

**An Analysis and Comparison of *Fermân* and *Berât*
in Ottoman Diplomatics**

Dr. Nejdet Gök, Lecturer

Address: Bilkent University, Department of History, 06533, Ankara,
Turkey.

Telephone: +90 - 312 - 290 - 2098

Fax: +90 - 312 - 290 - 2820

e- mail: ngok@bilkent.edu.tr

Kürşad U. Akpınar, Ph.D. Candidate

Address: Bilkent University, Department of History, 06533, Ankara,
Turkey.

Telephone: +90 - 312 - 290 - 3259

Fax: +90 - 312 - 290 - 2820

e- mail: akpinar@bilkent.edu.tr

An Analysis and Comparison of *Berât* and *Fermân* in Ottoman Diplomatics

Apart from being indispensable tools to the historian, Ottoman archival documents constitute one of the lasting testaments to Ottoman civilization. Among these documents, those drawn up in the name of the Ottoman sultan, the *fermân* and the *berât*, are the most important and most widely known types. In European literature, all Ottoman sultanic documents have traditionally been called *fermân*, even including the capitulations, which were technically in the *berât* form, and would fall into the domain of *berât*.¹ Indeed, at first glance *fermân* and *berât* might appear to be of the same kind, since both documents contain the orders and decisions of the sultan on a certain topic, both carry his *tuğrâ* at the top, and both are written in the same script. In fact, *fermân* and *berât* form the two distinct categories of sultanic documents. Although there are some similarities in form and appearance, they were composed for different purposes and intentions. In this paper, we shall examine the form and contents of *fermân* and *berât* and point out the differences between the two documents.

We shall proceed by firstly showing the essential components (*rükûn*, pl. *erkân*) and requirements (*şart*) to be found in the Sultanic documents generally; we shall then investigate *fermân* and *berât* in turn, showing their

¹ Jan Reychman and Ananias Zajaczkowski, *Handbook of Ottoman- Turkish Diplomatics*, revised and expanded translation by Andrew S. Ehrenkreutz, (Mouton, 1968), 137. Nejdet Gök, "Osmanlı Diplomatiğinde Bir Berât Çeşidi Olan - Ahidnameler - ", *Türkiye Günlüğü* (Jan- Feb 2000) 59: 97- 113.

components schematically. Finally, we shall conclude by pointing out the similarities and differences between the two document types.

A. The Components (*Erkân*) of Sultanic Documents

The characteristics and contents of a document are related to its type, subject, date of composition, and to whom it is addressed. When investigated in general terms, we see that Ottoman documents and documents of contemporary European states have similar Diplomatic properties.²

The Sultanic documents consist of two main sections, if the beginning and ending protocols are viewed as forming a single category:

I. Protocol (introduction and conclusion protocols)

II. Main Text

These two sections are further divided into sub-sections, which are called *erkân* in the *inşâ*, composition manuals. These parts are described below, with corresponding Latin terms in square brackets and their Ottoman counterparts in parantheses.

I. Introductory Protocol (*Dibâce*, *girizgâh*, *fevâtih*)

1. Invoking God [Invocatio] (Beginning with the name of God; *Tesmiye*, *da'vet*, *tahmîd*, or *temcîd*)

²² For comparing the Ottoman and Medieval European documents by their properties of Diplomatics, see F. Babinger, "Zwei grossherrliche Schenkungsurkunden aus den Jahren 1008/1600 und 1023/1614", *MSOSW* (1927) 30: 163- 64; A. Giry, *Manuel de Diplomatie*, (Paris, 1925), 527- 589. Also Friedrich Kraelitz, "İlk Osmanlı Padişahlarının Isdar Etmiş Oldukları Bazı Berâtlar", *Tarih- i Osmani Encümeni Mecmuası* (*TOEM*) (1917) 5: 242- 245; and the same author's "Osmanische Urkunden in türkischer Sprache aus der zweiten Hälfte des 15. Jahrhunderts. Ein Beitrag zur osmanischen Diplomatie", *Sitzungsberichte de Akademie der Wissenschaften, Philosophisch- Historische Klasse* (Wien, 1921) 197 iii. A recent work dealing with this issue is Olivier Guyotjeannin, Jacques Pycke, and Benoit- Michael Tock, *Diplomatique Medievale* (Brepols, 1993).

2. The imperial sign of the sultan (*Tuğrâ*)
3. Title and Signature [Initulatio] (*Unvân* and *Elkâb*)
4. Name and Title of the recipient [Inscriptio]
5. Prayer and wishes of well-being [Salutatio] (*Du'â*)

0. Main Text

6. Narration or Description of the Case [Narratio or Expositio] (*Nakil* or *İblâğ*)
7. Order or Decision [Dispositio] (*Emir* or *Hüküm*)
8. Reiteration, Threat, Strengthening, and Curse [Sanctio, Corroboratio and Communiatio] (*Te'kîd*, *Tehdîd*, *Te'yîd*, *La'net*)

0. Conclusion Protocol [Escathocol] (*Hatime*)

9. Date [Datatio] (*Tarih*)
10. Place [Locus] (*Mahall- i Tahrîr*, *Makâm - İ Isdâr*)
11. Seal [Seal] (*Mühür*)

Among the sultanic documents, only imperial letters to foreign rulers, the *nâme- i hümayûn*, contain these sections in their entirety. In certain sultanic documents some sub- sections shown above may be missing.

