurisdictions jostling together also meant, for those querists that combined the Eastern and international questions, that the city could furnish solutions at an international level. To acquire a "common title" to Constantinople, as Lorimer put it, "the nations of Europe must not only keep each other from occupying it severally, but they must occupy it, and use it in common – a thing common to them all, or, as we say shortly in municipal law, 'a common'."[91] In this context, the internationalisation of Istanbul's municipal health became an important litmus test for the viability of international government.

Indeed, sanitary internationalism formed an important backdrop for Leonard Woolf's designs in *The Future of Constantinople*. For Woolf, as we saw above, the creation of the *Conseil Supérieur de Santé* at Constantinople in 1838 marked the beginning of an "ex nihilo" evolution of a new kind of international organism.[92] He put the International Sanitary Conferences at the administrative vanguard of international government alongside the Danube Commission, the Universal Postal Union, the Telegraphic and Radiotelegraphic Unions, and the International Maritime

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[88] Woolf, *The Future of Constantinople*, 18.

[89] Lorimer, J. (1890). *Studies National and International.* William Green & Sons, 144.

[90] Cocheris, J. (1903). *Situation internationale de l'Égypte et du Soudan*. Plon, 3.

[91] Lorimer, *Of the Denationalisation of Constantinople,* 14.

[92] Woolf is characteristically slapdash with his chronology, adding in a footnote that "the new Internationalism really began with the Congress of Vienna in 1815" (with the Commission on the Free Navigation of Rivers) before suggesting yet another start date: "the real impetus towards the formation of International Unions dates from 1855, when the first International Telegraph Convention was signed…" Either way, he regarded the creation of the sanitary council at Constantinople as a significant moment for internationalism. Woolf, *International Government,* 163-64.

Bureau of Zanzibar Against the Slave Trade. Very different from "the earlier pacifism", this administrative internationalism was "eminently practicable, since it was developed and fostered by diplomatists and statesmen to meet the actual requirements of existing international relations and everyday life."[93] And it had been, Woolf thought, quite uncontroversial, quietly and spontaneously evolving to regulate transnational flows during a century of high imperial nationalism (Woolf was a pioneer of what became known as functionalism).[94] True, there were some who argued that international administration had proved "a Utopian failure based on our experience in Egypt" – a judgement largely based on "a famous and rather Pecksniffian chapter in Lord Cromer's *Modern Egypt*."[95] But Evelyn Baring (Lord Cromer) had been wrong to suggest that administrative internationalism had been tried in "the No Man's Land" of modern Egypt more than in any other country.[96] He was not, in fact, even correct about Egypt, where the "administration of a cosmopolitan organ was superimposed upon the administration of British officials, which was itself superimposed upon the government of a native ruler."[97] The organs studied by Cromer – the Commission of the Public Debt, the Railway Administration, and the Administration of the Daira and Domains lands – *had* created financial labyrinths, but only because power was divided between three actors rather than vested in one international body. Where internationalisation had been carried through properly – and here Woolf listed the *Conseil sanitaire, maritime, et quarantenaire d'Égypte* alongside the Danube Commission as some of the most

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[93] Woolf, *The Future of Constantinople,* 15-16.

[94] On Woolf as the pioneer of functionalism in IR, see Wilson, P. (2005). *The International Theory of Leonard Woolf: A Study in Twentieth-Century Idealism*. Springer. Functionalism's roots in British socialist and pluralist theories of the state are well-established. For Woolf, "government" consisted not only of the Houses of Parliament, the Courts of Justice, the police, and the Borough Council, but also of the church, joint-stock companies, guilds, trade unions, and associations of employers, workers, and consumers. Like the guild socialist G.D.H. Cole, who envisaged sectoral councils coordinating between producers and consumers in functional domains like agriculture, transport, and education, Woolf's broad, pluralistic conception of international government thus stemmed from a broad, pluralistic conception of domestic government. For one recent overview see Steffek, J. (2021). *International Organization As Technocratic Utopia*. Oxford University Press, 73-78.

[95] Woolf, *The Future of Constantinople,* 28

[96] Baring, E. (1908). *Modern Egypt*. Macmillan, 303.

[97] Woolf, *The Future of Constantinople,* 32.

successful international organs – there were no such problems.[98] In *International Government* (1916) a year earlier, Woolf had used the Egyptian council to illustrate what sanitary internationalism could achieve when not hampered by 'misguided' imperial competition: a technical staff of eighty-seven international health officers and an expenditure of £80,000, paid for by an international tax levied on ships and pilgrims.[99] Now he drew on sanitary precedent for the nuts and bolts of his design for Constantinople: the judges and magistrates of its criminal and municipal courts could be appointed and paid, he suggested, along the lines of the international health officers, as laid down by the International Sanitary Conferences.

The Eastern Question Solved

If Woolf twice noted that the international administration of Constantinople would have to provide for law, order, and sanitation, an older Gladstonian pamphlet – *The Eastern Question Solved: A Vision of the Future* – remained the most vivid attempt to picture a sanitised, internationalised Constantinople on the ground. Published by the pseudonymous "Budge", *The Eastern Question Solved* is set in a near future where Constantinople has become the international capital. Emerging on a ship through the early morning haze of the Golden Horn, the disoriented, time-travelling narrator first notices that something has changed when he sees a strange flag flying over the Galata Tower (originally built, of course, by an extraterritorial Genoese colony in Byzantine Constantinople). Another passenger explains that the white flag, with a bright red star at its centre, is the new international flag. Constantinople, it turns out, was blockaded twenty years prior, Turkey dismembered, and Sultan Abdülhamid II

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[98] *Ibid.*, 31-32.

[99] Woolf blamed the failures of the sanitary councils at Constantinople and Tehran on Germany's imperial ambitions – the Berlin-Baghdad Railway and the Young Turk Revolution (1908) had expanded German influence in the region – and the illusory pursuit of what was thought to be national prestige: "The directors of German and British policy really believed that if Germany contrived perpetually to defeat British proposals in the Councils at Constantinople and Teheran, British prestige would suffer in Asia Minor and the Persian Gulf." But it would *really* have been in the national interest of both, he wrote, to prevent "Turkey and Persia, by their lack of administration … [from infecting] themselves with cholera from Arabia and the Persian Gulf" – something which threatened the whole world, and which only sanitary internationalism could remedy. See Woolf, *International Government*, 233-39.

retired to Tunbridge Wells along with Benjamin Disraeli. William Gladstone had won the day: "'Constantinople shall belong to no one nation', he said, 'and yet it shall belong to all. Let us make it a free city, an International Capital, governed by a permanent Congress of the representatives of all European nations.'"[100] The narrator and his new companion disembark, and the description takes on a notably sanitary register. The traveller remembers his last landing with the shiver of the racial hygienist:

> The crowd of boats, swarming with picturesque but vociferous and dirty specimens of at least half-a-dozen Eastern nations, eagerly watching till the vessel had barely anchored, and then, rushing on board, taking possession of one's self and belongings, hurrying one into a caique to the custom-house, and thence through filthy lanes, or in an indifferent conveyance, to a hotel most probably of their own selection, heedless of entreaties or even threats. All this was of the past![101]

Instead they are greeted by a few porters in the uniform of the International Electric Navigation Company – shining black caps with a broad white band and a red star on front – and step off onto a quiet pier. Quickly escorted through the custom-house, they are driven by comfortable omnibus through an unrecognisably civilised Galata –"Could this possibly be Galata? The foul suburb of filthy abominations, of squalor and tortuous slimy lanes?"[102] – to the International Hotel at Pera. Europe, as the narrator puts it, had "armed herself with a brush, and made a clean sweep of the whole concern. The traces of the purifying implement were visible everywhere."[103] Beggars are employed, institutionalised, or "provided with free passage" to Asia: "such a being had no *raison d'être* in a model city like Constantinople".[104] Istanbul's stray dogs are tossed into the Bosphorus, there being no other way to check the

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[100] Budge (pseud.). (1881). *The Eastern Question Solved: A Vision of The Future*. W.H. Allen, 11.

[101] *Ibid.*, 14.

[102] *Ibid.*, 17.

[103] *Ibid.*, 23.

[104] *Ibid.*, 24.

multiplication of the "swarms of homeless, lank, starving wretches".[105] The "miserable race" of eunuchs – "that monster created by the sensuous Turk" – had left the city along with harems and polygamy.[106] The water-carrier, with the coloured jar on his back, was conspicuous by his absence: "A well-managed system of water-works, under the immediate control of the Municipality, had done away with this primitive mode of carrying water."[107] The Aqueduct of Valens was restored, cleansed of its "rank and noxious vegetation" and its "ancient appearance of decay".[108] Narrow, uneven, labyrinthine streets were replaced with smooth paving and broad avenues. And international policemen had "struck at the root of the juvenile offenders' 'question'" by punishing parents, promising "a healthy and untainted generation in the future."[109] As night falls, the electrification of the city makes it safe to walk about at night, and our dreaming narrator attends the International Opera – the latest hit is *L'International* – before retiring to (what else?) the International Hotel. He wakes up from his nap next to an English fireside, the evening paper having fallen out of his hands – but his faith in an internationalised Constantinople intact.

For all the story's messianic liberalism (having achieved world peace, the International Parliament erects a statue to William Gladstone)[110] and redemptive Christianity (the Hagia Sofia is restored to the Greek Orthodox Church)[111] it is striking how much of this short, utopian tract is devoted to sanitation. Street cleaning

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[105] *Ibid.,* 23.

[106] *Ibid.,* 24.

[107] *Ibid.,* 26.

[108] *Ibid.,* 39.

[109] *Ibid.,* 28.

[110] The time travelling narrator arrives during the international presidency of Herbert Gladstone (William's son). For Gladstonian international thought and world government, see Ceadel, M. (2006). Gladstone and a Liberal Theory of International Relations. In P. Ghosh & L. Goldman (Eds.), *Politics and Culture in Victorian Britain: Essays in Memory of Colin Matthew* (pp. 74–94). Oxford University Press.

[111] *The Eastern Question Solved* stops short of endorsing the *Megali Idea* – the Greek irredentist project to restore the Byzantine Empire – though the "King of the Hellenes" is the temporary occupant of the Dolmabahçe Palace (the sultan's home having been repurposed as a guesthouse for visiting sovereigns). For St. Sophia in British foreign policy, see Goldstein, E. (1991). Holy Wisdom and British Foreign Policy, 1918–1922: The St. Sophia Redemption Agitation. *Byzantine and Modern Greek Studies*, *15*, 36–65.

and paving; the management of water-works; the removal of beggars; the regulation of commercial taxis; the nomination of a municipal police – all these were policies already recommended or promulgated by Mediterranean sanitary councils.[112] (The end of the 'monstrous' eunuch, of course, reflects a preoccupation with another kind of purity – the purity of gender, household, and ruling class norms – while even the renovation of the quayside is about liberal self-possession: an end to the mingling of bodies and property.)[113] Again, to stress this Orientalist sanitary discourse is not to downplay the domestic impetus for sanitary schemes at either urban or state levels.[114] Some of the most vocal *opponents* of sanitary modernisation in Islamicate cities, in fact, were colonial administrators like Hubert Lyautey, who aimed to structure the cities of French Morocco so as to avoid contagion between Arab and European quarters. Lyautey wanted to create a hygienic European city on the one hand, but he also wanted to preserve the 'picturesque' Oriental city from a different kind of contamination: "Nothing has been more deadly for the originality and charm of the Algerian cities, of so many Oriental cities, than their penetration by modern European installations."[115] Colonial European quarters required large streets, boulevards, and the installation of water and electricity, but such districts needed to be built outside the native city if its touristic and aesthetic value was to be preserved: the indigenous cities of Algeria had already been polluted. While the European city was to become a kind of world exhibition, as Timothy Mitchell summarises, the

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[112] In 1868, for instance, the sanitary council of Tunis had promulgated rules concerning rubbish disposal, the proper butchering of meat, the numbering of carts and commercial taxis, the nomination of a sanitary police, and the removal of mendicant Bedouins. "The consuls had, in effect, instituted their own 'public health service' without sanction from the bey." Gallagher, N. E. (1983). *Medicine and Power in Tunisia, 1780-1900*. Cambridge University Press, 79-80.

[113] For quayside development in late-nineteenth-century Istanbul, Smyrna, and Salonica, see Fuhrmann, M. (2020). *Port Cities of the Eastern Mediterranean: Urban Culture in the Late Ottoman Empire*. Cambridge University Press, ch. 7.

[114] See Barak, O. (2009). Scraping the Surface: The Techno-Politics of Modern Streets in Turn-of-Twentieth-Century Alexandria. *Mediterranean Historical Review*, *24*(2), 187–205; and Fuhrmann, *Port Cities of the Eastern Mediterranean*, ch. 6.

[115] Cited in Abu-Lughod, J. L. (1980). *Rabat: Urban Apartheid in Morocco*. Princeton University Press, 143; see also Rabinow, P. (1989). *French Modern: Norms and Forms of the Social Environment*. The MIT Press, ch. 9.

Oriental city was to become a museum.[116] Notwithstanding some debate about how much of the latter to 'conserve', however, almost all Europeans could agree that sanitary development reflected European progress and futurity – the perfect basis for an international exhibition, or indeed, an international capital in the Orient.[117] By overrunning national boundaries, the spread of cholera – itself facilitated by European colonisation – had legitimised the extension of international sanitation and control. In doing so, it paved the way for experiments in international government, whether real or imagined – whether such a government was conceived of in loose, functionalist terms or as a utopian world state. The sanitisation, neutralisation, and internationalisation of Constantinople were imagined as continuous projects.

