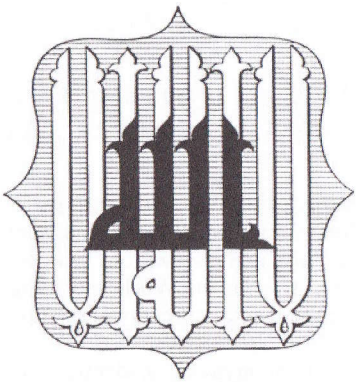
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Effects of Religion on Settlement and Residency Policies in 18th Century Bursa

Ali İhsan Karataş (Assoc. Prof. Dr.)*

This article addresses the matter of non-Muslims living in the same neighbourhood as Muslims being transferred to other neighbourhoods in Bursa, the Ottoman Empire's first capital, during the 18th century. From an Islamic point of view, there is no problem for non-Muslims sharing one and the same city or neighbourhood with Muslims but non-Muslims were usually located in separate neighbourhoods. During Ottoman times there were many non-Muslims who, apart from living in their own neighbourhoods, shared the same neighbourhood with their fellow (Muslim) subjects. Occasionally it happened that, by request of the Muslim population, dhimmis were relocated to other neighbourhoods. Using the archive documents and court decisions belonging to the period mentioned, this paper investigates why Muslims at the time didn't want dhimmis in their neighbourhoods. It researches the influence of religious attachment concerning complaints about non-Muslims and questions how influenced Muslim governors were by religion while taking these complaints into account and reaching decisions concerning them.

Dhimmis were moved to other neighbourhoods notwithstanding their right to possess property. This was justified by their living near places regarded by Muslims as sacred, such as mosques, dergâhs and tombs in increasing numbers. Taking into account that this rarely happened and the Muslim governors, when these relocations did occur, bought the non-Muslims' property to ensure that none of them would fall into ruin, it can safely be said that religious difference did not adversely affect the governors' decisions. It cannot, however, be said that religion had no effect whatsoever on the public's and governors' decisions and resultant applications.

Founded in 1299 and surviving for six centuries, the Ottoman Empire was the longest-lived ruling dynasty in history. Within a short time after its foundation, relations with non-Muslims became an essential issue in the

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state, having expanded its boundaries both the east and the west. To accommodate a number of people of different racial and religious origins, the Ottoman Empire enforced the Shari'ah (Islamic Law) to a large extent and applied the rules of the Zimmet Sistemi (Zimmet System), which the Shari'ah provided for non-Muslims.[1] Upon the conquest of Istanbul in 1453, Mehmet II (the Conqueror) established the Millet Sistemi (Religious Communities System), according to which non-Muslims were classified as being of different religious communities.[2]

As a result of the accommodation policies of the State, Muslims and non-Muslims shared the same neighbourhoods in the newly conquered cities but, in some cities, there were quarters in which non-Muslims lived separately from Muslims. This, according to Bernard Lewis, was a natural social development and not, like similar quarters in certain countries in some parts of the world, a legally enforced restriction.[3]

One of the most important cities in the Ottoman Empire was Bursa, which was the original Ottoman capital.[4] Before the conquest, the majority population of Bursa was Byzantine Greek, with a small Jewish minority.[5] Upon the conquest of the city by Orhan Gazi in 1326, the Greeks who normally resided in the Hisar (fortress area) were resettled outside the *Hisar*, while Muslims were accommodated in the houses they evacuated. Some homes were allocated in different neighbourhoods for newcomers, composed of Jews[6] and Armenians.[7] As a result, new Greek, Jewish and Armenian community neighbourhoods developed in Bursa. Consequently, the city that grew out of the Hisar began to expand towards the north and east. Later, because newly arrived non-Muslims preferred to settle in an area where there were already non-Muslim residents, the number of non-Muslim neighbourhoods increased. It is today uncertain how many quarters there were in Bursa in the 15th century. Whilst Halil İnalcık argues that there were 168 quarters in Bursa in the 16th century,[8] another historian, Neşet Köseoğlu, names 247 neighbourhoods belonging to the same period.[9] Furthermore, there is no information about how many neighbourhoods were made up completely of non-Muslims at that time. The only person to provide clear statistics on this matter was Evliya Çelebi, a 17th century traveller. The renowned traveller noted that in 17th century Bursa there were 23 non-Muslim neighbourhoods, composed of 7 Armenian, 9 Greek, 6 Jewish and 1 Coptic.[10] The preservation of those neighbourhoods, even at the time of Evliya Celebi, owed to their exclusion from the city and isolation from society because the first non-

Muslim neighbourhood had attracted newcomers. Even today, the formation of neighbourhoods is closely linked to such factors as blood-relations, regionalism, religious ties and similar feelings. It can therefore be argued that the same emotions and motives must have had an impact on the formation of cities in the Ottoman Empire, especially those in Anatolia. The Greeks grouped around the Hisar, whereas the Armenians gathered near to Setbasi and the Jews in Altıparmak.

Over the course of time, all the new neighbourhoods belonging to religious communities were established either beside the old ones or somewhere nearby. The main reason for this was that the older residents would help the newer ones in every way. Having said this, it would be wrong to assume that non-Muslims did not live outside their quarters or that no Muslim ever lived alongside them in their neighbourhoods. One should interpret the figures of Evliya Celebi as referring to areas where non-Muslims were in the majority. One can thus infer that there were Greeks living outside the nine neighbourhoods mentioned and that there were Muslim Turks living within them.

By looking at the court records, one can see that many property transactions took place between *dhimmis (*non-Muslims*)* and Muslims.[11] Moreover, the records of people who converted to Islam in Bursa show that the non-Muslims who converted to Islam between 1472 and 1909 resided in forty-three different neighbourhoods.[12] Upon studying the 507 *tereke* (estate/will) records[13] that belong to the 18th century, it can be determined that 442 out of the 507 people who died there were from Bursa. The others were people from villages outside Bursa or people who had come to the city for business or social reasons but died there. The 442 non-Muslims from Bursa are shown in the table below according to their neighbourhoods.

Name of Neighbourhood	Number of Residents	Name of Neighbourhood	Number of Residents
Ahmedbey	2	Hocatabib	11
Ahmeddai	4	Hocatayyib	2
Ahmedpaşa	3	Ishakşah	4
Arabayatağı	2	Karaağaç	32
Attarhüsam	1	Kayabaşı	53
Azebbey	1	Kayğan	6
Bahadırağa	1	Kenise	2
Bedreddin	21	Kocanaib	1
Bilecik	2	Kurşunlu	4
Bulgarlar	6	Kuşbazlar	1
Caferhoca	20	Mollaarap	2
Camiikebir	7	Namazgah	9
Çelebisultanmehmed	6	Pazarıesb	1
Çobanbey	4	Pazarımahi	34
Dayehatun	1	Sağrıncısungur	2
Demirkapı	22	Selçukhatun	14
Eşrefiler	8	Umurbey	17
Hacıbaba	41	Veledihırat	6
Hacıiskender	21	Veledikurd	13
Hocaali	1	Veledisaray	8
Hocaalizade	3	Veledikazzaz	6
Hocamehmedalizade	1	Yahşibey	1
Hocamehmedkaramani	34	Yahudiler	1

Table 1 - Neighbourhoods where non-Muslims were also located in 18th century Bursa

When looking at this table, it can be understood that non-Muslims lived in at least 46 neighbourhoods in Bursa.[14] It can also be seen from the chart that the population of non-Muslims in some neighbourhoods was greater than in others. Some neighbourhoods that had many dhimmis living in them, such as Demirkapı, Kayabaşı and Karaağaç, were also known in the Ottoman era as non-Muslim neighbourhoods. However, some neighbourhoods, such as Balıkpazarı, Setbaşı and Kuruçeşme, which were known as non-Muslim neighbourhoods, are not included in this chart. No

records regarding the above-mentioned neighbourhoods are found in the tereke records.[15] Taking into account the fact that these neighbourhoods were known in such a way, it could be that the number of neighbourhoods where non-Muslims lived was even greater. Moreover, the fact that such neighbourhoods as Camiikebir and Çelebisultanmehmed were inhabited by non-Muslims shows that Muslims and non-Muslims lived side-by-side in many areas.