B. The Components of Fermân

I. Introductory Protocol (*Dibâce*, *girizgâh*, *fevâtiḥ*)

1. Invoking God [Invocatio] (*Tesmiye*, *da'vet*, *tahmîd*, or *temcîd*)
2. The imperial sign of the sultan (*Tuğrâ*)

3. Name and Title of the recipient(s) [Inscriptio] (Elkâb)

4. Prayers appropriate to the rank(s) of the recipient(s) [Salutatio] (Du‘â)

0. Main Text

5. Narration of the Case and explanation of the reasons for the composition of the fermân [Narratio or Expositio] (Nakil or iblâğ)

6. Order or Decision [Dispositio] (Emir or Hüküm)

7. Reiteration, Threat, Strengthening, and Curse [Sanctio, Corroboratio and Communiatio] (Te‘kîd, Tehdîd, Te‘yîd, La‘net)

0. Conclusion Protocol [Escathocol] (Hatime)

8. Date [Datatio] (Tarih)

9. Place [Locus] (Mahall- i Tahrîr, Makâm - ı Isdâr)

C. The Components of Berât

I. Introductory Protocol

1. Invoking God (Tesmiye, da‘vet, tahmîd, or temcîd)

2. The imperial sign of the sultan (Tuğrâ)

3. Berât Opening Formulas:

a. Beginning with the ‘unvân (Berâts etc)

b. Using the term hükm, decision: “It is my decision that...” (*Benim hükmüm oldur kim...*)

c. Using the term biti: “The decision of this biti is such that...” (*Bu biti hükmü oldur ki...*) “The biti has been written in such a way that...” (*Biti kaleme geldi şol müceb*)

d. Using the term *misâl*: “The order of the matchless ruler, may God the Lord the Great protect him, is such that” (*misâl- i bî- misâl*

neffezehu’llâhu’l- Meliki’l- Müte’âl buyruğu oldur ki)

e. Beginning with the term *tevkî’*: “The exalted and imperial sign is such that...” (*Tevkî’- i refî’- i hümâyûn oldur ki*)

f. Beginning with the phrase *sebeb- i tahrîr* or *vech- i tahrîr*: “The reason for writing the exalted sign and the cause of the delineation of the *yarlığ* is such that...” (*sebeb- i tahrîr- i tevkî’- i refî’ ve mûceb- i tastîr- i yarlığ*)

g. Beginning with the *nişân* formula: “*Nişân- ı Şerif...*”

0. Main Text

4. Narration and Exposition of the Case (Nakil or *iblâğ*)

5. Title and Prayer (Elkâb and Du’â)

6. Order or Decision (Emir or Hüküm)

7. Reiteration, Threat, Strengthening, and Curse (Te’kîd, Tehdîd, Te’yîd, La’net)

0. Conclusion Protocol [Escathocol] (Hâtime)

8. Date (Tarih)

9. Place (Mahall- i Tahrîr, Makâm - ı Isdâr)

D. The Terminology of Hüküm, Fermân, and Berât³

1. Hüküm

³ We have focused on the pre- Tanzimat period in the following discussion.

Hükm (pl. *ahkâm*) is a term that, in the widest sense, means order or decree. We see it used to mean either *fermân* or *berât* in many documents. The dictionary meanings of *hükm* include a definite order or decision, power, authority, governorship, will, command, prestige, judicial authority, or influence.⁴

In Ottoman usage, a written order, issued by the sultan concerning a certain issue, business and duty was called *hükm-i hümayûn*. All sultanic documents, regardless of the office in which they had been composed, were called *hükm*. If the *hükm* was about a financial issue, the register in which it was recorded would be called *mâlî ahkâm*, financial orders. *Hükms* sent to governors or other administrators containing imperial orders for a certain task were called *fermân*, while those *hükms* issued for an appointment or privilege were called *berât* or *ru'ûs*. Thus, *hükms* would also be given special names depending on the subject and task, such as *fermân*, *nişân*, *berât*, *tevkî'*, or *menşûr*.

The usage of terms meaning decree, edict, or order in early Ottoman documents is more flexible and somewhat ill-defined. For example, in the earliest extant Ottoman *tahrîr* register, that of Arvanid, dated 835/1432, terms such as *mektûb*, *berât*, *paşâ berâtı*, *paşâ bitisi*, *biti*, *sultan berâtı*, *beğ bitisi*, *mukarrer*, and *sultan hükmü* are frequently used. Though rare, the term *pervâne* is found as well. While a sultan or pasha could issue a *berât*, *biti* is never used for sultan –hence no *sultan bitisi*. For sultanic documents, *berât* or

⁴ J. W. Redhouse, *A Turkish and English Lexicon* (Constantinople, 1890), 797.

hükm is used.⁵ Thus, a record such as, “he has the possession of our sultan’s hükm” (“*elinde sultanın hükmü var*”) must be referring to either a berât or a fermân.

