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An Introduction to the *Berat* in Ottoman Diplomats¹

In Ottoman diplomats *berat* is a kind of document issued by the sultan in order to grant a privilege (or to make an appointment of a dignitary), or to confer the right to possession of a property belonging to the state, it can be both an official approval of an act and an order for third parties to comply with an act.² As well as being a simple grant, it may also be a notification of regulations concerning the requirements of service consequent of that grant.³

In the early history writings, we see the term "*berat*" for the first time in Ashıkpashazade. The document informs us that sultan Murad granted *timar* by his own *berat*, and in Bayezid's time too, *berats* for *timar* appointments were granted in the name of Bayezid.⁴ In Ottoman official documents the first use of the term is found in the register for the *sandjak* of Arvanid, the earliest *tahrir* register (dated H. 835) in the Ottoman Archives.⁵ As for original documents from the time of Bayezid II, *berat* replaced the terms such as *biti*, *nishan* and *mithal*.

A "Beratlı", the one who has a *berat* in hand, was the person with a privilege or a license. "Eli beratlı" meant a man of authority or power. This meaning, from the eighteenth century, was used for ambassadors,

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² For further information see Nejdet Gök, *Beylikler Döneminden İtibaren Osmanlı Diplomáticasında Berat Formu*, Marmara University, Unpublished PhD dissertation; see also "Berat" and "Bara'a", Encyclopedia of Islam, v. 1.

³ İnalçık, H. "Osmanlı Hukukuna Giriş", in Osmanlı İmparatorluğu, Eren, İstanbul: 1993, 339. See also İnalçık, *Ottoman Galata*, Isis, İstanbul: 1991; and "The Status of the Greek orthodox Patriarch under the Ottomans", *Turcica*, XXI-XXIII, 1991, 407-436.

⁴ Ashıkpashazade, *Tevarih- i Al- i Osman*, İstanbul, 1332, 65.

⁵ İnalçık, *Hicri 835 Tarihli Suret- i Defter- i Sancak- ı Arvanid*, Ankara, 1987, 6,7.

translators, their assistants and non-Muslim subjects of the Empire who had been granted *berat*.⁶

a. Berat in Islamic Literature

In the Quran, the word appears twice as "*Beratun*": First, in the *surah* named *Kamer*, the Moon, ayat 43: "*What, are your unbelievers better than these? Or have you an immunity in the Scriptures?*"⁷ In this ayat, "*beraet*" is salvation, immunity or a kind of warranty. The ayat warns the unbelievers, stating that they have to have a more powerful support than either the Pharaoh's army or a *Berat* granting a safe-conduct to them. It is clear that *berat* here is a diploma providing power or safety.

The first ayat of the *surah Tevbe*, Repentance, is the second to contain the word. This *surah*, upon which the *mufessirs'* comments differ, has been called *Berae* as well. At the beginning it is told that unbelievers are granted a truce by God and the Prophet for four months and promised that they will be "unmolested" during that time. This comment fits in with the meaning in the *surah Kamer*. However, according to some other commentators who take into consideration the rest of the *surah* that mentions a future war after this period of immunity, *beraet* means "ultimatum", or "to break off any kind of relation", or "to keep a distance between".⁸ Another word from the same root, *Beri*, has generally this meaning in the Quran.

As explained in Mufredat and Besair⁹, the root of *beraet* can mean "to get rid of, to get away from something unpleasant". Kadı Beydavi states that the word *beraet*, in his *tefsir* of the ayat 54 in the *surah Bakara*, means to become purified or clarified". Becoming *beri* for a sick person, or for a person in debt, indicates recovery in either case.

⁶ Lewis, Bernard, "Beratlı", EI, v. I, 1171.

⁷ *The Koran*, trans. by N. J. Dawood, Penguin, London, 1990, 529.

⁸ Suat Yıldırım, *Kur'an-ı Hakim ve Açıklamalı Meali*, İstanbul: 1998, 198.

⁹ Ragib al Isfahani, *al Mufredat li Garib al Kur'an*, Ebu Hayyan al Tevhidi, *al Besair ve al Zahir* cited in Elmalılı M. H. Yazır, *Hak Dini Kur'an Dili*, İstanbul: 1996, v. IV, 265- 67

The person recovers from the illness, or he ceases to be in debt. In "the creation of Adam out of mud", the act of *berae* is to create by purifying something.¹⁰ Another example concerning this act is expressed in Mecelle as a legal term: "Absence or exemption of obligation or responsibility is essential". This exemption has a purity in itself and it is a consequence of the creation. Acquittal from a guilt has a similar nature, it can be considered as a matter of "purity". However, in the ayat, the term is based on a political and diplomatic concern. Abu Bakr Razi argues that according to the Quran *beraet* refers to breaking off any kind of relationship, and removing someone from the protection of an agreement.¹¹ F. Razi, too, explains the term as abolition of an immunity.¹² Thus, it is possible to observe two different meanings present at the same time. But its definition in respect to legal terminology, -especially international law-, seems to be more appropriate. It is rather the breaking off of a relationship than becoming pure and faultless, and this act of breaking off of a diplomatic relationship requires a declaration of war that consists of a truce beforehand.