'Violence to National Feeling': A Hypothesis for Extraterritorial Neglect

If extraterritoriality was as generative for internationalism as I have suggested, why have so many theorists and historians of international organisation ignored it? The answer here, I think, is relatively straightforward. Suggestively, extraterritoriality's significance was recognised by *critics* of internationalism such as Lord Cromer: "Semi-civilised countries, in which the rulers are sometimes only possessed of incomplete sovereign rights, open up a wide field for the development of internationalism."[118] Cases sometimes arose, he wrote, which involved "prolonged supervision and control in the interests of the European powers", but which did not justify "exclusive action on the part of any one of them".

> What can be more natural in cases of this kind than for the Powers to say – we are agreed as to all that is essential; certain points of detail remain to be settled locally; let us each appoint an expert who will represent our interests and see that they get fair play …[119]

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[116] Mitchell, *Colonising Egypt*, 163.

[117] It hardly needs saying that the 'picturesque', overcrowded quarters that Europeans wished to 'conserve' were often themselves creations of colonial modernity: see Fanon, F. (2001). *The Wretched of the Earth*. Penguin Classics, 30.

[118] Baring, E. (1908). *Modern Egypt*. The Macmillan Company, 302-03.

[119] *Ibid.*, 303.

While he was scathing about the results of this technical, administrative internationalism, Lord Cromer thus acknowledged how organically it emerged from the multipolarity of extraterritorial systems. Discussing the creation of Anglo-Egyptian Sudan, in fact, he seemed to altogether subsume the capitulations under internationalism: "If the political status of the Soudan were to be assimilated in all respects to that of Egypt, the necessary consequence would be burdened by the introduction of the Capitulations, and, in fact, by all the cumbersome paraphernalia of internationalism, which had done so much to retard Egyptian progress."[120] As the British consul-general in Egypt from 1883 to 1907, Lord Cromer was the paradigmatic administrative Orientalist, famously contrasting the solidity and practicality of the Anglo-Saxon presence in Egypt to the seductive, ephemeral, theoretical appeal of the French.[121] Having taken *de facto* control of the government – this was the period of British rule known as the Veiled Protectorate – he experienced first-hand what so many sultans and beys had experienced before him: the difficulties of implementing fiscal reforms in the face of widespread extraterritorial imperialism. His administrators denounced vehicles of French influence like the *Caisse de la Dette Publique* – an "Imperium in Imperio"[122] – and the dubious indemnities claimed by foreigners and consuls: "claims against the government which would not for a moment bear being submitted to a proper tribunal."[123] On the other side of classic capitulatory demands – consuls claiming compensation for 'despotic' governmental extortions[124] – and frustrated by extraterritorial exemptions

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[120] *Ibid.*, 114.

[121] Said, *Orientalism*, 211-12.

[122] Milner, A. (1894). *England in Egypt*. Edward Arnold, 65.

[123] Cited in Todd, D. (2021). *A Velvet Empire: French Informal Imperialism in the Nineteenth Century*. Princeton University Press, 257n115, which contains an excellent discussion of extraterritoriality in Khedival Egypt.

[124] The situation was reversed in Tunis, where Britain refused to agree to the abrogation of its capitulatory rights after French conquest. These were rights, Leonard Woolf wrote, "which Europeans would never claim or expect to enjoy in the territory of any European State. Since France was a European State, these privileges naturally became … extremely irksome to her." These agreements, inherited from "that victim of economic imperialism, Sidi-Saddok [Sadok Bey]" had a "most pernicious effect upon the whole of the European international relations of the last twenty years of the nineteenth century." See Woolf, L. (1920). *Empire & Commerce in Africa: A Study in Economic Imperialism*. George Allen & Unwin, 122 & 103.

from taxation, Lord Cromer identified French obstructionism on the Mixed Courts, the *Caisse*, and other partly internationalised bodies as an extension of this system. Internationalisation, on this account, would deepen rather than resolve the "anarchy" which nearly everyone now associated with extraterritoriality.

Given that the history and theory of international organisation have tended to be written by internationalists, it is not then hard to see why the extraterritorial origins of internationalism might have been occluded. The functionalist David Mitrany, for instance, wanted to detach sovereignty from territoriality, investing functional international bodies with political power:

> The problem of our time is how to break away from the modern linking up of authority with territory, and in my case especially, how to apply this to the problem of international organisation so as not to do violence to national feeling and at the same time to lay foundation for new developments in a truly world scale.[125]

The first half of this formulation would seem to invite an investigation of the capitulations, which provided centuries of precedent for a system which broke the link between authority and territory. The second half of Mitrany's formulation, however, suggests why he may have wanted to find a different lineage for his non-territorial functional agencies. Extraterritoriality, by the early twentieth century, had become firmly associated with "violence to national feeling"; the privileged judicial status of foreigners had become a prominent symbol of imperialism and a target for nationalist uprisings like the Boxer Rebellion (1899-1901). In Europe, meanwhile, League of Nations officials struggled to differentiate their post-war reparations schemes from the public debt commissions previously imposed on 'semi-civilised' states: nationalist newspapers in Austria and Germany wrote with outrage about their "Ottomanization" or "Tunisization" at the hands of the Allied Powers.[126] It is

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[125] Cited in Rosenboim, O. (2017). *The Emergence of Globalism: Visions of World Order in Britain and the United States, 1939-1950*. Princeton University Press, 29.

[126] Martin, J. (2022). *The Meddlers: Sovereignty, Empire, and the Birth of Global Economic Governance*. Harvard University Press, 80; Ihrig, S. (2014). *Atatürk in the Nazi Imagination*. Harvard University Press, 26.

not surprising, then, that Mitrany preferred to excise extraterritoriality and its semi-colonial connotations from his vision of a depoliticised, deterritorialised world order, whose "beginnings cannot be anything but experimental".[127] In *A Working Peace System* (1943) he wrote about a "growing functional devolution in the field of social security in connection with health, with the drug and white slave traffic, with subversive movements, etc." – a reference to League of Nations campaigns against the traffic of white women and children, and to the Progressive Era social hygiene movement which animated them.[128] Severed from the cholera campaigns of the nineteenth century, this was only a matter of coordinating what he called social policing: "There is no talk and no attempt in all this to encroach upon sovereignty, but only a detached functional association which works smoothly and is already accepted without question."[129] Neofunctionalist accounts of the International Sanitary Conferences likewise reduced them to "coordination problems" among presumably relatively equal states.[130] Their extraterritorial premises – the consular sanitary councils which they regulated – were all but forgotten.[131]

Conclusion

Much more could be said about the relationship between international politics and sanitation. The second, third, and fourth cholera pandemics burned through Europe at times of war and revolutionary upheaval: Polish rebellion and *Les Trois Glorieuses* in 1830; the 'springtime of peoples' in 1848; the Austro-Prussian War in 1866.[132]

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[127] Mitrany, D. (1943). *A Working Peace System*. The Royal Institute of International Affairs, 7.

[128] *Ibid.*, 34. For the interwar League of Nations campaign against white slave traffic, see Morefield, J. (Forthcoming). *The Political Worlds of Sex Trafficking: From the League of Nations to QAnon.*

[129] Mitrany, *A Working Peace System*, 34.

[130] Ruggie, J. G. (1992). Multilateralism: The Anatomy of an Institution. *International Organization*, *46*(3), 561–598, 577.

[131]Haas, E. B. (1964). *Beyond the Nation-State: Functionalism and International Organization*. Stanford University Press, 14-15.

[132] Evans, R. J. (1988). Epidemics and Revolutions: Cholera in Nineteenth-Century Europe. *Past & Present*, *120*, 123–146.

Cholera was a "revolutionary infection" in the eyes of French reactionaries,[133] and sanitary cordons were correspondingly put to counter-revolutionary use: the *cordon sanitaire* that the Duke du Richelieu established in the Pyrenees in 1821, ostensibly to prevent the spread of yellow fever, was primarily about containing the liberal constitutionalism of the *Trienio Liberal*; the French "army of observation" eventually became an "army of occupation" that restored royal absolutism in Spain.[134] A century later, the French Prime Minister Georges Clemenceau famously used the term as a metaphor for the containment of Bolshevism; the Cold War was premised on this politics of contagion. Military and juridical analogies now suffuse the language of medicine ('the war on COVID') and vice versa: diplomatic immunity, to name just one example, began to replace extraterritoriality as the dominant metaphor for diplomatic privilege in the second half of the nineteenth century. Originally a Roman legal concept – *immunitas* – immunity travelled back and forth between biological and political registers in the second half of the nineteenth century.[135]



Fig. 6.4. Communist Contagion, *Time Magazine* (April 1, 1946), R. M. Chapin.

This chapter has focussed, however, on what I have argued was an elective affinity between systems of extraterritoriality and sanitary internationalism. By this I mean that the internal multiplicity of extraterritorial systems – multiple nations and jurisdictions coexisting in one territory – provided sanitary internationalists with a

[133] Delaporte, F. (1989). *Disease and Civilization: The Cholera in Paris, 1832*. MIT Press, 60.

[134] Sahlins, P. (1989). *Boundaries: The Making of France and Spain in the Pyrenees*. University of California Press, 205-06.

[135] Neocleous, M. (2022). *The Politics of Immunity: Security and the Policing of Bodies*. Verso, 60.

ready-made apparatus for their work. Adrien Proust grounded the legitimacy of the international sanitary councils on the capitulations. Leonard Woolf grounded his theory of international government on the existence of bodies such as the sanitary councils. The International Sanitary Conferences may ultimately have given birth to what Mark Mazower calls "a bureaucratic mouse" in the form of the International Office of Public Hygiene (1907).[136] The World Health Organization (1948) which succeeded it, however, was much more substantial. And even if it had produced no institutional descendants at all, the sanitary internationalism of the nineteenth century would still have mattered on its own terms. The disciplinary apparatus of the modern state, Michel Foucault famously argued, first arose as a means of excluding, confining, and surveilling communicable disease: "Behind the disciplinary mechanisms can be read the haunting memory of 'contagions', of the plague, of rebellions, crimes, vagabondage, desertions, people who appear and disappear, live and die in disorder."[137] The lazarettos established in Marseille and La Rochelle in the seventeenth century, he suggested, were "perfect hospitals": model mercantilist institutions which filtered both contraband and disease.[138] Early imaginaries of international government were similarly haunted by contagion – haunted, in particular, by the possibility of imperial blowback, the revenge of a pathological Orient. Ultimately, of course, internationalised lazarettos and health councils did not prefigure an international state. I have argued nevertheless that they were important laboratories for nineteenth-century internationalism, where claims and counter-claims about the viability of international government could be tested, and a sanitary future dreamed.

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[136] Mazower, M. (2013). *Governing the World: The History of an Idea*. Penguin, 111.

[137] Foucault, *Discipline and Punish*, 198.

[138] Foucault, M. (2007). The Incorporation of the Hospital into Modern Technology. In J. W. Crampton & S. Elden (Eds.), *Space, Knowledge and Power: Foucault and Geography* (pp. 141–152). Routledge, 145.

Late Extraterritoriality

> Becoming aware of the constellation in which a thing stands is tantamount to deciphering the constellation which, having come to be, it bears within it. The *chorismos* [separation] of without and within is historically qualified in turn.
>
> Theodor Adorno, *Negative Dialectics*

Mediterranean extraterritoriality and the *millet* system ended amidst cataclysmic violence: the Balkan Wars (1912-13), the Armenian genocide (1915-17), and the Greco-Turkish War (1919-22); the conventional chronology of the First World War (1914-18) hardly applies to the eastern Mediterranean. This violence reflected and deepened a new, nationalist conception of territory based on state centralisation and ethnic homogeneity. The Young Turk revolution of 1908 had been relatively open-ended. Beyond a constitutionalist opposition to the Hamidian regime, the meaning of the uprising was not yet clear: did it portend a multinational state or the assimilation of ethnic differences into one, Turkish-dominated nation? Radicalised by catastrophic defeats in the Balkans, the Committee of Union and Progress (CUP) opted for the latter course, pursuing an increasingly dictatorial policy of Turkification in order to preserve the imperial state.[1] One of the government's priorities, like the Young Ottomans and Tanzimat bureaucrats before them, was the abolition of the capitulations. But the great powers continued to stall. Even after the First World War broke out – a consequence, arguably, of the empire's disintegration – Edward Grey could only promise the Young Turks that the Allies would "withdraw their extra-territorial jurisdiction as soon as a scheme of judicial administration, which will satisfy modern conditions, is set up."[2] The CUP took matters into its own hands,

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[1] On the historical contingency of this turn see Suny, R. G. (2015). *'They Can Live in the Desert but Nowhere Else': A History of the Armenian Genocide*. Princeton University Press. For a close history of the Young Turks before the revolution see Hanioglu, M. S. (2001). *Preparation for a Revolution: The Young Turks, 1902-1908*. Oxford University Press.

