

Case issues and data on houses in the 17th century Istanbul Kadı registers

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Abstract

The Kadı registers, like many written sources of Ottoman record-keeping, are important sources for historical research on Ottoman urban and housing history. These records also include research potential in terms of taking into account different cases together. The purpose of this article is to reveal this potential for architects and architectural historians. To do this, for four different regions of Istanbul – Istanbul (Suriçi), Eyüp, Galata and Usküdar – legal matters that arose in four periods in the 17th century have been studied in detail. This study has included many cases involving different housing issues, such as sales, mortgage (rehin) or temporary sales of houses as collateral (bey bi'l vefa/bey bi'l istiğlal), inheritance of property, tenancy of houses, granting ownership rights (hibe), establishment of waqf (charitable) foundations and cost estimation of housing repairs. In turn, discussions about the houses in different contexts that were recorded in the courts during the 17th century have been revealed. Within the scope of the article, these cases about the houses and the data obtained from this material is introduced to researchers. In this way, a substructure is prepared for new discussions, comparative reviews, analyses and research in the field of housing during the Ottoman period in Istanbul.

Keywords

House, Istanbul, Kadı registers, Ottoman, 17th century.



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1. Introduction

As in many cities in Ottoman regions, due to the lack of the number of houses dated before the 19th century, “housing in the Ottoman period” is an area that is full of unknowns and waiting to be investigated in the capital city of Istanbul. In order to eliminate gaps in this area, Ottoman written documents provide valuable data. This article deals with cases in Istanbul *Kadı*¹ registers of the 17th century that exemplify the houses of a large urban group in Istanbul and the information about the houses in these cases. The aim is to introduce these cases, which provide important information about the houses and the city, to architectural history researchers and to create a new route for Ottoman housing research. This study was established within the scope of a research project supported by the TUBITAK Career Development Program and also provides information about the material used by the project.

The material contains all kinds of court records related to houses in Istanbul in the *Kadı* registers of the 17th century. Examined registers and the number of cases about houses in them are shown in Table 1.

These registers include transactions on many issues, such as sales, mortgages (*rehin*), inheritance of property, tenancy of houses, granting of ownership rights, establishment of waqf foundations, and the estimated costs of housing repairs. The number of cases in Istanbul (*Suriçi*), Eyüp, Galata and Usküdar involving these issues has been evaluated and is shown in Figure 1, Figure 2, Figure 3 and Figure 4, respectively.

According to these graphics, the most frequently encountered cases are sales transactions. The cases involving this issue are in the percentage segments that vary between 44%–58% in the registers examined on the basis of regions (Figure 5). In the second order, the transactions where the debtor is providing the house as collateral for a loan are displayed. These transactions include mortgage (*rehin*) of houses and temporary sales transactions called “*Bey Bi'l vefa*” or “*Bey Bi'l Istiğlal*”. The ratio of the number of cases on this issue varies

Table 1. Examined registers and number of cases related to houses.

	1610's-1620's		1640's		1660's			1680's			17th century-Total
Istanbul Kadı Registers (Sicil)	Istanbul Court Sicil No.3	Rumeli Court Sicil No. 35	Istanbul Court Sicil No. 213 (TSMa)	Rumeli Court Sicil No. 80	Istanbul Court Sicil No. 225 (TSMa)	Rumeli Court Sicil No. 116	Bab Court Sicil No. 3	Istanbul Court Sicil No. 246 (TSMa)	Rumeli Court Sicil No.139	Bab Court Sicil No.46	830
Number of cases	146	22	33	55	4	101	193	53	66	157	
	168		88		298			276			
Eyüb Kadı Registers (Sicil)	Eyüb Court Sicil no.19		Eyüb Court Sicil no. 49	Eyüb Court Sicil no. 50	Eyüb Court Sicil no. 74	Eyüb Court Sicil no. 75	Eyüb Court Sicil no. 97			554	
Number of cases	112		47	64	85	60	186				
	112		111		145			186			
Galata Kadı Registers (Sicil)	Galata Court Sicil no. 46	Galata Court Sicil no. 48	Galata Court Sicil no. 64	Galata Court Sicil no. 65	Galata Court Sicil no. 89	Galata Court Sicil no. 90	Galata Court Sicil no.136			466	
Number of cases	18	7	105	43	25	94	174				
	25		148		119			174			
Usküdar Kadı Registers (Sicil)	Usküdar Court Sicil no. 133		Usküdar Court Sicil no. 205		Usküdar Court Sicil no. 240	Usküdar Court Sicil no. 241	Usküdar Court Sicil no. 296			513	
Number of cases	75		119		72	78	169				
	75		119		150			169			

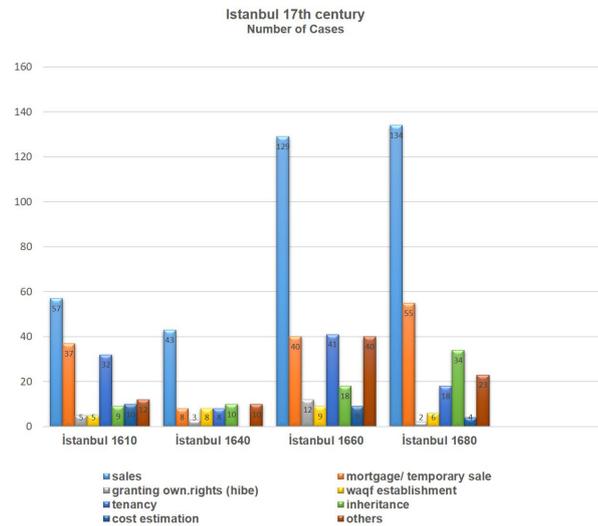


Figure 1. Number of cases according to issues in Istanbul (*Suriçi*) for four periods of the 17th century.

between 12%–24% (Figure 5). Other case issues are generally below 10% in the context of the number of cases. These can be arranged in order as cases about a portion of hereditary with the houses divided among the inheritors, cases related to the tenants such as tenancy of houses, transferring tenant rights, granting the residence permit, cases related to granting ownership rights of houses, cases related to the establishment of waqf foundations and cases related to the estimation of the cost of repairing houses. In addition, issues such as the so-called *istibdal* (exchange of properties between property owners -waqfs and people) and other issues are negligible in terms

¹ *Kadı* is a Muslim judge who interpreted and administered the religious law of Islam and settled civil cases about sales of the properties, disputes between the urban dwellers, inheritance, housing and Islamic endowments, etc.