Certainly, the Ottomans employed a lot of terms that more or less mean the same thing –an imperial edict. One might be tempted to judge this plethora of terms as being redundant, confusing, or imprecise. Before rushing to such a conclusion, several points must be remembered. In the early period, Ottoman documents –just like any other aspect of Ottoman culture- were greatly influenced by the traditions of Islamic states. It is beyond the scope of this article to discuss the origins of Ottoman Diplomats, but simply looking at the terms will be sufficient to recognize the influence of the Abbasids, Seljukids, Ilkhanids, and Mamluks on Ottoman Diplomats. We see that after the early period, fermân came to dominate Ottoman chancery practice and many early terms such as *biti* had completely disappeared by seventeenth century. The Ottomans were successful in developing their own Diplomats over and above the Islamic chancery traditions. It should also be remembered that the characteristics of Ottoman documents were remarkably stable throughout the centuries.

In many instances, hükm could be used interchangeably with fermân; many superlatives appended to fermân were also used for hükm. Hükm could also be used for berât, as found in a berât dated 922/1515: “ ... I have given

⁵ Halil İnalcık, *Hicri 835 Tarihli Suret- i Defter- i Sancak- i Arvanid*, 2nd ed. (Ankara: Türk Tarih Kurumu, 1987), 69, 77.

this noble hükm, which is obeyed by the whole world, and with which conformity of action is incumbent and I have ordered that ...”⁶

The fact that hükm was used to refer to documents which were technically either fermân or berât has caused a great deal of confusion in the literature. As shall be seen, there are many ways of distinguishing between the two types, even when they are indiscriminately called hükm.

2. Fermân

Fermân is derived from Persian verb root “*farmûdan*” and it means order, decree, or command.⁷ In Ottoman Diplomats, fermân means:

A written order of the sultan about an issue, carrying the sultan’s tuğrâ, which is also called ‘*alâmet- i şerîfe*, the noble sign.

In Ottoman documents, the terms hükm, bitî, misâl, tevki’, nişân, *menşûr* and *yarlığ* were all used, from time to time, to mean fermân, since all of them were written orders of the sultan, and they all bore his tuğrâ. These terms were almost always combined with superlatives that exalted the sultan. Many times, the superlative was a single word epithet, showing that the order originated from the sultan himself. Thus, a fermân would usually be called *fermân- i hümayûn* (imperial decree), *fermân- i pâdişâhî* (imperial decree), or *fermân- i şerîf* (noble decree). Sometimes, however, the superlative was much more elaborate:

fermân- i âlî- şân (decree whose glory is exalted),

⁶ “... işbu hükm- i şerîf- i cihân- mutâ ‘- i lâzımu’l- ittibâ ‘i virdüm ve buyurdum ki ...” TSMA, no. 3064.

⁷ H. Busse, “Farman”, *EP*, 2:803.

fermân- İsa'âdet- 'unvân (decree whose sign is felicity),
fermân- İbe Şâret- 'unvân (decree which signals good news),
fermân- İ Şeref- İktirân (decree which is in conjunction with honor),
fermân- İvâcibü'l- iz'ân (decree ready obedience to which is incumbent),
fermân- İvâcibü'l- imtisâl (decree which must be conformed to),
fermân- İcihân- mutâ' (fermân which is obeyed by the whole world),
fermân- İkadr- tuvân (powerful and mighty fermân),
fermân- İkazâ- cereyân (fermân that acts like a decree of Providence)

Similar adjectives, too, were appended to *emr* and *hükm*, which are used synonymously with *fermân*.⁸

The term *fermân* had been used by the Ilkhanids after their conversion to Islam, and had passed to the Ottomans afterwards. Among the Great Seljukids, the Seljuks of Rum and the Mameluks the term *tevkî'* had been used instead of *fermân*, while the term *yarlıĝ* had gained some circulation amongst the Timurids, Kara- Koyunlu and Ak- Koyunlus, and the Khanates of Altin- Orda and the Crimea. Another term, *pervâne*, which had been used by the Seljukids and sparingly by the early Ottomans, had been used to mean both *fermân* and *men şûr*.⁹

The term *sözüm* that appears in the *fetihnâme*, letter of victory, written in both Arabic and Uigur scripts, which Mehmed II sent to the rulers of neighboring regions after the victory at Otlukbeli (AD 1473), had also been used to mean *fermân*.¹⁰

⁸ Mübahat Kütükoĝlu, "Fermân", *DİA*, 12:400.