[2] Sir Edward Grey to Sir L. Mallet, 22 August 1914 (1914). *Correspondence Respecting Events Leading to the Rupture of Relations with Turkey*. His Majesty's Stationery Office, 9.

unilaterally abrogating the capitulations on September 8, 1914. It declared war on the Allies shortly afterwards.[3]

Never having accepted the end of their extraterritorial privileges, the Allied powers briefly revived the capitulations upon their military occupation of Istanbul (1918-23). The link between extraterritoriality and imperialism had never been clearer, consular courts now competing with martial law and new mixed tribunals on the model of Egypt.[4] Plans to permanently internationalise Istanbul, however, had to be shelved in the face of imperial overstretch – the Americans would not take on the mandate[5] – while Turkish nationalists were already regrouping within Anatolia under the leadership of Mustafa Kemal. Greek irredentists had landed in Smyrna in May 1919. Kemalist forces recaptured the city in September 1922, setting fire to all but its Muslim and Jewish quarters so that the 'foreigners' would never return. Tens of thousands of Greeks and Armenians died in the subsequent holocaust, which destroyed the capital of the old capitulatory world. The Treaty of Lausanne (1923) definitively abolished the capitulations. It also formalised a massive 'population



Fig. 7.1. The Burning of Smyrna, 18 September 1922.

[3] On the abrogation, war, and legal pluralism in family law, see Dannies, K. & Hock, S. (2020). A Prolonged Abrogation? The Capitulations, the 1917 Law of Family Rights, and the Ottoman Quest for Sovereignty during World War 1. *International Journal of Middle East Studies*, *52*(2), 245–260.

[4] MacArthur-Seal, D.-J. (2018). Resurrecting Legal Extraterritoriality in Occupied Istanbul, 1918–1923. *Middle Eastern Studies*, *54*(5), 769–787.

[5] Akın, Y. (2019). The Ottoman Empire: The Mandate That Never Was. *The American Historical Review*, *124*(5), 1694–1698.

exchange' between Greece and Turkey, with Fridtjof Nansen – the League of Nations High Commissioner for Refugees – overseeing what remained of the mutual ethnic cleansing.[6] All told, around 1,200,000 'Greeks' and 350,000 'Turks' were uprooted from their homes. Ethnonationalism had staked out its territory.[7]

In Egypt, extraterritoriality and the Mixed Courts lingered on. Founded in 1875 by the Egyptian-Armenian minister Nubar Pasha, the *tribunaux mixtes* had not abolished consular jurisdiction – foreign criminal defendants were still tried by their own consular courts – but they did streamline the conflict of capitulatory laws, assuming jurisdiction in mixed commercial and civil cases.[8] Modelled after the *Code Napoléon*, its statutes were open to a number of different legal traditions; its judges (a mixture of foreigners and Egyptians) presided in French and developed their own *esprit de corps*, resisting the executive authority of both the khedive and the British.[9] The result, with regard to the capitulations, was ambiguous: if its own representatives tried to distance the Mixed Courts system from the "judicial chaos" of "the traditional capitulatory *régime*", others described it as "an extension of the provisions of the capitulations far wider and more radical than anything ever claimed by the most pretentious of Levant consuls."[10] While the capitulations and the *tribunaux mixtes* tended to favour foreign capital, moreover, they also circumscribed the colonial British administration, making them complicated targets for the nationalist Wafd party; consular extraterritoriality thus survived until 1937 in Egypt, while the

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[6] Özsu, U. (2015). *Formalizing Displacement: International Law and Population Transfers*. Oxford University Press.

[7] Robson, L. (2017). *States of Separation: Transfer, Partition, and the Making of the Modern Middle East*. University of California Press.

[8] For the place of the Mixed Courts in the 'legal settlement' established between 1875 and 1885, see Hanley, *Identifying with Nationality*, 14-15.

[9] Hoyle, M. S. W. (1986). The Structure and Laws of the Mixed Courts of Egypt. *Arab Law Quarterly*, *1*(3), 327–345; Lendrevie-Tournan, I. (2009). The Development of Relations between the Mixed Courts and the Executive Authority in Egypt (1875–1904). In N. Bernard-Maugiron (Ed.), *Judges and Political Reform in Egypt* (p. 27-44). American University in Cairo Press.

[10] Brinton, J. Y. (1930). *The Mixed Courts of Egypt*. Yale University Press, 9, 2; Van Dyck, *Upon the Capitulations*, 34.

Mixed Courts were gradually absorbed into Egyptian law thereafter.[11] The cosmopolitan communities of Alexandria lasted even longer: 'Egyptianised' Greeks, Jews, Armenians and Levantines (the *mutamassirun*) remained in large numbers, only leaving in the wake of the Suez crisis, Nasserism, and the sequestrations of the early 1960s.[12]

In the words of Norman Bentwich, the Zionist Attorney-General for Mandatory Palestine, the capitulations were "out of accord with the system of the modern world", a piece of "medievalism stereotyped"; the trend everywhere was for "a single system of law, a single system of courts; absence of privilege and [absence of] discrimination in favour of the foreigner."[13] Western-trained Turkish, Arab, and Chinese law students concurred, offering up their own postmortems of extraterritoriality in monographs like Mahmut Esat's *Du régime des capitulations ottomanes* (1928), Nasim Sousa's *The Capitulatory Regime of Turkey: Its History, Origin, and Nature* (1933), Habib Abi-Chahla's *L'Extinction Des Capitulations En Turquie Et Dans Les Regions Arabes* (1924), and Shih Shun Liu's *Extraterritoriality: Its Rise and Its Decline* (1925). These jurists went on to occupy powerful positions in their new republics: Habib Abi-Chahla became the Lebanese Minister of Justice before serving as the speaker of parliament; Shih Shun Liu became an ambassador for the Republic of China; and Mahmut Esat 'Bozkurt' became the Minister of Justice in the new Republic of Turkey, introducing a modified version of the Swiss Civil Code in 1926. All of them wanted to bring their nation-states in line with "modern conceptions of territorial sovereignty, on which the science of international law is grounded."[14] Sousa had ended his monograph optimistically: the history of the capitulations had

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[11] Brown, N. J. (1993). The Precarious Life and Slow Death of the Mixed Courts of Egypt. *International Journal of Middle East Studies*, *25*(1), 33–52.

[12] Different communities, of course, left in different circumstances: see Viscomi, J. J. (2019). Mediterranean Futures: Historical Time and the Departure of Italians from Egypt, 1919–1937. *The Journal of Modern History*, *91*(2), 341–379; Beinin, J. (1998). *The Dispersion of Egyptian Jewry: Culture, Politics, and the Formation of a Modern Diaspora*. University of California Press; Dalachanis, A. (2017). *The Greek Exodus from Egypt: Diaspora Politics and Emigration, 1937-1962*. Berghahn Books.

[13] Bentwich, N. (1933). The End of the Capitulatory System. *British Year Book of International Law*, *14*, 89–100, 89, 99.

[14] Liu, *Extraterritoriality*, 7.

shown that "*a system imposed at the mouth of the cannon* [can never] *be permanent*."[15] Others had learned that extraterritoriality could only be expelled by force: Japan, after all, had abolished its treaty ports while militarising and industrialising its society along 'advanced' western lines, simultaneously expanding its own extraterritorial privileges in China.[16] Turan Kayaoğlu has argued that power politics were less important to Japanese abolition than the unification and codification of its legal system.[17] The drive to eliminate legal pluralism, however, is typically difficult to distinguish from the power politics of majoritarian, ethnonationalist state-building. "The Turkish nation", as Mahmut Esat wrote in the preface to the Turkish Civil Code, "must at all costs conform to the requirements of civilisation. For a nation which has decided to live this is essential."[18] A uniform, secular legal system was one such requirement – western states would not have agreed to the abolition of the capitulations in Turkey without one – and this entailed the brutal suppression of what remained of Ottoman pluralism. One year after the Sheikh Said rebellion (1925) in Turkish Kurdistan, Esat declared that those who opposed the Turkish revolution were "condemned to be annihilated by iron and fire".[19] He later drew comparisons between Kemalism, Italian fascism, and National Socialism; the Nazis, in turn, found a new kind of völkisch modernity in Atatürk's republic, which had restored its national liberty by "cleansing" itself of foreign "contamination".[20]

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[15] Sousa, N. (1933). *The Capitulatory Régime of Turkey: Its History, Origin, and Nature*. John Hopkins Press, 312.

[16] Cassel, P. K. (2012). *Grounds of Judgment: Extraterritoriality and Imperial Power in Nineteenth-Century China and Japan*. Oxford University Press, 149.

[17] Kayaoğlu, *Legal Imperialism*, 73-78.

[18] Cited in Kieser, H.-L. (2006). An Ethno-Nationalist Revolutionary and Theorist of Kemalism: Dr Mahmut Esat Bozkurt (1892–1943). In H.-L. Kieser (Ed.), *Turkey Beyond Nationalism: Towards Post-Nationalist Identities* (pp. 20–27). I.B. Tauris, 20. On the Turkish Civil Code see Özsu, U. (2010). 'Receiving' the Swiss Civil Code: Translating Authority in Early Republican Turkey. *International Journal of Law in Context*, *6*(1), 63–89.

[19] Cited in Kieser, An Ethno-Nationalist Revolutionary, 25.

[20] Adolf Hitler cited in Ihrig, *Atatürk in the Nazi Imagination*, 97-98.

> "They are not Turkish, although born in the Ottoman Empire. They are not Greek, although Salonica is Greek. They are not Italian, although they have been Italian subjects. Thus they are Salonicans." "What a Macedonian salad," repeated the president of the French Council, who was temporarily distracted from the torments of war by this bizarre incident.
>
> 'A Sephardi Jew in Marseille Claims Salonican Nationality During the First World War', *Sephardi Lives: A Documentary History*

As the capitulations gave way to our modern nationality regime – a regime that gives everyone the 'right' to a nationality – *protégés* became the last, anachronistic representatives of Mediterranean extraterritoriality. What became of them? In the absence of stable rules, motives, and precedents, even individual consulates struggled to maintain a consistent policy towards their protected subjects. As we saw in chapter four, the category was itself fundamentally confused and contested, having grown from *beratlıs* to encompass religious minorities and imperial subjects (particularly Maltese, Algerian, and Tunisian migrants). Protected status could also be passed on through marriage and inheritance, creating second- and third-generation *protégés*: as late as 1933, the British Supreme Court for China affirmed its jurisdiction over Silas Aaron Hardoon – one of the wealthiest merchants of the Shanghai International Settlement – whose father, a Baghdadi Jew, had originally obtained Britsh *protégé* status from a consul in Bombay.[21] Timing, luck, gender and class all shaped individual fates – Hardoon's estate, significantly, yielded the British Exchequer £500,000 in duties – while consulates could always strip "bad subjects" of their privileged status.[22] Different ethnic groups, finally, were identified with extraterritoriality in different ways: philosemitic, antisemitic, and allosemitic fantasies made the status of Jewish *protégés* particularly charged. If we can generalise, however, we can say that the extraterritorial *protégé* was everywhere a legal misfit. The nineteenth century had seen an imperial scramble for *protégés*, one way of

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[21] Stein, S. A. (2011). Protected Persons? The Baghdadi Jewish Diaspora, the British State, and the Persistence of Empire. *The American Historical Review*, *116*(1), 80–108.

[22] On the consular punishment of "bad subjects" (vagrants, recidivists, drug dealers, and sex workers) see Hanley, *Identifying with Nationality,* 217-235. Sex workers were particularly likely to be repatriated, even as the capitulations shielded foreign brothels from domestic jurisdiction: see Carminati, L. (2021). 'She Will Eat Your Shirt': Foreign Migrant Women as Brothel Keepers in Port Said and along the Suez Canal, 1880–1914. *Journal of the History of Sexuality*, *30*(2), 161–194.

expanding or consolidating a 'sphere of influence' in and around the Mediterranean. But the ultimate horizon of this competition was territorial: it anticipated the collapse of the Ottoman Empire and its extraterritorial categories, while contributing to the backlash against 'foreign influence' that brought this about. Late extraterritoriality, then, was a tragic condition. In the figure of the *protégé*, we can see a kind of fluid, cosmopolitan approach to legal belonging that denaturalises the modern, ideologically charged distinction between citizen and foreigner.[23] But we can also see colonial difference – a system of extraterritorial privilege maintained only at the expense of the 'native', which offered few protections to *protégés* once the capitulations (and systems of legal pluralism more generally) were discredited by their abuse.

Many *protégés*, to be sure, would simply have taken on local citizenship as the Ottoman world gave way to a variety of colonial protectorates, nation-states, and mandate powers. Consular extraterritoriality ended relatively early, for instance, in Tunisia, which became a French protectorate in 1881.[24] Having acquired its influence in Tunisia, in part, by acquiring French *protégés*, the French authorities now set about abolishing the capitulations, inaugurating a new French court system that would apply to all Europeans and their protected subjects (though not "native" Muslims and Jews, who remained subjects of the bey).[25] Abolition was not straightforward, even for a Christian power like France – Britain and Italy continued to insist on beylical sovereignty and the validity of their pre-existing treaties – but extraterritoriality could no longer be justified by the despotism of Islamic law. The other European powers thus accepted the closure of their consular courts, even if France could not entirely eliminate legal pluralism and the "jurisdiction jumping"

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[23] Marglin, Extraterritoriality and Legal Belonging, 686; Fahmy, Z. (2013). Jurisdictional Borderlands: Extraterritoriality and "Legal Chameleons" in Precolonial Alexandria, 1840–1870. *Comparative Studies in Society and History*, *55*(2), 305–329.