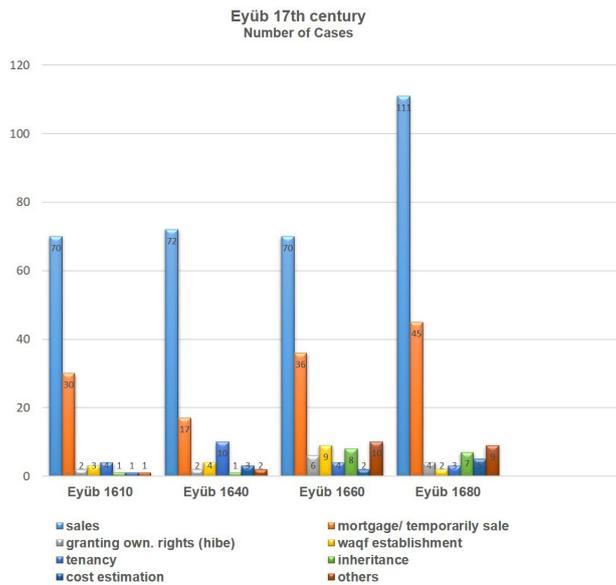


Figure 2. Number of cases according to issues in Eyub for four periods of the 17th century.

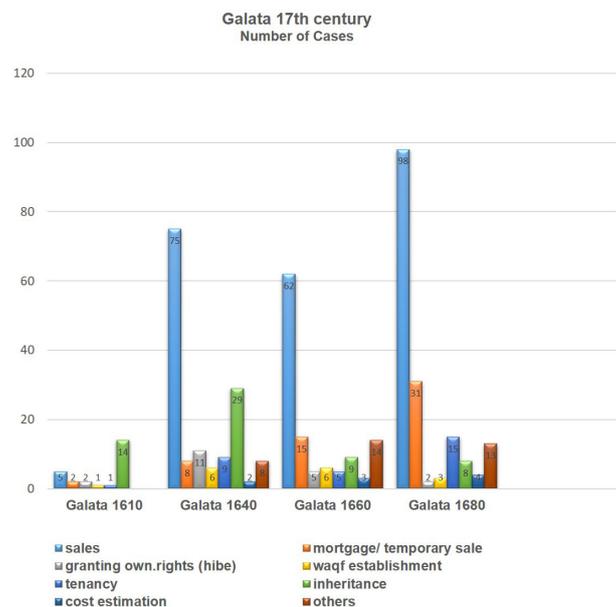


Figure 3. Number of cases according to issues in Galata for four periods of the 17th century.

² Concerning the studies about the history of Ottoman houses using the cases of sales transactions, see Artan, 1989; Faroqhi, 2009; Gönenç, 2014; Halaç, 2010.

³ For further information on these cases, please see Günay, 2012, p.15-24.

of both being very low in proportion to the whole and the very limited information to be obtained from them.

In addition, the data obtained from the Kadı registers also vary according to case issues. Figure 6, which shows what kind of data can be accessed in each case, will be enlightening in this sense. These data will be explained in detail with case issues.

Following the quantitative evaluation of the cases and data, detailed information will be given on the case issues and the data groups that can be

obtained from these cases. After the informative section, the article puts forward proposals as to how data from the registers can be used for research about urban texture and the architecture of urban housing.

2. Sales of houses

The most common case related to the houses in the Kadı registers concerns the sale of houses. On average, 44% of the cases that could be examined about the houses during the 17th century in Istanbul (*Suriçi*), 58% of the cases in Eyüp, 52% of the cases in Galata and 57% of the cases in Uskudar (Figure 5) concern property sales. The results show that sales of houses between individuals are the most common practice, and that middle-class city-dwellers frequently put their homes up for sale. Also, these ratios show why sales transactions in the court registers have been frequently applied as data to be used in research about Ottoman houses.²

A house sale was a transaction taking place with the approval of the buyer and seller in the presence of the Kadı, so detailed information about this process and the houses subject to sale is given in the registers.³ First of all, since sales transactions take place between individuals, the case registers contain the title and name of the old and new owners of the houses. Thus, in the light of this information, researchers can determine the socioeconomic status, ethno-religious background and gender of the new and former owners. Also, the location of the houses is indicated with the name of the quarter (*mahalle*), as also are the names of the owners of the properties surrounding the house. Therefore, it is possible to find out where residents recorded in the registers live in the city. This allows one to see the distribution of different urban groups in the city. In addition, it is also possible to get information about the size and features of the houses being sold. This allows us to access spatial data of the house, such as the rooms, open spaces, as cooking spaces, storage areas, components related to hygiene and some insight into how these spaces are arranged in the house. The other important data about the hous-

es obtained from the sales registers are the sales prices of the houses, namely their financial value. As a result, all information creates a rich database for us to make evaluations about the housing stock in Istanbul.

