An Analysis and Comparison of Fermân and Berât in Ottoman Diplomatics

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A n A n a l y s i s  a n d  C o m p a r i s o n  o f  B e r â t  a n d  F e r m â n  in  O t t o m a n  D i p l o m a t i c s

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. 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 (rükn, pl. erkân) and requirements (şart) to be found in the Sultanic documents generally; we shall then investigate fermân and berât in turn, showing their

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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 parentheses.

I. Introductory Protocol (Dibâce, girizgâh, fevâtih)

1. Invoking God [Invocatio] (Beginning with the name of God; Tesmiye, da‘vet, tahmid, or temci’d)
Among the sultanic documents, only imperial letters to foreign rulers, the *nâme-i hûmâyûn*, 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, fevâtih)

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 Hükûm)

7. Reiteration, Threat, Strengthening, and Curse [Sanctio, Corroboratio and Comminiatio] (Te’kid, Tehdîd, Te’yîd, La’net)

0. Conclusion Protocol [Escathocol] (Hatime)

8. Date [Datatio] (Tarih)

9. Place [Locus] (Mahall-ı 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 hûkm, decision: “It is my decision that…” (Benim hûkmüm oldur kim...)
   c. Using the term biti: “The decision of this biti is such that…” (Bu biti hûmü oldur ki...) “The biti has been written in such a way that...” (Biti kâleme geldi şol mûceb)
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- Melik’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 yarîlık is such that…” (sebeb- i tahrîr- i tevkî’- i refî’ ve mûceb- i tastîr- i yarîlık)

g. Beginning with the nişân formula: “Nişân- ı şerîf…”

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 Hükmûm)

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

0. Conclusion Protocol [Escathocol] (Hâtime)

8. Date (Tarih)

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

D. The Terminology of Hükm, Fermân, and Berât

1. Hükm

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.¹

In Ottoman usage, a written order, issued by the sultan concerning a certain issue, business and duty was called hükm-i hûmâyûn. 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 menṣûr.

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, paşa berâtî, paşa bitisi, biti, sultan berâtî, beğ bitisi, mukarrer, and sultan hükmû 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

¹ J. W. Redhouse, A Turkish and English Lexicon (Constantinople, 1890), 797.
hükm is used.\textsuperscript{5} Thus, a record such as, “he has the possession of our sultan’s hükm” (”elinde sultanımız 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. Hûkm could also be used for berât, as found in a berât dated 922/1515: “... I have given

this noble hükm, which is obeyed by the whole world, and with which conformity of action is incumbent and I have ordered that ...”\textsuperscript{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.\textsuperscript{7} In Ottoman Diplomats, fermân means:

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

In Ottoman documents, the terms hükm, bitî, misâl, tevkî’, nişân, menşâr and yarîţî 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-î hûmâyûn (imperial decree), fermân-î pâdişâhi (imperial decree), or fermân-î şerîf (noble decree). Sometimes, however, the superlative was much more elaborate:

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

\textsuperscript{6} “...išbu hükm-î şerîf-i cihan- mutâ ‘-î lâzîmu’l-ittibâ’î vîrdûm ve buyurdum ki ...” TSMA, no. 3064.

\textsuperscript{7} H. Busse, “Farman”, EF, 2:803.
fermân-ı sa‘ādet-‘unvân (decree whose sign is felicity),
fermân-ı bey Şâret-‘unvân (decree which signals good news),
fermân-ı Şeref-iklîrân (decree which is in conjunction with honor),
fermân-ı vâcibül-‘izân (decree ready obedience to which is incumbent),
fermân-ı vâcibül-imtisâl (decree which must be conformed to),
fermân-ı cihân-mutâ‘ (fermân which is obeyed by the whole world),
fermân-ı kadr-tuvân (powerful and mighty fermân),
fermân-ı kazâ-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 yarlığ 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

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9 İ. Hakkı Uzunçarşılı, “Fermân”, İA, 4:571. Also see the same author’s Osmanlî Devleti’nin Saray Teşkilâtı (Ankara: Türk Tarih Kurumu, 1979), 279-81.
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 cihât¹³ etc.)