⁹ İ. Hakkı Uzunçarşılı, "Fermân", *İA*, 4:571. Also see the same author's *Osmanlı Devleti'nin Saray Teşkilatı* (Ankara: Türk Tarih Kurumu, 1979), 279- 81.

¹⁰ R. Rahmeti Arat, "Fatih Sultan Mehmed'in Yarlıĝı", *Tarih Mecmuası* (1939) 4: 285- 322.

3. Berât

In general, *berât* (pl. *berevât*) is a decree, drawn up in the name of the sultan, that gives certain powers or privileges, or establishes the exploitation or property rights over state property to individuals or corporate bodies (such as *vakfs*), and orders third parties to acknowledge and honor these powers and privileges.¹¹

Although the reason for the composition of a *berât* is usually indicated in its text, these reasons can be grouped as follows:¹²

Berâts issued for the appointment to a state office (vizier, *beylerbeyi*, etc.)

Berâts that allow use of state property and lands, or convert them into private property (*temliknâme*, *mâlikâne*, *ocaklık*, etc.)

Appointment berâts to jobs in *vakfs* (*ashâb-ı cihât*¹³ etc.)

¹¹ Before a *berât* was issued, the Ottoman chancery conducted several operations on the proposition. This process is illustrated in Halil İnalçık, "Osmanlı Bürokrasisinde Aklam ve Muamelat", *Osmanlı Araştırmaları* (1980) 1: 1- 14. A comprehensive treatment of all *berât* types has been conducted in Nejdet Gök, "Beylikler Döneminden İtibaren Osmanlı Diplomatasında Berât Formu", unpublished Ph.D. thesis, Marmara Üniversitesi, İstanbul 1997.

¹² The first original classification of Ottoman documents had been carried out by the last Ottoman official chronicler, Vakanüvis Abdurrahman Şeref in his article "Evrak-ı Atika ve Vesaik-i Tarihiyemiz", *Tarih-i Osmani Encümeni Mecmuası* (1912) 1: 9- 19. The classification advanced by Hungarian archivist and historian Lajos Fekete, in *Einführung in die Osmanische-Türkische Diplomatie der Türkischen Botmassigkeit in Ungarn* (Budapest, 1926) received wide recognition. In this classification, documents are grouped according to the administrative and clerical office that prepared them, and according to their date of preparation. For further advances in the field see M. Guboglu, *Paleografiya si Diplomatica Turco-Osmana* (Bucharest, 1958); M. Tayyib Gökbilgin, *Osmanlı İmparatorluğu Medeniyet Tarihi Çerçevesinde Osmanlı Paleografya ve Diplomatiği İlimi* (İstanbul, 1979). Mübahat Kütükoğlu extended Fekete's scheme in *Osmanlı Belgelerinin Dili, Diplomatiği* (İstanbul, 1994). Bulgarian historians Boris Nedkov (*Osmanoturska Diplomatiği i Paleografya*, Sofia 1966) and his student Asparuh Velkov (*Vidove Osmanoturski Dokumenti, Prinos kim Osmanoturskata Diplomatiği*, Sofia 1986) oppose Fekete's division of documents into two groups as secular and religious and divide the documents primarily as either individual documents or *defters*, registers. Finally, the works of Jozef Matuz, Anton Schaendlinger, and Valery Stajanow in the Ottoman Diplomatsics has to be noted.

In summary, the reason for drawing up berâts is to give rights, privileges, entitlement to exploitation of the state assets, or awarding freehold property.

E. Comparison of Berât and Fermân

Comparing the parts of fermân and berât, it is seen that da'vet, tuğrâ, tarih, and mahall- i tahrîr sections in the two document types are completely the same. Although other sections also carry similar names, there are important differences.

1. The important point in a fermân is the order itself and its execution. On the other hand the berât is a document of privilege and authorization, thus primary emphasis is placed not on the order but on the recipient of the berât, who is called as *sâhib- i berât* (owner of the berât) or *ehl- i berât*.

It is precisely for that reason that in many fermâns, the names of the addressed officials are not recorded. In the eighteenth century, the place in which their name would have been put was left empty, because in fermâns the correspondence is not to the individuals but to their office. A change of post did not nullify the responsibility to carry out the order. An imperial decree

¹³ Holders of *cihet* (pl. *cihât*), variously termed as *erbâb- i cihât*, *ashâb- i cihât*, *ashâb- i vezâif*, and *mürtezika- i evkâf* in the Ottoman documents, are divided into two main groups: (i) those requiring qualification in the Islamic sciences, such as *imâmet*, *hitâbet*, *vâ'izlik*, *dersi'âmlık*, *tedrîs*, *cibâyet*, and *kitâbet*, were called *cihât- i 'ilmiyye*; (ii) those involving physical effort, such as *kayyımlik*, *türbedârlık*, and *ferrâşlık*, were called *cihât- i bedeniyye*. Since holders of *cihet* were legally acknowledged to be in the *'askerî* class, they were endowed with certain rights and exemptions, like other *'askerîs*. Mehmet İpşirli, *DİA* 7:546- 548.