It is obvious that this ayat has the style of a diplomatic letter consisting of an *intitulatio*, where the name or rank of the person issuing the document is mentioned and of an *inscriptio*, where the name of the addressee is mentioned. Here what we have is not just an ordinary letter, but all the requirements of an official notification, an ultimatum or an abolition of a treaty:

*"A declaration of immunity (berat) from God and His apostle to the idolaters with whom you have made agreements. For four months you shall go unmolested in the land."*¹³

Another example is one of the sacred times for Muslims which is

¹⁰ al Beydavi, *Envar al Tenzil ve Esrar al Te'vil*, vol I, 81, see also al Zebidi, 45.

¹¹ al Cessas, *Ahkam al Kur'an*, IV, 264.

¹² Fahreddin Razi, *Mefatih al Gayb*, XVI, 225.

¹³ *The Koran*, 186.

called the night of the *berat*. The main idea is the same: a kind of immunity or privilege for believers who want to be exempted, and forgiven. According to the ayat, the truce of four months granted to the idolaters was a privilege of the same kind. So can be the *berat* of Ottoman diplomatics as a legal diploma.

By examining the *surah* Repentance we find certain basics about the *berat*:

1. *Berat* is granted only to the idolaters with whom a treaty has been concluded. It will be valid as long as they remain loyal. The prerequisite of the *berat* is an established treaty.

2. The person or party who grants a *berat* is more powerful than the other party. One of the parties is the superior, and the other is the inferior. Thus, this is a matter of "donation".

3. In return for granting a *berat* the subordinate party will have responsibilities.

4. *Berat* concerns third parties as well. (The *surah*, Repentance, addresses all Muslims, and they are expected to obey).

5. *Berat* is granted for a certain period of time that depends on the manner of the subordinate party.

6. The absence of *besmele*, the invocation "*In the name of God, the Merciful, the Compassionate*", is treated by some scholars as remarkable. In *berats*, unlike other Ottoman documents, there is no *besmele*, the invocation.

b. Berat and Berit

Taking the connection between Arabic and Hebrew into consideration it can be argued that there is a relationship between *berat* and the Hebrew word *berit* that indicates a similar meaning. It is a widely known fact that, since the first year of the Hegira, many works have been written concerning the words adapted by Arabic from

different Semitic languages.¹⁴ The Hebrew root *b-r-a*, as in Arabic, is the verb "to create".¹⁵ The word *berit*, derived from the same root, means covenant, agreement or obligation between individuals, groups or ruler and subjects.¹⁶ In the Old Testament there are covenants established between God and man. Noah and his followers were granted a *berit* in order to prevent a second flood and a bow was put onto a cloud (a rainbow) as a sign of the covenant (Genesis, 6/18, 19; 9/12, 15, 16). Abraham and the Israelites, too, were granted a *berit* in which they were expected to obey the divine rules, to circumcise their sons, and to avoid adultery and indecency (7/8). In return, the land of Cana'an was promised to them by God (Genesis, 13/15, 17; 15/18; 17/2- 8). When they violated the covenant God punished them (Deuteronomy, 29/25; I. Kings, 19/10; II. Chronicles, 12/1; Jeremiah, 22/9; Daniel, 2/30; Deuteronomy, 17/2; Joshua, 7/11, 23/16; Judges, 2/10; Psalms, 132/12). However they were forgiven then, and another covenant was established (Jeremiah, 31/31- 34; 32/37- 42). From then on God would be the Lord of them, and the Israelites would be the people of the Lord (Jeremiah, 31/34).¹⁷ Therefore this covenant involved the commitment of the Israelites, known as sons of the covenant.¹⁸

Bari, one of the names of God, has the same root as the word *berat*.¹⁹ Bari is the Creator who has no obligation, no charge, who has no similarity to his creatures' characteristics, who established the

¹⁴ Ibn Abbas, *Garib al Kur'an*. This pamphlet, revised by Ata b. Edu Rebah, is in the Süleymaniye Library, section "Atıf Efendi", number 2815/8, page 102- 107. On this work, see İ. Cerrahoğlu, *İlahiyat Fakültesi Dergisi*, Ankara University, XXII, 23, also Ebu Mansur al Cevaliki, *al Mu'arreb*. (The revised edition of this work by Cemaleddin Abdullah b. Muhammed al Uzri, a 15th century scholar, is not published yet.