Even though the population of the city more than doubled by the settlement of different religious and racial minorities without causing many problems in the beginning, certain problems began to crop up in subsequent years. Some of the related problems appear to have been in relation to the new settlement areas that came into being as a result of the expansion of the city. As stated previously, the Muslims, who were located in the interior Hisar area during the conquest, established new districts outside the Hisar as well. As a result, both Muslims and non-Muslims were trying to enlarge their own settlement areas. Outside the Hisar, Muslims and non-Muslims alike tried to enlarge their settlement areas and occasionally purchased houses or building land from each other. It seems that this hidden battle of purchases was commonplace between the communities.

In the Ottoman Empire, when restrictive decisions were made concerning the settlement areas of non-Muslims, the reasons for such rulings were clearly explained in the relevant fermans (imperial edicts). The fermans stated, as will be seen in some examples, that non-Muslims were not allowed to live next to such sacred places as mosques, tombs or dervish lodges. In addition to this, some restrictive decisions were made concerning dhimmis when there seemed to be a possibility that non-Muslims would become a majority in quarters where Muslims lived. That some of the fermans including such decisions were written after a legal opinion from the Sheikh-al-Islam[16] was received helps to prove this matter. Over the course of time, this lent a kind of religious identity to such decisions, but the Holy Qur'an and the traditions of Prophet Muhammad contain no rulings or decrees to support this practice. Consequently, it can be said that these rulings or decrees resulted from some political, social or economic reasons, rather than religious ones.

It could be that the Muslims` endeavoured not only to enlarge their residential area, but also to control the majority of the population, whereas the non-Muslims were more concerned to increase their influence in the

city in which each community hoped to get a greater share. Records show that some Muslims used to complain that non-Muslims would gain a majority unless certain restrictions were imposed on their purchase of property. Given that the growth of a city always causes problems, even in homogeneous societies, the rise of such problems was almost inevitable in a city where people of different racial and religious origins lived together. For this reason, the rulers occasionally introduced new regulations concerning issues of settlement and housing.[17] Inasmuch as the rulers and the population of the city were predominantly Muslim, however, new regulations were generally in favour of Muslims. The following are some cases relating to these issues:

A case of a dhimmi purchasing a house in a quarter in which Muslims were becoming a minority is found in the fiqh (jurisprudence) books and the fetwanames (fatwa) of the Sheikh al-Islam at the time. Ebussuud, one of the most powerful Ottoman Sheikhs al-Islam, argued in one of his fatwas that there was no problem for non-Muslims to live in Muslim quarters unless this eventually led to the Muslims having a minority status. If, however, the Muslims became a minority, the estates the non-Muslims had bought or leased must be sold back to Muslims.[18] In reply to the question, "Can Muslims prevent another Muslim from selling his own house to a non-Muslim?", Ebussuud said: "If such a transaction causes the local Muslims in the quarter to become a minority, the Muslims of that quarter can prevent him and the house should be sold to a Muslim".[19] Another Sheikh al-Islam of the Ottoman Empire, Ali Efendi, stated that sale of a house in a Muslim neighbourhood to a non-Muslim was not permissible if it meant that the Muslims become a minority.[20]

The purchase of Muslim property by rich non-Muslims and Muslims selling their houses to non-Muslims for greater profit reached a stage where the ratio of Muslims to non-Muslims began to be affected. This was worrying to the local people in some quarters and, as they were aware of the sensitivity of the state to the issue as well, they took their cases either to the local courts or, sometimes, directly to the Divan-ı Humayun,[21] demanding restoration of the balance.

Such problems occasionally arose in Bursa, as in other Ottoman cities. For example, in 1782, about 20 Muslims from the Selcukhatun quarter applied to the court and claimed: "In the past houses were not sold to non-Muslims in our quarter, but recently some Muslims have begun to sell their houses

to non-Muslims as they pay more; if no measures are taken and this continues, the Muslim population in the quarter will decrease. Therefore we, the residents of the quarter, have agreed not to sell our houses to non-Muslims, but Seyyit Mahmut, Seyyit Huseyin, Husniye Hanim (Hanim is a title that designates a lady) and Haci Ali Aga, who passed away sometime ago, have all sold their houses to non-Muslims contrary to our agreement.

We would like to complain about this situation and we want the houses to be returned to the previous owners." After listening to the defendants in the dispute and their acceptance of these claims, the court decided to return the houses to the Muslims.[22] A similar incident took place in the village of Kelesan. Having appealed to the Divan-ı Humayun, the residents of Kelesan village claimed that non-Muslims had purchased the houses of Muslims and were residing there and harassing the Muslims, which was why they were asking for help. Upon this appeal, an order was sent to the Qadhi of Bursa and the mutesellim (head of the local finance department), asking them to investigate the disputed issues. They were informed that, if the appeal were based on facts, they should carry out a more thorough investigation to find out how many houses had been sold and who had bought them, with the findings to be reported to the central administration.[23]

The disputes were not always about selling and buying property, but sometimes about leasing land or buildings. This became an issue raised by Muslims at times when the Muslim population decreased as a result of non-Muslims renting property in Muslim quarters, which resulted in a change in the balance against the Muslims. When the main concern was to keep the proportion in favour of the Muslims, the non-Muslims (who were actually trying to attain a majority in this way) were sometimes not allowed to rent property. The locals of the Haci Iskender quarter appealed to the Divan-ı Humayun in 1796 with the claim that, because many houses had been rented by non-Muslims near the local mosque, the size of the Muslim community was decreasing. This was happening to such an extent that they demanded the houses concerned be returned to their previous dwellers or to other Muslims. Upon this complaint, the central administration sent a committee to Bursa to investigate the case and the committee sent a report back to the centre with evidence proving the case to be true. In their report, the committee stated that 23 houses had been rented to non-Muslims and listed the names of the Muslims who had let their houses. The report

recommended the return of the homes to the original occupants. The names of the Muslims who had let their homes to non-Muslims are as follows.[24]

Landlord	Number of properties
Imam and muderris,	
(Professor) Kefevi-zade Mehmed Raşid	3
Müezzin and müderris Levhi-zade Mehmed Said	2
Mezarci (grave-digger) Kara Mehmed	1
Berber (barber) Halil	1
Molla (mulla) Lütfullah	1
Nalbur (hardware dealer) Mehmed	1
Ebu Bekir	1
Nalbant (blacksmith) Mustafa	1
Mercimek adlı şahıs (A person known as Lentil)	1
Katırcı (mule seller) Salih	1
Kutnicu (cotton-seller) Emin	1
Camcı (glazier) Ali	3
Mahmud	1
Çeşmeci (fountain-maker) Ibrahim	1
Küçük-zade'nin varisleri (Heirs of Küçük-zade)	1
Ibrahim	1
Sarrac (saddler) Mustafa	2
Total:	**23**

A similar incident occurred in the Hocaalizade quarter. In 1801, a leading group amongst the Muslims of the quarter went to court and claimed that Mardros and his wife, the daughter of Kirkor, were living in the house of Haci Abdulkerim Efendi, the local imam. They petitioned: "The right to live in the houses in question has always belonged to Muslims and letting such houses to non-Muslims has been banned by a ferman. Because the Muslim population is decreasing and because this situation has the potential to spread to other neighbourhoods as well, we asked the people concerned to evacuate the house. However, not only did they refuse to leave the house, but they also became hostile towards the Muslims and used appalling language. Because of that, the Muslims of the

neighbourhood felt uneasy. We desire that a solution be found to this problem." The court eventually decided that the non-Muslims in question should vacate the house and that the owner of the house should be warned against letting the house to non-Muslims again.[25]