3. Mortgage (*Rehin*), temporary sales (*Bey Bi'l vefa and Bey Bi'l Istiğlal*) of houses

Following house sales in frequency are transactions where a debtor provides a house as collateral for a loan (*rehin*) or a temporary sale (*Bey Bi'l vefa or Bey Bi'l Istiğlal*). In other words, different practices such as a kind of mortgage or repo are among the most common case issues related to homes.⁴ On average, these issues affected 17% of registered transactions in Istanbul, 23% in Eyüp, 12% in Galata, and 24% in Usküdar (Figure 5).

It is worth explaining that these cases have not been mentioned until now in studies about Ottoman houses, but they are thought to constitute a source of material as rich as sales transactions and create a new discussion route by providing important and interesting contributions to this area. Indeed, these are the methods through which Ottoman people used to try frequently to borrow money. With these ways, for a certain time until the debt is paid, the properties are given as collateral to the money lender or sold temporarily to the lender, on condition that when the debtor/old owner pays his debt, he buys the property from the lender again for the same price.⁵ As a result of the mortgage (*rehin*) of the properties for a temporary period, the lender does not gain any profit. The property should only be taken as collateral and the lender cannot utilize it if the real owner of the property does not permit. (Mesci, 2017) However, as a result of the temporary sale of the house (*bey bi'l vefa*), it is possible for the creditor/lender to lay down conditions at the beginning, he can use that property during this period.⁶

On the other hand, *bey bi'l-istiğlal* is defined as a type of *bey bi'l vefa* in which the borrower sells his home to the lender and then rents his home from that lender until he pays his debt.⁷ Thus, the borrower will be in

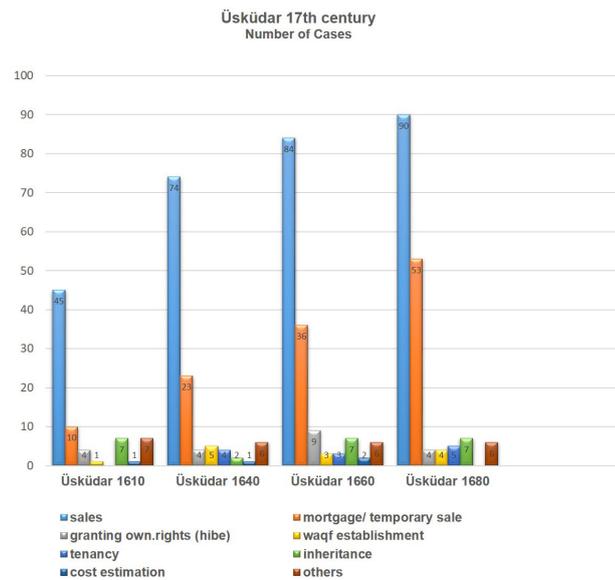


Figure 4. Number of cases according to issues in Usküdar for four periods of the 17th century.

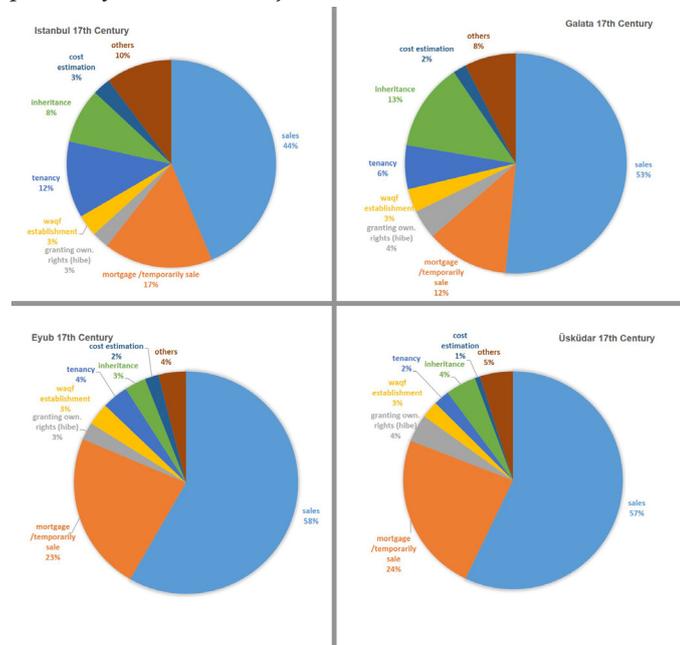


Figure 5. Percentage distribution of cases by issues for four regions in the 17th century.

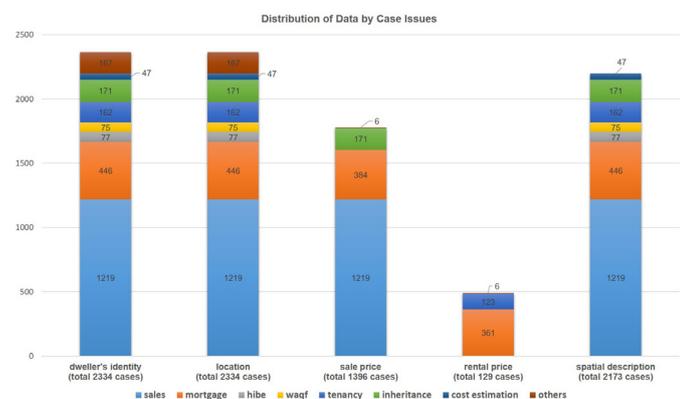


Figure 6. Distribution of types of data obtained from registers by case issues.

this case the tenant of his own house and the creditor will benefit from the rent of the house during the specified period. If the debt is paid at the end of this period, the house will return to its first owner.

