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M M G A R O N

### Article

## Individual interventions in shaping residential interfaces: A content analysis of İstanbul court records (1600–1839)

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### ABSTRACT

This study examines the role of resident agency in shaping the urban fabric of Ottoman İstanbul through a qualitative content analysis of 137 court cases (1600–1839). It investigates how individual interventions in residential buildings, such as additions, window modifications, and boundary adjustments, were negotiated within a hybrid legal system combining Islamic law (shar‘i), customary practice (‘urf), and imperial edicts. By focusing on disputes over spatial interfaces, the research illuminates the dynamic processes through which physical boundaries between public and private domains were actively defined by inhabitants through daily practice and localized dispute resolution, rather than by centralized planning alone. The findings demonstrate that residents functioned as primary agents in shaping the urban environment. The transitional zones between streets and properties, and between neighbouring buildings, were largely formed through incremental, resident-led interventions, adjudicated by courts in cases of disputes using core principles such as principle of damage (lâ zarar wa-lâ dirâr) and right of precedence (haqq al-qadim). This judicial mediation fostered a socially-embedded, negotiated spatial order, a form of organic urban co-production that operated alongside, and often independently of, formal municipal codes. The study contributes to historical urban studies by elucidating the socio-legal mechanics of everyday city-making in a pre-modern Islamic context. It offers a substantive historical case that resonates with contemporary interests in participatory models of urban development, suggesting that adaptability and resilience can emerge from systems that institutionalize localized negotiation, legal flexibility, and community-involved conflict resolution within a shared normative framework.

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## INTRODUCTION

The demarcation boundaries between private buildings and public spaces, such as roads and squares, in the urban fabric of seventeenth- and eighteenth-century Istanbul, as well as the boundaries between private and public buildings themselves, constituted a fundamental structuring element of pathways, circulation patterns, and property divisions. These spatial configurations underpinned an urban environment that historical scholarship has consistently identified by its complex spatial organization, human-scaled morphology, and articulated relationships among streets, courtyards, and squares.

Understanding the production of this morphology requires analytical attention to the relative operation of formal regulatory frameworks and socially embedded practices. Following Benton's (2013) concept of "legal pluralism," the Ottoman urban environment may be conceptualized as a hybrid system where state law and local customs interacted dynamically. Within this analytical framework, the significance of the present study lies in its systematic examination of the interactions among residents, and between residents and judicial authorities, through which architectural and spatial practices shaping the built environment were contested, negotiated, and institutionally validated, thereby producing a negotiated spatial order at the neighborhood scale. By foregrounding these socio-legal processes, the study elucidates the mechanisms through which urban interfaces were constituted and stabilized in the historical record.

This perspective resonates with broader shifts in urban theory. As known, the disciplines of urban design and planning undergo evolutions—or what Thomas Kuhn called paradigm shift (Kuhn, 1962). In recent scholarship, these paradigms are increasingly shifting from centralized models of urban decision-making toward greater emphasis on resident involvement and localized processes.<sup>1</sup> This contemporary shift renders the re-examination of historical practices in light of current theoretical debates analytically significant. In this regard, practices observed in Ottoman Istanbul offer an instructive reference point, as judicial mediation, as highlighted by Çelik (2017), negotiated property rights and urban change through decentralized, community-driven processes. Accordingly, positioned within the dynamic framework proposed by Allahham (2025), this study perceives the urban environment not as a static physical entity but rooted in context-specific normative structures and historical references as a result of continuous socio-legal negotiations and individual spatial practices.

A substantial body of judicial material documents urban-shaping decisions in Istanbul that were formulated in the absence of comprehensive municipal regulation, instead operating through legal principles such as damage prevention. The principle of damage prevention permitted individuals to intervene in their properties provided no harm was inflicted upon neighbors or public thoroughfares. Within this framework, spatial conflicts were addressed through processes that required the articulation, assessment, and mitigation of harm, thereby structuring interaction between residents and judicial authorities and advancing collective urban knowledge. These processes contributed to the delineation of spatial boundaries and limits of permissible action within the urban environment through localized negotiation rather than through codified planning schemes, corresponding to what has been described in the literature as a negotiated spatial order, a concept that remains relevant to current discussions on the organization of the built environment.