¹⁵ *The Dictionary of Classical Hebrew*, Sheffield Academic Press, Sheffield: 1995, II, 258.

¹⁶ *ibid.*, 264.

¹⁷ A. Küçük, "Ahid- Dinler Tarihi", *Diyanet İslam Ansiklopedisi*, Diyanet Vakfı Yayınları, İstanbul: 1992, v.I, 533.

¹⁸ A. Unterman, "Berit" and "Covenant" in *Dictionary of Jewish- lore and Legend*, London: 1961.

¹⁹ B. Topaloğlu, "Bari", *Diyanet İslam Ansiklopedisi*, v. 5, 73.

universe in a perfect accord and unity. Some scholars claim that the word *bari* which appears twice in the Quran, is undoubtedly adapted from Hebrew and that the Prophet did not use the term in a particular meaning.²⁰ But according to Topaloğlu this word existed in various forms indicating God from pre- Islamic times and it was only natural to find similar words defining the divinity in major religions.²¹ Nevertheless, both arguments support the idea of the existence of a relationship between *berat* and *berit*.

The word *Berat* comes from the Arabic word "bara'a". In Ottoman Turkish it was used without the *hemze*. *Berat* is the infinitive form derived from the verb "*b- ra- e*".²² The term itself is related to some other words that come from the same root and have specific meanings in particular contexts.

In major Arabic dictionaries, the main meaning of its root is given as follows: *B- ra- e*, when used for God, means "to create without a model or sample" *Al- Bari* a word derived from the same root, means the Creator, having no similarity to what He has created and composing the whole universe without disorder.²³ In the Quran it can be seen that, in general, the verb *b- ra- e* is used for the creation for those who have spirit, while for things such as the earth or heaven, the verb *halaka* is used. The idea of distance or transcendence expressed in *Al- Bari* is appropriate to *berat*.

Beside the meanings "to create" or "creation", it has other meanings: to become clarified, purified, to gain safety, to have immunity or privilege, to be acquitted of a debt or guilt, to recover from an illness, to be exempted from a responsibility.²⁴ According to the root, "to be far

²⁰ D. B. MacDonald, "Allah", *İslam Ansiklopedisi*, Milli Eğitim Bakanlığı, İstanbul, 1949, v.I, 363.

²¹ B. Topaloğlu, 73.

²² Firuzabadi, *al Kamusu al- Muhit*, vol. I, İstanbul, 1230, al Zebidi, *Tac al- Arus*, vol. I, 44, Ibn Manzur, *Lisan al Arabi al Muhit*, vol I, 182.

²³ Firuzabadi, 8. Ibn Manzur, 22.

²⁴ Ibn Manzur, 182- 83. Al Cevheri, *Sihah*, vol I, 11. Al Zebidi, 44,45. Firuzabadi, 8- 9. Ibrahim Mustafa, *Mucem al Vasit*, vol I 45- 46.

away, apart, distant" is also correct for *Berats*. For the person who is granted a *Berat*, becomes exalted by obtaining a privilege. Thus he is "purified" or "exempted" from an imperfection.

We find the term in hadith. It is used to indicate the notion of exemption, release (from a sin), or dissociation.²⁵

In the theory of law *berat* has an important place. *Beraet-i asliyye*, the principal *beraet*, is interpreted as innocence, or absence of accusation or responsibility. In criminal law this means that if there is no proof to the contrary, the person is guiltless. In the law of obligation it is an exemption from a debt. Mecelle, the Ottoman civil code, states that the principal "freedom from obligation is essential" and describes the same understanding in a wider sense. In the time of Ömer, the second Caliph, the non-Muslim subject who had already paid their tax was granted a *berat* in order to prevent abuses.²⁶ In commercial law, *bay al berae*, makes the seller immune from any obligation if the sold object has defects. 15th of *Shaban*, night of the *berat*, having a sacred importance, is considered as a general immunity, a release from sin or guilt. This night is also called as night of *sakk*, the night of the diploma.²⁷

Equivalents of the *Berat* in the Ottoman Empire

In Ottoman diplomatics the use of the word *berat* became widespread from the last quarter of the fifteenth century onwards. Before that, many words expressed the same meaning, while some of these were used interchangeably in the same document until the end of the Empire. These are: *biti*, *bitik*, *hüküm*, *mithal*, *tevki*, *kitab*, *nishan*, *ferman* etc.