¹² The first original classification of Ottoman documents had been carried out by the last Ottoman official chronicler, Vakanüvis Abdurrahman Şeref in his article “Evvak-ı Atika ve Vesaik-i Tarihiyemiz”, Tarih-i Osmanlı Encümeni Mecmuası (1912) 1: 9-19. The classification advanced by Hungarian archivist and historian Lajos Fekete, in Einführung in die Osmanische-Türkische Diplomatik 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, Paleoografa si Diplomatica Turco-Osmana (Bucharest, 1958); M. Tayyib Gökbilgin, Osmanlı İmparatorluğun Medeniyet Tarihi Çerçevesinde Osmanlı Paleoografa ve Diplomatik İlim (İstanbul, 1979). Mübahat Kütükoğlu extended Fekete’s scheme in Osmanlı Belgelerinin Dili, Diplomatik (İstanbul, 1994). Bulgarian historians Boris Nedkov (Osmanoturska Diplomatika i Paleografiya, Sofia 1966) and his student Asparuh Velkov (Vidove Osmanoturski Dokumenti, Prinos kim Osmanoturskata Diplomatika, 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 Schaedlinger, and Valery Stajanow in the Ottoman Diplomatics 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-ı 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-ı berât (owner of the berât) or ehl-ı 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

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13 Holders of cihet (pl. cihât), variously termed as erbâb-ı cihât, ashâb-ı cihât, ashâb-ı vezââîf, and mütezîka-ı evkâf in the Ottoman documents, are divided into two main groups: (i) those requiring qualification in the Islamic sciences, such as imâmet, hitâbet, vá’izîk, dersî-âmlîk, tedrîs, cihâyet, and kitâbet, were called cihât-ı ʾilmîyye; (ii) those involving physical effort, such as kâyy ʾmlîk, türbedârlîk, and ferrâšîk, were called cihât-ı bedenîyye. 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 fermâns 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 kânûns 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,

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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 İnalcık, “Power Relations.”
¹⁷ Usage of elkâb and *du‘a* in fermâns 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 münšeât 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 kadıs, 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 hâkûm 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, kadıs, 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

dâfiʿ olmayub dahl ü taʿarruz 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 şerife i’timâd kîlası(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 şerife i’timâd kîlalar.”) 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 “iblâğ” (narratio). Nevertheless, before the nakil section comes a connecting formula, “when the exalted imperial sign arrives, be it known that” (“tevkî- i refî- i hümâyûn vâstî oltecak 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…”\(^ {20}\)


\(^{20}\) “... vakf idâb virdûm, tasarruf eyleyûb devletîme du‘û eylesün ...” For the berâts of the early period see Paul Wittek, “Zu einigen frührömischen Urkenden (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 hüküüm 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 Diplomatics.” For other terms meaning berât that were used during the reign of Murad II, see Halîl İnalçık, Hicri 835 Tarihi...
In another biti of Orhan, dated 759 AH, “... we, too, have decided that way. No one ...”

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), Isa Çelebi (805 AH), Mustafa Çelebi (808 AH) and Mehmed Çelebi (822 AH), there is: “I have consigned...” or “I have consigned and exempted ...”

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

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

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:

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23 “... virdüm kim, ol vakfa vakfiyet üzere mutasarrif olub ...” TSMA, Sinan Paşa, no. 21.

24 Halil İnalcık, “Bursa Şeriyye Sicillerinde Fatih’in Fermânları”, 697- 703.
“Taht- tâlî baht- 1 Osmânî üzere cülüs- 1 hümâyûn- 1 sa’âdet-makrûn (or meymenet- menûs)um vâki‘ olmağla ‘umûmen tecdîd- i berevât fermânım olmağım”

“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- hümâyûnu virdüm ve...” “I have given this imperial berât and...

“Bu berât- hümâyûn- 1 ‘izzet- makrûnu virdüm” “I have given this imperial berât, which brings greatness”

“Bu nişân- hümâyûn- 1 mekremet- ‘unvânt virdüm” “I have given this imperial nisan (meaning berât), whose signature is nobility”

“Bu berât- 1 behcet- âyât ve meserret- gâyât 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 nâhiyes 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, 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.

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