Judicial precedents emerging from these processes therefore warrant close analytical attention, as they played a formative role in shaping urban environments that continue to be examined in historical and architectural scholarship due to their spatial complexity and enduring material presence. Rather than being approached as prescriptive models, these cases provide empirically grounded insights into how resident interactions, mediated through judicial mechanisms, contributed to the incremental formation of the built environment. Accordingly, this article foregrounds such case studies as analytical entry points for examining the socio-legal dynamics of urban formation, rather than as normative templates for contemporary practice.

This analytical positioning directly engages with a body of scholarship that has long examined the role of individual actions within legal and customary frameworks in shaping the built environment. Ottoman city architecture has occasionally been depicted as an accumulation of individual actions that are subject to both legal and customary rules (Akbar, 1988). The *Kadı* court records are among the most critical materials for understanding this dynamic, as they provide a unique perspective on the spatial negotiations and disputes those urban individual's experience. Foundational works by al-Hathloul (1981), Akbar (1984), and Hakim (1986), were among the first to emphasize the role of traditional legal principles and customary practices in shaping the built environment. These early studies laid the theoretical groundwork for understanding how spatial order emerged through individual agency and legal negotiation in traditional Muslim built environments. Subsequent scholarship has expand-

<sup>1</sup> This shift shows itself in modern ideas including participatory government (Fung, 2015), self-organization and uncertainty (Moroni, 2007; 2022), tactical urbanism (Garcia, 2020), insurgent planning (Miraftab, 2009), and dialogical accountability (Sager, 2016), and user-controlled housing regulated through locally negotiated no-harm principles (Ahmed, 2015).

ed upon this foundation. While much of the early research focused on North African contexts influenced by *Mālikī* jurisprudence—such as Tunis (Ibn al-Rami, 14th c.; Hakim, 1986; Kahera & Benmira, 1998; Raymond, 2002; Algeria (Ben Hamouche, 2003), and Morocco (O'Meara, 2007)—the Hanafi-based urban framework of Istanbul remains comparatively understudied, particularly regarding how individual actions shaped the local built environment.<sup>2</sup> Several studies have contributed partial insights into spatial disputes in Ottoman urban contexts—such as Sipahi (2016) on window conflicts, Demir (2023) on collective action, Rifaioğlu and Şahin Güçhan (2020) on property rights, and Bölükbaşı (2022) on neighborhood formation.

From a spatial-legal perspective, research on Istanbul remains limited. Studies such as Aytaç (2017), which examines urban law between 1550 and 1650, and Çokuğraş and Gençer (2016, 2018), which focus on building regulations and planning norms from the seventeenth to nineteenth centuries, have contributed valuable institutional insights. Nevertheless, Istanbul's urban narrative, developed within a *Hanafi* legal tradition, still calls for further investigation, especially regarding the local impact of individual actions on the city's spatial formation. Within this framework, urban interventions in Ottoman Istanbul cannot be understood as isolated or unilateral acts of implementation; rather, they were continuously contested, negotiated, and rendered legitimate through a hybrid legal order that integrated Islamic jurisprudence with locally embedded customary practices. Emerging from private initiatives, such interventions mobilized judicial mechanisms that extended beyond the regulation of architectural modification to encompass broader negotiations concerning authority, privacy, legality, and the delineation of spatial boundaries. In the densely residential fabric of Istanbul, the reciprocal interaction between residents and the built environment thus constituted a central mechanism of urban transformation.

To analytically capture these socio-legal dynamics, the study adopts a rights-based theoretical framework and clarifies several key conceptual distinctions. **Resident agency** refers to the socially and legally recognized capacity of individuals or collectives to initiate spatial modification within an existing built condition. It identifies who is entitled to act within a framework structured by the principle of damage, customary practice (*'urf*), and precedence rights (*haqq al-qadim*). **Individual actions** denote the material acts—such as opening a window, extending a room, or modifying a boundary wall—that physically transform the built environment. **Individual interventions** retain this empirical meaning while foregrounding the act's normative status as

a deliberate insertion into an existing spatial and legal order, raising questions of legitimacy, consent, and potential damage. Conceptually, the capacity to intervene precedes and legitimizes the action; once executed, an intervention becomes an observable action.