²⁵ Ebu Davud, "Eyman", 9; Nesai, "Eyman" cit. in A. Bardakoglu, "Beraet", *Diyanet İslam Ansiklopedisi*, V/470- 1.

²⁶ Hamidullah, M., *Mecmuat al Vesaik al Siyasiyye*, Cairo, 1956: number 43.

²⁷ Elmalılı, VII/67- 68. See also H. Ünal, "Berat Gecesi", *Diyanet İslam Ansiklopedisi*, v. 5, 475- 76.

a. The Use of *Biti*, *Bitik*

In documents written in the second half of the fourteenth century and in the fifteenth century, the word *biti* had different meanings, such as letter, word, *berat*, *hüküm*, *nishan*, *mithal*. We do not know about the etymology of the word *biti* and its root *bitimek*. However, it is assumed that the word comes from a Chinese word "*pi-bit/piet*" which means writing-brush.²⁸ In various dialects of the Turkish language, *biti*, *bitik*, *bitiv*, *bituv*, *buti* all mean writing or letter. *Bitiglig* (the owner of a written document) and *bitigu* (ink) come from the same root.²⁹ *Bitig tili* is language of a book; *bitig ostasi*, a teacher; *ulug bitikci* (in eastern dialect) the head of the clerks.³⁰

Yusuf Has Hacib mentions an officer "*bitikci*, *bitikci ilimga*" who conducted the correspondence of the sultan and who was the confidant³¹ According to Kasgarli Mahmud "*ilimga*" was the person who wrote the letters of the sultan in Turkish.³² Fuat Köprülü argues, in his explanation of the word "*nishan*", that official documents written in the fourteenth and fifteenth century are called "*biti*" instead of "*nishan*". The documents belonging to the earliest Ottoman sultans, published by Kraelitz in TOEM, prove this claim. In the waqf registers of the time, says Köprülü, "*emirname*", decrees by the sultan or prince, were called "*nishan*", while those by *begs*, *beglerbegs* and *kadis* were called *biti*. Terms in the registers such as "*örüncek bitisi*" and "*gökce ören bitisi*" are as yet unexplained. Köprülü also accepts that the word *biti* is derived from "*pit*" which means brush in Chinese.³³

²⁸ Şiratori, *Sinologische Beiträge zur Geschichte der Türkvölker*, Petersburg: 1902, II,16. Also A. von Gabain, *Altürkische Grammatik*, Leipzig: 1942, 303. Mecdud Mansuroğlu, "Bitikçi", *İslam Ansiklopedisi*, v.2, 657. M. İpşirli, "Bitikçi", *Diyanet İslam Ansiklopedisi*, v. 6, 225.

²⁹ For more information see G. Doerfer, *Türkische und Mongolische Elemente im Neupersischen*, Wiesbaden: 1965, II/262- 64.

³⁰ M. Mansuroğlu, 657.

³¹ Kemal Eraslan (ed.), *Kutadgu Bilig*, III, İstanbul: 1979, 93- 95.

³² *Divan- i Lugat al Turk*, İstanbul: 1333 (1918), I/127.

³³ F. Köprülü, *Bizans Müesseselerinin Osmanlı Müesseselerine Tesiri*, İstanbul: 1981, 62- 3.

Another argument about the origin of the word is put forward by Ipsirli. According to him, many new words were derived from the verb "*bitimek*", "to write": "*bitigu*", pencil; "*bitig/bitik*", writing, inscription, document, letter, book, order, decree; "*bitikci*", clerk; "*bitigli*", owner of the document; "*bitiklik*", writing material.³⁴

Kafesoğlu says that, some information was found in the Chinese annals about how Turks communicated and prepared official documents by drawing certain signs on wax with an arrow or by carving on sticks.³⁵ Thus, adds Kafesoğlu, the origin of Turkish writing should be examined in a Turkish rather than Chinese context. With this in mind, some scholars study Turkish seals on this question.³⁶ Another point Kafesoğlu put forward was the question of the origin of the word *bitig*. He refused the assumption that the word was based on Chinese. To uphold his argument, he noted that Turkish was not a language that was written with a brush, but was a kind of "inscription language" written with steel implements on firm surfaces. Secondly, the word *bitig*, brush, did exist in Uighur dialect, but underwent some changes both in formation and in meaning. The word *bitig* must be a noun derived from a Turkish verb *bit/biç-mek*. In Chinese this word is "*biçi(g)*".³⁷

Yusuf Has Hacib states that the *bitigi İlmga* was the officer who managed official correspondence in the Karakhanate and he was also confidant of the ruler. Hacib's verse "*if you become bitigci İlmga, keep your heart secret, don't say a word*" expresses his views.³⁸ Another account, related by Uzunçarşılı, reminds us of Hacib's explanation: "According to S. Sami the word *beylikci* is originally derived from *bitikci*. *Beylikci* is the one who puts in writing important and secret

³⁴ Kafesoğlu, İ., *Türk Milli Kültürü*, İstanbul: 1989, 324.