would be carried out regardless of the person occupying the office, since the decree carried the force of law.¹⁴

*Kânûn*s promulgated during Mehmed the Conqueror's reign, as well as those before his reign, were nothing but *fermân*s issued for certain problems. Since these included general rules to be obeyed, they were known as *fermân-kânûn*s or *kânûn-fermân*s. Sometimes, these *kânûn*s are in the form of administrative orders involving a certain group.¹⁵

2. Texts of the two documents open in different ways that are suited to their purpose of composition. The text of the *fermân* begins with *elkâb*, honorific titles that are appropriate to the rank and office of the addressee.¹⁶ Then, the office he is occupying is stated, to which either his name and rank is appended or a blank space large enough to hold the addressee's name and rank is left. Immediately afterwards comes a short prayer, *du'a*, which is also in conjunction with the addressee's status.¹⁷ The combination of *elkâb*, name,

¹⁴ Boris Nedkov, *Osmanoturska Diplomatika i Paleografiya* (Sofia, 1966), 1:136- 137; Mübahat Kütükoğlu, *Osmanlı Belgelerinin Dili*, 101.

¹⁵ Halil İnalçık, *Osmanlı İmparatorluğu, Toplum ve Ekonomi* (İstanbul: Eren Yayıncılık, 1992), 338. There are many examples of *kânûn-fermân*s in H. İnalçık and R. Anhegger, *Kânûnname- i Sultani ber muceb- i Örf- i Osmani* (Ankara: Türk Tarih Kurumu, 1954): documents no. 3, 5, 13, and others. Interestingly, not all documents in this collection are *fermân*s –there are also some *berâts* as well, which served “law”, such as *yasak-nâmes*. See Halil İnalçık, “Notes on N. Beldiceanu's Translation of the *Kanûnnâme*, fonds turc ancien 39, Bibliotheque Nationale, Paris,” *Der Islam* (1967) 43: 140- 141.

¹⁶ Some people dismiss the *elkâb* and other formulas found in the Ottoman documents as boring repetitions and think that nothing could be gained by studying them. On the contrary, the Ottomans were meticulous in awarding *elkâbs*, which strictly reflected the person's position within Ottoman hierarchy. The language of *elkâb* is imbued with references to Quran and other holy texts, and to mythology and ancient history. Similar observations can be made for other clichés in the Ottoman documents. One has to decode their pompous language and learn to distinguish between the exaggerated superlatives. The *elkâb*, then, help us understand how the Ottomans viewed their world. For a fine example of such an endeavor, see Halil İnalçık, “Power Relations”

¹⁷ Usage of *elkâb* and *du'a* in *fermân*s and other official correspondence was not arbitrary; they depended on and differed according to the addressee's rank, office, social status, and religion. Detailed lists were included in the *münşeât* collections, the most famous

and du‘a form the address (inscriptio) of the fermân and make a suitable opening for a document that calls for action.

On the other hand, berâts begin with certain clichés that we call the “berât opening formula” in a less urgent tone. These formulas demonstrate the might and majesty of the Ottoman sultan, thereby evoking senses of stability, permanence, and durability. From the beginning, the berât assures its holder - and all others who might dare to interfere- that the authority that issued the berât has all the power to protect it and prevent any infringement.

3. In many fermâns the number of addressees is more than one. These might be *kadı*s, *beylerbeyis*, or *sancak beyis*, who were occupying these posts at that time. Usually, both the judicial and administrative branches (*kadı* and *bey*) are addressed in an effort to create a system of provincial checks and balances.¹⁸ However, berâts are not documents that directly address someone to do something –in a way, they are addressed “to whom it may concern.” It is true that in the emir or hüküm part of the berât, third parties are warned to respect the rights and privileges of the berât holder. There is a general call to *beylerbeyis*, *sancak beyis*, *kadı*s, and other officials, extending to future occupants and any other official that might come across the document. The classical formula for this address is “On this issue, let no one shall interfere and attack through prevention and expulsion.” (*“Ol bâbda hiç ahad mâni ‘ve*

of them by Feridun Bey, *Münşeat- ı Selâtin* (Istanbul, 1274- 75). The kânûnnâme of Mehmed II defined elkâb for many offices. Ahmed Akgündüz, *Osmanlı Kânûnnameleri ve Hukukî Tahlilleri* (Istanbul: OSAV Yayınları, 1992), 1:330- 332. Many examples of elkâb and du‘â in the berâts are found in Nejdet Gök, “Beylikler Döneminden İtibaren Osmanlı Diplomatasında Berât Formu”, 198- 219.