[24] Tunisia had long signed its own capitulations with European states as a *de facto* autonomous Ottoman province. For extraterritorial protection in 'precolonial' Tunisia see Clancy-Smith, *Mediterraneans,* 199-246; see also Marglin, J. M. (2022). *The Shamama Case: Contesting Citizenship across the Mediterranean*. Princeton University Press.

[25] On the abolition and legacy of the capitulations in French Tunisia see Lewis, M. D. (2014). *Divided Rule: Sovereignty and Empire in French Tunisia, 1881-1938*. University of California Press.

that it facilitated; one-time *protégés* could still hop between French and native courts, while French tribunals were expected to apply foreign codes in civil law cases.[26] The particular legal settlement varied from case to case, then, but capitulatory protection tended to end swiftly when Europeans colonised Islamicate societies.[27] Whether *protégés* were placed under French Tunisian courts or the Mandatory courts of Palestine – where foreign subjects were entitled, in serious cases, to be tried by a majority of British judges[28] – they could no longer access entirely separate forms of consular jurisdiction. Continental legal codes had come to them, and the capitulatory discourse of protection moved on to another level: the religious communities of the *millet* system were now recast as protected 'minorities' under a weak League of Nations treaty regime.[29]

Other *protégés,* however, were left suspended in exile or *émigré* settings. After abrogating the capitulations, most notably, the CUP had expelled Allied subjects who refused Ottoman citizenship and conscription; obsessed with collaborationists and 'internal enemies' (Arabs, Armenians, Zionists and so on), the Young Turk Cemal Pasha began his brutal martial dictatorship in Syria (1914-18) by deporting thousands of *protégés* to Alexandria, many of them Jews with Russian passports.[30] A large number of "enemy aliens" could be repatriated to "their" nation-states. *Protégés*

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[26] Lewis, *Divided Rule,* 47-53.

[27] In 1881, France was able to cite the recent suspension of the capitulations in Cyprus and Bosnia-Herzegovina – administered, after 1878, by Britain and Austria-Hungary respectively.

[28] Liu, *Extraterritoriality,* 128.

[29] On the continuity between late capitulatory and early minority systems – both of which constructed certain nonmajoritarian communities as sites of great power intervention – see Robson, Capitulations Redux. The 'national minority', of course, is a modern concept that would have been foreign to early modern *dhimmis*: see Tzouvala, N. (2018). 'These Ancient Arenas of Racial Struggles': International Law and the Balkans, 1878-1949. *European Journal of International Law*, *29*(4), 1149–1171; White, B. T. (2011). *The Emergence of Minorities in the Middle East: The Politics of Community in French Mandate Syria*. Edinburgh University Press; Mahmood, S. (2015). *Religious Difference in a Secular Age: A Minority Report.* Princeton University Press, 31-65.

[30] Abramson, G. (2022). The 1914 Deportation of the Jaffa Jews: 'A Little Footnote of War'? *Israel Affairs*, 28(5), 706–723. Shortly after, Syria saw the first 'deportations' of the Armenian genocide amid widespread famine and terror: see Arkun, A. (2011). Zeytun and the Commencement of the Armenian Genocide. In R. G. Suny, F. M. Gogek, & N. M. Naimark (Eds.), *A Question of Genocide: Armenians and Turks at the End of the Ottoman Empire* (p. 221-43). Oxford University Press.

posed a more difficult problem for consuls. Could an extraterritorial subject be "repatriated" to a country which they had never so much as visited? And what did protection mean, exactly, in the absence of its capitulatory framework? Extraterritorial protection, in the words of the French jurist Pierre Arminjon, had created a "juridical link" between the state and the *protégé* that granted them some of the rights of a national subject (at least when they were abroad).[31] It did not, however, grant them that "national status" [*cette qualité de national*] – even as they came to be regarded as 'foreign' elements in late or post-Ottoman societies. *Protégés* had once used this ambiguity to their advantage. As the capitulations gave way to a passport regime, however, the precarity of their status was becoming clear; legislation like the 1905 Aliens Act spoke to the new antisemitic, anti-migrant climate in Europe, which was beginning to close the door on migration and naturalisation. Britain, France, and Italy had already started to purge their consular rolls towards the end of the nineteenth century.[32] They took on few obligations towards the *protégés* that remained.

A small minority of protected subjects, then, were able to parlay their unusual status into citizenship, but the vast majority were rejected. If France was happy to transport colonial Muslim subjects from Alexandria to Algeria, it refused to naturalise and repatriate its ostensibly 'Bayonnese' Jewish *protégés*.[33] Once Alexandria was full, the Third Republic set up two new internment sites in Corsica instead; the sanitary trend for racial 'hygiene' made it an inauspicious time to be a Levantine refugee. Ottoman-born Assyrians, Armenians, and Jews already in France were more fortunate – at least at first. The Third Republic recognised these groups as autonomous nationalities, labelling them "*protégés spéciaux*" to spare them from the deportation and internment that would otherwise be inflicted on them as Ottoman "enemy aliens".[34] Some of these liminal subjects were eventually naturalised as French; others became officially stateless in the interwar period. Ultimately, however, it made little

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[31] Arminjon, P. (1903). *Étrangers et protégés dans l'Empire ottoman*. Chevalier-Marescq, 262.

[32] Hanley, *Identifying with Nationality,* 266.

[33] Stein, *Extraterritorial Dreams,* 67.

[34] Mouradian, C. (2015). Juifs et Arméniens ottomans en France pendant la Grande Guerre: Entre « régime de faveur » et défiance. *Archives Juives*, *48*(1), 51–71.

difference to the Vichy regime, which stripped all recently-naturalised Jews of their French citizenship and deported them *en masse* to Nazi concentration camps. With this indiscriminate attack on foreign-born Jews, as Sarah Abrevaya Stein has written, "protégé histories lost all meaning or value in the eyes of the law."[35]

One last epilogue. During the First Balkan War (1912-13), as 'Turkey in Europe' collapsed, Greek troops beat the Bulgarian army in their race to occupy Ottoman Salonika – the famously cosmopolitan port-city known as 'the Jerusalem of the Balkans'. This prompted what was perhaps the last scramble for extraterritorial subjects: aspirational Mediterranean powers like Spain, Portugal, and Austria-Hungary rushed to 'protect' the city's Jews before occupation turned into annexation. In 1912, Sephardi Jews still comprised nearly half of the city's population of 160,000, and many of them supported the creation of an "International Salonica" along the lines of Tangiers.[36] Hellenisation, however, was already all but inevitable, and some of the city's wealthiest Jews now sought foreign papers as a buffer against Greek sovereignty and conscription. In many ways this was a familiar Mediterranean story: consulates accepted distant or dubious claims to legal belonging in exchange for a fee, hoping to develop their mercantile networks and imperial prestige in the process. But the threat of mass conscription was new, and the abstention of Britain and France – traditionally the first to take on extraterritorial *protégés* – suggests that something important had already shifted. For these were not, strictly speaking, *protégés* at all, a fluid status constituted in the last instance by capitulatory privilege. The capitulations would no longer apply in Greek Thessaloniki. Aspirational latecomers like Spain and Austria-Hungary instead offered *citizenship* on the basis of diasporic history (Salonica's Jews still spoke Ladino [Judeo-Spanish]) or oaths of allegiance; the philosephardic campaigner Ángel Pulido Fernández wrote of his desire to "reconquer the Judeo-Spanish people" [*reconquistar al pueblo judeo-español*].[37]

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[35] Stein, *Extraterritorial Dreams,* 123.

[36] Fleming, K. E. (2010). *Greece: A Jewish History*. Princeton University Press, 68-69. For two visions of an International Salonica see 'A Zionist's Proposal to Make Salonica an International City' and 'A Muslim-Jewish-Vlach Committee for Internationalizing Salonica' in Cohen, J. P., & Stein, S. A. (Eds.) *Sephardi Lives: A Documentary History, 1700–1950* (pp. 145–153). Stanford University Press.

[37] Pulido Fernández, A. (1905). *Españoles sin patria y la raza sefardí*. E. Teodoro, 1.

Portugal offered 'provisional' passports more reminiscent, in their ambiguity, of early modern protection, but this was the exception that proved the rule – the republic struggled to clarify its own consular policy, and ultimately used the great fire of 1917 (the consulate and its documentation were destroyed) to harden its national boundaries.[38] Even the imperial search for wealthy mercantile subjects, in other words, was affected by the new nationality regime; 'protection' increasingly entailed naturalisation. The extraterritorial *protégé* fell between cracks that no longer existed; to receive consular assistance today is to be a 'national' of that state.

There were still some 50,000 Jews in Thessaloniki at the beginning of 1943, when Adolf Eichmann and the SS extended the Final Solution to German-occupied Greece. From a majority in Ottoman Salonika to a sizeable minority in Hellenised Thessaloniki, the city's Jewish population was now almost entirely murdered at Auschwitz; the survival rate was low even for the Holocaust. A few hundred Jews escaped by dint of their foreign status. After considerable vacillation, the Spanish Foreign Ministry agreed to accept its Jewish nationals as "repatriates"; Salazar's Portugal, on the other hand, refused to accept nationality claims based on provisional republican documents.[39] As ever, the uncertain rights and responsibilities of protection were decided, in large part, by the caprice of individual consuls and ministers. But the extraterritorial subject stood on the verge of a new precipice – statelessness and social death – if that protection was denied.[40]

Chronological Extraterritoriality and the Interwar Intellectual

> The psyche enjoys extraterritorial status in the organism.
>
> V. N. Vološinov, *Marxism and the Philosophy of Language*

Extraterritoriality thus took on a new, spectral meaning in interwar Europe, which was not lost on its exiled, 'free-floating' intelligentsia. "The extraterritoriality of the

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[38] Stein, *Extraterritorial Dreams,* 43-45.

[39] *Ibid.,* 121-22.

[40] On the emergence of statelessness as an international legal category, see Siegelberg, M. L. (2020). *Statelessness: A Modern History*. Harvard University Press.

intellectual [*Exterritorialität des geistigen Menschen*]", the novelist Robert Musil wrote in his diary in 1938, the year that he fled the *Anschluss* with his Jewish wife: "that is the correct expression in this age of blood, soil, race, crowds, dictators and homelands [*in dieser Blut-, Boden-, Rasse-, Masse-, Führer- und Heimatzeit*]."[41] It had lost its significance as a legal term of art. But the end of extraterritoriality as an actually-existing legal condition only lent it more pathos for novelists, philosophers and critics – another layer of anachronism and exile that corresponded to their own experiences of dislocation in interwar Europe. Associated in particular with the Jewish diaspora, the word came to convey an alienation from "the political semantics of modernity: sovereign state, homogenous nation, and unified territory."[42] It was a ghostly condition. "Switched off; I was switched off", the narrator declares towards the end of Joseph Roth's penultimate novel, *Die Kapuzinergruft*. "I was an exterritorial among the living."[43] A relic of the Habsburg Empire, he is sitting in a Viennese cafe when a jackbooted soldier enters to declare the birth of a "German people's government". He continues to sit there, alone, long after the Jewish proprietor has left, eventually stumbling towards the tomb of his emperors. He finds it locked. The Habsburg Empire, like the Ottoman Empire, had been its own multiethnic universe, the "only fatherland" that Roth, a Galician Jew, had ever known.[44] He relived its final days over and over again in his novels, though he also lived in the present – like so many other bourgeois *émigrés* – as a citizen of Europe's hotels.

Long associated with anachronism in international law, and doubly anachronistic now that it had ceased to exist, extraterritoriality's very lateness or untimeliness lent itself well to modernist literature and theory, corresponding as it did to a uniquely "uneven moment of social development, or to what Ernst Bloch called the 'simultaneity of the non-simultaneous', the 'synchronicity of the nonsynchronous' (*Gleichzeitigkeit des Ungleichzeitigen*): the coexistence of realities from radically different moments of history – handicrafts alongside the great cartels, peasant fields

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[41] Musil, R. (1976). *Tagebücher*. Rowohlt, 905.

[42] Traverso, E. (2018). *The Jewish Question: History of a Marxist Debate*. Brill, 69.

[43] Roth, J. (2013). *The Emperor's Tomb* (M. Hofmann, Trans.). New Directions, 161-62. [*Ein Exterritorialer war ich eben unter den Lebenden]*

[44] Roth, J. (2012). *Joseph Roth: A Life in Letters* (M. Hofmann, Ed.). W.W. Norton, 221.

with the Krupp factories or the Ford plant in the distance."[45] Bloch himself likened non-synchronism to extraterritoriality, and his friend Siegfried Kracauer raised "chronological extraterritoriality" to the level of a historiographical method.[46] It was commonly assumed, Kracauer wrote, that historians were the products of their time, forever projecting the present onto the past. But people did not necessarily "belong" to their periods, he insisted, contesting the coherence and homogeneity of periods themselves:

> If the historian's 'historical and social environment' is not a fairly self-contained whole but a fragile compound of frequently inconsistent endeavours in flux, the assumption that it moulds his mind makes little sense. It does make sense only in the contexts of a philosophy which … hypostatises a period's spirit, claims our dependence on it, and thus determines the mind's place in the historical process from above and without.[47]

Rejecting this Hegelian, Crocean stress on the *Volksgeist* and *Zeitgeist* of peoples and periods, Kracauer still drew on his own experiences of exile in interwar Europe; it was not that biography was irrelevant.[48] But nor was it so easily contained, or axiomatically related to the historian's work. While the exile was irrevocably changed by his new environment, for instance, he also carried the memory of another life with him: "since the self he was continues to smoulder beneath the person he is about to become, his identity is bound to be in a state of flux…"[49] Like Edward Said, then, who stressed the "contrapuntal" and "polyphonic" experiences of exile and lateness, Kracauer argued that estrangement left the exile finely attuned to the diversity of human and historical experience.[50] Suspended between the past

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[45] Jameson, F. (1991). *Postmodernism, or, The Cultural Logic of Late Capitalism*. Duke University Press.

