The Appointment Procedure of a Guild Warden *(Ketkhudā)*

THE FOLLOWING IS a typical document[1] featuring the successive stages in the appointment procedure of a guild warden *(ketkhudā)* in the eighteenth century Ottoman empire.

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I. This well-wisher of your imperial state submits that the person of the name of Khalīl son of Mes^{c}ūd, whose *ketkhudā*-ship with an imperial diploma of the guild of the hardware sellers *(khurdadjiyān ḥirfeti)* of Istanbul is established through the declaration of persons from the aforesaid guild whose names are known to us, came to the law court of Maḥmūd Pasha, and in the presence of Yūsuf son of Hızır, who was selected by the members of the aforesaid guild, he said the following: "I have ceded by my own free will my service of the *ketkhudā*-ship of the hardware sellers, which I was holding with an imperial diploma without an assigned compensation *(bilā ta 'yīn-i waḍīfa)*, to the aforesaid Yūsuf in return for one hundred *gurush*.

"And now I am handing over my old diploma to him so that hereafter the aforesaid *ketkhudā*-ship may be assigned to him and may he obtain possession of it [with the same privileges] as those previous ones had enjoyed. [I declare that] I have no further claim on him (in relation to this cession)." The statement of the aforesaid Khalīl has [now] been recorded in the court book and upon his request it is being reported to your exalted presence. The ultimate order belongs to those

who are in command. [This is written] on 12 *Rabī^{c}* I, 1145/3 September 1732.

The seal

II. It has been received by the bureau of *ru'ūs*.

III. Check the seal *(taṭbīḳ)*.

IV. (This record is made for) the transfer of the *ketkhudā* office of the hardware sellers in Istanbul upon the voluntary cession of Hadjdjī Mes^{c}ūd to his own natural son Khalīl and upon the fact that his son is capable of performing the services of the office of the *ketkhudā* and was elected by the members of the guild. It is ordered to be assigned to Khalīl upon the cession of it by his father. A diploma is issued on the 8th *Ṣafar* of 1145 on the basis of the petition and the certifying document of Mūsā Efendi, surrogate of the cadi of Istanbul, and of an imperial *ru'ūs* dated 26th of *Muḥarrem* 1145, [the diploma was] taken [and renewed] on 21 of *Djumādā* I, 1144 because of the Sultan's accession to the throne.[2] CORRECT

[The office is assigned] without compensation

It has been found recorded in the register that the aforementioned office of *ketkhudā* is assigned to Khalīl son of Ḥadjdjī Mes^{c}ūd as a result of his voluntary cession of it in favor of his son and upon the choice and election of the guild members. On the 8th of Ṣafar 1145 an imperial diploma is handed over to Khalīl on the basis of the certifying document of Mūsā Efendi, the surrogate of the cadi of Istanbul, and of an imperial *ru'ūs*, and, the diploma is renewed upon the Sultan's accession to the throne. Now the ultimate order belongs to His Majesty the Sultan.

(This is written) on 20 *Rabī^{c}* I, 1145/11 September 1732

(The signature)

V. It has been ordered that it be assigned in accordance with the certifying document *(i^{c}lām)*, 25 *Rabī^{c}* I, 1145. It is correct.

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In general, all assignments were made upon the completion of a specific procedure involving four stages: (1) A petition, recommendation, or report (*ʿarẓ* or *iʿlām*) was made in support of the interested party by an official directly responsible for the proper execution of the job. (2) Upon the order of the grand vizir, investigations were then completed by the pertinent bureau at the central government. (3) An order (*buyruldu*) of the grand vizir was made upon which a decree (*fermān*) was issued. And finally, (4) an imperial diploma (*berāt*) was handed over to the interested person.[3]

The results of the bureaucratic procedure were all recorded on the original sheet of the petition or *iʿlām*.