¹⁸ Halil İnalçık, “Şikayet Hakkı: Arz- ı hal ve arz- ı mahzarlar,” *Osmanlı Araştırmaları* (1988) 7- 8: 40.

dâfi ‘olmayub dahl ü ta‘arruz kılmayalar.”) Thus, in the berât the address to any official is in the third person narrative, while the fermân addresses them directly. This is the crucial difference between fermân and berât. This is also corroborated by the different forms of the ending formula. In general, fermâns end with “Thus you are to know, you are to place reliance upon the noble sign.” (“*Şöyle bilesi(n/z), ‘alâmet- i Şerîfe i‘timâd kılasi(n/z)*”) which is converted to the third person in berâts as “Thus they are to know, they are to place reliance upon the noble sign.” (“*Şöyle bileler, ‘alâmet- i Şerîfe i‘timâd kılalar.*”) The elkâb section in berâts appears in the nakil part, in contrast with the fermân, which begins with the elkâb. In some berâts, the elkâb found at the beginning after the nişân formula is not the title of the berât holder but the title of the administrator who oversees the subject of the berât.

4. After the introductory protocol, the main text of a fermân begins with a narrative of the case and an explanation of the reasons for the composition of the fermân. If the event described in the fermân is a recent one, the narrative begins with terms such as “*hâliyâ*” (“presently”) or “*şimdiki halde*” (“at present situation”). If the situation that required the issuance of fermân necessitates summarizing past events, the narrative begins with terms such as “*bundan akdem*” or “*bundan evvel*” (before the present) and the past tense is used. This section is called “nakil” or “*ıblâğ*” (narratio). Nevertheless, before the nakil section comes a connecting formula, “when the exalted imperial sign arrives, be it known that” (“*tevkî‘- i refî‘- i hümayûn vâsil olıcak ma‘lûm ola ki*”), that provides the transition from the elkâb and prayer part.

This connecting formula in the fermâns of the early period is slightly different. For example, in the fermâns of Mehmed II, “when the exalted sign that is obeyed by the whole world arrives, know that/be it known that” is used.¹⁹

5. In berâts, the recipient of the berât is signified as “*dârende- i tevkî‘- i hümâyûn .*” In berâts, the orders are issued to third parties who are responsible for honoring the rights and duties. On the other hand, there is a direct muhatab in fermâns and he/they are addressed as “*sen*” or “*siz.*”

6. Since important rights and powers are delegated to the holder of a berât, these rights are clearly mentioned in the “*verdim ve buyurdum ki*” (“I have given [it] and ordered that”) formula. This part is called as the *şart*, condition, of the berât. Depending on the type of berât, different expressions are used in the *şart* part of the berât. The formula “*verdim ve buyurdum ki*”, common among classical period berâts, is slightly different in the early period:

In a biti of Orhan dated 754 AH, “... I have given by making it a vakf, let [him] use it and pray for my sovereignty...”²⁰

¹⁹ Halil İnalçık, “Bursa Şeriyeye Sicillerinde Fatih’in Fermânları,” *Bellekten* (1947) 11: 697-703. For other document examples from Mehmed II’s reign, see V. L. Menage, “Seven Ottoman documents from the reign of Mehmed II,” in *Documents from Islamic Chanceries, First Series*, ed. S. M. Stern, (Oxford, 1965), 81- 118 and plates XXX-XXXVI.

²⁰ “... *vakf idüb virdüm, tasarruf eyleyüb devletime du‘â eylesün ...*” For the berâts of the early period see Paul Wittek, “Zu einigen frühosmanischen Urkunden (I-VII),” *Wiener Zeitschrift für die Kunde des Morgenlandes (WZKM)* (1957- 63/64) LIII:300- 313; LIV:240- 256; LV:122- 141; LVI:267- 284; LVII:102- 117; LVIII: 165- 197; LIX/LX: 201- 223. It must be noted that what would be called as berât in the classical period had been called variously as *nişân*, *biti*, *misâl*, *mektûb*, or *hüküm* in the early period. The complex terminology of documents in the berât constellation is studied in detail in the forthcoming article in *Bulgarian Historical Review*: Nejdet Gök, “Introduction of the Berât in Ottoman Diplomats.” For other terms meaning berât that were used during the reign of Murad II, see Halil İnalçık, *Hicri 835 Tarihi*

In another biti of Orhan, dated 759 AH, "... we, too, have decided that way. No one ..."²¹

In a biti of Murad I (785 AH) "I, too, have made [it] a vakf by consigning" ("*müsellem dutub ben dahi vakf itdüm..*")

With slight modifications, in bitis of Musa Çelebi (804 AH), İsa Çelebi (805 AH), Mustafa Çelebi (808 AH) and Mehmed Çelebi (822 AH), there is: "I have consigned..." or "I have consigned and exempted ..."²²

In a nişân of Murad II (843 AH), there is, "... I have given [it] so that you shall be using that vakf in the form of vakf ..."²³

In some fermâns of Mehmed II, the phrase "it is necessary that" ("*gerekdir ki*") is used instead of "I have ordered that" ("*buyurdum ki*").²⁴

7. When compared to berâts, fermâns carry orders and regulations on more restricted and temporary issues. Berâts, however, are more permanent and continuous, and restrict the authority of future sultans to a certain degree. For that reason, when a new sultan is enthroned, all berâts are usually renewed. At the beginning of such renewed berâts, this situation is referred to in the following words or similar:

Suret- i Defter- i Sancak- i Arvanid (Ankara: Türk Tarih Kurumu, 1954).