[46] Bloch, E. (1977). Nonsynchronism and the Obligation to Its Dialectics. *New German Critique*, *11*, 22–38.

[47] Kracauer, *History*, 67.

[48] For Kracauer's see Später, J. (2020). *Kracauer: A Biography*. Polity Press.

[49] Kracauer, *History,* 83.

[50] On the relation between exile and counterpoint in Said's work see Morefield, J. (2022). *Unsettling the World: Edward Said and Political Theory*. Rowman & Littlefield.

and the present, the historian could not inhabit his sources. It was impossible to show things "how they really were". But it was in "this state of self-effacement, or homelessness" – "the near-vacuum of extraterritoriality" – that he could at least "commune with the material of his concern."[51] In Parisian exile in the 1930s, Kracauer immersed himself, like Walter Benjamin, in the world of the nineteenth-century boulevards, a Bohemian "home for the homeless" – an "extraterritorial" refuge for artists, journalists, dandies, intellectuals, and revolutionaries.[52] His description of historiographical self-effacement, in fact, resembles nothing so much as Baudelairean *flânerie:* "The lover of universal life enters into the crowd as though it were an immense reservoir of electric energy. We might also liken him to a mirror as vast as the crowd itself…"[53]

Chronological extraterritoriality, then, was a private, melancholy refusal of the totalitarian present – an ability to "bracket" the self in search of an elusive historical world. "The street", as Benjamin put it in the *Arcades Project*, "conducts the *flâneur* into a vanished time"[54]. Returning from their sources to the present, historians ultimately have to offer their own interpretation of events, using their own concepts and theories and benefitting, as well as suffering, from their retrospective vision. But they are changed, or should be changed, by their journeys into the past: "Self-effacement begets self-expansion."[55]

Coda

For all that Kracauer insisted on his own "chronological anonymity", his

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[51] Kracauer, *History,* 84.

[52] Kracauer, S. (2002). *Jacques Offenbach and the Paris of his Time*. Zone Books, 96. See also Traverso, E. (2017). *Left-Wing Melancholia: Marxism, History, and Memory*. Columbia University Press, 125.

[53] Baudelaire, C. (1964). *The Painter of Modern Life, and Other Essays*. Phaidon, 9.

[54] Benjamin, W. (2002). *The Arcades Project*. Harvard University Press, 416.

[55] Kracauer, *History,* 92.

characterisation of extraterritoriality was in fact tragically modern.[56] Ironically, by identifying extraterritoriality with nonsynchronism he registered the territorial spirit of the age: *dieser Blut-, Boden-, Rasse-, Masse-, Führer- und Heimatzeit.* Hannah Arendt, more concretely, described stateless persons as "the most symptomatic group in contemporary politics", revealing the contingency of the "right to have rights" in a nation-state system.[57] *Émigré* and exile literature, meanwhile, has come to occupy a paradoxically central place in modern theory and culture, to the point that Kracauer rather neatly fits the model of a twentieth-century intellectual. In the age of the refugee, as George Steiner put it in 1970, the linguistically "unhoused" writer – "eccentric, aloof, nostalgic, deliberately untimely" – is "profoundly of our time". He called such writers "extraterritorial".[58]

Yet there is something specific about the melancholy of extraterritoriality – as distinct from exile – which none of this captures, and which the elegiac image of the extraterritorial intellectual might even tend to obscure. For the interwar *protégé* and the exiled writer, certainly, extraterritoriality was a private, untimely, and discontinuous condition. Just a few years earlier, however, the century had seen an attempt to refute the link between territory, modernity, and the nation-state at a *collective* and *political* level – a utopian attempt to enshrine "extraterritorial" or "non-territorial" forms of national autonomy within multinational, socialist federations. As a different way of imagining the dialectic between territorial and personal autonomy, this will serve as a coda to one of this study's main themes. But it ends with an impossible break: these projects ultimately failed in their efforts to prevent the Balkanisation of the Habsburg, Romanov, and Ottoman Empires. I will finish by suggesting that this failure can be understood as the culmination of a long historical process in which Mediterranean extraterritoriality and the *millet* system – an actually-existing system of non-territorial autonomy – had been systematically exploited and Orientalised. The capitulatory system's reputation for anachronism, in

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[56] On Kracauer's desire for "chronological anonymity" – a phrase from a letter to Adorno – see von Moltke, J. (2017). The Anonymity of Siegfried Kracauer. *New German Critique*, *44*(3 (132)), 83–104.

[57] Arendt, H. (1973). *The Origins of Totalitarianism*. Harcourt Brace Jovanovich, 277.

[58] Steiner, G. (1972). *Extraterritorial: Papers on Literature and the Language Revolution*. Faber and Faber, 11.

other words, has not only distorted extraterritorial historiography. As a spectre of backwardness to be avoided, it also shaped the history of territory itself.

The Non-Territorial Moment: Austromarxism, Bundism, and Salonican Socialism

> Austria and Russia are also stable communities, but nobody calls them nations.
>
> Joseph Stalin, *Marxism and the National Question*

Socialist theories of non-territorial autonomy were designed for a particular moment: the impending collapse of the Habsburg, Romanov, and Ottoman Empires. These were hardly model socialist polities, of course, but as multinational empires they offered a conceivable *basis* for what Austromarxists called "national-personal" or "national-cultural" autonomy: the organisation of politics, culture, and even law along democratic, non-territorial lines within a federally organised *Nationalitätenstaat*. Influentially theorised by Karl Renner and Otto Bauer in works like *Staat und Nation* (1899) and *Die Nationalitätenfrage und die Sozialdemokratie* (1907), the Austromarxists had started from the premise that the "territorial principle" could only bring "war and repression" to the jumbled ethnicities of the Austro-Hungarian Empire (a mixture of Germans, Hungarians, Czechs, Poles, Russians, Romanians, Serbs, Croats, Bosniaks, Slovaks, Slovenes, Jews, Italians and Roma).[59] They advocated instead for the "personality principle", under which "ten nations" had lived in the Carolingian Empire "not only with differing national languages, but also with differing laws". In answer to doubts about the modern feasibility of such a principle, Renner pointed to the legal extraterritoriality of the "so-called 'Franks' in the Orient", though he spent rather more time – it was a less embarrassing, if less apt comparison – drawing an analogy to the *curia* of the Catholic Church.[60]

The principle was soon adopted by a wide variety of revolutionary groups: by the Armenian Social-Democratic Labour Organization; by the Georgian Mensheviks; by the Salonican Socialist Workers' Federation; and, most famously, by the General

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[59] Renner, K. (2015). State and Nation: A Constitutional Investigation of the Possible Principles of a Solution and the Juridical Prerequisites of a Law of Nationalities. In M. E. Blum & W. T. Smaldone (Eds.), *Austro-Marxism: The Ideology of Unity* (Vol. 1, pp. 369–402). Brill, 383.

[60] Renner, State and Nation, 385.

Jewish Labour Bund. Bauer himself had spent a section of his book arguing that Jews were the exception to the rule: a "non-historical nation" (*geschichtlosen Nation*) deprived of a national literature and destined for assimilation.[61] In fact the theory was uniquely suited to "Yiddishland" – a vast expanse of Eastern Europe where Yiddish literature was thriving but where Jews, densely concentrated in certain urban areas, lacked a homogenous territory.[62] Founded in Vilnius in 1897, the Jewish Labour Bund organised everything from mutual aid networks and a popular press to strikes and self-defence groups against pogroms; it quickly became a hegemonic political force within the Pale of Settlement, and played an important role in the Russian revolution of 1905.[63] Inspired by the South Slav delegation at the Austrian Brünn congress of 1899, it started to move towards its own policy of national-cultural autonomy at its fourth congress in 1901. Vladimir Medem crystallised the extraterritorial programme in *Di sotsyal-demokratye un di natsyonale frage* (1904): where different nations mingled in one territory, only national-cultural autonomy could prevent nationalist oppression and allow for the unchecked development of a proletarian class consciousness. When nations formed "islands on a foreign territory" (*bildn hinzlen oif a fremder territorie*), personal autonomy ought to prevail.[64] Bundist revolutionaries like Hersh Mendel learned the pamphlet off by heart: "It seemed to me that here the synthesis between international socialism and the Jewish national question had been found, and I was deeply thankful to the Bund for having made me

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[61] Bauer, O. (2000). *The Question of Nationalities and Social Democracy*. University of Minnesota Press, 297. Bauer's whole theory, of course, turned on the "awakening of nonhistorical nations" and the protection of national minorities, and he recognised a similar awakening among Yiddish-speaking Jews. He argued, nevertheless, that modern nations needed a defined territorial core. Lenin mocked the discrepancy: "This proves more conclusively than lengthy speeches how inconsistent Otto Bauer is and how little he believes in his own idea, for he excludes the *only* extra-territorial (not having its own territory) nation from his plan for extra-territorial national autonomy." Lenin, V. I. (1963). "Cultural-National" Autonomy. In *Collected Works: Vol. 19 (March-December 1913)*, pp. 503–507). Foreign Languages Publishing House, 506.

[62] On the idea of "Yiddishland" see Shandler, J. (2003). Imagining Yiddishland: Language, Place and Memory. *History and Memory*, *15*(1), 123–149. For an oral history see Brossat, A., & Klingberg, S. (2016). *Revolutionary Yiddishland: A History of Jewish Radicalism* (D. Fernbach, Trans.). Verso.

[63] Tobias, H. J. (1989). *The Jewish Bund in Russia: From Its Origins to 1905*. Stanford University Press.

[64] Medem, V. (1943). *Tsum tsvantsikstn yortsayt*. American Representation of the General Jewish Workers' Union of Poland, 252-53. See also Traverso, *The Jewish Question*, 108-115.

a proud Jew and a passionate socialist."[65] There was, of course, still plenty of room for disagreement about the scope of non-territorial autonomy (did it imply, say, legal and fiscal power as well as independent schools?) as well as the long-term future of the Jews (Medem, in fact, refused to make a fetish of either assimilation or nationalisation).[66] In the meantime, though, there was *doikayt* ('hereness') – a commitment to staying and fighting in the diaspora, as opposed to the *dortikayt* ('thereness') of Zionism.

In Ottoman Salonika, finally, there was Avraam Benaroya's *Federacion Socialista Laboradera*, which aimed to federate the port's Jewish, Bulgarian, Greek, and Turkish workers after the multinational, Austromarxist model.[67] A Bulgarian Sephardic polyglot, Benaroya had just published his own contribution to the nationalities question – *The Jewish Question and Social Democracy* (1908) – when rumours of the Young Turk Revolution reached him in Plovdiv.[68] Hastening to Salonika, the revolution's epicentre, he then founded the *Federacion*, which briefly became "the most important socialist organisation in the Ottoman Empire" before the city fell to Greece.[69] In practice the multinational character of the *Federacion* left something to be desired. Dominated by the city's Jewish proletariat, it was unable to attract a significant Greek or Turkish section; its newspaper, initially published in four

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[65] Mendel, H. (1989). *Memoirs of a Jewish Revolutionary*. Pluto, 74.

[66] Gechtman, R. (2007). National-Cultural Autonomy and 'Neutralism': Vladimir Medem's Marxist Analysis of the National Question, 1903-1920. *Socialist Studies*. For a futuristic vision of national-cultural autonomy see Cardin, S. (2024). Kalman Zingman's *Edenia*: A Utopian Window into the History of Yiddish Political Thought [MPhil Thesis]. University of Oxford.

[67] See Starr, J. (1945). The Socialist Federation of Saloniki. *Jewish Social Studies*, *7*(4), 323–336; and Benaroya, A. (1949). A Note on 'The Socialist Federation of Saloniki'. *Jewish Social Studies*, *11*(1), 69–72.

[68] Benaroya, A. (1908). *Еврейският въпрос и социалната демокрация* [The Jewish Question and Social Democracy]. Нова заря [Nova Zarya]. On Benaroya's Bulgarian context see Konstantinova, Y. (2018). The Role of Bulgarians for the Spread of National, Anarchist and Socialist Ideas in Ottoman Salonica. *Études Balkaniques*, *3*, 508–535.