Our document is a report notifying the Porte of the certification of a legal act by the *nā'ib* of the cadi of Istanbul in favor of Khalīl, who applied for the transfer of his *ketkhudā*-ship to Yūsuf. The act of cession took place in the court of Maḥmūd Pasha and in the presence of the *nā'ib*, who acted as a notary in the name of the cadi of Istanbul. First, the persons involved were identified. Khalīl's identity as the *ketkhudā* of the hardware sellers was testified to by authorized persons of the guild, while Yūsuf was identified as the nominee (*mukhtār*) of the guild. The process of transfer began with a statement by Khalīl about his willingness to do it and his receipt of a compensation. This constituted a contract, complete with an explicit declaration of waiver by Khalīl to the effect that from that time on he had no claim whatsoever on the *ketkhudā*-ship. Although this was treated as a bilateral agreement between two private individuals, Yūsuf evidently had first to receive the nomination by the guild before he came to the court. The notation of this preliminary process, which took place within the guild itself, reminds us of the guild's central role in the selection of its officers. In other words, Khalīl's choice for the recipient of the transfer of the *ketkhudā*-ship was determined by the guild. Thus, the guild members' ancient right of electing their chief administrator was not superseded by the court proceeding. It is clear, however, that by 1145/1732, under the *gedik* system, the guild offices had become a kind of personal property; our document clearly demonstrates that.[4]

At the court, the notarization (*tesdjīl*) of the act of sale and of the transfer of the office of *ketkhudā* took place first, after which occurred the notification of the act, to the government so that a *berāt* would be issued for the officer-elect. The cadi's report, that is, the document certifying the legal act, was called *iʿlām* (I). The subsequent decision

by the government was ultimately based upon it. An *iʿlām* was to bear the seal of the cadi or his *nā'ib*.

A note at the bottom of the report tells us that it was received at the bureau of *ru'ūs (ḳalemi)*. At the Porte the first official act was to check the authenticity of the document (III). *Taṭbīk*, i.e., "application," was to compare the seal with the samples kept at the Porte. As a rule, the officer in charge would check, and if it was found to be authentic, he acknowledged it by the formula *"muṭābiḳdır"* (it fits) written below the *taṭbīk* order. In our document, this acknowledgement formula is missing, probably because this particular seal was familiar at the Porte.

The next step was to check the pertinent register (*defter*) at the Porte to verify that the incumbent *ketkhudā* was in fact in possession of the office and to learn of whatever circumstances and documents were connected with his tenure (IV). The keeper of the *ru'ūs* registers[5] copied the record on the margin on the right corner of the same sheet exactly as he found it in his register and certified it by putting the sign *ṣaḥḥ* (correct). Even the *siyāḳat* script used in the original register was maintained in the copy.

Upon verification, the grand vizir gave his order (V) that an imperial order be issued for the assignment as described in the court's notification.

The autonomous groups in the Ottoman empire, such as the non-Muslim communities led by their religious leaders or the guilds, were independent from the state authorities in electing their officers. But the various officers elected had to go as a group and register the act of election at the law court, a process called *tesdjīl*. In important cases the nominee had to obtain the Sultan's diploma (*berāt*). A *berāt* was necessary as a prerequisite for exercising authority over dependents. The *berāt* established and guaranteed the authority of the officer over a group of subjects of the Sultan, the sole and supreme authority, by whom solemn authorization and installation was therefore necessary. The *berāt* not only put the guild members under the authority of the guild officer with regard to specific duties, it also made it incumbent upon the government authorities, when asked, to come to the aid of the officer, and to reaffirm and restore his authority. It is this general rule which made the persons in our document come to the court and to ask the cadi to submit the case to the Porte.[6]