³⁵ *ibid.*

³⁶ *ibid.*, 324.

³⁷ *ibid.*, 324.

³⁸ Resat Genç, *Karahanli Devlet Teskilati*, İstanbul: 1981, 258- 59.

matters in official form sent by *reis al- küttab* (chief of clerks).³⁹

In former Turkish states, *bitekci*, in Tabgach, *bitekci* and *ilmga* and *damgacI*, in Goktürk, Turgis and Uighurs, *tugracI* in Oghuz, functioned as a class of clerks responsible for official correspondence. Documents had the imperial stamp or seal (*tamga*, *tugra*) of the khakan.⁴⁰ We know of the existence of the same posts (*bitikci* and *ilmga*) in the Karakhanate, considered as the first Turkish- Muslim dynasty in Turkistan between 840 and 1212. The military was controlled by a divan, a council of state, like the divan under the Seljukids, and this institution had registers covering not only the payments and monthly salaries of soldiers namely "*ay bitigi*", but also any kind of change in their positions.⁴¹ Probably the words *bitigçi* and *bitikçi* passed to the Mongols from the Turks through the Uighur clerks. In Mongolian there were similar words such as *biçigü* (to write), *biçikçi* (clerk) and *biçig- ün tūsimeI* (an officer in the chancery).⁴² Uighur influence had important place in the organisation of the Mongol Empire and we have many legal and financial terms that reflect this.⁴³ For the Ilkhanids, (1256- 1344), *Ulug Bitikçi* was the head of the chancery office. He was the one who was responsible for writing any official document such as a decree, diploma, or letter issued by the council of state as well as for guiding the clerks under him called *bitikçi* or *bahshi*.⁴⁴

In Turk- ruled states in Egypt too, the word *bitikçi* that meant clerk existed: "*When Izzeddin Ahmet died he was one of the bitikçis*".⁴⁵

The influence of the Ilkhanids, as in many fields, was undoubtedly

³⁹ İ. Hakkı Uzunçarşılı, *Merkez ve Bahriye Teşkilatı*, Ankara: 1988, 39.

⁴⁰ Kafesoğlu, 266.

⁴¹ R. Genç, "Karahanlılar", *Doğuştan Günümüze Büyük İslam Tarihi*, İstanbul: 1992, VI, 174- 5.

⁴² W. Schmidt, *Mongolish- Deutsch- Russisches Wörterb*, Petersburg: 1835, 109, cited in M. Mansuroğlu, 657.

⁴³ Ahmet Caferoğlu, "Uygurlarda Hukuk ve Maliye İstılahları", *Türkiyat*, v.4, 1- 43; For Chinese influence on the Uighurs see Uzunçarşılı, *Osmanlı Devletine Medhal*, Türk Tarih Kurumu, Ankara: 1975, 174.

⁴⁴ Uzunçarşılı, 219; for "Bahşi" see Köprülü, "Bahşi", *İslam Ansiklopedisi*, v.2, 233- 38.

⁴⁵ Uzunçarşılı, 187.

important on the art of official writing in the Ottoman State, in other words, on Ottoman diplomatics. The style and method of the Ilkhanids was applied by the Ottomans, especially the introductory protocol, sanction and final protocol in official documents such as ferman, (orders dispatched by the sultans), and berats.⁴⁶ The Seljukids including the Seljukids of Rum had *sahib-i tugra*, *tugrai*, *nishancı* and *pervance/pervane* as holders of the imperial monogram. These officers' duty was to write down ferman, berats, as well as land registers. The Karakoyunlus and Akkoyunlus also had a divan in which *pervançı* did the same duty.

