

SERBESTİYET

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The first great Ottoman reform edict, the «Rescript (*Hatt-i Şerif*) of the Rose-Bower (*Gülhane*) of 1839, contains the following clause: «Every one shall possess and dispose of his possessions and his property in complete freedom (*kemal-i serbestiyette*), without interference from any quarter». Later in the same document, in a reference to judicial council meetings, the desire is expressed that those attending such meetings should state their opinions and observations freely (*serbestçe*) (1).

The word *serbestiyet*, rendered freedom, attracted some attention at the time. The French dragoman and orientalist Belin, in a contemporary comment, noted that «Le mot *serbestiyet* est un des mots que les Turcs ont introduit nouvellement dans leur langue, quoique le primitif y existât déjà. Il dérive de *ser-best*, adjectif composé persan, que signifie libre, auquel on a ajouté le *ye* pour en faire un nom abstrait; puis le Turcs l'ont, pour ainsi dire, arabisé, en ajoutant un *techedyd* sur le *ye*,

1) The Turkish text of the Rescript is widely available. I have used the collection of documents by A. Şeref Gözübüyük and Suna Kılıç, *Türk Anayasa Metinleri* (Ankara, 1957), pp. 3-5.

et le faisant suivre d'un *hé*» (2). A recent *writer* has gone even further, and has claimed that the *Gülhane Rescript* was the first document in the Ottoman Empire in which the word «*serbestiyet*» was used, and that this word was «a Turkish neologism invented on the occasion to convey the French 'liberté'».

In fact, neither the word nor the notion was new to the Ottomans, nor is this the first document in which it appears. As has already been pointed out elsewhere (3), the word occurs in the Turkish text of the Treaty of *Küçük Kaynarca* of 1774, a document of some importance in Ottoman history. By the terms of this treaty the Ottomans were compelled to relinquish their suzerainty over the Crimean Tatars who were granted a brief and rather formal independence as a preliminary to their annexation to the Russian

- 2) A. Belin, «*Charte des Turks*», in *Journal Asiatique*, IIIe série, ix, (1840), p. 22, note 1. Belin was no doubt acquainted with the *Vocabulaire francais-turc* published in Paris in 1831 by the French *dragoman* and *orientalis* L.T. - X. Bianchi, Under «*Liberté*» he has the following entry:

LIBERTÉ, état d'une personne libre, آزادلیق *azadlıq*, آزادی *azadi*, سربستلیک *serbestlik*, سربستلیک *serbestliik*, حرّیة *hurriyet*; — déli-vrance, قورنلش *qourtoulıch*, خلاص *khalas*, اعتاق *i'taq*. a., s. — Recouvrer la —, خلاص بولماق *khalas boulmaq*; — mettre en —, آزادلیق کئساد, آزادلیق *azadlıq*, *kuchad virmek*, ویرمک *virme*, خلاص اطلاق *khulus*, اطلاق

سالیویرمک, *salıvirmek*, v. اطلاق, *i'taq e*, a-t.,

- 3) *Encyclopaedia of Islam*, 2nd edition, s.v. «*Hurriyya*».

Empire a few years later. While the clause was in fact little more than a face-saving device for the Ottoman sultan, it is of some interest as a document in the development of political thought and language. By the terms of the treaty, both the Czar and the Sultan agreed to recognize the Crimean Tatars as «free and entirely independent of any foreign power.» The Sultan was to be recognized by the Tatars as «Grand Caliph of Muhammedanism», but this recognition was to be purely religious, and was agreed «without thereby compromising their political and civil liberty as established.» The treaty is extant in Turkish and French, but appears to have been originally drafted in Italian. The form of words in the Italian text for these two phrases are: «liberi, immediati, ed independenti assoiutamente da qualunque straniera Potenza...» and «senza pero mettere in compromesso la stabilita liberta loro politica e civile.» In the first phrase the Turkish text reads: «serbestiyet ve gayr-i taalluk mustakil vücuhla ecnebi bir devlete tâbi olmamak üzere»; in the second: «akdolunan serbestiyet-i devlet ve memleketlerine halel getirmiyerek..» (4).

The Ottoman Dragoman who in 1774 chose the word *serbestiyet* as equivalent for freedom was not creating a neologism, any more than the draftsman of the «Rescript of the Rose Bower» in 1839. The words *serbest*, free, and *serbestiyet*, freedom, were already in current use in 18th century Turkish with an unmistakably political meaning, indeed far more so than in the Rescript, where *serbestçe* and *serbestiyet* are used in contexts of judicial debate and of property, not of civil or political rights. But such usage had long been normal in Turkish. At a time when the Arabic

4) Articles III of the Treaty. Italian text in G. F. de Martens, *Recueil de traités* iv, (Göttingen, 1795), pp. 610-612; Turkish text in *Mecmua-i muahedat*, iii, (Istanbul, 1297), pp. 255-257 and in *Tarih-i Cevdet*, 2nd edition, i, (Istanbul, 1309), pp. 358 - 359. For an English version see J. C. Hurewitz, ed., *The Middle East and North Africa in World Politics, a Documentary Record*, 2nd edition, (New Haven and London), 1975, p. 94.

loanwords *hür* and *hürriyet*, free and freedom, still retained their primarily legal meaning - i. e., free in the sense of not being a slave - *serbest* and *serbestiyet* were already clearly political.