²¹ Friedrich Krealitz, "İlk Osmanlı Padişahlarının İsdar Etmiş Oldukları Bazı Berâtlar," *Tarih- i Osmani Encümeni Mecmuası* (1917) 5: 242- 245; P. Wittek, "Zu einigen frühosmanischen Urkenden I", document no. 2.

²² "*müsellem duttum ...*" or "*mu 'âf ve müsellem duttum ...*" P. Wittek, "Zu einigen frühosmanischen Urkenden III-IV", documents no. 5, 6, 7, and 8; V. L. Menage, "Musa Celebi's Nishan of 815/1412", *BSOAS* (1963) 26: 646- 698.

²³ "... *virdüm kim, ol vakfa vakfiyyet üzere mutasarrıf olub ...*" TSMA, Sinan Paşa, no. 21.

²⁴ Halil İnalçık, "Bursa Şeriyeye Sicillerinde Fatih'in Fermânları", 697- 703.

*“Taht- İ âlî baht- İ Osmânî üzere cülûs- İ hümayûn- İ sa‘âdet-
makrûn (or meymenet- menûs)um vâki‘ olmağla ‘umûmen tecdîd- i
bervât fermânım olmağın”*

“Since my felicitous and luck- bringing enthronement to the fateful great Ottoman throne has happened and the general renewal of berâts has been my fermân...”

8. It is one of the properties of the fermân that, within its text, the word “fermân” appears in combinations such as “by the requirement of my holy fermân” or “my great and honorable fermân has been decreed”. In berâts, on the other hand, the word “berât” appears in the connecting sentence between the nakil and emir sections as follows:

“Bu berât- İ hümayûnu virdüm ve...” “I have given this imperial berât and ...”

“Bu berât- İ hümayûn- İ ‘izzet- makrûnu virdüm ” “I have given this imperial berât, which brings greatness”

“Bu nişân- İ hümayûn- İ mekremet- ‘unvânı virdüm ” “I have given this imperial nisan (meaning berât), whose signature is nobility”

“Bu berât- İ behcet- âyât ve meserret- gâyâtı virdüm ” “I have given this berât, which signals happiness and whose purposes are happiness”

9. These two document types may be distinguished by their look and appearance as well. Firstly, the first line of berât typically contains the nişân formula, composed in a complex formulation. Secondly, towards the end of the

timâr berâts, information about the *timâr* and the villages and *nâhiye* s contained therein is directly copied from imperial cadastral registers (*defter-i hâkânî*) and written in the easily distinguished *siyâkat* script.

In the *Tanzimat* period, the Ottoman chancery entered a phase of radical change, in keeping with the bureaucratic reforms of the state.²⁵ A simpler language and style came to be used in the documents. In the meantime, *fermân* and *berât* began to lose their central role and their use was restricted to certain limited topics. Instead of *fermâns*, the sultans proclaimed *irâde-i seniyye* s, and *berâts* were mostly issued for certain religious functions, such as *vakf* services, and for awarding honorary titles such as *nişân*, and *madalya* , medals. Thus, *fermân* and *berât* in the nineteenth century have to be studied separately.

²⁵ İlber Ortaylı, “Osmanlı Kaçılıryasında Reform: Tanzimat Devri Osmanlı Diplomatikasının Bazı Yönleri”, *Tarih Boyunca Paleografya ve Diplomatik Semineri – Bildiriler* (Istanbul, 1988), 153- 168.

BIBLIOGRAPHY

Abdurrahman Şeref. “Evrak- ı Atika ve Vesaik- i Tarihiyemiz.” *Tarih- i Osmani Encümeni Mecmuası* 1 (1912): 9- 19.

Akgündüz , Ahmed. *Osmanlı Kânûnnameleri ve Hukuk i Tahlilleri*. Vol. 1. Istanbul: OSAV Yayınları, 1992.

Arat, R. Rahmeti. “Fatih Sultan Mehmed’in Yarıġı.” *Tarih Mecmuası* 4 (1939): 285- 322.

Babinger, Franz. “Zwei grossherrliche Schenkungsurkunden aus den Jahren 1008/1600 und 1023/1614.” *MSOSW* 30 (1927): 163- 64.

Busse, H. “Farman.” *EP* 2:803.

Fekete, Lajos. *Einführung in die Osmanische- Türkische Diplomatie der Türkischen Botmassigkeit in Ungarn*. Budapest, 1926.

Feridun Bey. *Münşeât- ı Selâtin*. İstanbul, 1274- 75.

Giry, A. *Manuel de Diplomatie*. Paris, 1925.