NOTES

1. The Başvekâlet Archives, Istanbul, Cevdet Tasnifi, Belediye (no classification number).

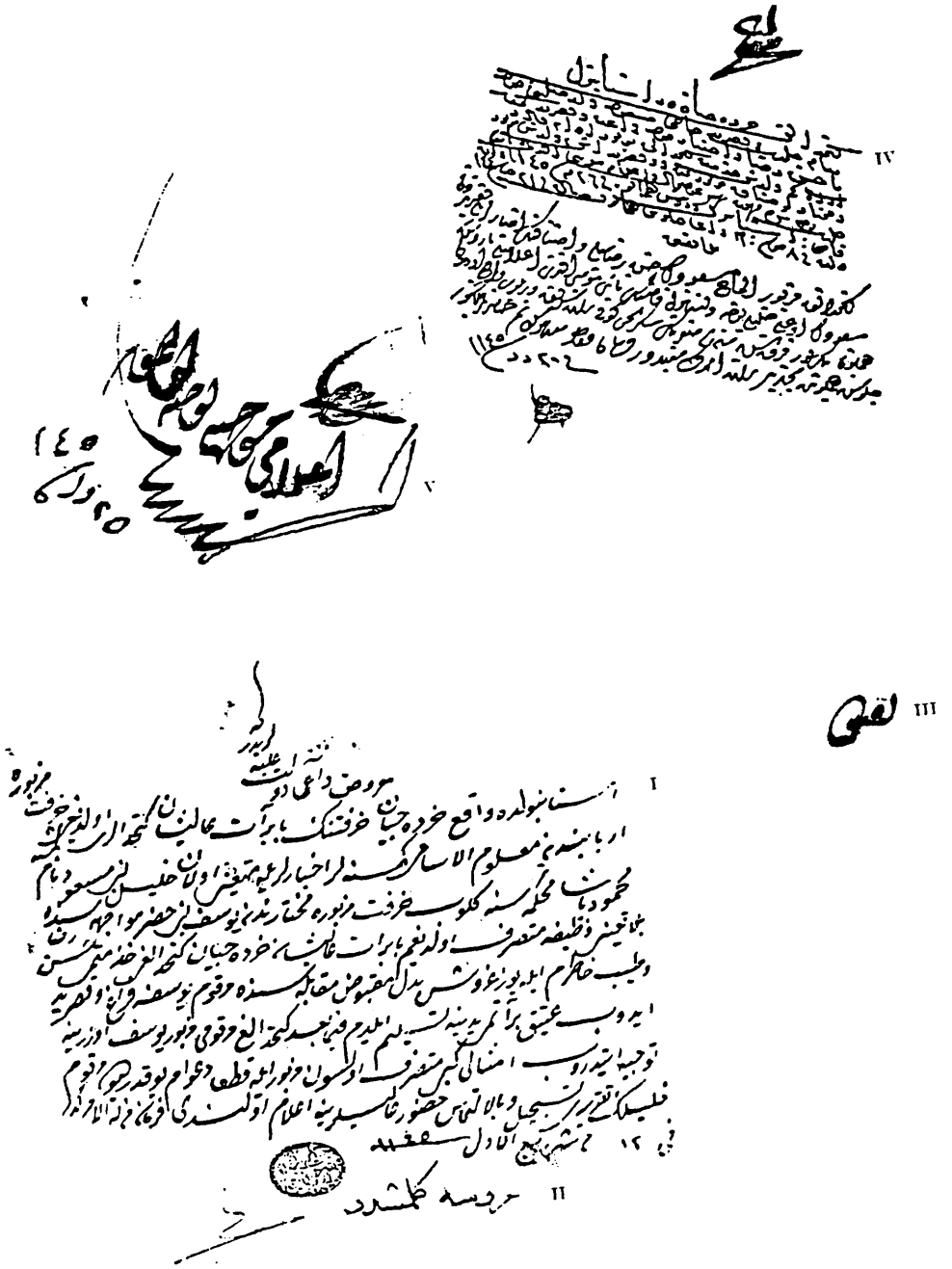
2. As can be seen in the following note in Turkish, the *berāt* given on the 8th Ṣafar 1145 is "renewed upon the Sultan's accession to the throne." Maḥmūd I acceded to the Sultanate in 1143. So the "renewal" must have occurred in 1144. This date must refer to the original *berāt* given to Khalīl's father. The secretary probably made a mistake between the dates of the *berāt*s given to Mes^{c}ūd and his son Khalīl.

3. For the procedure of appointment at the Ottoman chancery see H. Inalcik, "Osmanlı Bürokrasisinde Aklâm ve Muâmelât," *The Journal of Ottoman Studies,* I (Istanbul, 1980), pp. 1-14.

4. For the *Gedik* system see Sıdkı, *Gedikler,* Istanbul 1325/1909; we are in the process of preparing a study on the *Gedik* system in its relation to the "dual lease" system in the *wakf*s and the government's consolidation policy of possession rights for all types of government leases, the so-called *malikâne* system.