Muslims sometimes felt uncomfortable about non-Muslims holding leases to certain shops and, as a result, they petitioned the court in order to transfer such shops to Muslims. Although there is no record of any such case in the 18th century courts, there exists a 1574 record of such a case in Bursa. The landlords of shops in which dhimmis had long (approximately for forty years) been established as traders tried to make them move from the shops, claiming that the premises were close to the mosque. In order to bring about the desired result, the Muslims increased the rent; the Jews appealed against this rise and brought the case before the central administration. The Divan-ı Humayun issued a ferman, stating that trying to remove non-Muslims by such a method was not legal or acceptable, and suggested the only thing that could be done about the situation was not to extend the lease of the shop to the heirs of the current tenants after their demise, when the shop should be leased to Muslim tenants.[26]

One of the reasons non-Muslims could be restricted from owning or leasing a property was the location of the property in question; if a property were close to a mosque, tomb or *zaviye* (a Sufi lodge) non-Muslims could be prevented from owning or leasing it.[27] In 1581, the Qadhi of Haslar was requested via a ferman to not accommodate any non-Muslims in the vicinity of the tomb of Ebu Eyyub Al-Ansari and that, if there were already non-Muslims present, they should be removed from the area.[28] This issue, which was important for the administration, can be found in detail in the fatwas of the Ottoman Sheikh al-Islam. The fatwa of Ebussuud Efendi on this matter is as follows: "If houses of non-Muslims built in the surrounding 15 *zira* (nearly 20 metres) cause a decrease in the congregational community or if certain behaviour disturbs the Muslims, the tenants of the houses shall be moved to another place.[29]

The Muslim community occasionally brought the issue of some inappropriate behaviour of non-Muslims to the attention of the courts, asking for the removal of the non-Muslims from the areas. They argued that the non-Muslims were behaving, sometimes intentionally, sometimes unintentionally, in a way that disturbed the Muslims.[30] Sometimes houses in the vicinity of mosques and *zaviyes* were transferred to Muslims after

the non-Muslims were compensated with the value of the house, either because of a change in the proportion of the population or because of noise or disruption caused by the non-Muslims.[31] For instance, in 1638 the Muslim inhabitants of the Katip Kasim quarter in Istanbul applied to the Divan-ı Humayun, arguing that at one time there had been more than 300 Muslim houses in their quarter but, over the course of time, the non-Muslims had taken most of them over either by purchasing or leasing and, thus, the school and the mosque of the quarter remained in the non-Muslim settlement. They also complained that the noise that the dhimmis caused disturbed the Muslims in the school and the mosque. Stating that they had been given a fatwa concerning this, they asked for a solution to the problem. Upon hearing this complaint, a ferman was sent to the Qadhi of Istanbul containing the following orders: "... Investigate the claim in the light of the criteria of justice and truth. If the issue is as claimed, offer the tenants of these houses the chance to convert to Islam. If they accept, let them stay in their houses. If they do not, give them a certain term in which they should hand over the houses to Muslims. If they do not sell their houses within the given period and insist on not selling, force them to sell the houses. Additionally, tell the Muslims who let their homes to non-Muslims not to do so...".[32]

Another incident in which non-Muslims were asked to vacate their houses due to noise that disturbed the Muslims` congregational prayers occurred in Bursa. According to a document dated 1751, Haci Mehmet Efendi, who was affiliated with the Bahridede *Zaviyesi* in the Murat II neighbourhood, went to court arguing that there was a house next to the *zaviye* owned by Niyaki, son of Panayot, which had belonged to Muslims until 12 years before. In the past 10 years, these people disturbed the neighbours with their loud noise and quarrels, even disrupting the prayers and rituals performed at the *zaviye*. Consequently, he asked that the house be sold to a Muslim. As the claims were refuted by Niyaki, the court asked the leading members in the quarter to testify in the case. Because they backed up the claims of Haci Mehmet Efendi, the court decided that the house should be sold to a Muslim.[33]

It is particularly highlighted in both fermans and fatwas that any houses that were to be handed over to the Muslims according to a ruling should not be handed over without compensation and their full retail value should be paid. This demonstrates that the policy of voluntary or coerced sales of some non-Muslim properties to Muslims was not intended to confiscate the

property but, rather, was aimed at securing certain results and balances about which the government was concerned.

In conclusion it can be said that there are many property transactions between Muslims and non-Muslims in the Shariyyah Court Records. Moreover, when the property of non-Muslims is described, one can infer that the surrounding property belonged to Muslims or vice-versa.[34] There were many non-Muslims who remained tenants in shops and houses belonging to Muslims, numerous examples of which are in the Shariyyah Court Records. Furthermore, the tenants of shops owned by some foundations were composed of non-Muslims.[35] This shows that not only were the non-Muslims living in the city allowed to rent the houses of Muslims, but they were also free to practise conveyancing. In other words, Muslims and non-Muslims were neighbours in many quarters of Bursa. This was not regarded as a problem by the local authorities or by the Muslim community.[36] However, some documents in the Bursa Shariyyah Court Records show that there were times when non-Muslims had problems about conveyancing, as well as problems with rentals. Although the prohibitions were regulated by fermans based on the legal opinions of the Sheikh al-Islam, the issue, as pointed out before, was political rather than religious. It had been politicised in that there are no statements in the Holy Qur'an or the traditions of Prophet Muhammad upon which the fermans were based. The matter did not fall within the realm of religion. Having been established as a custom in pre-Ottoman Muslim communities, however, application was partially applied under the Ottomans as well.

When the sources regarding this subject are examined in documents from the Ottoman era, one finds that, although there were no restrictive rulings or judicial decisions in the Holy Qur'an or the traditions of Prophet Muhammad, some Ottoman rulers tried to make this matter appear as if it had religious basis by seeking the legal opinions of the Sheikh al-Islam. Upon examining the fermans and fatwas, it can be understood that non-Muslims were restricted for two reasons.

Houses that were near mosques, tombs, and dervish lodges came first. It was demanded in the fermans that those non-Muslims who made noise disturbing the Muslims during their worship, those who were living next to tombs and caused the tombs to be untidy or consumed alcohol there were to be expelled.

Secondly, it was often thought that, if non-Muslims had a majority in Muslim quarters, it would endanger the status of Muslims. Such thought became justification for some measures that were taken by the government to impose restrictions on the residence of non-Muslims near Muslim quarters. In such situations, the properties that non-Muslims bought or rented were returned to Muslims by way of fermans. The fact that non-Muslims bought or rented many properties throughout the 18th century with only a few being taken to court, however, indicates that these restrictions were not commonly imposed.

The reasons mentioned above are clearly explained in the fermans. One might wonder if there were other motives in the minds of the authorities that were not publicly declared. Even if there were hidden motives, they would have been stated in the fermans because during the golden age of the Ottoman Empire (15th and 16th centuries) it was not possible to have the true intentions of the authorities reflected within the contents of the fermans.

Taking the possibility of hidden motives into consideration, however, one must bear in mind that the Ottoman Empire began to lose some of its territory in the 17th century. Thus, the powerful state that used to conquer new lands had become one that was starting to lose its dominant position. This situation and relationships with the outside world and the West might have had a negative impact on relations with non-Muslims. Moreover, with the spread of nationalist movements after the French Revolution, the Ottoman Empire in the 19th century also began to face some problems concerning non-Muslim subjects, especially in the Balkans. It is also possible that the problems were over-stated in the 18th century, resulting in some negative decisions regarding non-Muslims. Ottoman foreign relations could have damaged the trust the state had towards non-Muslims and that situation might have been reflected in the matter of housing for non-Muslims.