⁴ Indeed, there are researchers who discuss the similarity of these processes with repos. In his paper, Turan explained in detail the different and similar aspects of *Bey Bi'l vefa* to repo. See Turan, 2015, p.127-128.

⁵ In *Netîcetü'l-fetâvâ ve Mecmûa-i Atâiyye*, the definition of *Bey bi'l-vefa* is explained as "Bedelini geri getirdiğimde bana satman şartıyla sana sattım, diyerek yapılan akde bey'u'l-vefa denir. (I sold it to you on condition that you sold it to me when I paid the price.)" This is cited by Kaya from these documents: Dürriçâde, Mehmed Ârif Efendi, *Netîcetü'l-fetâvâ*, trc. Seyyid Hafız Mehmed el-Gedûsi, *Matbaa-i Amire, İstanbul* h. 1265, s. 496; *Atâullah Mehmed Ef.*, *Mecmûa-i Atâiyye*, müst. Ali b. Yahya, *yazma, İstanbul* h. 1140 (Süleymaniye, Esad Ef. 920), vr. 132a. See Kaya, 2010, p.101.

⁶ *Bey bi'l vefa* is discussed in a wide range of studies in the field of Islamic law. For more detailed information about these discussions that are out of the scope of the article, see the following resources: Yelek, 2016, p.109-119.

When examined in detail, it can be seen that these three applications –mortgage (*rehin*), *bey bi'l vefa* and *bey bi'l istiğlal*- are derivatives of each other. Gözübenli (1990) also makes statements supporting this thought. He states that, according to the Hanafi faqih, the transaction which is expressed as a temporary sale for a period of time until the debt is paid, actually means a mortgage. According to this, in all three transactions, it can be said that the debtor used his house as a pledge until he was able to pay his debts to the lender. On the other hand, in the context of the benefits, there are differences between them so that for the lender *bey bi'l istiğlal* seems to be a much more profitable practice. The rent value of the house sold temporarily with *bey bi'l istiğlal* is added to the debt at the beginning. When the registers are examined, it is obvious that this application is more attractive for the creditors compared to the mortgage (*rehin*) and *bey bi'l vefa* because the amount of rent, with a minimum rate of 10% on average, is paid to the lender as a fixed income during the term of the debt.

In the registers, quantitative results among the applications also confirm this situation. *Bey bi'l istiğlal* (81% of the three methods) is the most preferred method. In other words, the temporary sale and renting of a house to the borrower by the lender at once is a frequently encountered situation in the registers.⁸

In addition, when the parties of these transactions are examined, one encounters some interesting findings. The lenders who temporarily become owner of the house in return for the loan are generally either waqf foundations or underage orphans. The reason for them to get involved in these applications is that the cash money is managed and this means that these institutions and orphans obtain income in this way. These findings are consistent with the findings of Kaya (2010) who examines the accounting records. He

says that more than half of the waqfs in Uskûdar at the end of the 18th century were using cash capital management methods led by *bey bi'l istiğlal* and they achieved the most income in these ways.⁹

In accordance with this information, it can be understood why this material with its rich content is interesting for studies about Ottoman houses. First of all, from these registers, we learn the names and titles of persons/institutions that are the money lenders (new temporary house owner) and also the original house owner who is the debtor – and mostly the temporary tenant of his house after the sale process. Indeed, the original owner of the house generally continues to live in the same house, even as a tenant for a certain period of time, especially for sales transactions made through *istiğlal*. Therefore, if the residents in the houses are to be examined, this situation of the owner should be taken into account.

Besides the borrower's and lender's names, detailed information pointing out the quality of the house is given in the registers. Since there is a debt in these applications, the quality of the house provided as collateral for this debt is important. For this reason, as in the sales transactions, the houses are described with their size, features, components and location in the city. Thus, these cases are useful for architectural researchers to evaluate spatial arrangements of Istanbul houses in the 17th century.

Another data group that can be reviewed from these cases are the sales prices and the rental prices of the houses for *istiğlal* cases. However, the situation for these loan cases are different from straight sales transactions. Since the house is sold temporarily as collateral for the debt, it is advisable to have doubts about whether the price of the house given in the registers is the real value or not. As a matter of fact, Mesci (2017) explains this subject in his thesis. He says that it is not necessary to determine the real price of goods sold by the way of *bey bi'l vefa*; goods can be sold under or above the real value. On the other hand, the real value of the house is not expected to be less than the owner's debt. Therefore, it is useful

to think that the sale price of the house sold against the debt is more than the debt, and that it may be worth close to it. However, it is certain that the analysis cannot be made on exact sale prices as in the sales registers. The same situation goes for the rental value of the house, unfortunately.

As an example of this situation, the *sicil* numbered 139 of the Rumeli court provides remarkable information about a case of *bey bi'l istiğlal*. (Rumeli Court sicil no.139) A person named Yorgi owed 160 *esedi gurus* to a waqf foundation and pledged his house against this debt to the foundation through *istiğlal*. However, when his debt could not be paid, the house was put on sale at auction by the foundation. During this sale, it was stated that Yorgi's debt was 216 *gurus* and the sale price of the house was 250 *gurus*. The difference and increase of 56 *gurus* in the debt must be due to accumulated rent. However; due to the lack of information about the elapsed time, it is impossible to find out the monthly or annual value of the rent. But it seems that the house was being sold over 90 *gurus* of debt through auction, indicating that the prices in these applications do not point to the real values of the houses, as Mesci explained. Also, as we have seen, it is reasonable to assume that the real value is equal to or more than the debt.