A few examples may suffice. The famous Ambassador Yirmisekiz Çelebi Mehmed Said Efendi, who went to France in 1720, notes in the course of his itinerary visits to the «free cities» (*serbest şehir*) of Toulouse and Bordeaux. Not content with merely using this term, he explains what it means. Each city was the seat of a *parlement* and *president*. Both words are given in French, transcribed in the Turko-Arabic script, and are explained. The Ambassador notes that these cities have the valuable privilege of being garrisoned only by their own levies and not having royal troops stationed in them (5). Another free city, Danzig, is also described in an early 18th century Turkish treatise on the states and governments of Europe (6).

By the latter part of the 18th and early 19th centuries, the word *serbestiyet* appears to have been in common use. Thus, the Ambassador Azmi Efendi, who passed through Hungary in 1790 on his way to Berlin, notes that the previous Emperor Joseph deprived the Hungarians of their «ancient liberties» (*kadimi serbestiyetler*), but that the reigning Emperor Léopold had restored them (7). The Ottoman Ambassador in Paris under the *Directoire*, Morali Esse-

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- 5) Yirmisekiz Mehmed Efendi, *Paris Sefaretnamesi*, in *Kitabhane-i Ebüzziya*, (Istanbul, 1306), pp. 33-36, modern Turkish version, ed. Abdullah Uçman, in *Tercüman 1001 Temel Eser*, (Istanbul, n. d.), pp. 28 ff. contemporary French translation in Mehmed Efendi, *Le paradis des infidèles.. traduit de l'Ottoman par Julien-Claude Galland*, new edition by Gilles Veinsteln, (Paris 1981), pp. 77-82.
 - 6) *Icmal-i ahval-i Avrupa*, Süleymaniye library, Esat Efendi no. 2062. For a description see V. L. Ménage, «Three Ottoman treaties on Europe», in *Iran and Islam*, ed. C. E. Bosworth, (Edinburgh, 1971), pp. 425 ff.
 - 7) Azmi Efendi, *Sefaretname*, in *Kitabhane-i Ebüzziya*, (Istanbul 1303), pp. 15-16.

yid Ali Efendi, speaks of *serbestiyet* in his report, (8) while the Chief Secretary Atif Efendi, in his important memorandum written in 1798 to examine the political situation created by the revolution in France and the activities of the revolutionary government, uses the word several times - first to describe the basic ideas of the French revolutionaries and their commitment to equality and freedom (*musavat ve serbestiyet*) and then, in a context of more immediate concern, in describing French propaganda among the Greeks and their attempt to install «a form of liberty» (*serbestiyet*) in the Greek islands and mainland towns which they had occupied (9).

By the early 19th century the word was already in use in Turkey in domestic contexts. Thus, the historian Şanizade, who died in 1826, gives an extremely interesting and important description of the principles of consultation (*meşveret*) and the way in which such consultations should be conducted. A point of some significance is that the discussion in these assemblies should be free (*ber vech-i serbestiyet*) (10). In the forms *serbestiyet* and *serbesti*, the term passed into common Ottoman usage in the 19th century and remained the normal expression for political freedom until it was replaced first by *hürriyet*, now given a political rather than a legal context, and subsequently by *özgürlük*.

What is the origin of the term? Etymologically, the word *serbest* is Persian, and means, among other things, exempt, untrammelled, unrestricted. It may be used of an individual acting independently, but does not normally ha-

8) «Morali Esseyid Ali Efendi'nin Sefaretnamesi», in *Tarih-i Osmani Encümeni Mecmuası*, no. 23 (1329), pp. 1458, 1460 etc.

9) Cevdet, vi, pp. 280-281, 311, 395, 400. Cf. B. Lewis, *The Muslim Discovery of Europe*, (New York, 1982), pp. 52-53. For the reports of Hasan Paşa, the governor of the Morea, on these activities see Enver Ziya Karal, «Yunan Adalarının Fransızlar tarafından işgali ve Osmanlı-Rus münasebatı 1797-8», in *Tarih Semineri Der-gisi*, i (1937), p. 113ff.

10) Şanizade, *Tarih*, iv, (Istanbul, 1291), pp. 2-3.

ve a political connotation in Persian, which prefers *âzâd* and its derivatives in this sense. *Serbestî* is a Persian abstract form; *serbestiyet* is an Ottoman pseudo-Arabic creation, unknown to either Persian or Arabic usage. In classical Ottoman usage the normal meaning of *serbest* was neither legal nor political but fiscal. It was used to indicate the absence of normal limitations and restrictions. It most commonly appears in connection with *timars*, the grants of revenues assigned to the *sipahis*, the feudal cavalry. Normally while most of the revenues were allocated to the recipient of a *timar*, certain revenues, as for example the poll-tax on non-Muslims, were reserved to the Imperial treasury. A *serbest timar* was one untrammelled by any such restrictions or limitations, in which therefore all the revenues went to the assignee and none were retained by the Imperial treasury (11). The use of the term in the Rescript of 1339 is thus directly related to its earlier fiscal and financial usage. It is interesting and significant that when called upon to discuss political freedom as that expression was understood in Europe, the Ottomans should have had recourse to a word with practical and administrative significance rather than have drawn on the vocabulary of philosophy or law. It was a good basis on which to build.

11) A similar institution appears to have existed in Mamluk Egypt, where a certain type of grant (*iqtaa'*) accorded the right to all revenues, including those usually reserved for the Sultan's treasury. It is described by a term variously given as *darbastâ* and *karbastâ* in the Arabic sources. The word is not Arabic, and these forms may represent misreadings of an unfamiliar term by copyists and editors. See Hassanein Rabie, *The Financial System of Egypt A. H. 564-741/A. D. 1169-1341*, (London, 1972), pp. 43, 52, 57.