There is another possibility that should not be ignored: The income from properties sold or rented to non-Muslims in the city were the cause of serious competition between Muslims and non-Muslims. The fact that some properties used by non-Muslims for years became subjects of court cases corroborates this possibility. For example, when the case of a non-Muslim living in the vicinity of the Bahribaba *Zaviye* is examined, it is recognised that the house Panayot was ordered to evacuate had been

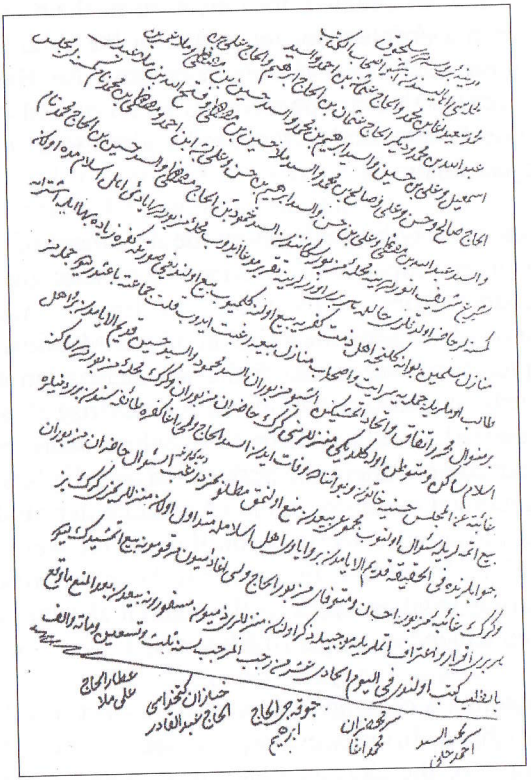
occupied by him for ten years. Either increase in the value of the house, which had not been a problem for ten years, or the need of Muslims who lived near it could have been the main reasons for this eviction. The reasons given, such as that the house used to be owned by Muslims and that it was religiously undesirable for it to be given to a non-Muslim, only appear as weak justifications.

A similar assessment may be made about the document of 1574 mentioned above. This document consists of information concerning the eviction of non-Muslim tenants from shops they had leased. According to the document, Muslims demanded the eviction of non-Muslims from shops the latter had occupied for forty years. Either an increase in the value of the shops or the needs of Muslims could have given rise to such a practice. Muslims who desired to win such battles, which were either covert or public, made their complaints to the authorities on religious bases and thus were able to get judicial decisions in their favour. When studied carefully it can be seen that all judicial decisions on this matter were made on cases brought by Muslims. Moreover, the fact that the authorities were Muslim, in addition to earlier legal opinions of the Sheikh al-Islam (fatwas), led to the cases being concluded in favour of Muslims.

Bursa was nonetheless a cosmopolitan city in respect of religion and race. Notwithstanding these differences, as we see in the Shariyyah Court Records, the people of the city, who had lived together in peace for ages, attached no importance to the problems discussed here. It is, however, impossible to disregard the impact that religious feelings had on the people and the authorities, which in turn influenced the regulations that concerned the rapidly expanding cities with respect to environment and population.

Appendix I

A record regarding the problem of selling a house to a non-Muslim in Seljuk Hatun neighbourhood in Bursa. (B.Ş.S., B215/59a)



Transliteration:

Medîne-i Bursa'da Selçukhatun Mahallesi ahâlisinden işbu ashâbu'l-kitâb Mehmed Said Ağa bin Mehmed ve el-Hâc Osman bin Ahmed ve es-Seyyid Abdullah bin Mehmed ve diğer el-Hâc Osman bin el-Hâc İbrahim ve el-Hâc Ali bin İsmail ve Ali bin Hüseyin ve es-Seyyid İbrahim bin Mehmed ve es-Seyyid Hüseyin bin Mustafa ve Molla Ömer bin el-Hâc Salih ve Hasan ve Ali ve Salih bin Mehmed ve es-Seyyid Molla Hüseyin bin Mustafa ve Fethullah bin Molla Abdi ve es-Seyyid Abdullah bin Mustafa ve Ali bin Hasan ve es-Seyyid İbrahim bin Hasan ve Ali Beşe ibn Ahmed ve Mustafa bin Mehmed nâm kimesneler meclis-i şer'-i şerîf-i enverde yine mahalle-i mezbûr sükkânından es-Seyyid Mahmud bin el-Hâc Mustafa ve es-Seyyid Hüseyin bin el-Hâc Mehmed nâm kimesneler hâzır oldukları hâlde her biri üzerlerine takrîr-i müdde'â idüp mahalle-i mezbûrde eyâdi-i ehl-i İslâmda olan menâzîl-I müslimîn bu ana gelince ehl-i zimmet

kefereye bey‘ oluna gelmeyüb bey‘ olunduğu sûretde kefere ziyâde bahâ ile iştirâya tâlib olmalarıyla cümleye sirâyet ve ashâb-ı menâzil bey‘a rağbet idüp kıllet-i cemâ‘ate bâ‘isdir deyu cümlemiz ber-minvâl-i muharrer ittifâk ve ittihâd etmişken işbu mezbûrân es-Seyyid Mahmud ve es-Seyyid Hüseyin kadîmu’l-eyyâmdan beru ehl-i İslâm sâkin ve mutavattın olageldigi menzillerini gerek hâzırân-ı mezbûrân ve gerek mahalle-i mezbûrede sâkine ğâibetün ‘ani’l-meclis Hüsniye hâtûn ve bu esnâda vefât eden es-Seyyid el-Hâc Veli Ağa kefere tâifesinden birer zimmilere bey‘ etmeleriyle suâl olunub mecmû‘u bey‘den men‘ olunmak matlûbumuzdur dediklerinde gıbbu’s-suâl hâzırân-ı mezbûrân cevâblarında fi’l-hakîka kadîmu’l-eyyâmdan beru eyâdî-i ehl-i İslâmla mütedâvil olan menzillerimizi gerek biz ve gerek ğâibe-i mezbûre İhsân ve müteveffâ-yı mezbûr el-Hâc Veli Ağa zimmiyyûn-i merkûmûna bey‘ itmişdik deyu her biri ikrâr ve i‘tirâf etmeleriyle mûcibleriyle zikrolunân menzilleri zimmiyyûn-i mesfûrûna bey‘den ba‘de’l-men‘ mâ vaka‘a bi’t-taleb ketb olundu. Fi’l-yevmi’l-hâdî ‘aşare min Recebi’l-mücerreb li-sene selâsü ve tis‘îne ve mietün ve elf.

Şuhûdu’l-hâl
Ser-tahta es-Seyyid Ahmed Çelebi
Ser-muhzırân Mehmed Ağa
Çukacı el-Hâc İbrahim
Habbâzân Kethüdası el-Hâc Abdulkadir
Attâr el-Hâc Ali Molla

Translation:

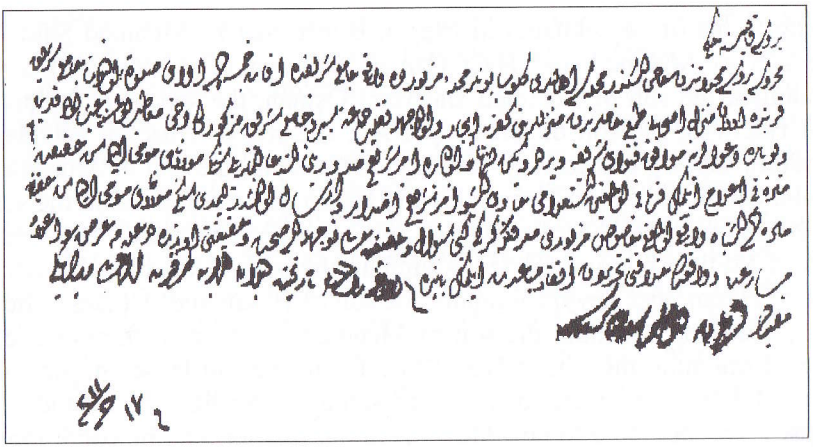
Some locals of Selcukhatun quarter in Bursa, that is, Mehmed Said Ağa, the son of Mehmed and Hacı Osman, the son of Ahmed and Seyyid Abdullah, the son of Mehmed and Hacı Osman, the son of Hacı İbrahim and Hacı Ali, the son of İsmail and Ali, the son of Hüseyin and Seyyid İbrahim, the son of Mehmed and Seyyid Hüseyin, the son of Mustafa and Molla Ömer, the son of Hacı Salih and Hasan and Ali and Salih, the son of Mehmed and Seyyid Molla Hüseyin, the son of Mustafa and Fethullah, the son of Molla Abdi and Seyyid Abdullah, the son of Mustafa and Ali, the son of Hasan and Seyyid İbrahim, the son of Hasan and Ali Beşe, the son of Ahmed and Mustafa, the son of Mehmed claimed in the presence of Seyyid Mahmut, the son of Hacı Mustafa and Seyyid Hüseyin, the son of Hacı Mehmed who were locals of the same quarter that: “Until today, the houses are not sold to non-Muslims in our quarter. On the condition that