Building on this conceptual framework, the present study undertakes a systematic content analysis of court cases involving spatial interventions. It examines the conditions under which residents modified their immediate environments, as well as the legal, social, and normative constraints imposed on such actions by neighbors, communities, and judicial authorities. While legal scholarship—particularly within the domain of neighborly law—has extensively addressed the regulation of property relations (Ünal, 2022; Kılıç, 2022), the spatial ramifications of these legal principles have remained largely underexplored.

Accordingly, this research investigates the ways in which legal norms were translated into the material and spatial configuration of Istanbul and the types of urban outcomes that emerged from individual interventions. It addresses how residents engaged with the built environment, the forms of conflict generated by such engagements, and the modes through which courts and communities responded to these disputes. Furthermore, it examines the extent to which individual actions were tolerated, negotiated, or constrained within this legal-social framework. In doing so, the study interrogates the conceptual intersection between legal validity and spatial legitimacy, foregrounding the principle of damage as a pivotal mechanism through which juridical reasoning was aligned with socially sanctioned architectural practice.

## LIMITS OF ACTION: LEGAL FRAMEWORK AND URBAN CONTROL

Within the broader rights-based analytical framework outlined above, Ottoman-Islamic jurisprudence constitutes the normative matrix that structured the limits of spatial action. The Ottoman urban environment functioned within Ottoman legal order, which combined *shar'ī* (Islamic) and *'urfī* (customary/imperial) law in a dual legal system (Aydın, 2019p). Islamic law provided principles like principle of damage and right of precedence to control neighbourhood conflicts and property use, establishing spatial and functional protections. Meanwhile, Ottoman *'urfī* law, expressed through *fermans* and *kanunnames*, addressed areas beyond *shar'ī* law's scope - including taxation, administration, and building regulations.

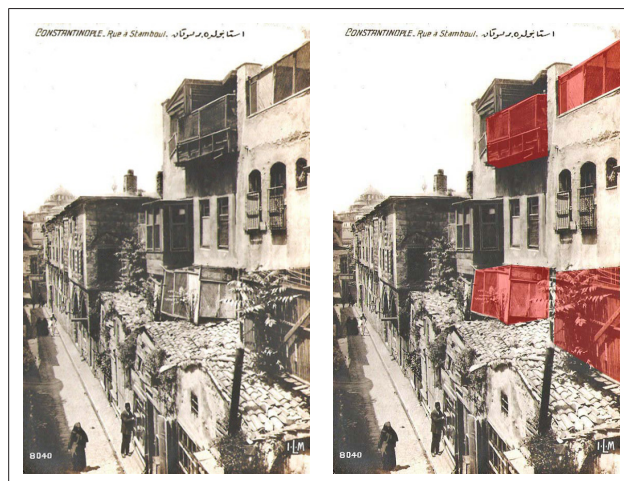
2 For detailed literature review: Allahham, A. (2025). The epistemological genealogy of Islamic urban discourse: Between staticism and dynamism. *Journal of Urbanism: International Research on Placemaking and Urban Sustainability*. Advance online publication. <https://doi.org/10.1080/17549175.2025.2457407>

## Principles

**The principle of damage** (*lā ḍarar wa lā ḍirār*) constitutes one of the foundational legal maxims of Ottoman law. This maxim is codified in Article 19 of the Mejlle (1967): “none may cause damage, nor respond to damage with another damage.” Countless legal cases and judicial rulings grounded in this principle played a formative role in shaping the dynamics of urban development in Ottoman cities. Previous scholarship on civil construction activities in Islamic urban contexts consistently supports this perspective (al-Hathloul, 1981; Akbar, 1984; Hakim, 1986). Through its application to urban life, property rights, and building practices, Ottoman law was able to mediate the inherent tension between individual ownership and collective social welfare.