4. Inheritance / Portion of the inheritance

Cases about inheritance of properties also provide material for studies of the Ottoman houses. However, it should be noted that the number of these cases is very limited because registers related to the houses inherited and shared between the inheritors throughout the century are on average 9% of the registers in Istanbul, 3% of the registers in Eyüp, 13% of the registers in Galata and 4% of the registers in Üsküdar (Figure 5).

Since the cases vary in terms of the data available, it is necessary to evaluate them in two groups. First, some of the cases mainly involve a discussion about how to equitably share the portions of the house among the inheritors and disagreements between the share-

holders about this subject. According to the data obtained from this first group, we can find information about the property owners/tenants, location of the house and the residents of neighboring lands as well as sometimes the size of the house. Second, other cases are concerned with estate accounting (*tereke*). In this group, the amount of data obtained from the registers about the estate accounting is very limited. These registers provide only the data on the location and the real value of the house. Therefore; it is useful to take into account that all these cases, which do not have a large number of registers, have limitations in terms of supplying valuable information about the houses.

5. Tenancy (Tasarruf) of houses

On average, 12% in Istanbul, 4% in Eyüp, 6% in Galata and 2% in Üsküdar (Figure 5) of the cases are about the tenancy of the houses. Therefore, these issues can be said to have a low proportion of the cases. The transactions related to tenancy are evaluated in three groups: (1) renting houses, (2) transferring dominium utile to another tenant and (3) granting residence permits in waqf houses.

In the first group of cases, the terms and conditions of tenancy are very important for understanding the practice. For Ottomans, there were different forms of tenancy¹⁰, but in this article we stated only one form of it. That is because the houses were usually rented to tenants in the form of *icareteyn* in these registers. In the form of this tenancy, two separate rent moneys are taken from the tenant, namely *icare-i muaccele* and *icare-i müeccele*. Rented houses are repaired with the first payment called *icare-i muaccele*, while houses rented for a long period of time are paid for with the second rent money called *icare-i müeccele*, which is calculated on a daily, monthly or yearly basis. In this form of tenancy, the tenant may use the rented building and land for almost a lifetime and may leave the dominium utile to his or her children as inheritance or transfer it to someone else. So, when we look at the data obtained from court records on this issue, we will find additional useful data other than the sales price of the

⁷ Kaya, cited the definition of *Bey bi'l-istiğlal* from *Mecelle (MD. 118)* as "*Bayi' bir malı istıcar etmek üzere vefâen bey' etmektir.*" See Kaya, 2010, p.101.

⁸ Kaya draws attention to the increase in the use of the "*bey bi'l istiğlal*" method when comparing between the *Kanuni's period* and the 18th century. Even if the rate of this increase was not determined during the period in which it was examined, one notices they have a significant percentage of the transactions recorded in the register about the houses. See Kaya, 2010.

⁹ Kaya states that "*Vakıfların, nakit sermaye işletirken doğrudan faiz alma imkânları yoktur. Vakıf mütevellileri de diğer şahıs ve kurumlar gibi faiz yasağını çiğnememek üzere muamele-i şer'îye veya bey' bi'l-istiğlal gibi yöntemlere başvurmak durumundadırlar.*"

house, such as the name and title of the residents (i.e., tenants), the location of the house in the city, spatial configuration in the house and the rental price (Figure 6).

The second issue encountered in the records related to tenancy is transferring dominium utile, which refers to the right to use a property even though not owning it. This transfer process, called *ferağ* in Ottoman Turkish, had to be actualized with the permission of the property owner. The tenant could transfer dominium utile of all or part of the house to another person in exchange for a rental transfer price with approximately the same value as the sales price. So, in these registers, as in the sales transactions, *ferağ* value, which is approximately the same value as the sales price is a piece of information important for understanding the financial value of the house. The other data obtained from these cases are also the same as what is found in cases of renting.

The third issue of this type concerns the granting of residence permits in the houses of waqf foundations to their officers working there. Since these are the houses that are allocated to the foundation workers for free in return for their services, there is no rental cost involved. For this reason, in these registers, we cannot get any information about the financial value of the houses. When the waqf foundation would give residence permission in one of their houses to a worker in return for his services, the data entered in the registers are the name and title of the worker, the location of the house and also information about the neighbors.

6. Granting ownership rights (*Hibe*) of houses and establishment of waqf foundations

The cases for the donation of houses from one person to another or to a waqf foundation provide similar quantitative and qualitative data for the studies of Ottoman houses. Of all cases investigated, those involving *hibe* and waqf establishment represented just 3% / 3% in Istanbul, 3% / 3% in Eyup, 4% / 3% in Galata and 4% / 3% in Uskudar (Figure 5), respectively. As can be seen, the percentage of the cases in both matters

is very low.

In the context of the data obtained from these cases, since there is no data on sales or rental prices and also descriptions of spaces in the house are not included in some registers, the number of cases of useful data will decrease even further for the researcher who wants to study Istanbul housing history.

7. Cost estimation for repairing houses

These are cases in which itemized expenses spent for repairing houses by examining on-site records are recorded. This type holds a very limited place among the cases of the houses quantitatively. On average, this subject constitutes 3% in Istanbul, 2% in Eyüp, 2% in Galata, and 1% in Üsküdar (Figure 5) of all cases. On the other hand, it should be noted that repair cases are interesting in terms of presenting a different group of data on housing studies. These cases include clues about the expenditures related to the construction work and what is taken into account in valuation of the houses. Because the expenditures for the construction materials and components used for repairing the house are recorded one by one, the data obtained on the construction of a house is very valuable.