they are sold, non-Muslims want to pay better. If no measurements are taken and the selling becomes widespread, it will cause Muslim population in quarter to decrease. Therefore, we, the residents of the quarter, have agreed upon not selling our houses to non-Muslims, but Seyyit Mahmut, Seyyit Huseyin, Miss Husniye and Haci Ali Aga who passed away sometime ago, have sold their houses to non-Muslims contrary to our agreement and we complain about this situation and we want the houses to be returned to the previous owners. After the hearing of the defendants in dispute and their admission of the case, the court." decided to block the purchase and this situation is registered in the Record. 25 July 1779.

Witnesses:
Ser-tahta es-Seyyîd Ahmed Chelebi
Ser-muhzırân (the chief usher) Mehmed Aga
Çukacı (the weaver or seller of broadcloth) el-Hâc İbrahim
Habbazân Kethudâsi (the chief of bakers) el-Hâc Abdulkâdir
Attâr (the seller of herbs, spices and notions) el-Hâc Ali Molla

Appendix II

Two documents below are related to letting of houses near the mosque in Haci Iskender quarter to non-Muslims. The first one is a ferman sent by the central administration to the qadi to investigate a complaint of residents of the quarter. (B.O.A., Cevdet Dahiliye 2786-a) The other is a list of Muslims who let their houses to non-Muslims. (B.O.A., Cevdet Dahiliye 2786-b)



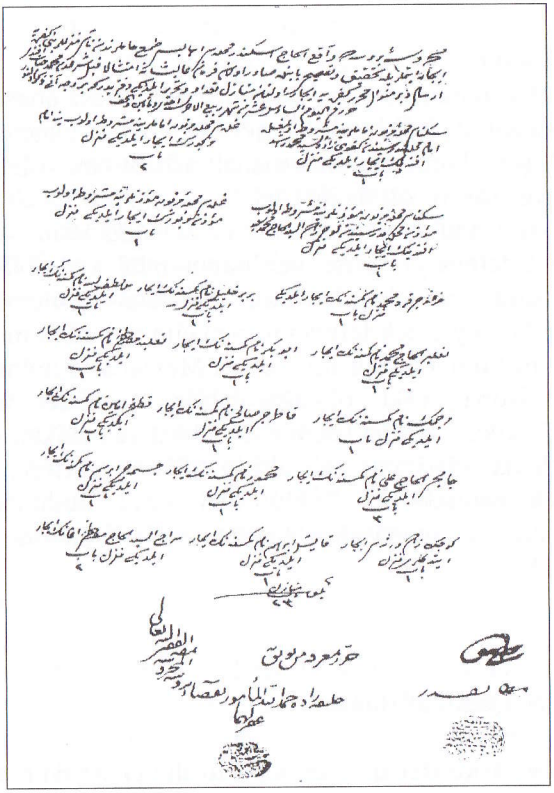
Transliteration:

Bursa Kadısına hükümki
Mahrûse-i Bursa mahallâtından Hâcı İskender Mahallesi ahâlîleri gelüb bunlar mahalle-i mezbûrde vâki‘ câmi‘i şerîfde e[v]kât-ı hamsede edâ-i salât olunub câmi‘i şerîf kurbunda olan menzil ashâbı tam‘-ı hâmlarından menzillerini kefereye îcâr ve ol vecihle taklîl-i cemâ‘ate sebeb ve câmi‘i şerîf-i mezkûrun dahi mu‘attal olmasına bâ‘is oldukların ve bunlara da‘vâlarına muvâfık fetevâ-yı şerîfe verildügin inhâ ve olbâbda emr-i şerîfim sudûrunu istid‘â etmeleriyle senki Mevlânâ-yı mûmâ ileyhsin hakîkat-i mâddeyi i‘lâm eylemek fermânım olmağın isti‘dâmı müeddi işbu fermânım ısdâr ve irsâl olunmuşdur imdi senki Mevlânâ-yı mûmâ ileyhsin hakîkat-i mâddede iştibâh vâki‘ olmağla husûs-i mezbûri ma‘rifetinle gereği gibi suâl ve hakîkât-ı hâl ne vecihle ise sihhat ve hakîkati üzere der-‘aliyyeme‘arz u i‘lâma müsâra‘at ve vâki‘in hilâfını tahrîrden ittikâ ve mübâ‘adet eylemek bâbında 17 Rebîü’l-âhir 1211 târihinde dîvân-ı hümâyûn tarafından …(?) mukayyeddir. Ferman devletlü padişahımındır.
17 Rebîü’l-âhir 1211

Translation:

This is an order to the Qadhi of Bursa:

The residents of Haci Iskender quarter went to the court with the claim: “Muslims pray five times a day in the local mosque but owners of houses nearby let them to non-Muslims to make money. This situation decreases the number of Muslims in the community and empties the mosque. We have already a fetwa that supports our claim and also want to be given a fermân to solve this problem. Upon this complaint I sent this fermân to you to inform me about the true nature of the case. You, as the Qadhi of Bursa, must investigate it carefully and urgently and notify me of the situation and avoid doing otherwise”.
Date: 20 October 1796.



Transliteration:

Mahrûse-i Bursa'da vâki' el-Hâcı İskender Mahallesi ahâlîleri tam'-ı hâmlarından menzillerini kefereye îcâr etmeleriyle tahkîk ve tashîhi bâbında sâdır olan fermân-ı âlîşâna imtisâlen kıbel-i şer'den Mehmed Hayati Efendi irsâl ve ber-minvâl-i muharrer kefereye îcâr olunân menâzil ta'dâd ve tahrîr eyledigi defterîdir ber-vech-i âtî zikrolunur hurrire fi'l-yevmi's-sâdisi 'aşare min şehr-i Rebî'i'l-âhir li-sene ihdâ ['aşara[ve mieteyen ve elf.