The word *biti* was used by the Anatolian principalities and the Ottoman State until the reign of Bayezid II. In the Arvanid register belonging to the time of Murad II we see the word many times. According to Halil İnalçık⁴⁷ "The terminology and diplomatic rules in the first documents issued by the state and of customary- sultanic nature give clear demonstration of the continuation of the Turco- Iran tradition in official writing. The term *biti* was rooted in the Uighur influence expanded during the Ilkhanid sovereignty in Iran and Anatolia. We know that there were clerks who wrote excellently in Uighur in the divan of Mehmed the Conqueror, but instead of *bitikçi* (clerk) the Ottomans used the term *yazıcı*".⁴⁸

b. Other terms for Berat

Before the use of *berat*, *hükm* was a term with the same meaning. *Hükm* is literally a command, order, decision, power, supremacy. It can also mean to act as *kadi*, or, more generally, to influence something.⁴⁹ Written orders of the sultans on any issue or duty are called *hükm-i*

⁴⁶ See Mehmed b. Hinduşahi, *Düstur al Katib fi Ta'yin al Meratib*, in the Köprülü Library, İstanbul, number 1241. See also Uzunçarşılı, *Medhal*, 220.

⁴⁷ İnalçık, "Reisü'l- küttab", *İslam Ansiklopedisi*, v. 9, 672.

⁴⁸ The word "yazıcı" still exists in contemporary Uzbek- Turkish and also in some other turkic dialects as "yazucuv".

⁴⁹ *Osmanlı- Türkçe Ansiklopedik Büyük Lügat*, Türdav, İstanbul: 1981, I, 822.

hümayun , an imperial order. Regardless of the office which issued the order, all sultanic documents were generally considered as *hükm* . The register covering orders concerning any financial issue was called "the register for financial *hükms* (orders). A *Hükm* sent to a governor or an administrator was a *ferman* , if it was for an appointment or privilege, it was a *berat* or *ruus* . There are some *hükms* with *tuğra* , the imperial monogram, named "clean *ahkam- i sherife* (respected orders) with *nishan- i hümayun* (imperial monogram)".⁵⁰ In this kind of document some places were blank in order to be filled in when necessary. Thus, according to subject and work, *hükms* were given names like *ferman*, *nishan*, *berat*, *tevki'*, *menshur* . The terms such as *hükm- i hümayun*, *hükm- i sherif*, *hükm- i cihan- ara*, *hükm- i cihan muta*, *hükm- ü vacibi'l- imtisal* define the *hükm* as a command or a decree. The term *ferman* , except in the early times, was decisively adopted by Ottoman diplomatics. In the Arvanid Register, the earliest land register available in the Ottoman Archives (h 835- 1432), we notice terms repeatedly used, such as *mektub*, *berat*, *berat of pasha*, *biti of pasha*, *biti*, *berat of sultan*, *biti of beg* (governor), order of sultan. The word *pervane* was very rare. *Biti* and *berat* were used with the same meaning for pashas and begs, while *biti* was not used for the sultan. Instead, we have *biti of sultan* , or *hükm of sultan* .⁵¹ On the other hand, what the register means by "the existence of a *hükm* by the sultan" is, in fact, nothing but a *berat*. In the same register, as a substitute for "*hükm* by the sultan", we find "*berat by the sultan*".⁵²

The terms *mithal* and *tevki'* have the same meaning. In the Seljukids of Rum a *mithal* is a document issued not by the sultan but

⁵⁰ See Hoca Saadeddin, *Tacu't- Tevarih* , II, 322, for the letter sent by Selim I to İdris- i Bitlisi dated h. 921/1515, concerning the grant of sanjaks, administrative units, to the begs in Diyarbakir who remained loyal to the sultan. In the letter he noticed that they were sent a clean "*ahkam- i sherife* with *nishan- i hümayun* and *tuğra*".

⁵¹ İnalçık (ed.), *Hicri 835 Tarihli Suret- i Defter- i Sancak- i Arvanid* , 2nd edition, Ankara: 1987, 69, 77.

⁵² İnalçık, (1987), 72, 197, 198.

by high officials such as viziers to order or advise lower officials. The Ottomans interchangeably used the terms *mithal* and *ferman*, *nishan*, *tevki'*, or even *tuğra*. The documents generally begin with a formula: "the reason why this respected imperial *tevki'* is written is that ..." or "the reason why this unique *mithal* and *ferman* should be obeyed is that ...". In some fermans, *mithal* and *nishan* have the same meaning: "*Nishan- i hümayun and mithal- i meymun* " (imperial *nishan* and sacred *mithal*).⁵³

There are many examples in early Ottoman works on writing (i.e. *Menahic*) which demonstrate that the words such as *kitab*, *kitab- i hümayun*, *mithal*, *tevki'*, *nishan* were used as substitutes for one another in the fifteenth century. This may be a result of a trial period in constructing formulae. Thus, it is possible to see the terms used interchangeably in the same document. In the *nishan* of Süleyman Çelebi, dated h. 815/1412, for example, in the beginning "kitab" is used , then "tevki'" and finally "mektub" with the same meaning.⁵⁴

Another example is the *biti* of Musa Çelebi, dated h. 815/1412, in which *biti*, *mektub* and *nishan* are used.⁵⁵ The *nishan* of Mehmed I dated h. 823/1420 uses the terms *mithal*, *tevki'* and *ferman*.⁵⁶ In some *berats* we observe that the term *kitab* (like *hükm*), in accordance with Islamic tradition, had a comprehensive meaning that covered any kind of document.⁵⁷

Yarlık, Yarlığ

We know that amongst the Mongols and in Mongol originated states

⁵³ Uzunçarşılı, "Tuğra ve Pençeler", *Belleten*, Ankara: 1941, XVII-XVIII, 130- 31.