8. Potentials of data in Kadı registers for research about architecture of Ottoman houses and urban texture in Istanbul

All these cases in the Kadı registers exemplify many houses of a large urban group, namely houses of different socioeconomic and ethno-religious classes, over a large area of Istanbul (*Suriçi*) and *Bilad-ı Selase* regions (Eyüb, Galata and Uskudar) in the 17th century. To understand the registers' area of exemplification and where the mentioned houses are in a city plan, research mapping the city quarters in the 17th century will be very useful. An Istanbul map including four regions prepared in accordance for this purpose shows the extent of the research area and the richness of the registers clearly (Figure 7).

After the information about case studies and in the light of this map-

(Foundations do not have the opportunity to get direct interest when operating cash capital. Like other people and institutions, to manage the cash money, trustees of the waqf foundations apply such methods as *muamele-i şer'îye* or *bey bi'l-istiğlal* to prevent the prohibition of interest) and according to the results of his survey, "81 vakıftan 28 tanesi sadece nakit sermaye işleterek gelir elde ederken 11 tanesi sadece kira geliri elde etmiştir. 42 vakıf ise her iki tür gelire de sahiptir. Bu vakıfların toplam geliri yıllık 1.347.017 akçe olup bunun 905.663 akçesi nakit sermaye getirisi iken geri kalan 441.354 akçe kira gelirlerinin toplamıdır. (28 of the 81 foundations were operating only cash capital and 11 were operating only rent income; 42 of the foundations had both types of income. The total income of these foundations was 1.347.017 akçes, while 905.663 akçes of it was income of the cash capital, the remaining 441.354 was the total of rental income)". See Kaya, 2010, p.97.

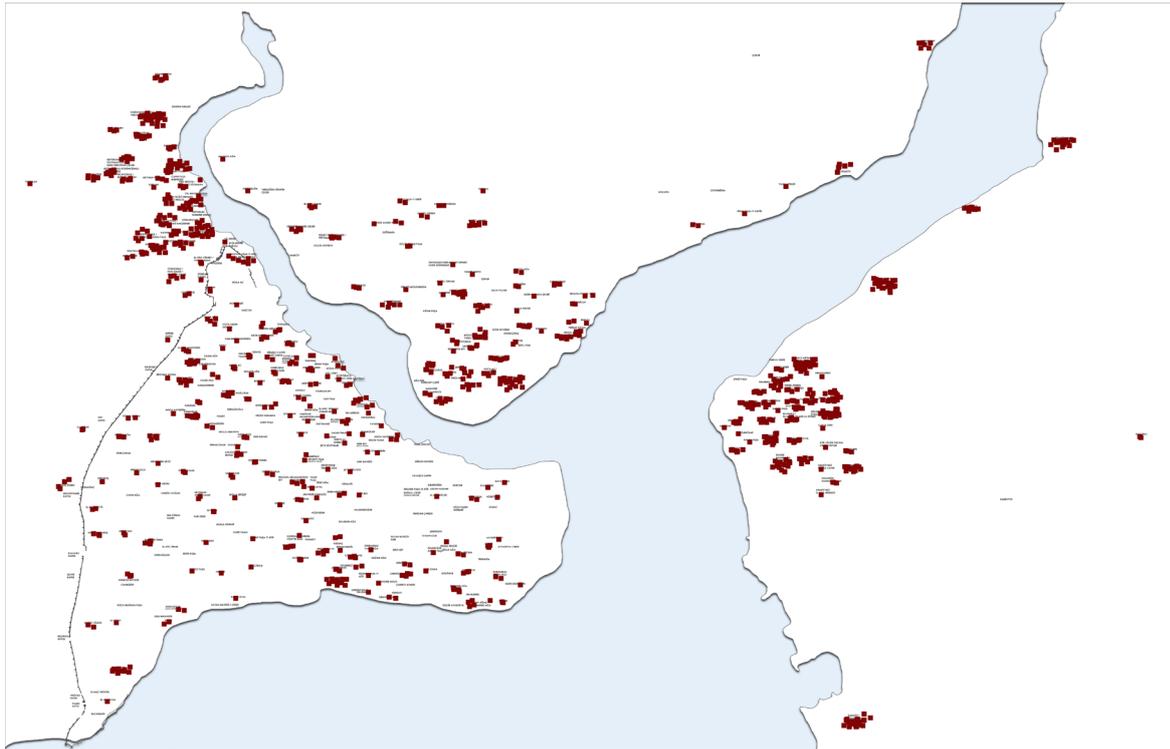


Figure 7. City map showing locations of houses in 17th century Kadı Registers.

ping, it is useful to review the data groups shown in Figure 6 and evaluate the potential of data for research about the architecture of Ottoman houses and urban texture in Istanbul. Indeed, each group of data has the potential to be evaluated in itself. On the other hand, comparative reviews of different data groups will be an interesting and critical approach to open discussion about housing and urban texture.

For a discussion of the potential of these data, let us start with sale and rental prices. The prices of houses in Istanbul city and its regions and the trend of the prices through the century give clues to understanding the living and housing conditions of urban-dwellers. Examining the calculation of prices and discussing the factors having an impact on differentiation and changes of them according to the regions during the same period are important facts to consider in terms of the land appraisal and urban density. Discussion can be made on comparative studies according to the regions and also the quarters (*mahalle*). Indeed, distinguishing the impact of the land value from the impact of the building itself on the sales price is very difficult. But it is possible to open a discussion by comparing these data with the other

data groups. For instance, comparing the prices of houses with the same space components will give an idea about their relative land appraisals. In addition, high- and low-priced houses in the city can be compared and evaluated in terms of their residents and locations in the city. In this way, how the features of land such as area and location in the city have a role in land appraisal and the urban density of regions and the houses located in them can be interpreted.