Süknâsı mahalle-i mezbûre imâmlarına meşrûta olmakla imâm-ı mahalle müderrisînden Kefevî-zâde es-Seyyid Mehmed Raşid Efendi'nin îcâr eylediği menzil 1 bâb
Ğallesi mahalle-i mezbûre imâmlarına meşrûta olub yine imâm-ı mezbûrun îcâr eylediği menzil 2 bâb

Süknâsı mahalle-i mezbûre müezzinlerine meşrûta olub müezzin-i mahalle müderrisînden Levhî-zâde es-Seyyid el-Hâc Mehmed Said Efendi'nin îcâr eylediği menzil 1 bâb
Ğallesi mahalle-i mezbûre müezzinlerine meşrûta olub müezzin-i mezbûrun îcâr eylediği menzil 1 bâb
Mezârcı Kara Mehmed nâm kimesnenin îcâr eylediği menzil 1 bâb
Berber Halil nâm kimesnenin îcâr eylediği menzil 1 bâb
Molla Lütfullah nâm kimesnenin îcâr eylediği menzil 1 bâb
Nalbur el-Hâc Mehmed nâm kimesnenin îcâr eylediği menzil 1 bâb
Ebû Bekir nâm kimesnenin îcâr eylediği menzil 1 bâb
Nalband Mustafa nâm kimesnenin îcâr eylediği menzil 1 bâb
Mercimek nâm kimesnenin îcâr eylediği menzil 1 bâb
Katırcı Salih nâm kimesnenin îcâr eylediği menzil 1 bâb
Kutnucu Emin nâm kimesnenin îcâr eylediği menzil 1 bâb
Camcı el-Hâc Ali nâm kimesnenin îcâr eylediği menzil 3 bâb
Mahmud nâm kimesnenin îcâr eylediği menzil 1 bâb
Çeşmeci İbrahim nâm kimesnenin îcâr eylediği menzil 1 bâb
Küçük-zâde veresesi îcâr ettigi menzil 1 bâb
Kayış İbrâhim nâm kimesnenin îcâr eylediği menzil 1 bâb
Serrâc es-Seyyid el-Hâc Mustafa Ağa'nın îcâr eylediği menzil 2 bâb
Yekûn: 23 menâzil
Hurrire bi-ma'rifeti men yûseku bihî
Halîfe-zâde Hamdullah ğufira lehumâ el-me'mûr bi-kazâ-i Bursa el-mahrûse 'ufiye el-fakîru ileyhi te'âlâ Mutâbıktır.

Translation:

Mehmed Hayatî Efendi was commissioned by a ferman sent by then the Sultan to investigate some locals of Hacı İskender quarter in Bursa who let their houses to non-Muslims out of their greed. After this investigation their names were listed as follows: (This list exists in the article.)

Notes & References

1. According to the *Sharia* (Islamic Law), people are classified in respect of their religions as Muslim or non-Muslim. Non-Muslim people are also divided into four different groups according to their relations to the Islamic State. These groups are made of the *harbi*, *muâhid*, *müste'men* and *zimmi*. The definitions of these terms are as follows: the non-Muslim citizen of an Islamic State who has not made any kind of agreement with the State is called a *harbi*; the non-Muslim citizen of an Islamic State who has made a temporary agreement with the State is called *muahid* (or a non-Muslim who has taken an oath of fealty and agreed to pay tribute to the Sultan is called a *muahid*); a non-Muslim who has temporarily been allowed to live within the borders of the Islamic State is called *müste'men*; and a non-Muslim subject of the Islamic state is called a *zimmi* (non-Muslim). Because a *müste'men* temporarily stays in the Islamic State while a *zimmi* is a citizens of the Islamic State, there are detailed rulings in the Sharia concerning the two groups mentioned above.

   According to Islamic Law, if the residents of a newly conquered city are not Muslim, then an agreement called a *zimmet agreement* will be made with them. The non-Muslims who make this agreement are called *dhimmis*. Under this agreement the rights of non-Muslims are guaranteed and Muslims and non-Muslims become equal in many matters. The agreement, which dates back to the time of the Prophet Muhammad, demands that non-Muslims give a certain amount of tax (*jizye*) to the Islamic State as well as refraining from causing Muslims harm in any way. In return for this, the Muslim rulers have the responsibility to protect the security of life and property of the *dhimmis*.

   According to Islamic Law, when a *zimmet agreement* is made with the residents of a newly conquered city, it is prohibited to make the *dhimmis* who live there convert by force into Islam; this is based on a verse of the Holy Qur'an that states "Let there be no compulsion in religion" (Qur'an: 2/265). Freedom of worship in temples or while travelling cannot be hindered in any way. Muslims also have no right to behave unjustly towards these people. In the same way, the Prophet Muhammad said in an authentic *hadith* that "on the Day of Judgement I myself will be an enemy of one who has behaved unjustly towards a *zimmi* or burdened them with a task they could not bear or compulsorily taken something from them." (Ebu Davud, Harac, 33) Consequently, *dhimmis* have always had the right to reside in their own quarters, and because there is no restrictive rule or regulation in Islamic Law, they have also been able to share neighbourhoods with Muslims. For detailed information concerning the status of non-Muslims, see: Ebu Yusuf, Yakub b. İbrahim, *Kitabu'l-Haraç*,

Egypt, 1396; Ebu'l-Hasan el-Maverdi, *Kitabu'l -Ahkâmu's-Sultaniyye ve'l-Velayeti'd-Diniyye*, Kuwait 1989; el-Kardavi, Yusuf, *Ğayru'l-Müslimîn fî Müctemi'i-l İslâm*, Beyrut 1985; Fattal, Antonie, Le Status Legal de Non-Musulmans en Pays d'Islam, Beyrouuth 1958; İbn Kayyim el-Cevziyye, *Ahkamu Ehli'z- Zimme*, Beyrut 1983; Cahen, Cl. "Dhimme", EI, II, p. 227-231; Bilmen, Ömer Nasuhi, *Hukuk-i İslâmiyye ve Istılahat-ı Fıkhiyye Kamusu*, Bilmen Basım ve Yayınevi, İstanbul undated.; Hamidullah, Muhammed, *eL-Vesaiku's-Siyasiyye*, Beirut 1985; Hamidullah, Muhammed, *İslâm Peygamberi*, (trans: Salih Tuğ) İrfan Yayımcılık, İstanbul 1990; Karaman, Hayreddin, *Mukayeseli İslâm Hukuku*, Nesil Yayınları, İstanbul 1996; Özel, Ahmet, *İslâm Hukukunda Ülke Kavramı: Dârulislâm Darulharb*, İklim Yayınları, İstanbul 1991; Zeydan, Abdulkerim, *Ahkâmu'z-Zimmiyyîn ve'l-Müste'menîn fî Dâri'l-İslâm*, Beyrut 1988.

2. The rules of Islamic Law were also enforced, even in cities newly conquered by the Ottoman State. The government made a *zimmet agreement* with the residents of newly conquered cities and allowed non-Muslim residents to stay there in return for giving certain amounts of tax (*jizye*) to the State. Although Muslim conquerors turned the greatest churches in some big cities into mosques as a symbol of conquest they did not damage the places of worship that belonged to the non-Muslims. The rights of belief, worship, free travel, education and trade for non-Muslims were protected by law. Although there were times when some of these rights were violated for individual reasons, Muslims generally conformed to the rules of the *zimmet agreement*. The rules of Islamic Law were applied to non-Muslims without any discrimination from the foundation of the Ottoman State in 1299 until the conquest of Istanbul in 1453. After the conquest of Istanbul non-Muslims were re-classified as Jews, Greeks (Rums) and Armenians under the *Millet Sistemi* (Religious Community System) according to the differences of religion and ethnicity. Within this new system, a religious functionary was appointed to represent their co-religionists in each religious community and the rules of Islamic Law were also enforced. The following sources contain useful information on the subject. About the *Millet Sistemi* and the status of non-Muslims in the cities of the Ottoman State, see: *Christians and Jevs in the Ottoman Empire*, (Ed: Benjamin Braude- Bernard Levis), Holmes & Meier Publishers, Inc. New York-London, 1982; Reşit, Ahmet, *Ekalliyetlerin Himayesi*, Matbaai Ebuzziya, İstanbul 1933; Gradeva, Rossitsa, "Orthodox Christians in the Kadı Courts: The Practice of the Sofia Sheriat Court, Seventeenth Century", *Islamic Law and Society*, E.J. Brill, Leiden 1997, vol. 4, no. 1, p.37-649; Bozkurt, Gülnihal, *Gayrimüslim Osmanlı Vatandaşlarının*