5. For *ru'ūs* see Nejat Göyünç, "XVII. Yüzyılda Ruûs ve Önemi," *Tarih Dergisi,* XVII-22 (Istanbul, 1968), pp. 17-34. Göyünç gives the following definition: "*Ruûs* is a command of the grand vizir concerning an appointment or any other matter" (p. 25). Such commands *(buyruldu)* were copied chronologically in a register called *ru'ūs defteri*. Also, a *ru'ūs* register is kept by the *nishāndjı* for the timars, another by the *defterdār* for the financial matters, and another one by the *ḳāḍī* ^{c}*asker* for the judicial matters. As can be seen from our document, *ru'ūs* also means an *imperial order* for appointment or assignment which leads to the issuing of a *berāt* (an imperial diploma). It is a stage in the process of assignment.

6. Gabril Baer, in his article "The Administrative, Economic, and Social Functions of Turkish Guilds" *(International Journal of Middle East Studies,* I-1, 1970), drawing mainly on the documents published by Osman Nuri, *Medjelle-i Umūr-i Belediyye,* vol. 1, Istanbul, 1922, and by Ahmed Refik, *Istanbul Hayatı,* I-IV, Istanbul, 1930-32, misinterpreted the government's supervision and denied the basic internal autonomy of the Ottoman guilds, which was respected by the state even under eighteenth-century conditions.



I.

1. معروض داعیٔ دولت علیه لریدرکه
2. استانبولده واقع خرده جیان خرفتنك بابرآت عالیشان کتخدالری اولدیغی خرفت مزبوره
3. اربابندن معلوم الاسامی کمسنه لر اخبار لریله متعین اولان خلیل ابن مسعود نام کمسنه
4. محمود پاشا محکمه سنه کلوب خرفت مزبوره مختارندن یوسف ابن حضر مواجهه سنده
5. بلا تعیین وظیفه متصرف اولدیغم بابرات عالیشان خرده جیان کتخدالغی خدمتمی حسن رضا
6. وطیب خاطرم ایله یوز غروش بدل مقبوض مقابله سنده مرقوم یوسفه فراغ وقصر ید
7. ایدوب عتیق برآتمی یدینه تسلیم ایلدم فیما بعد کتخدالغ مرقومی مزبور یوسف اوزینه
8. توجیه ایتدروب امثالی کبی متصرف اولسون مزبور ایله قطعا دعوام یوقدر دیو مرقوم
9. خلیلك تقریری تسجیل وبالالتماس حضور عالیلرینه اعلام اولندی فرمان من له الامرکدر
10. فی ۱۲ من شهر ربیع الاول سنه ۱۱٤٥

The seal

II. رؤسه کلمشدر (signature)

III. تطبیق

صح IV. کتخدالق خرده جیان در استانبول
بنام خلیل عن قصرید حاجی مسعود ولد صلبیء خود
باحسن رضا واختیار خود فراغت وتصرید کرده
ازان سبب کی ولدش خدمت کتخدالق مزبورادایه قادر
ومختار اصناف مزبور [فرا] غت وعن قصریداش به
ولدش مزبور
خلیل توجیه شده فرموده برموجب عرضحال واعلام
موسی افندی نائب
قاضیٔ استانبول ورؤس همایون فی ۲٦ م سنه ۱۱٤٥
برات
داده فی ۸ ص سنه ء م برای جلوس همایون ستاده (؟)
فی ۲۱ جاسنه ۱٤٤
بلا تعیین

کتخدالق مزبور الحاج مسعودك حسن رضا سیله واصنافنك اختیار لریله
قصر (یدون)
مسعودك اوغلی خلیله توجیه واستانبول قاضیسی نائبی موسی افندی
اعلامیله بارؤس
همایون بیك یوز قرق بش سنه سی صفرینك سکزنجی کونی برات شریفه
ویریلوب واقع اولان
جلوس همایونده تجدیدبرات ایلدوکی مقیددر فرمان دولتلو سعادتلو
سلطانم حضرتلرینك در
فی ۲۰ را سنه ۱۱٤٥
(signature)

صح V. اعلامی موجبنجه توجیه اولنمق بیورلمشدر
۲٥ را سنه ۱٤٥

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