CHAPTER 9

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

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1 Introduction

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

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

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

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