[69] Quataert, D. (2002). The Industrial Working Class of Salonica. In A. Levy (Ed.), *Jews, Turks, Ottomans: A Shared History, Fifteenth through the Twentieth Century* (pp. 194–211). Syracuse University Press, 211.

languages, was eventually restricted to Ladino.[70] The revolutionary atmosphere of 1908, meanwhile, soon gave way to reaction as the CUP cracked down on strikes and non-Turkish nationalities: Benaroya was arrested three times between 1910 and 1912.[71] His vision stands, nevertheless, as a remarkable late Ottoman analogue to the Austromarxist, Bundist dream: a pan-Ottoman federation in which each nationality could "develop independently its culture and its individuality while working for the same ideal: the socialist ideal…"[72]

All of these projects were untimely; we are separated from them today by ethnic cleansing and genocide. An extraordinary gulf exists between their conceptions of extraterritorial autonomy – collective, socialist, and utopian – and the melancholy anachronism of Musil, Roth, and Kracauer. For Yiddish revolutionaries, in particular, cultural-national autonomy was once a lived reality: a secular organisation like the *Kultur-lige (*established under the Ukrainian Central Rada in 1918) was able to offer a whole national life to its members, encompassing Yiddish-language schools, choirs, universities, concerts, lectures, libraries, theatres, sports clubs, and publishing houses.[73] For an assimilated German Jew like Kracauer, by contrast, extraterritoriality resembled something closer to Georg Simmel's description of the "Stranger" [*der Fremde*] – a combination of intimacy and distance giving rise to a peculiar objectivity.[74] Anachronism, however, played a defining role for both – if only, for Austromarxism and Bundism, because non-territorial autonomy was so consistently discredited on this basis. Lenin attacked the Bund on the grounds that it had borrowed "*old-fashioned* plans" from "the most backward of the multinational

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[70] Marketos, S. (1999). Avraam Benaroya and the Impossible Reform. *Justice, Special Issue: Remember Salonica*, 38–43.

[71] For a deflationary account see Ilicak, H. S. (2002). Jewish Socialism in Ottoman Salonica. *Journal of Southeast European and Black Sea Studies*, *2*(3), 115–146.

[72] Benaroya cited in Dumont, P. (1994). A Jewish, Socialist and Ottoman Organization: The Workers' Federation of Salonica. In M. Tunçay & E. J. Zürcher (Eds.), *Socialism and Nationalism in the Ottoman Empire 1876-1923* (pp. 49–75). British Academic Press, 62.

[73] Murav, H. L., Estraikh, G., & Shkandrij, M. (Eds.). (2023). *Building Modern Jewish Culture: The Yiddish Kultur-Lige*. Legenda.

[74] Simmel, G. (1972). The Stranger. In D. N. Levine (Ed.), *Georg Simmel on Individuality and Social Forms* (pp. 143–149). University of Chicago Press.

countries".[75] Stalin's outstanding contribution to Bolshevik theory, meanwhile, was a sustained attack on the "narrow-mindedness" and "stagnation" represented by national-cultural autonomy. Jews were destined for assimilation, he wrote, because "there is no large and stable stratum connected with the land, which would naturally rivet the nation together, serving not only as its framework but also as a 'national' market."[76] At the same time, the Bund's "very existence as an extra-territorial organization [drove] it to separatism" – national autonomy was being "thrust upon a 'nation' whose existence and future are open to doubt."[77] On this orthodox account, both capitalism and communism would lead ineluctably towards national, territorial integration.

And who, indeed, would contest the triumph of the territorial principle today? Global capital, to be sure, flows through a punctuated, gradated, and fragmented legal geography: an archipelago of airport terminals, free ports, telecommunications networks, EPZs and offshore finance markets. Neoliberal governments are reduced to offering corporations a "cocktail of enticements and legal exemptions" in designated zones; territorial sovereignty, evidently, does not amount to political or economic autonomy.[78] As Wendy Brown has pointed out, however, this has only increased the symbolic strain on borders and walls, which offer a kind of "national psychic defence" – the spectacle of an inside/outside distinction – against the hollowing out of popular sovereignty.[79] Extraterritorial courts, meanwhile, have been decisively abolished, and national self-determination is nearly synonymous with territorial statehood: the world continues to be ethnically cleansed in its image. Ironically the Soviet Union came close, in some ways, to the multinational Austromarxist model, patronising a wide variety of national cultures in the name of

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[75] Lenin, "Cultural-National" Autonomy, 506.

[76] Stalin, J. (1913, March-May). Marxism and the National Question. *Prosveshcheniye*. https://www.marxists.org/reference/archive/stalin/works/1913/03a.htm

[77] *Ibid.*

[78] Easterling, K. (2016). *Extrastatecraft: The Power of Infrastructure Space*. Verso, 33.

[79] Brown, W. (2017). *Walled States, Waning Sovereignty*. Zone Books, 142.

socialism.[80] Its "chronic ethnophilia", however, took top-down and territorialised forms – as with the unlikely creation of a 'Jewish Autonomous Oblast' in Birobidzhan – and it collapsed, like Socialist Yugoslavia, amid the now-familiar nationalist violence.[81] In the interwar period the likes of Martin Buber, Gershom Scholem, Judah Magnes, and Hannah Arendt had fantasised about a binational or federated state in Palestine: "a covenant of two independent nations with equal rights, each of whom is its own master in its own society and culture…"[82] Their imagination has been overwhelmed by the logic of Political Zionism, which has not hesitated to use the fiction of Palestinian autonomy – picture the client 'authority' in the West Bank – to mask its colonial occupation of Palestinian territory.[83]

The non-territorial moment, then, was brief and improbable. Its failure was overdetermined. But one interpretation is hard to omit on the basis of this thesis: nothing made non-territorial autonomy seem less plausible, at the start of the twentieth century, than the fate of Mediterranean extraterritoriality. The association with Habsburg politics was bad enough: "the nation-state is seen as the rule, the multinational state as … a remnant of times past."[84] The comparison with the

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[80] Battis, M. (2024). On Common Ground: Soviet Nationalities Policy and the Austro-Marxist Premise. *Europe-Asia Studies*, *76*(7), 995–1015.

[81] For "chronic ethnophilia" see Slezkine, Y. (1994). The USSR as a Communal Apartment, or How a Socialist State Promoted Ethnic Particularism. *Slavic Review*, *53*(2), 414–452. See also Martin, T. (2001). *The Affirmative Action Empire: Nations and Nationalism in the Soviet Union, 1923-1939*. Cornell University Press. On the Jewish Autonomous Oblast see Estraikh, G. (2023). *The History of Birobidzhan: Building a Soviet Jewish Homeland in Siberia*. Bloomsbury Academic.

[82] Buber, M. (2005). Zionism and "Zionism". In *A Land of Two Peoples: Martin Buber on Jews and Arabs* (pp. 220–223). University of Chicago Press, 222. On the differences between Hannah Arendt's federalism and the binationalism of Brit Shalom, see Rubin, G. (2015). From Federalism to Binationalism: Hannah Arendt's Shifting Zionism. *Contemporary European History*, *24*(3), 393–414.

[83] Said, E. W. (2000). *The End of the Peace Process: Oslo and After*. Granta. Israel/Palestine, of course, is hardly a conventional territory. The architecture of occupation creates an exceptional archipelago of "extraterritorial" zones, as charted in Weizman, E. (2017). *Hollow Land: Israel's Architecture of Occupation*. Verso. Despite (or because of) this, the "extraterritorial nation-state" continues to be seen as a solution, as in Hanafi, S. (2006). Palestinian Refugees, Citizenship and the Nation-State. In F. de Bel-Air (Ed.), *Migration et politique au Moyen-Orient* (pp. 145–162). Presses de l'Ifpo; and Agamben, G. (2000). Beyond Human Rights. In *Means Without End: Notes on Politics* (pp. 15–28). University of Minnesota Press.

[84] Bauer, *The Question of Nationalities*, 144.

Ottoman Empire was even more damaging to the Austromarxist, Bundist cause: the *millet* system and the capitulations were widely seen as the Oriental antithesis to international modernity. There were, of course, legitimate reasons to insist on the novelty of the socialist project. Whereas the Ottoman *millet* system was premised on religious difference, for instance, Renner had envisaged an elective system of national belonging. There would be no legal or fiscal discrimination under this model – in contrast to the *dhimmi*'s historically protected but subordinate position under Islamic law – and socialism would replace the sultan at the summit of the *Nationalitätenstaat*. But non-territorial autonomy was *itself* implicated in the Ottoman Empire's collapse: the *millet* system seemed powerless in the face of territorial nationalism, while capitulatory extraterritoriality now amounted to humiliating exploitation at the hands of western empires. The Ottoman experience seemed to indicate that sovereignty and non-territorial autonomy were now incompatible, and the spectre of that experience haunted contemporary nationalists as they sought to homogenise their territories; recall that right-wing German newspapers were terrified, after the First World War, of their 'Ottomanization' at the hands of the Allies.

A melancholy disposition towards the present, therefore, ought not to lead to an identification with the Mediterranean past. Nostalgia along these lines is not hard to come by. Lawrence Durrell's *The Alexandria Quartet*, for instance, is only the most famous work in a cottage industry of elite cosmopolitan grief for the city, in which "the capital of Asiatic Europe" is narrated against a "brilliantly coloured frieze" of "camels and palm-trees and cloaked natives."[85] These paeans to cosmopolitan heterogeneity tend to reduce working-class Arabs into an exotic but homogenous mass; they are "essentially predicated on ignoring and silencing the city's Arabic-speaking population."[86] And nostalgia for consular extraterritoriality, in particular, ought to be set against its consequences, like the two-day trial and acquittal of a

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[85] Durrell, L. (1962). *The Alexandria Quartet*. Faber and Faber, 509.

[86] Fahmy, K. (2004). Towards a Social History of Modern Alexandria. In A. Hirst & M. S. Silk (Eds.), *Alexandria, Real and Imagined* (pp. 281–306). Ashgate, 281. See also Hanley, W. (2008). Grieving Cosmopolitanism in Middle East Studies. *History Compass*, *6*(5), 1346–1367; and the discussion of C. P. Cavafy in Said, E. W. (2006). *On Late Style: Music and Literature Against the Grain*. Bloomsbury, 144.

British soldier who had shot a defenceless young boy in the back.[87] Territorial and non-territorial autonomy might have certain affordances in certain contexts, in other words, but they do not have any inherent political content: if the latter had a progressive character in the hands of the Bund, we have seen plenty evidence of its semi-colonial character in the capitulatory Mediterranean.[88] The genealogical method insists that things do not 'have' significance or meaning; they are given it.[89] The same is true for extraterritoriality, and if it has become, in Matthew Hart's words, a "minor ghost in the lexicon of critical theory",[90] I have tried here to relate these theoretical developments to the trajectory of actually-existing extraterritoriality in the early twentieth century. Its late, untimely reputation attracted modernist intellectuals alienated by, and resistant to, the territorialisation of space, time, and modern subjectivity. Tragically, however, it also contributed to exactly that – its cooption, stigmatisation and destruction creating the impression that international modernity could not be survived by any other means.

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[87] Hanley, *Identifying with Nationality*, 155-156.

[88] National Socialists, meanwhile, shared the Austromarxist assumption that ethnic groups constituted the fundamental subjects of international law: "Europe, it would seem, must return to a personalistic, as well as a territorial, order of life." Ernst Wolgast cited in Gott, V. L. (1938). The National Socialist Theory of International Law. *The American Journal of International Law*, *32*(4), 704–718, 714. See the coda to Wheatley, N. (2018). Making Nations into Legal Persons Between Imperial and International Law: Scenes from a Central European History of Group Rights. *Duke Journal of Comparative & International Law*, *28*(3), 481-494.

[89] Geuss, R. (1994). Nietzsche and Genealogy. *European Journal of Philosophy*, *2*(3), 274–292, 285.

[90] Hart, *Extraterritorial*, 19.

Conclusion

> For Adorno, *lateness* is the idea of surviving beyond what is acceptable and normal; in addition, lateness includes the idea that one cannot really go beyond lateness at all…
>
> Edward Said, *On Late Style*

This thesis has worked in two different directions at once. Going backwards in time, I have contested the assumption that extraterritoriality was simply imposed on non-European states, arguing that those states once exercised a great deal of agency over the Mediterranean capitulatory system. It is easier, of course, to narrate the agency in a maritime voyage than it is to dramatise the provision of commercial infrastructure. Mediterranean trade, however, crucially relied on both of these things, and I have shown in the above how *fondacos*, *hans*, *waqfs*, *berats*, and *ahdnames* might be written back into the history of international relations. In the opposite direction, though, I have shown how they were written *out* of that history in the first place, as the capitulations were gradually coopted and transformed by European empires. A key justification for the nineteenth-century capitulatory system – which exploited extraterritoriality far beyond its original remit – was that Islamic states lacked local mechanisms to protect foreigners and their property. It would have been highly inconvenient, therefore, for European lawyers, historians, and diplomats to acknowledge the agency of Islamic states in the creation of that system – a mechanism designed to do just that. The point of the genealogical method, as I understand it, is not just to reveal the contingent origins of a seemingly natural concept or thing. (Extraterritoriality, in any case, would hardly be in need of such a genealogy.) Its more specific insight is that *origins* and later *functions* do not necessarily align: "anything in existence, having somehow come about, is continually interpreted anew, requisitioned anew, transformed and redirected to a new purpose by a power superior to it…"[1] In the process of this reinterpretation, "former 'meaning' and 'purpose' must necessarily be obscured or completely obliterated."[2] We do not need to be as categorical as Nietzsche is here – new functions and meanings do not have to replace their predecessors. The obliteration *was* necessary,

[1] Nietzsche, *Genealogy*, 51.