In this respect, Yerasimos (2003) assessed thirteen districts (*nahiye*) of Istanbul in the 16th century based on waqf houses in the Waqf Tahrir Registers. He explains how different socio-economic groups of inhabitants are distributed in these districts and also how some of the spaces of houses are differentiated according to the districts based on the quantitative data. And in the context of the 17th century, the houses in the Kadı registers can be studied with a similar approach and quantitative method with the help of a great quantity of data. It is possible to study sale and rental prices of houses showing their economic value for understanding the range throughout the century across the city. Or urban-dwellers in Istanbul's different

¹⁰ For more detailed information about tenancy and the different forms of it in the Ottoman Empire, see Beyaztaş, 2001.

regions can be evaluated according to their socioeconomic or ethno-religious identities through the information about their name, title and (if available) occupation. Both data groups have the potential to be investigated and classified by quantitative methods and be assessed as groups according to these classifications with their location in the city. As a consequence of this study, the distribution of groups of houses in the city will provide information about urban structural characteristics (homogeneous or heterogeneous) of regions and *mahalles*.

We should now mention the constraints of the Kadı registers. Only houses and *mahalles* subject to the courts in that period were recorded in these registers. Thus, it is impossible to exemplify all of the houses in the city by means of examination of one or more registers. Nevertheless, they are sources which give important information and clues about the city and Ottoman housing. In fact, all of the Ottoman written sources have limited information as well. However, by means of each source we can see a small detail of the big picture at every turn. So reproduction and re-evaluation of the studies based on different sources together will be significant for understanding Istanbul houses of the Ottoman Period and to see the big picture.

After this explanation, continuing to examine the data about the architectural characteristics of the city's houses is meaningful. In almost all of the cases in the registers, we find descriptions of spaces in houses including information about the number of floors, the different named parts of the house and the space components as in the following examples:

“...*tabaka-i ulyâsında bir bâb oda ve tabaka-i vustâsında iki bâb oda ve dehliz ve süflâsında bir matbah ve bir kiler ve bir su kuyusu ve cüneyneyi müştemil mülk menzil...* [house having one room on the upper floor, two rooms and vestibule on the first floor and one kitchen, one store-room, one water-well and a small garden on the ground floor]” (Bab Kadı Registers Sicil no. 46, 352)

or

“...*muhavvata-i hâriciyesi beş fevkânî ve üç tahtânî odaları ve matbah*

ve ahûr ve tahta-pûş ve eşcâr-ı ve muhavvata-i dâhiliyesi beş fevkânî ve üç tahtânî oda ve matbah ve hamam ve eşcâr-ı ve iki çeşmeyi müştemil... [hâriciyye having five rooms on the upper floor, three rooms on the first floor and kitchen, barn, tahtapuş, trees and dâhiliyye having five rooms on the upper floor, three rooms on the first floor, kitchen, hamam, trees and two fountains]” (İstanbul Kadı Registers Sicil no. 3, 287).

As seen in the examples, which space components a house and its floors were composed of are understood clearly from these descriptions. Therefore, these are significant data waiting for discussion about the terminology of household spaces, the interpretation of spatial arrangements on the basis of distribution of these areas over the floors and the different house sections, the structural characteristics of dwellings, open / semi-open / closed spatial relations and living and comfort conditions in the house. On the other hand, to draw a certain plan of a house is not possible with this information, because positions and relations of a space with the others on the same floor are not unambiguous and also forms, sizes and proportions of the spaces are not given and cannot be deduced from the descriptions.

In addition, in much research ignoring historicity, the spaces and terms regarding them were defined as they have not changed for centuries and their meanings are always fixed. Yet necessities and functions being in the first place, all of the architectural terms, elements and components have been transformed continually. Şenyurt (2018) has striking arguments about terms used for some interior spaces of Ottoman houses. She explains the meanings of terms and examines transformations of terms and also spaces represented throughout the Ottoman period extensively. For this extensive research, she uses the archival documents and literary works. In this manner, it is possible to discuss the terminology of Istanbul houses and their interior spaces with the help of the information obtained from the Kadı registers as well.

In addition, the architectural diver-

sity of the houses has been largely ignored until now. However, in my opinion, the spatial arrangements of houses in the registers do not lend themselves to typological classification. It is not really meaningful to classify and generalize them, if we want to understand housing conditions in the city in all their aspects. Similar to other Ottoman written documents, the Kadi registers have the potential to break the mold about this subject containing numerous examples of houses. Thus, it is possible to investigate the examples individually.

On the other hand, not only taken individually but also all together, the houses present information about domestic culture and the standards of the houses. For this, quantitative analysis can be made about space components. Yerasimos (2003) and Tanyeli (2003) investigated Istanbul houses in the 16th century with this method and revealed an Ottoman city of Istanbul contrary to common belief. In a similar manner, the Kadi registers give us the opportunity to evaluate the living conditions in the city with the help of the analysis of the living spaces such as rooms, toilets, bathrooms, kitchens, barns etc. and put forward an idea about ordinary and luxurious spaces and elements in the houses. In addition, comparison of the results of different periods and different regions can be made for interpreting changes and continuities about the living and comfort conditions in the houses. Analysis of the other data groups are supportive of these evaluations.

Finally, the data about expenditures for the construction materials and components used for repairing houses are also very interesting and valuable for research about construction and building materials of Ottoman houses. With the help of these data, it is possible to comprehend the use of building materials and construction techniques and to discuss Ottoman terminology of these materials. Also, if the subject is supported with the other archival documents, the records in the Kadi registers will become meaningful and Ottoman housing construction will be clarified.