Gök, Nejdet. “Osmanlı Diplomatiğinde Bir Berât Çeşidi Olan - Ahidnameler- .” *Türkiye Günlüğü* 59 (Jan- Feb 2000): 97- 113.

———. “Beylikler Döneminden İtibaren Osmanlı Diplomatiğinde Berât Formu”, unpublished Ph.D. thesis, Marmara Üniversitesi, İstanbul 1997.

———. “Introduction of the Berât in Ottoman Diplomats.” *Bulgarian Historical Review*

Gökbilgin, M. Tayyib. *Osmanlı İmparatorluğu Medeniyet Tarihi Çerçevesinde Osmanlı Paleografya ve Diplomatiği İlimi*. İstanbul, 1979.

Guboglu, M. *Paleografa si Diplomatica Turco- Osmana*. Bucharest, 1958.

- Guyotjeannin, Olivier and Jacques Pycke and Benoit- Michael Tock.
Diplomatique Medievale. Brepols, 1993.
- İnalçık, Halil and R. Anhegger. *Kânûnname- i Sultani ber muceb- i Örf- i Osmani*. Ankara: Türk Tarih Kurumu, 1954.
- İnalçık, Halil. *Hicri 835 Tarihli Suret- i Defter- i Sancak- i Arvanid*. 2nd ed. Ankara: Türk Tarih Kurumu, 1987.
- . “Osmanlı Bürokrasisinde Aklam ve Muamelat.” *Osmanlı Araştırmaları* 1 (1980): 1- 14.
- . *Osmanlı İmparatorluğu, Toplum ve Ekonomi*. İstanbul: Eren Yayıncılık, 1992.
- . “Notes on N. Beldiceanu’s Translation of the Kanûnnâme, fonds turc ancien 39, Bibliotheque Nationale, Paris.” *Der Islam* 43 (1967): 140- 141.
- . “Power Relations”
- . “Şikayet Hakkı: Arz- ı hal ve arz- ı mahzarlar.” *Osmanlı Araştırmaları* 7- 8 (1988): 40.
- . “Bursa Şeriyeye Sicillerinde Fatih’in Fermânları.” *Bellekten* 11 (1947): 697- 703.
- . *Hicri 835 Tarihli Suret- i Defter- i Sancak- i Arvanid*. Ankara: Türk Tarih Kurumu, 1954.
- İpşirli, Mehmet. “Cihât.” *DİA* 7:546- 548.
- Kraelitz, Friedrich. “İlk Osmanlı Padişahlarının Isdar Etmiş Oldukları Bazı Berâtlar.” *Tarih- i Osmani Encümeni Mecmuası (TOEM)* 5 (1917): 242- 245
- . “Osmanische Urkunden in türkischer Sprache aus der zweiten Hälfte des 15. Jahrhunderts. Ein Beitrag zur osmanischen Diplomatie.”

Sitzungberichte de Akademie der Wissenchaften, Philosphisch- Historische Klasse (1921): 197 iii.

Kütükođlu, Mübahat. “Fermân.” *DİA* 12:400.

———. *Osmanlı Belgelerinin Dili, Diplomatik*. Istanbul, 1994.

Menage, V. L. “Seven Ottoman documents from the reign of Mehemmed II.” In *Documents from Islamic Chanceries, First Series*, ed. S. M. Stern, 81- 118 and plates XXX-XXXVI. Oxford, 1965.

———. “Musa Celebi’s Nishan of 815/1412.” *BSOAS* 26 (1963): 646-698.

Nedkov, Boris. *Osmanoturska Diplomatika i Paleografiya*. Sofia, 1966.

Redhouse, J. W. *A Turkish and English Lexicon*. Constantinople, 1890.

Ortaylı, İlber. “Osmanlı Kançılıyasında Reform: Tanzimat Devri Osmanlı Diplomatasının Bazı Yönleri.” *Tarih Boyunca Paleografya ve Diplomatik Semineri – Bildiriler*, 153- 168. İstanbul, 1988.

Reychman, Jan and Ananias Zajaczkowski. *Handbook of Ottoman-Turkish Diplomatics*. revised and expanded translation by Andrew S. Ehrenkreutz. Mouton, 1968.

TSMA, Sinan Paşa, no. 21.

TSMA, no. 3064.

Uzunçarşılı, İ. Hakkı. “Fermân.” *İA* 4:571.

———. *Osmanlı Devleti'nin Saray Teşkilatı*. Ankara: Türk Tarih Kurumu, 1979.

Velkov, Asparuh. *Vidove Osmanoturski Dokumenti, Prinos kim Osmanoturskata Diplomatika*. Sofia, 1986.

Wittek, Paul. "Zu einigen frühosmanischen Urkunden (I-VII)." *Wiener Zeitschrift für die Kunde des Morgenlandes (WZKM)* (1957- 63/64) LIII:300- 313; LIV:240- 256; LV:122- 141; LVI:267- 284; LVII:102- 117; LVIII: 165- 197; LIX/LX: 201- 223.