Hukuki Durumu (1839-1914), T.T.K. Basımevi, Ankara 1989; Ercan, Yavuz, *Osmanlı Yönetiminde Gayrimüslimler*, Turhan Kitabevi, Ankara 2001; Eryılmaz, Bilal, *Osmanlı Devleti'nde Millet Sistemi*, Ağaç Yayıncılık, İstanbul 1992; Eryılmaz, Bilal, Osmanlı *Devletinde Gayrimüslim Tebaanın Yönetim*, Risale Basın Yayınları, İstanbul 1996; Masters, Bruce, *Christians and Jews in the Ottoman Arab World*, Cambridge University Pres, Cambridge 2001; Küçük, Cevdet, "Osmanlı Devleti'nde Millet Sistemi", *Osmanlı*, Yeni Türkiye Yayınları, Ankara 1999, IV, 210; Ortaylı, İlber, "Osmanlı İmparatorluğu'nda Millet Sitemi", *Türkler*, Yeni Türkiye Yayınları, Ankara 2002, X, 217; Jennings, C. R., "Dhimmis (Non-Muslims) in Early 17th Century Ottoman Judicial Records, The Sharia Court of Anatolian Kayseri", *Journal of the Economic and Social History of the Orient*, Vol. XXI, Part. III, E.J.Brill, Leiden 1978, s. 225-293; Çiçek, Kemal, *Zimmis (Non-Muslims) of Cyprus in the Sharia Copurt: 1110/39 A.H. /1698-1726 A.D.*, (Unpublished Ph.D. dissertation) The University of Birmingham, Birmingham 1992; Kenanoğlu, M. Macit, *Osmanlı Millet Sistemi- Mit ve Gerçek*, Klasik Yayınları, İstanbul 2004.

3. Lewis, Bernard, *Jews of Islam*, Princeton University Press, Princeton 1984, p. 28.

4. The general applications in the Ottoman State, like the system of *zimmet* and *millet* were in effect in Bursa, which was conquered by Orhan Gazi. There was one synagogue for Jews, one church for the Armenians and three for the Greeks (Rums), who all lived in the city. Because a large number of Jews who had emigrated from Spain to the Ottoman State had settled in Bursa, the number of the places of worship that belonged to them increased to four. All kind of rights that were granted by Islamic Law to non-Muslims were given to the non-Muslims in the city. Some individual injustices towards non-Muslims were alleviated by the authorities. In addition to this, the Bursa Courts, to which both Muslims and non-Muslims applied, did not discriminate between them. The Bursa *Ser'iyye Sicilleri* (Bursa Shariyyah Court Records) contain a large number of documents about these cases. See Karataş, A. İhsan, *Osmanlı Devleti'nde gayrimüslimlerin Toplum Hayatı – Bursa Örneği-*, Gökkubbe Yayınları, İstanbul 2009.

5. Sharon, Moshe Sevilla, *Türkiye Yahudileri*, İletişim Yayınları, İstanbul 1992, s. 31.

6. It is stated in relevant historical sources that the Jews had lived in Bursa since 79 BC. They left the city, however, during the conquest of Bursa, but returned there upon the special invitation of Orhan Gazi. Upon the invitation of Jews who settled in Bursa, some co-religionists also came to

Bursa. In particular, workers and tradesmen who were living in neighbouring countries and Jews who were living in Damascus and in Byzantium came to Bursa upon Orhan Gazi's invitation; he was trying to develop the city. So, with the special permission of Orhan Gazi, the Jews who emigrated to Bursa were allowed to set up a quarter and a synagogue for themselves. The quarter set up by the Jews in the city adjoined the *Hisar* (Fortress), where the Muslims lived, and which is known today as Altiparmak. The immigration of Jews to Bursa continued in subsequent years too. Some of the Jews who were expelled from Spain in 1452 also settled in Bursa. Consequently, the population of the Jews in the city considerably increased. For example, the *tahrir defterleri* (the population and tax survey books of the Ottoman State) belonging to 1487 include only one Jewish family (house) living in the Pazar-ı Mahi neighbourhood. Also, in 1487 Bursa, there were 13 Christian families living in the Kuruçeşme neighbourhood, but no Jewish residents; in this same neighbourhood the number of Jews increased in later years. However, there was no important change in the number of Christian families living in the Kuruçeşme neighbourhood, while the number of Jewish families greatly increased from 117 in 1521 to 308 in 1573 as recorded in the *tahrir defterleri.* For the Jews of Bursa, see: Galanti, Avram, *Türkler ve Yahudiler*, Tan Matbaası, İstanbul 1947; Galanti, Avram, "Bursa'nın Fethi ve Museviler", *Yeni Mecmua*, sy. 9-75, İstanbul 1973, s. 184; Sharon, Moshe Sevilla, *Türkiye Yahudileri*, İletişim yayınları, İstanbul 1992; İlyas, "Türk Hakimiyetinde Yahudiler", *Dergah Mecmuası*, İstanbul 1338, II, 134; Barkan, Ö. Lütfi-Meriçli, Enver, *Hüdavendigar Livası Tahrir Defteri*, TTK Basımevi, Ankara 1998; Günay, Necla, *XVI. Yüzyılda Bursa Yahudileri*, (Unpublished MA thesis) Gazi Üniversitesi, Ankara 1999.

7. In spite of the fact that there is not enough information about when the Armenians came to Bursa, Kamil Kepecioglu, a well-known researcher of the history of Bursa, claims that in the early 15th century Çelebi Sultan Mehmet had an Armenian community, composed of ten families, brought from Kütahya and, by allocating bread (fodla) from the Soup *Yeşil İmareti* (Kitchen of Yeşil), accommodated them in Bursa. So it can be argued that the members of this community were the first Armenians to come to Bursa. In subsequent years, like other non-Muslims, Armenians who were living in neighbouring cities also came to Bursa and settled there alongside their co-religionists. The administrators, who were eager to develop the economic life in the city, promoted this situation. See Kepecioğlu, Kamil, Bursa Kütüğü, II, 41.

8. İnalcık, Halil, "Bursa", *DİA* (Diyanet Vakfı İslam Ansiklopedisi) VI, 447.

9. Köseoğlu, Neşet, *Tarihte Bursa Mahalleleri*, Bursa 1946.

10. Evliya Çelebi, *Seyahatname*, Yapı Kredi Yay, (Eds: Z. Kurşun, S. A. Kahraman, Y. Dağlı), İstanbul 1999, II, 11.

11. All property transactions in Ottoman cities were recorded. One copy of these records would be given to those concerned and this would be used in the same way we use deeds today. So, the courts used to make decisions about any problems that might arise in future according to the recorded documents. Thousands of documents recorded in Bursa *Ser'iyye Sicilleri* are important not just for the social history they provide, but also as they act as first-hand sources for research on these matters. The records include the kind of real estate that was sold (such as house, field etc.), the date of the sale transactions, the names, ethnicity and religion of the people who sold or bought the property, the price and size of the property and the names of the owners of surrounding properties.

Non-Muslims had absolute right to full ownership, with a few exceptions. Non-Muslims could trade in all kinds of unmovable properties, estates and goods such as houses, agricultural fields and gardens, both among themselves and with Muslims. One can find plenty of examples of this in court records. According to an investigation I conducted of 18th century Bursa, of 816 transaction records in which at least one side was non-Muslim, 708 transactions took place solely among non-Muslims, while in the other 108 cases the transactions took place between a Muslim and a non-Muslim. Of these, 36 were cases of a non-Muslim buying from a Muslim, whereas in 72 cases the reverse was true.

Another study on 1670-1698 Bursa has shown that there were 200 transaction records concerning non-Muslims. 134 of these were between non-Muslims, while 66 cases were concerned with transactions between a Muslim and a non-Muslim. Of these, 53 cases were cases of a non-Muslim buying from a Muslim, and 13 were the reverse. See. Düzbakar, Ömer, *XVII. Yüzyıl Sonlarında Bursa'da Ekonomik ve Sosyal Hayat*, (Unpublished Ph.D. dissertation) A.Ü.S.B.E., Ankara 2003, p. 65.