[2] *Ibid.*

however, in the case of the capitulations: modern imperialists could not afford to remember its history.

Excavating that history, we have uncovered a completely different genealogy of extraterritoriality to the one favoured in mainstream IR, which purports that extraterritoriality was 'invented' in early modern Europe in order to bind the territorial states-system together. Instead we have found a political technology in constant contestation, once contained by local states but ultimately co-opted by European empires. In truth, its origins are almost impossible to pin down. Autonomous merchant enclaves have existed for thousands of years. At what point do they become 'extraterritorial'? By redescribing a pre-existing practice – personal legal autonomy – in relation to territory, the word itself does something: it implies that to be *within* a territory is to be subject to its jurisdiction. But where does this leave legally plural systems of rule? Despite the risk of anachronism, I have chosen to use the word 'extraterritorial' even when describing the medieval *fondaco* system. I have done so, however, on the basis that 'territoriality' is itself mutable, and need not imply the absolute monopoly on jurisdiction and political authority that it supposedly does today. The editors of a recent volume on extraterritoriality raise a legitimate worry: "By prioritising that which exceeds or transgresses a given set of 'territorial' frontiers, are we not backhandedly – and for the most part surreptitiously – reinforcing the very state system that so many have struggled to destabilise, both practically and conceptually?"[3] Just as dangerous a conceptual trap, however, is the elision of 'territoriality' with the mutually exclusive sovereignty of modern nation-states.[4] Medieval Islamic polities did not pretend to the latter. But they did territorialise their authority in other ways – not least by knitting together their realms with the *funduqs* necessary for commerce and pilgrimage – and no Latin traveller disembarking in Mamluk Alexandria, say, could seriously have doubted that they

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[3] Margolies, D. S., Özsu, U., Pal, M., & Tzouvala, N. (Eds.). (2019). Introduction. In *The Extraterritoriality of Law: History, Theory, Politics* (pp. 1–10). Routledge, 1.

[4] Thus the Ottoman Empire combined territorial conquest and attributes of absolute sovereignty with porous frontiers and imperial heterogeneity: see Kadercan, B. (2017). Territorial Design and Grand Strategy in the Ottoman Empire. *Territory, Politics, Governance*, *5*(2), 158–176; Zarakol, A. (2021). Linking Up The Ottoman Empire with IR's Timeline. In *Routledge Handbook of Historical International Relations* (pp. 464–476). Routledge.

had crossed an important jurisdictional frontier.[5] The Mamluk Sultanate was, of course, an *imperial* and *legally plural* polity – if not an interpolity system in its own right – but this was precisely what facilitated the movement of merchants and diplomats across vast swathes of land: chapters one and two argued that capitulatory extraterritoriality can be traced back to this kind of imperial pluralism.

Rather than seeing Mediterranean extraterritoriality as emanating from the territorial states-system, therefore, I have argued that the two co-evolved in a complex dialectic. In order to grasp the later stigmatisation of extraterritoriality, among other things, we do have to attend to the territorialisation of jurisdiction in Italy and Europe (territory and jurisdiction went together, Baldus de Ubaldis wrote, "like mist to a swamp").[6] But this was *not* an immanent development: diplomatic and territorial innovations in Italy were not the product of peninsular isolation – as Garrett Mattingly had argued – but Mediterranean connectivity. In chapters one and two I chose to focus, in particular, on the consular precedents for resident diplomacy, in part because the "continuous negotiations" of Europe would later become so important (in both practice and thought) to the social closure of the international states-system.[7] But many other such connections could be drawn out here. If a new kind of urban autonomy played an important role in the development of a territorial sovereignty, for instance, it is significant that maritime ports like Genoa and Pisa were such "precocious communes";[8] Pisa was only able to subdue its *contado*

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[5] For territoriality in early Islamic thought, see Antrim, Z. (2012). *Routes and Realms: The Power of Place in the Early Islamic World*. Oxford University Press; Dekkiche, M. (Ed.). (2024). *A History of Diplomacy, Spatiality, and Islamic Ideals*. Routledge.

[6] Cited in Elden, *Birth of Territory,* 231. Even in traditional intellectual histories, of course, the Italian conception of territorial sovereignty owed much to the rediscovery of the *Corpus Iuris Civilis* – a legacy of the Eastern Roman Empire.

[7] For "continuous negotiations" see Richelieu (1688). *Testament politique d'Armand du Plessis, cardinal duc de Richelieu* (Vol. 2). Henry Desbordes, 34.

[8] Wickham, *Sleepwalking,* 9. A broad class of citizens were invested in maritime commerce and colonialism, which became the basis for a new kind of civic identity: "We cannot say that the Pisan raids prefigured the city commune, nor that the commune was the natural result of the 'private organisation of ship-owners and sea merchants', in Gioacchino Volpe's famous phrase … all the same, when the Pisan leadership sleepwalked into the commune, they found that quite a lot of the work had already been done." *Ibid.*, 74.

(countryside) after establishing its sovereignty overseas.[9] And if the buying and selling of city-states helped to transform north-central Italy from a medieval patchwork into a handful of centralised powers, this too was facilitated by trans-Mediterranean commerce: the Florentine purchase of Pisa, for example, was largely financed by Florentine merchants in Genoa, who derived extraordinary wealth from that city's eastern spice trade.[10] Rather than presupposing modern territoriality, in other words, I am suggesting that we draw out its 'extraterritorial' origins: Mediterranean trade was an important catalyst for political, diplomatic, and economic transformations within the Italian peninsula. These, in turn, affected the operations of Mediterranean extraterritoriality: new thalassocracies replaced old merchant diasporas, and began to flex much more control over "their" consuls and *fondacos* abroad.

This is emphatically *not* to say that Renaissance Italy constituted "a reduced-scale rehearsal of the international states-system … to come."[11] I described something very different in chapter three: a new kind of symbiosis between financial hubs like Genoa and territorialist powers like Castile. While I agree with the likes of Justin Rosenberg and Christian Reus-Smit, then, that there were many important differences between the Italian city-states and the modern international system, I am not convinced that we can write off the former as a "dead end";[12] Italian city-states do not need to have resembled or anticipated territorial nation-states in order to have contributed to their formation. A "given capability", as Saskia Sassen has put it, "is not only specific to a formation but also relational vis-à-vis other capabilities … [it] can be re-geared toward new logics and get lodged into novel path dependencies."[13] Resident

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[9] Veracini, L. (2020). Medieval Pisa as a Colonial Laboratory in the Historiographical Imagination of the Early Twentieth Century. In E. Cavanagh (Ed.), *Empire and Legal Thought* (pp. 300–321). Brill Nijhoff.

[10] Martoccio, M. (2021). The Art of Mercato: Buying City-States in Renaissance Tuscany. *Past & Present*, *252*(1), 53–99.

[11] Anderson, *Lineages*, 162.

[12] Daniel Waley cited in Reus-Smit, C. (1999). *The Moral Purpose of the State: Culture, Social Identity, and Institutional Rationality in International Relations*. Princeton University Press, 85-86.

[13] Sassen, S. (2008). *Territory, Authority, Rights: From Medieval to Global Assemblages*. Princeton University Press, 27-28.

diplomacy, joint-stock companies, bills of exchange, and publicly traded state debt all transformed the nature of interpolity relations in the early modern period, reconfiguring the relationship between states and capital. They all had their own bases, however, in the extraterritorial relations of the late medieval Mediterranean world, and we are more likely to appreciate the significance of such connections if we abandon the teleological assumption that things emerge for the purpose(s) that they ultimately come to fulfil.

Indeed, however we think about the emergence of territorial sovereignty in Europe – clearly this was a multi-causal, nonlinear process – the fetish for *exclusive* and *indivisible* territorial sovereignty was a nineteenth-century phenomenon, which is difficult to separate from the stigmatisation of "Oriental" extraterritoriality. Fluid jurisdictional politics, as Lauren Benton and Adam Clulow have recently reiterated, once constituted the global legal norm: if this amounted to constant conflict over "the preservation, creation, nature, and extent of different legal forums and authorities", then these disputes were paradoxically intelligible to a wide range of early modern actors (including, of course, early modern Europeans).[14] In chapter four, I began to explore the discrepancy between European and Ottoman perceptions of their jurisdictional rights under the capitulatory system: exactly how binding were the *ahdnames*, for instance, and what was the meaning of the 'protection' afforded to diplomatic *protégés*? In the early modern period, however, these discrepancies lay relatively dormant – jurisdiction, as Benton and Clulow put it, was a capacity that had to be demonstrated and performed – and European actors on the ground largely accepted the imperial framework of the capitulations. Christian merchants, to be sure, complained about 'arbitrary' Ottoman fines – often failing to understand their basis in Islamic law or Ottoman *kanun*[15] – and these complaints contributed to the growing salience of Oriental despotism in European political thought. Non-European empires, however, were rarely stigmatised because of jurisdictional pluralism *as such;*

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[14] Benton & Clulow, Interpolity Law, 199.

[15] For case studies see van den Boogert, *Capitulations,* 117-157; Olnon, M. (2000). Towards Classifying Avanias: A Study of Two Cases involving the English and Dutch in Eighteenth-Century Izmir. In A. Hamilton, A. H. de Groot, & M. H. van den Boogert (Eds.), *Friends and Rivals in the East: Studies in Anglo-Dutch Relations in the Levant from the Seventeenth to the Early Nineteenth Century* (pp. 159–186). Brill.

the full ideological significance of, say, Emer de Vattel's law of nations (populated by equal, mutually independent, and territorially-based polities) was not immediately apparent on the publication of the *Droit des gens* (1758).

Territorial sovereignty came to enjoy a much more charged status, however, in works of nineteenth-century international thought, which scorned the Ottoman Empire both because it was territorially unbound (as a universalist empire) and because it lacked exclusive jurisdiction within that imperial space. A variant of the former criticism was already popular in diplomatic theory: "Where was the Turkish resident at our court, the court of Prussia, or of Holland?" Edmund Burke had complained towards the end of his life. "They despised and condemned all Christian princes, as infidels, and only wished to subdue and exterminate them and their people."[16] The latter criticism reflected a more profound transformation in the conceptualisation of sovereignty. Theories of divisible sovereignty certainly did not disappear during the nineteenth century; it would have been difficult to theorise protectorates and imperial dependencies without it.[17] Indivisible territorial sovereignty, however, was rapidly becoming the "civilised" western ideal, in contradistinction to "semi-civilised" extraterritorial systems (as well as "savage" stateless societies). There were, again, plenty of other factors behind the territorialisation of political authority in Europe and the Americas, and the Ottoman Empire was hardly the only universalist polity excluded by the idea of a territorial states-system. (Napoleon's empire, for instance, was the more immediate antagonist for the counter-revolutionary German historians who coined the idea of a Westphalian '*Staatensystem*').[18] The 'Sick Man of Europe' made, however, for an unusually evocative contrast with territorial modernity, with extraterritoriality already coming to demarcate an almost metaphysical distinction between "Occident" and "Orient": the two were so "immiscible", and the latter so "despotic", that western international lawyers could no longer countenance their citizens coming into contact with its laws. Commercial extraterritoriality did, in fact, still exist in Christian Europe at the start of the

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[16] Edmund Burke cited in Wight, *Systems of States,* 122.

[17] Keene, *Beyond the Anarchical Society,* 106-108.

[18] *Ibid.*, 16.

nineteenth century. Within a few decades, however, it had become a mark of backwardness reserved exclusively for the Orient: "[No] one in civilization would want to equate us with these people", as one Portuguese liberal put it in 1844; his country had successfully negotiated an end to British extraterritoriality by 1848.[19]

The co-option and Orientalisation of capitulatory extraterritoriality, in other words, had a profound effect on the structure of international relations. Most obviously, extraterritorial imperialism transformed Ottoman, Turkish, Egyptian, Tunisian, Moroccan, and Libyan history (not to mention China, Japan, Iran, Thailand, Ethiopia, and other polities more briefly subjected to this high imperial blend of capitalism and consular power). When European empires annexed or colonised a capitulatory state, their civilising administrations were thought to have obviated the need for extraterritoriality; the capitulations were thus abolished early in French Algeria. Oriental governments, however, were almost all deemed to have fallen short of the "standard of civilisation", which turned, in particular, on the "protection" of foreigners' property rights and capital flows.[20] These administrations could therefore be kept, indefinitely, in a kind of semi-sovereign, semi-civilised anteroom. Theoretically, western publicists insisted, the capitulations would disappear when a country "[ranked] by reason of its civilization with civilized countries".[21] Most international lawyers, however, were sceptical that Oriental polities (and *Islamic* polities, in particular) would ever achieve such parity. According to Ntina Tzouvala, the standard of civilisation perpetually oscillates between a "logic of improvement" (which posits that non-Western polities might be included within capitalist modernity) and a "logic of biology" (which denies that possibility on the grounds of an ineradicable difference).[22] In the case of Turkey, as Ayşe Zarakol and Zeynep

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[19] Rodrigo de Fonseca Magalhães in the *Câmara dos Deputados,* cited in Wallenius, T. (Forthcoming). Territoriality and Modern International Order: Evidence from Extraterritoriality.

[20] Though the "standard of civilisation" has come to be used quite broadly within IR, it initially referred quite specifically to the protection of foreigners' property rights: see Wallenius, T. (2018). *The Liberal Myth: Foreigners' Property Rights and the Making of Modern World Politics* [DPhil]. University of Oxford.