Within this legal framework, damage is classified according to its certainty and severity. Severe damage (*fāḥish*) is immediately forbidden since it decisively and undoubtedly threatens the rights of individuals or the welfare of the community. On the other hand, unless there is strong evidence to the contrary, damage that is considered minor or unclear (*ẓannī* or *khafīf*) is usually regarded as acceptable. Certain forms of minor damage, when repeatedly accepted over time through established social conventions or customary practice, usually regarded as permissible. Such forms of damage, normalized through repeated practice, often remained beyond legal prohibition unless they evolve into excessive or socially contested forms over time. (Mawāfi, 1997, p. 326) Within this evaluative framework, the determination of severe damage is typically based on four main criteria: (1) Damage that affects or endangers the structural integrity of a building; (2) Intervention that results in a dwelling unusable for its primary purpose; (3) constant or severe disturbances violating social norms of tolerance; and (4) major loss in property value. The assessment of such damage varies depending on local circumstances. Even in similar environments, different judgments may arise, and changing circumstances may increase uncertainty in evaluation. (Sa’di, 2010, p. 400)

Court records demonstrate a wide variety of damage types extending beyond the classical legal categories of visual, auditory, and olfactory damage. Visual damage include violations of privacy (Figure 1) or light due to added floors or windows (e.g., Aydın, 2011a: 143; 2019d: 570; 2019n: 399; 2019o: 407), which are treated as legally valid forms of “severe” damage, while loss of view is not (Aydın, 2019i: 173). Odor complaints often relate to improper commercial uses: smoke and metal smell from a former coppersmith shop (Aydın, 2019l: 403), conversion to taverns (Aydın, 2011b: 109), slaughterhouses (Aydın, 2019l: 615), toilets or cess-pools (Aydın, 2019o: 130), or the operation of tanneries and dyeing workshops (Aydın, 2019j: 849). Auditory harms are usually linked to workshops or overcrowded housing, yet festive or musical noise by non-Muslim neighbors is more frequently litigated (Aydın, 2019j: 90,559; 2010: 58).



**Figure 1.** Semi-open spaces, terraces, balconies with wooden screens for eliminating privacy damage. Comparative view of the original photo (left) and annotated version with highlights (right). Original photo from (Eski İstanbul, 2018), annotations by the author.

Physical damages encompassed a broad range of material harms, including weakening of shared walls, water leakage, and risks of structural collapse. Court records document numerous instances in which newly added structures endangered adjacent buildings, or where newly constructed walls obstructed rainwater flow, resulting in flooding of neighboring properties (Aydın, 2019f: 57, 289). Similarly, leaks originating from newly installed toilets frequently caused deterioration of adjoining walls (Aydın, 2011c: 267; 2019b: 605; 2019f: 32, 57, 289; 2019i: 505; 2019m: 203). Other cases involved dilapidated houses leaning onto neighboring structures (Aydın, 2019l: 179); structural elements posing risks to passersby (Aydın, 2019k: 169); runoff from extended eaves leading to water intrusion (Aydın, 2019m: 218); and vibration-related damage caused by commercial activities such as forging or baking (Aydın, 2011d: 366; 2019l: 165). Fire hazards -such as those arising from the use of stables for hay storage- also appear in the court records as grounds for recognizing physical damage (Aydın, 2019c: 117).

Functional damages primarily concerned the obstruction or restriction of circulation, especially through narrowing semi-private (*ṭarīq-i khāṣṣ*) or public streets (*ṭarīq-i ‘ām*) through projections or encroachments. Typical examples include bay windows extending into shared alleys without consent of co-users (Aydın, 2019h: 380), narrowing of the streets (Aydın, 2019c: 343), placement of posts within circulation paths (Aydın, 2019e: 413), and various overhangs or minor projections that disrupted movement and accessibility.