⁵⁴ Topkapı Sarayı Müzesi Arşivi, The Archives of Sinan Paşa, number 152; Tahsin Öz, *Tarih Vesikalari*, I, number 4; P. Wittek, *Wiener Zeitschrift für die Kunde des Morgenlandes*, LVII, 102.

⁵⁵ T. Gökbilgin, "XV-XVI.asırlarda Edirne ve Paşa Livasi", Istanbul University, Edebiyat Fakültesi, Istanbul, 1952: 172.

⁵⁶ Feridun Bey, *Mecmua- i Munşeatu's- Selatin*, Takvimhane- i Amire [Istanbul] 1274- 75: I, 166.

⁵⁷ For more information on uses of this kind see M. Hamidullah, *Al Vesaik al Siyasiyye*, doc. number V, VII, XVII.

such as the Golden Horde and the Crimean and Kazan Khanates, *yarlık* was the name of letters sent to foreign rulers and, in particular, of diplomas granting privileges.⁵⁸ *Yarlık* must have been in the form of a sultanic order, namely a ferman. Besides it is a fact that these documents have been clearly identified as "yarlık".⁵⁹

According to Ilkhanid traditions official documents (*amsele*) and laws (*carluk*, *yarlug*, *ferman*) were prepared by officials called *bitikçi* under the control of the head of all clerks, namely the *münshi-i divan-ı büzürg* and all the documents had the imperial seal "paiza". In the chancery (*divan-ı büzürg-i İlhanî*), were sections for Mongolia, Persia, north China, Tibet and Tangut. Therefore each document was written in the original language of its destination.⁶⁰ The Ilkhanids applied the traditional Mongol approach and at the beginning of a document, used the formula "Mengi tengri küçündür", (in the power of God), which would become, with Islam, *Besmele*. They then simply indicated the addressee and addresser in a formula (such as "by the order of to") and used red (*kızıl tamga*) or black (*kara tamga*) seals.⁶¹

The rulers of the Golden Horde used the term "yarlık" for their orders, especially concerning the making of coin, - "yarlug-ı hümayun" or "hükm-i hümayun".⁶² Later on, this term passing through the

⁵⁸ In Uigur documents *yarlık* is the order of the sultan. In *Divan-ı Lügat al-Türk* *yarlığ* is a written order of the sultan. (See "Uygurlarda Hukuk ve Maliyet İstilahları", *Türkiyat Mecmuası*, IV, 32.) Later "nishan" replaced *yarlığ* and sometimes it was called "Aldamga". According to Ali Şir Nevai, in the 15th century Mongols used "nishan", "mühür", "tuğra" instead of "yarlığ", "basma", and "alamet". However the Ottomans used "nishan" as *berat*, *yarlığ*, *ferman* and even *tuğra*. In *fermans* "nishan" means *berat* as well as *ferman* and *yarlığ*.

⁵⁹ *Yarlığ* of the Toktamış Khanate, 21- 23: "Altı nişanlık *yarlık* tuttuk"; *yarlık* of the Timur Kutluk Khanate, 23,24: "Altın nişanlık al tamgalık *yarlık* bildirildi"; *yarlık* of the Hacı Giray Khanate, 34: "Bu *yarlığ*ını "; 51: Altın nişanlı al tamgalı *yarlığ* birdimiz". But *bitiks* do not always have the term *biti* or *bitik*. See first and second letter of Mengi giray Khan, 84- 88. In these documents we see the terms "tahiyyetname" and "mektub". These *bitiks* actually are like Ottoman *name-i hümayun*, sultanic letter. See A. N. Kurat, *Topkapı sarayı Müzesi Arşivindeki Altın Ordu, Kırım veTürkistan Hanlarına Ait Yarlık ve Bitikler*, İstanbul, 1940, 4.

⁶⁰ Nadir Devlet, "İlhanlılar", *Doğuştan Günümüze Büyük İslam Tarihi*, IX, 82- 83.