[21] Fiore, P. (1918). *International Law Codified and its Legal Sanction; or, The Legal Organization of the Society of States*. Baker, Voorhis & Company, 211.

[22] Tzouvala, *Capitalism as Civilisation,* 2.

Gülsah Çapan have argued, the effect was a particularly marked "temporal ontological insecurity", which continues – long after the abolition of the capitulations – to shape its internal, external, and minority relations.[23]

As *the* classical locus for the standard of civilisation, then, extraterritoriality came to condense a powerful set of assumptions about spatio-temporal backwardness. In the process, it came to shape the meaning of international modernity and futurity: if "private" capital was to occupy a space-of-flows beyond "public" authority, then "semi-sovereign" states could at least aspire to a formal monopoly on legitimate violence within their territories. It would be difficult to overstate the significance of the 'Eastern Question' in nineteenth-century Europe; it was, for Alexis de Tocqueville, "la grand affaire du siècle."[24] Suffice it to say, however, that the "international" was partly constituted as a rational, egalitarian, and progressive realm by virtue of its imagined superiority towards an irrational, despotic, and static "Orient", which seemed to lack the internal/external distinctions on which modern international relations were founded. I explored just two small corners of this Orientalist discourse in chapters five and six, moving from radical critics of the *protégé* system (Karl Marx and David Urquhart) to the technocratic advocates of sanitary internationalism (Adrien Proust and Leonard Woolf). One cannot fail to be impressed, however, with the almost total denigration of the capitulatory system in western international thought, from roughly the Treaty of Balta Liman (1838) through to its interwar abolition. Marx thought it a vehicle for Byzantine reaction; Urquhart came to see it (like the architects of the Tanzimat) as an insuperable obstacle to Ottoman reforms. International lawyers, meanwhile, came to see it as a historical aberrance temporarily justified by Oriental despotism. Some early internationalists, admittedly, thought that multipolar consular systems might yet act as a stepping stone towards a form of "positive" international government; sanitary internationalists sought to use consular power to protect Europe from the "pathological geography" of the Orient. Almost everyone now agreed, however, that

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[23] Gülsah Çapan, Z., & Zarakol, A. (2019). Turkey's Ambivalent Self: Ontological Insecurity in 'Kemalism' Versus 'Erdoğanism'. *Cambridge Review of International Affairs*, *32*(3), 263–282, 269; Zarakol, A. (2010). Ontological (In)security and State Denial of Historical Crimes: Turkey and Japan. *International Relations*, *24*(1), 3–23.

[24] Cited in Case, H. (2019). *The Age of Questions*. Princeton University Press, 81.

that the capitulatory system constituted a massive derogation of Ottoman sovereignty, and that (however it would be replaced) its days were numbered. It lingered on, nevertheless, for some sixty years after the Treaty of Paris (1856), as an influential and anachronistic counterpoint to the 'modern' international system.

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Orthodox accounts of extraterritoriality tend to end in a dialectical sublation or reconciliation: personal or dynastic forms of authority are negated (by exclusive territoriality) but preserved as a partial element (as islands of diplomatic extraterritoriality) in a higher historical synthesis (the territorial states-system).[25] The story I have laid out above has more in common with a *negative* or *open-ended* dialectics: no historical closure necessarily comes from the "negation of the negation", and, in a modernist vein, I have not tried to piece an "objectively fractured" historical landscape into a perfect whole.[26] An apologist for the territorial states-system might respond that it is based on precisely such pluralism, in line with a long tradition of German thought (Herder, Goethe, Kant, Hegel, Ranke, *etc.*) that views international diversity as an essential facet of human life. The extraterritorial embassy, on this account, would already have realised the utopian wish of the negative dialectician: "[reconciliation] would lie in the fact that the alien, in the proximity it is granted, remains what is distant and different…"[27] This difference, however, merely disguises an eternal repetition: international pluralism has all too

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[25] See especially Ruggie, 'Territoriality and Beyond'. See also Der Derian, *On Diplomacy,* which combines a genealogical critique of teleological diplomatic theory with a teleological account of its own: a neo-Hegelian definition of diplomacy as "the mediation of estrangement" (42), contrasted with the "backwards" anti-diplomacy of the non-reciprocating Ottoman Empire (100).

[26] Adorno, T. W. (1990). *Negative Dialectics*. Routledge, 1; Said, O*n Late Style,* 160. Note Virginia Woolf's influence on Erich Auerbach's methodology, as well as Marcel Proust's influence on Siegfried Kracauer and the Frankfurt School: see Auerbach, *Mimesis,* 548; Kracauer, *History,* 124.

[27] Adorno, *Negative Dialectics,* 191.

often worked to wipe out political and cultural heterogeneity in favour of the nation-state-territory nexus.[28]

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Territory necessarily posits a realm beyond itself, of course, and the end of consular or capitulatory extraterritoriality hardly means that all jurisdictional claims are now contained within settled international borders. In recent Mediterranean history, the Turkish navy's 'Blue Homeland' [*Mavi Vatan*] doctrine has leveraged neo-Ottomanist rhetoric to make expansive new claims to the eastern Mediterranean basin (and its offshore gas deposits). Libya has collapsed further into civil war following a UN-authorised NATO intervention legitimised by the international community's so-called 'responsibility to protect' Libyan citizens; the country is now divided between two rival governments. EU states, meanwhile, have advanced billions of euros to Turkey, Egypt, Tunisia and the Libyan coastguard (a proxy EU force) so as to "externalise" their border controls to those countries, relying on the international status of Mediterranean waters to wash their hands of mass migrant death.[29] Consulates and embassies in the region continue to blur the lines between diplomacy and empire: the new $1 billion, 43-acre US embassy compound in Beirut is second only to the US embassy in Baghdad's Green Zone for size. And British "sovereign base areas" in Cyprus continue to be used as a launch pad for aerial reconnaissance in Gaza, the delivery of US military aid to Israel, and the bombing of Houthi positions in Yemen, as the IDF eviscerates a densely populated 'strip' cut into buffer zones, military corridors, checkpoints, and constantly shifting 'humanitarian

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[28] See also Bartelson, J. (2023). *Becoming International*. Cambridge University Press, 218. Bartelson argues that the international system is an empire in its own right, "premised on the exclusion and marginalisation of all forms of political association that did not conform to the nation-state form." While he contrasts this hierarchical exclusion with the idea of sovereign equality, capitulatory history suggests that the latter was *always* wielded as a weapon. The unequal treatment of Muslim states was justified, that is, by their supposed inability to recognise non-Muslim states as sovereign equals – by what Habib Abi-Chahla called "la théorie belliqueuse de *Dar-ul-harb*". Abi-Chahla, *L'extinction,* 36.

[29] The "extra-territorialisation" of border control, as one scholar of migration points out, belongs to the same process as the "hyper-territorialisation" of rights. FitzGerald, D. S. (2020). Remote Control of Migration: Theorising Territoriality, Shared Coercion, and Deterrence. *Journal of Ethnic and Migration Studies*, *46*(1), 4–22.

zones'.[30] A crosscutting set of federal, imperial, national, and colonial claims in the eastern Mediterranean continues, in other words, to problematise the supposedly linear territoriality of the 'modern' international system. But the region has also been transformed by the zero-sum logic of territorial nationalism: the segregation and ethnic cleansing of once-mixed populations (from Salonica to Cyprus to Palestine) speaks to a widespread belief that space can only have one master.[31]

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To think about extraterritoriality is to be confronted by a series of dialectical oppositions. On the one hand it is to think, as Freya Irani puts it, in terms of "jurisdiction" rather than an "absolutist" conception of sovereignty – it is to be reminded that territorial sovereignty is merely one way of organising and imagining jurisdictional relations between people.[32] Simultaneously, however, it is to be reminded of the hegemony of territorial sovereignty, which extraterritoriality tacitly posits as the juridical norm: a genealogy of extraterritoriality thus requires that we both conceptually deconstruct *and* historically reconstruct the nature of the "territorial trap".[33] Sometimes extraterritoriality can seem to offer an alternative, even utopian exit from the idea of territory. Giorgio Agamben, for instance, invokes the concept when he imagines Jerusalem as the simultaneous, non-partitioned capital of two separate states: "The paradoxical condition of reciprocal extraterritoriality (or, better yet, aterritoriality) that would thus be implied could be generalised as a model

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[30] *A Cartography Of Genocide: Israel's Conduct In Gaza Since October 2023*. (October 25 2024). Forensic Architecture. https://forensic-architecture.org/investigation/a-cartography-of-genocide

[31] Although see Öcalan, A. (2017). *The Political Thought of Abdullah Öcalan*. Pluto Press, 97-144 for a libertarian socialist critique of the territorial nation-state; Öcalan's philosophy constitutes the quasi-official ideology in Rojava, or the Autonomous Administration of North and East Syria. For a comparison with other theories of non-territorial autonomy, see Ventura, F., & Custodi, J. (2024). Nationality Beyond the Nation-State? The Search for Autonomy in Abdullah Öcalan and Otto Bauer. *Geopolitics*, *29*(4), 1400–1421.

[32] Irani, F. (2024). By What Jurisdiction? Law, Settler Colonialism, and the Geographical Assumptions of IR Theory. *International Political Sociology*, *18*(2), 1-23, 16.

[33] Agnew, J. (2015). Revisiting the Territorial Trap. *Nordia Geographical Publications*, *44*(4), 43-48.

of new international relations."[34] Elsewhere in his work, however, extraterritoriality merely reroutes us towards the dystopian state of exception at the heart of sovereign rule. "Like the fence of the camp", he writes in *Homo Sacer,* "the interval between death sentence and execution delimits an extratemporal and extraterritorial threshold in which the human body is separated from its normal political status and abandoned, in a state of exception, to the most extreme misfortunes."[35] This theoretical ambivalence speaks not just to an aporia in Agamben's political philosophy but to an ambiguity in the concept itself: extraterritoriality was *historically* associated, as I showed in chapter seven, with both the utopian and dystopian possibilities of statelessness, at precisely the moment that the nation-state-territory nexus was violently naturalised as the basis for contemporary international relations. The meaning of extraterritoriality is naturally fissiparous: at once interior and exterior to territory, it simultaneously negates and extends it conceptually. But its history also registers interlocking transformations in the meaning of territory itself: "The inside of nonidentity is its relation to that which it is not…"[36]

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None of the 'methods' that I have drawn on here – from a philological conception of *Ansatzpunkt* and counterpoint to genealogy and negative dialectics – give up on the project of synthesis. All of them suggest, however, that this is a constitutively unending task, and a paradoxically fragmentary one: extraterritoriality, according to these models, is best understood as a *constellation* of moving parts. Edward Said – a close reader of Auerbach, Adorno, and Nietzsche – once pointed out that Orientalism was unsettled by narrative: the ostensibly motionless "Orient" was threatened by the diachrony of narrative history.[37] The historiography of Mediterranean extraterritoriality, we might add, has been distorted by the static vision of

[34] Agamben, Beyond Human Rights, 25.

[35] Agamben, G. (1998). *Homo Sacer: Sovereign Power and Bare Life*. Stanford University Press, 91. For a critical discussion of extraterritoriality in Agamben's work – "a kind of topological *pharmakon,* at once the poison that is sovereignty and its cure" – see Hart, *Extraterritorial,* 95-98.

[36] Adorno, *Negative Dialectics,* 163.

[37] Said, *Orientalism*, *240.*

Orientalism, which has facilitated the anachronistic projection of nineteenth-century developments – western imperialism and a zero-sum conception of political authority – onto a much earlier period of capitulatory history. I have sought, in this thesis, to recover the substantial contribution of Islamicate polities to the making of Mediterranean extraterritoriality – an interpolity order that reveals 'European' and 'Oriental' histories to be deeply entangled. Simultaneously, however, I have shown how the capitulations became synonymous with disconnection, incommensurability and anachronism – with everything, in other words, that international 'modernity' was not. I have argued that Mediterranean extraterritoriality, as a distinctive kind of multi-jurisdictional politics, constituted an important historical alternative to the exclusive sovereignty of the territorial states-system. Contrapuntally, however, I have shown that capitulatory extraterritoriality – both before and after its nineteenth-century co-option – played an important role in the making of this system, haunting it even after death as a spectre of spatio-temporal backwardness.

More than one hundred years after the Treaty of Lausanne, it has become clearer that the end of capitulatory extraterritoriality did not amount to the end of extraterritoriality *simpliciter.* Other kinds of extraterritorial jurisdiction have continued to proliferate and evolve, and in some contexts they have lost their former stigma: international lawyers today delineate the extraterritorial boundaries of everything from cyberspace and human rights obligations to market competition and maritime sovereignty, often in confident, neutral, and descriptive terms.[38] Extraterritoriality, in these contexts, is no longer represented as a retrograde technology, and IR's first century may well come to seem anomalous in its territorial assurance – in its confidence that extraterritorial jurisdiction was doomed to obsolescence. The rise and fall of the capitulatory system helps to explain why there was such teleological confidence in territorial sovereignty at the moment of IR's disciplinary formation. But the history of extraterritorial relations goes on.

[38] See, *e.g.* Parrish, A., & Ryngaert, C. (Eds.). (2023). *Research Handbook on Extraterritoriality in International Law*. Edward Elgar.

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