Moral damages also constituted a recurrent category of litigation. Spaces such as bachelor rooms, coffeehouses, taverns, and sherbet shops were frequently perceived by residents as threats to neighborhood safety or moral order (Aydın,

2019a: 4; 2019h: 136; 2019l: 23; 2019n: 458). In some cases, interventions—such as rebuilding on abandoned plots—were justified on the grounds that they enhanced neighborhood security (Aydın, 2019l: 475; 2019n: 770).

Legal violations formed an additional and distinct category of dispute. These included opening of unauthorized windows, exceeding height limits or bay window dimensions, encroachment onto neighboring plots, or modifying facades along *ṭarīq-i khāṣṣ* without the consent of all co-owners—such as the insertion of doors or windows, or the addition of bay windows (Aydın, 2019b: 760; 2019l: 452; 2019n: 206, 596; 2019o: 28).

Taken together, these cases demonstrate that “damage” was not treated as a static legal concept, but rather as a condition experienced, interpreted, and negotiated within specific social and spatial contexts. Ottoman courts assessed damage, by situating individual interventions within established practices, neighborly rights, and the feasibility of remedial solutions, thereby underscoring the relational and contextual nature of legal judgment in the regulation of the built environment.

**The right of precedence** (*ḥaqq al-qadīm*) constituted another doctrinal principle guiding spatial interventions in the Ottoman urban context. It enabled previously established physical characteristics limit or exceed later claims even in circumstances of minor damages. This principle provided individuals with a juridical advantage in disputes concerning buildings and neighborhood relations when the prior use of a space or spatial element such as a window, eaves, or a shared wall could be demonstrably established (Akbar, 1988)

Ottoman courts regularly decided that if usage of a pre-existing building became obstructed, even legally allowed architectural alterations might be deemed void. In one illustrative case (Aydın, 2019g: 387; Figure 2), a second-story extension was found to violate the privacy of the women’s quarters (*maqarr al-niswān*) of a neighboring house, which possessed precedence rights by virtue of its earlier construction. To restore visual separation, the affected neighbor—whose privacy was legally protected—erected a wooden screen approximately 3.25 meters in height along

the shared wall. This intervention, however, subsequently impeded access to natural light and was itself contested before the court. The judicial ruling required the reduction of the screen’s height to 2.75 meters, thereby articulating a balanced solution that preserved both the established right to privacy and the adjacent property’s entitlement to daylight.

The application of the right of precedence extended beyond issues of privacy to encompass access to daylight, airflow, even water runoff. In a significant dispute involving roof eaves and the obstruction of sunlight, the complaining party claimed that the new building had blocked the light entering the sofa and room through *kadīm* windows—openings that had served their intended function for years (Aydın, 2019o: 407). The complainant further mentioned the previously established right of the rainwater on the roof to pass across a common wall, claiming that recently built walls blocked both drainage and illumination. In another case (Aydın, 2019f: 57), the construction of a canopy (*ṣundurma*) contravened the *kadīm* use of a shared drainage zone (*damlalık*), thereby violating the right of precedence historically associated with light and water flow.

Ultimately, this doctrine enabled residents to protect their established rights against disruptive alterations by embedding historical continuity within property law. Beyond functioning as a protective mechanism, the right of precedence operated as a normative constraint, guiding judicial evaluations of architectural interventions. Courts assessed such interventions not solely on the basis of formal legality or technical adequacy, but also with regard to their impact on recognized spatial precedents. In this respect, *ḥaqq al-qadīm* constituted one of the foundational principles delineating of permissible change in the Ottoman built environment.

One of the fundamental principles of Ottoman law that mediated between written rules and the everyday practices of urban actors was *ʿurf*, or, local custom. Recognized as a legitimate basis for legal judgement, provided that it did not contradict explicit legal texts, *ʿurf* functioned as a key interpretive mechanism within the Ottoman legal system. This recognition is encapsulated in the widely cited legal maxim, “A matter established by custom is like a matter es-