Non-Muslims used to register their transactions in the *Shariyyah* Courts regardless of whether the transaction was between two non-Muslim parties or between a Muslim and a non-Muslim party. It was these same courts that used to resolve any disputes that arose concerning the transactions. It can be observed that the Islamic selling laws were applied for both Muslims and non-Muslims, without any discrimination, as the right of non-Muslims to ownership and possession was protected by the state and any illegal or unjust actions taken against their property would be restored by the local

courts or *fermans* (imperial edicts) issued by the *Divan-ı Humayun.* (Bursa *Şer'iyye Sicilleri*-Bursa Shariyyah Court Records) (Henceforth *BŞS*) See. BŞS. B92/32a; B175/23a.

As to the formation of non-Muslim neighbourhoods, one can observe the following: Although Islamic law does not prohibit Muslims from mixing with non-Muslims in residential areas, non-Muslims have always had quarters that have been specifically allocated for them in Islamic States.

12. Çetin, Osman, *Sicillere Göre Bursa'da İhtida Hareketleri ve Sosyal Sonuçları (1472-1909),* T.T.K.Basımevi, Ankara 1994. s. 30-32.

13. *Terekes* are records that state the estates of deceased persons. They also show how the division or partition of the estates is carried out, according to Islamic Law. *Tereke* records include the name, origin, sex, religion, profession/job and the time of death of the person concerned, as well as the names of the neighbourhoods where they lived, their marital status, the list of real estates and securities, the total value of their wealth, the value of each item on the list at that time, the names of credits and debts, the number of children, the names of the men who shared their wealth and other similar matters. But, the *tereke* records for each person were not always registered. A *tereke* record would be recorded if there was a problem about the division or partition of the inheritance among the heirs, if one of the heirs was a young child or if the members of the family did not know whether an heir was alive or dead. In such cases, the local authorities would take the *tereke* records under their own control. These records, which are highly important in respect of social history, are plentiful in the Bursa *Ser'iyye Sicilleri* (Bursa Shariyyah Court Records). While working on my Ph.D. I found 8 *tereke* records for the 18th century, all of which belonged to non-Muslims. The records include data for 507 non-Muslims, as mentioned above.

14. As pointed out in note 13, not every person's *tereke* was recorded. Therefore, if we take into account that the *tereke* of people who were able to divide their inheritance among the heirs without any problem were not recorded, and if we think that these people might possibly have lived in different quarters, then it is possible to state that the number of quarters in which non-Muslims lived could be higher.

15. It is quite likely that there was no person whose *tereke* needed to be recorded through the court in these quarters. For this reason, there were no *tereke* recorded.

16. The highest judge in the Ottoman State.

17. During the work on my Ph.D., I studied all of the *Bursa Ser'iyye Sicilleri* (Bursa Shariyyah Court Records) from the 18th century; these include thousands of documents. I also examined some parts of the *Başbakanlık Osmanlı Arşivi* (The Ottoman Archives of the Prime Minister's Office). The number of documents concerning Bursa that I found was just five. So the lack of documents shows that intervention in areas of settlement in Bursa was not prevalent.

18. Düzdağ, M.Ertuğrul, *Şeyhulislâm Ebussu'ud Efendi'nin Fetvalarına Göre Kanuni Devrinde Osmanlı Hayatı*, Sule Yayinlari, İstanbul 1998, p. 150.

19. Düzdağ, ib.cit, p. 150.

20. Ali Efendi, *Şeyhulislâm Fetvaları*, (sad: İbrahim Uysal) Fey Vakfı, Hilal Matbaası; İst. 1995, p. 144.

21. *Divan-ı hümayun* was the highest administrative centre that made legal decisions in the Ottoman State, as well as conducting State (official) affairs and making official decisions. In addition to this, the *Divan-ı hümayun* served as the highest court. Every person, Muslim or non-Muslim, had the right to take their case to the *Divan-ı hümayun.*

22. B.Ş.S. (Bursa Şer'iyye Sicilleri-Bursa Shariyyah Court Records) B215/59a.

23. B.Ş.S., B288/3b.

24. B.O.A. (Başbakanlık Osmanlı Arşivi) (Ottoman Archive of the Prime Minister's Office), Cevdet Adliye, 2786.

25. B.Ş.S., B280/95b.

26. Kenanoğlu, M. Macit, *Osmanlı Millet Sistemi- Mit ve Gerçek Ottoman*, Klasik Yayınları, İstanbul 2004, p. 323.

27. Gradeva, Rossitsa, "Orthodox0 Christians in the Kadı Courts: The Practice of the Sofia Sheriat Court, Seventeenth Century", Islamic Law and Society, E.J. Brill, Leiden 1997, vol. 4, no. 1, p. 49.

28. Ahmed Refik, *Onuncu Asr-ı Hicride İstanbul Hayatı (1495-1591),* Enderun Kitabevi, İstanbul 1998, p.52; The neighbourhood of Eyup Sultan has always been important for Istanbul throughout Ottoman history. A similar

respect has been paid to the neighbourhood of Emir Sultan in Bursa. Therefore Emir Sultan is not one of the neighbourhoods where non-Muslims used to live.

29. Düzdağ, ib.cit., p. 150.

30. After some Christians who were living next to a mosque made fun of the adhan (the call to prayer) in Edirne in 1776, Muslims complained about this and it was decided (in the court) that the houses concerned be sold to Muslims for their market value. See. Adıyeke, Nuri, "Islahat Fermanı Öncesinde Osmanlı İmparatorluğu'nda Millet Sistemi ve Gayrimüslimlerin Yaşantılarına Dair", *Osmanlı'dan Günümüze Ermeni Sorunu*, (ed: H.Celal Güzel), Yeni Türkiye Yayınları, Ankara 2000, p.188.

31. For instance, it is recorded that some Muslims were disturbed and made a complaint against some Jews who were living near a mosque in Manisa because allegedly they had been playing games and making noise. Upon this complaint, which occurred in 1577, the Saruhan Judge ruled that the houses in question be sold to Muslims for their market value. See Emecen, Feridun M, *Unutulmuş Bir Cemaat Manisa Yahudileri*, Eren Yayınları, İstanbul 1997, p. 110.

32. Ahmed Refik, *Onbirinci Asr-ı Hicride İstanbul Hayatı (1592-1688)*, Enderun Kitabevi, İstanbul 1998, p. 538.

33. Balcı, Hacer, *B171/347 Nolu Bursa Mahkeme Sicili*, U.Ü.S.B.E.(Unpublished MA thesis) Bursa 2000, p. 49.

34. B196/79a.

35. B.Ş.S.B311/39b.

36. Indeed, Gredava, who studies Christians living in Sofia, believes that under Ottoman rule the Muslims and non-Muslims used to live side by side in spite of the fact that some *fermans* were issued at times; "Almost all documents relating to urban property transactions indicate that there was no such a thing as religiously or ethnically 'clean' *mahalle* in the Balkan cities, at least from the sixteenth century onwards. The documents carefully identify all of the neighbours of the plot or house. Both in the *mahalle* or village and in the fields, Muslims lived in or moved to quarters with a predominantly Christian population and Christian names, and the same holds true for Christians- although some *fetwa*s (legal opinions) issued by *şeyhülislâm*s (chief jurisconsult and head of the Ottoman learned hierarchy)

prohibited Christians from living in the neighbourhood of a mosque or in a Muslim *mahalle*, and others recommended the banishment of Christians from Muslim *mahalle*s when growing numbers of the infidels caused a reduction in Muslim attendance at the local mosque." See: Gradeva, op.cit., p. 49; Similar interpretations can be found in Jennings' study on Kayseri, one of the leading cities of the Ottoman State. See "The Muslims and Christians of Kayseri did not live in isolation from one another in the early 17th century. There were no ghettos....Dhimmis not only cultivated fields and vineyards next to those of Muslims but also lived in houses next to them. Dhimmis lived in houses once lived in by Muslims and vice versa.... A zimmi might be the neighbor of an imam, a muderris, or even a kadi, not to mention a sipahi or an ayan." Jennings, op.cit., p. 280-281.