9. Conclusion

In this article, in accordance with the purpose, every case about the houses in the court registers are examined, not remaining limited by the materials we have been accustomed to use. That is because every case and the data obtained from them is worth mentioning. The introduction of this material, which allows a wide urban area to be seen from different angles in the context of housing, will define a very efficient area to open up new discussions. The Kadi registers contain a wide range of material with cases on various issues. As a result, they provide an opportunity to examine the houses of different urban groups that show the existence of a movement in the city exposed through the purchase and sale of houses. Moreover, the registers allow researchers to study the houses of different urban groups through the borrowing of money from people or waqfs by the way of a pledge or temporary sale of their houses. Furthermore, we can study the houses rented to a tenant or transferred to another tenant, those houses granted to someone else or a waqf foundation or the houses inherited and shared by the inheritors.

The potential employment of the data obtained from these cases is discussed in detail. In the light of these data, the houses of ordinary city-dwellers who have not been much involved in research about Ottoman houses can be re-examined and evaluated in different contexts. We can now get information about the distribution of houses in different regions of the city according to their financial values (sale and rental price) and by their dwellers' socioeconomic and ethno-religious identities in the 17th century. Having this information can help us start a discussion about which factors most differentiate the values of houses (location in city or land appraisal, luxurious spatial and construction elements such as bathroom, water supplements etc.), what kind of living and comfort conditions the houses had and whether these conditions had changed in the city throughout the century. All these research possibilities lie within reach thanks to the help of the data obtained from the Kadi registers.

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Archival documents

Istanbul Kadı Registers Sicil no. 3, (TSMA) 213, (TSMA) 225, (TSMA) 246

Rumeli Kadı Registers Sicil No. 35, 80, 116, 139

Bab Kadı Registers Sicil No. 3, 46
Eyüb Kadı Registers Sicil No. 19, 49, 50, 74, 75, 97

Galata Kadı Registers Sicil No. 46, 48, 64, 65, 89, 90, 136

Üsküdar Kadı Registers Sicil No. 133, 205, 240, 241, 296

References

Artan, T. (1989) *Architecture As a Theatre of Life: Profile of The Eighteenth Century Bosphorus* (Unpublished Doctoral Dissertation Thesis). Massachusetts Institute of Technology.

Bektaş, İ. (2017) *Muhasebe Kayıtları Işığında 18. Yüzyılın İlk Yarısında Üsküdar Para Vakıfları* (Unpublished Master's Thesis). Sakarya University Institute of Social Sciences Islamic Economics and Finance Program.

Beyaztaş, M. (2001) *İslam Hukukunda Vakıf Gayrimenkullerin Kiraya Verilmesi Usulleri ve İcareteyn* (Unpublished Master's Thesis). Marmara University, Institute of Social Sciences, Department of Islamic Law.

Faroqhi, S. (2009) *Orta Halli Osmanlılar 17. yüzyılda Ankara ve Kayseri'de Ev Sahipleri ve Evler*. İstanbul: Türkiye İş Bankası Kültür Yayınları.

Gönenç, Ö. F. (2014) *XIX. yüzyıl Mardin Barınma Kültürü 1837-1866* (Unpublished Master's Thesis) Mardin Artuklu University, Institute of Sciences, History of Architecture Program.

Gözübenli, B. (1990) *Bey' Bi'l-Vefâ (Vefâen Satış) ve Bey' Bi'l-İstiğlal. Atatürk Üniversitesi İlahiyat Fakültesi Dergisi*, 9, 109-119.

Günay, R. (2012) *Şer'îye Sicillerinde Mülk Alışverişleri: Kullanılan Usul ve Dil. SDÜ Fen Edebiyat Fakültesi Sosyal Bilimler Dergisi*, 27, 15-24.

Halaç, H. H. (2010) *Kütahya Şerîye Sicil Defterlerine Göre Domestik Kültür, Barınma Koşulları ve Ev İç Mekânı Bileşenleri (1695-1902)* (Unpublished Doctoral Dissertation Thesis). Anadolu University, Institute of Social Sciences Department of Art History.

Kaya, S. (2010) *XVIII. Yüzyıl Sonlarında Üsküdar Vakıflarının Gelir Kaynakları. Divân Disiplinlerarası Çalışmalar Dergisi*, 15(29), 95-132.

Mesci, Ç. (2017) *İstanbul Kadı Sicilleri Işığında Bey' Bi'l İstiğlal Akidleri*, Unpublished Master's Thesis, Marmara University, Institute of Social Sciences, Economic History Program.

Şenyurt, O. (2018) *Osmanlı'da Mimari Mekan ve Yaşam Zamanın Mekanları Mekanın Zamanları*. İstanbul: Doğu Kitabevi.

Tanyeli, U. (2003) *Norms of Domestic Comfort and Luxury in Ottoman Metropolises Sixteenth to Eighteenth Centuries. The Illuminated Table, The Prosperous House*, (ed. Suraiya Faroqhi, Christoph K. Neumann). Würzburg: Ergon-Verl., 301-316.

Turan, M. F. (2015) *Bey' Bi'l-Vefâ ve Bey'u'l-İne ile Mukayeseli Olarak Günümüz Repo İşlemlerinin Fıkhi Boyutu. Hitit Üniversitesi İlahiyat Fakültesi Dergisi*, 14(27), 117-146.

Yelek, K. (2016) *Bir Finansman Yöntemi Olarak Kullanılan Bey' Bi'l-Vefânın İslam Hukuku Açısından Değerlendirilmesi. İslam Hukuku Araştırmaları Dergisi*, 27, 257-286.

Yerasimos, S. (2003) *Dwellings in sixteenth-century Istanbul, The Illuminated Table, The Prosperous House*, (ed. Suraiya Faroqhi, Christoph K. Neumann), Würzburg: Ergon-Verl., 275-300.