⁶¹ *ibid.*

⁶² *ibid.* (quoted from B. Spuler, *Die Goldene Horde, Die Mongolen in Russland*, 1223- 1502, 267- 270.)

İlkhaniids, was used by the Anatolian Seljukids, Karaoyunlu, Akkoyunlu and, though rarely, in the Mamluks. As to the Ottomans, the term was not used as a separate document category, but in berats and fermans as a formula such as "yarlıġ-ı beliġ".

Menshur was another widely used term. It was the name of documents granted to land holders under the Abbasids, of particular diplomas making appointments under the Fatimids, and for any kind of diplomas making appointments under the Eyyubis and Seljukids. The Mamluks too had *menshur* documents concerning land holding. The most important characteristic of it was that it was granted by the sultan himself and had his name on it.⁶³ The Seljukid sultan Muhammed Tapar (h 498- 511/1105- 1118) granted the region of Syria to Atabeg Tuġtekin in h 150/1116 by giving him a menshur. We have the text of this important *menshur*, written by a famous caligrapher, Tuġrai Ebu Ismail al-Huseyni al-Isfehani, in Ibn al Kalanisi's *Zeylu Tarih-i Dımaşk*.⁶⁴ This document, rather like Ottoman *menshurs* concerning vezaret, granted many privileges and rights to Atabeg Tuġtekin. The document, an original and remarkable one, displays the situation of the relationship between the Seljukids and The Atabeg of Damascus.⁶⁵ It also has the characteristics of a menshur in Persian of the time, in terms of diplomatics.⁶⁶

Later Developments

In Ottoman dictionaries, the term Berat, (diplome/ordonance royale in french; privilege in english; befehl in german) has always been dealt with in terms of what it meant at that time. Thus a berat was "a kind of diploma for immunity" in *Lugat- i Osmaniyye* (h. 1286), "a letter whose

⁶³ For more information on menshur, see Kalkashandi, *Subhu'l- asha*, XIII, 150- 165.

⁶⁴ pub. by Amedroz, Beyrut 1908, 193- 197.

⁶⁵ See Coşkun Alptekin, "Büyük Selçuklular", *Doġuştan Günümüze Büyük İslam Tarihi*, VII, 167; "Dımaşk Atabegliği" *Doġuştan Günümüze Büyük İslam Tarihi*, VII, 481. See also A. Özaydın, *Sultan M. Tapar Devri Selçuklu Tarihi 498- 511/1105- 1118*, Türk Tarih Kurumu, Ankara, 1990, XXII-XXXIII.

⁶⁶ See C. Alptekin, for summary of that document.

plural is *berevat*" in *Ahter- i Kebir* (h. 1316), "an official document used for granting patents, positions, civil service jobs, pay, and several immunities by the state" in *Kamus- i Osmani* (h. 1329). *Lehçe- i Osmani*, by Ahmet Paşa, does not mention the term, but we find it in the "*ferman*" article: "Order, letter of order, sentence, *yarlığ*, extensive *berat*". In works on the diplomatics of the nineteenth century, *berat* is "an official document of immunity written in *divani* form, with imperial seal for granting various appointments (*cihat- i mütenevvia*)".⁶⁷ Another definition says that *berat* "is the name for *ferman*s granted by *Evkaf- i Hümayun Nezareti* (the Office of Imperial Foundations) to those who hold an official post for religious services such as *imamet*, *kitabeta* or *tevliyet*".⁶⁸ Comparing the last two definitions, the latter has the expression "religious services" instead of "various appointments" used in the first both indicating *berats* granted for posts concerning religion or religious foundations. Besides, in the latter the only government office authorized to grant *berat* is the *Evkaf- i Hümayun Nezareti*. This was the result of the *Tanzimat* era, in which judicial, legal and administrative institutions underwent many changes, and appointments by *berat* were restricted to a small group of services concerning *Evkaf- i Hümayun Nezareti*. According to Recyhman and Zajackowski, the term was "applied particularly to diplomas dealing with the appointment of dignitaries, with the granting of feudal estates, and with the specification of obligations."⁶⁹

Finally we have to mention that there are other *berats* such as "ahidname", and "temlikname- mülkname" which are not included in this study because of different diplomatic features, and these would be the subject of another study.

⁶⁷ Mehmet Tefik, *Usul- i İnşa ve Kitabeta*, İstanbul, 1307, 417.

⁶⁸ Muhyiddin, M., *Münşeat ve Muamelat- i Askeriyye*, İstanbul: 1307, 417.

⁶⁹ *Handbook of Ottoman- Turkish Diplomats*, trans. by A. Ehrenkreutz, The Hague, Paris: 1968, 136.

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