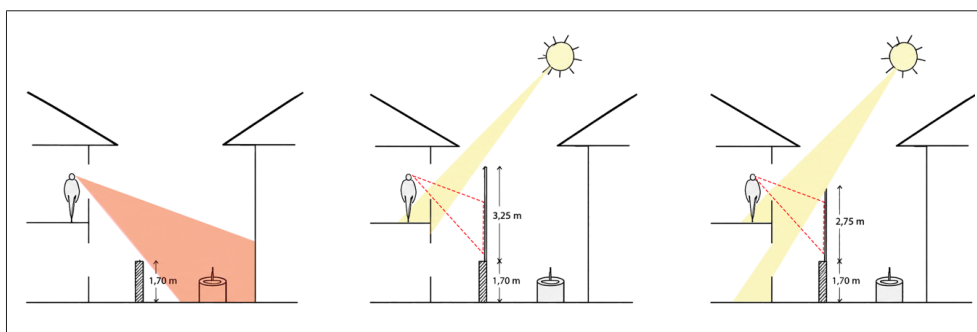


Figure 2. Stages of a case about privacy and light obstruction (Drawing by Author).

established by law,” a principle codified in Article 45 of *Majalat al-Ahkām al-‘Adliyya*, which emphasizes the authoritative role of customary practices in legal interpretation (The Mejelle, 1967, p. 45).

Instead of constituting a rigid and static concept of tradition, local custom serves as a flexible interpretive framework; enabling judicial authorities to evaluate architectural interventions in relation to established patterns of use within a given context (*adāt kadīme*). Interventions that strayed from this accepted spatial order were correspondingly more likely to result in conflict among neighbors. In one illustrative case concerning building height, the plaintiff claimed that the building exceeded the customary permissible height and obstructed a neighbor’s airflow. The defendant, on the other hand, pointed out that the building remained within the customary limits, substantiating the argument by demonstrating its conformity with surrounding buildings (Aydın, 2019n: 206; Aydın, 2012: 512).

The relevance of custom extended beyond questions of height to encompass both structural and functional interventions. An instance of converting a business into a coppersmith atelier is deemed a legitimate intervention for being ‘analogous to prior precedents’ and did not result in any environmental harm (Aydın, 2019l: 403). Similarly, the addition of a barbershop area within a residence due to urgent necessity and recognized as “*masbūq bi’l-amthāl*,” indicating it had earlier precedents and was validated (Aydın, 2019c: 120). In addition, for common interventions of this kind, court records frequently employed the expression “*kasrat uzra amthālī sabaqat*” meaning that the act in question had been previously sanctioned through numerous comparable precedents (Aydın, 2019c: 208). Collectively, such cases illustrate how *local custom* functioned as a pragmatic legal instrument that accommodated customary spatial practices within the judicial process.

The legitimacy of architectural interventions was further contingent upon the type of street or path with which a house interface intersected. In Ottoman legal practice, public streets (*ṭarīq-i ‘ām*) and private access ways (*ṭarīq-i khāṣṣ*) were governed by different legal principles. For buildings fronting *ṭarīq-i ‘ām*, any intervention that obstructed the public way—such as projecting elements that narrowed the street, including bay windows or balconies, or the placement of posts or columns impeding circulation—could be subject to legal objection, even in the absence of demonstrable harm. In such cases, any passerby was entitled

to lodge a complaint in defense of the public right of way. In contrast, interventions affecting façades along *ṭarīq-i khāṣṣ*—defined as semi-private alleys or access ways shared by a limited group of property owners—were governed by a more restrictive framework. Here, actions such as installing a new bay window, or even opening a new window or door facing the *ṭarīq-i khāṣṣ*, required the explicit consent of all property owners (*arbāb al-ṭarīq al-khāṣṣ*), regardless of whether harm was caused or not. Numerous court cases show that modifications carried out without the consent of these stakeholders were litigated and frequently halted.

### Imperial Decrees and Sultanic Codes

While individual interventions in the Ottoman urban environment were predominantly regulated through local legal principles and neighborhood-scale adjudication in *shar‘ī* courts, imperial decrees (*firman*s) and sultanic legal codes (*kanunnames*) constituted a secondary legal layer that interacted with this localized order. The primary objective of these urban regulations in Istanbul was to improve structural security and reduce fire hazards. In the aftermath of major conflagrations, especially from the late 17th century onward, more stringent construction requirements were progressively introduced. In 1696 and again in 1718, all new buildings, including houses and shops, mandated to be constructed using stone, lime, and mud, with timber construction was prohibited and dogtooth eaves were required. Simultaneously, by 1719, projecting bay windows were restricted to a maximum of 18 fingers (approximately 38–40 cm), were prohibited from facing one another, and public streets had to remain unobstructed. By 1725, maximum building height limits were set as 9.1 m for Muslims and 6.8 m for non-Muslims<sup>3</sup> and by 1743 wooden terraces<sup>4</sup> were officially prohibited (Altınay, 2020). These constraints were applied throughout central districts like Üsküdar, Galata, and the walled city. In the early 19th century, these fire prevention measures were further consolidated. Timber façades, wooden eaves, and clay-pipe chimneys were strictly banned, replaced by brick-vaulted masonry hearths and Horasan-plastered stone walls (1824, 1826). The maximum height for Muslim houses was raised to 14 *zira*’, while non-Muslims remained at 12 *zira*’ (1826).

Within this legal framework—Ottoman jurisprudence, local custom (*‘urf*), and sultanic regulations—the limits of permissible individual action in the urban environment were defined. This framework either limited or legitimized individual interventions by establishing principles

3 According to sultanic firmāns Muslim house were limited to 12 *zira*’ and non-Muslim houses to 9 *zira*’ based on the *zira*’-i mi ‘māri (1 *zira*’ ≈ 75.8 cm) (Erkal, 1991).

4 Semi-open spaces such as balconies and terraces are cited in court records under terms like *taht al-samā*’ (تحت السماء, “under the sky”)—typically referring to open rooftop areas or pavilions; *tahtaband* (تحت بند, “under-binding”)—denoting enclosed or semi-enclosed wooden upper projections or canopy-like features; and *tahtapūsh* (تحت پوش, “under-cover”)—referring to projecting or covered semi-open wooden structures as terraces.

regarding damage, precedence, and building form. To explore how these norms shaped urban space on the ground, the study analyzes court records documenting resident-initiated modifications and the disputes arising from them.

## MATERIALS/DATA AND METHODS

The data for this study was obtained by systematically examining the Istanbul Court Records (*İstanbul Kadı Sicilleri*; published in 100 volumes by ISAM). The catalogue has been digitized and made accessible in Latin transliteration from the original Ottoman Turkish, allowing systematic keyword-based searches and enabling detailed content analysis. In order to establish a coherent analytical framework, the study was delimited to a specific temporal scope. The selected timeframe of 1600–1839 reflects careful consideration of the archival record: pre-1600 cases tend to be more concise and generally exclude the detailed spatial descriptions that later registers included. Post-1839 records increasingly reflect the centralized administrative priorities of the Tanzimat reforms (Gençer and Çokuğraş, 2016) rather than the organic neighbourhood dynamics that constitute the focus of this study.

Within this chronological framework, an initial examination of the court records demonstrated that spatial interventions were mainly documented in cases involving damage related disputes. Therefore, case sampling was performed applying a core set of 31 keywords extracted from Ottoman legal terminology relevant to ‘damage’ (e.g. *đarar*, damage; *muđirr*, harmful; *mutađarrir*, aggrieved party; *mađarrāt*, sustained damages). As the research progressed, the keyword list was systematically enlarged by including additional terms (e.g. *khasār*, material loss; *muta’adhdhī*, suffering harm; *ziyān*, detriment; *đarıq*, fire damage; *điyā*, light; *tarfi*, height increase; *tawsī*, expansion; *ilāve*, addition; *maqarr al-niswān*, women’s quarters) determined through consistent patterns in case content, thereby ensuring complete examination of spatial conflicts. Application of this keyword-driven search strategy yielded an initial dataset of 4,150 court cases. The preliminary assessment revealed 432 cases relevant to the built environment. The dataset has been refined to 252 relevant cases through several filtration processes, eliminating cases that fell outside the specified chronological restrictions (1600–1839), non-residential cases, those located beyond Istanbul’s boundaries, and repeated entries. This final dataset of 253 cases was methodically classified based on the affected spatial area: (1) private spaces, (2) urban interfaces, (3) public spaces, and (4) subterranean structures. Within the scope of this study, only the 137 cases that involved interventions affecting urban interfaces were included for in-depth analysis.

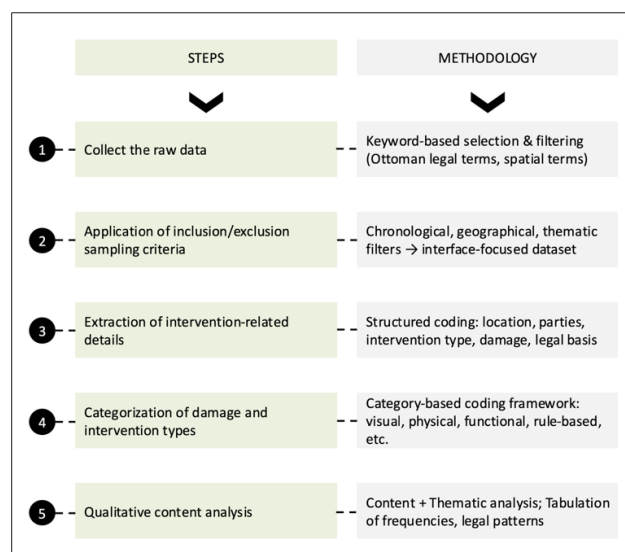
The cases share a common focus on neighbour conflicts concerning changes in the built environment, typically arising when an individual’s intervention causes a damage

to adjacent or nearby properties. Although numerous analogous issues were probably resolved informally, existing records offer essential documentation of disputes that proceeded to the courts. Each case includes comprehensive details on location, date, parties involved, witnesses, inspection team, neighbour relations (e.g. adjacent or opposite neighbours), property type (e.g. personal property, waqf), property ownership (e.g. owner, tenant), architectural alterations, claimed damages, and legal outcomes.

The study employs an embedded single-case design with qualitative content analysis of 137 urban interface-related residential court cases, using purposeful sampling, specifically criterion sampling and maximum variation sampling, to include cases that: (1) Occurred in Istanbul, (2) Involved individual or collective action, (3) Resulted in a change to the built environment, (4) Cited harm or damage. Cases unrelated to spatial changes or located outside Istanbul were excluded. Each case was categorized according to intervention type (e.g., physical, functional), the damage type (visual, auditory, olfactory, physical, moral), and the legal outcome (accepted, rejected, mitigated, unclear). Thematic coding of the 137 cases was used to identify urban interface dynamics, recurring conflict types, and legal rationales (Figure 3).

## FINDINGS AND RESULTS OF THE ANALYSIS

Among the 137 residential cases, 41 involved changes made during the reconstruction of an existing house, and 96 involved modifications to standing buildings. The reconstruction of a house or modifications made to an existing house are legally categorized similarly. In both cases, the principles of precedence rights (*đaqđ al-qadīm*) and damage prin-



**Figure 3.** Steps and methodology of the study (Design by Author).

ciple (*lā ḍarar wa lā ḍirār*) are applied consistently based on the established rights of the existing structure. However, the construction of an entirely new house is excluded from this analysis because it significantly differs from existing houses concerning precedence rights. In general, a modification made during reconstruction enters the realm of legal dispute only when it causes harm or violates existing regulations thereby activating competing property claims among involved parties.

Although the study includes 137 distinct court cases, the number of individual spatial interventions identified within these cases is higher. Therefore, the total count of analyzed interventions is 226, as some cases involved multiple modifications (e.g., height increase and window addition simultaneously). For this reason, statistical references throughout the results (e.g., “n=226”) reflect the number of interventions, not the number of cases.

The most encountered types of interventions are structurally vertical expansions such as upper-floor additions (*‘ulwī* or *fawqānī*, n=26) and closed-space additions, including halls (*ṣuffā*), kitchens (*maṭbakh*), corridors (*dehliz*), and panoramic viewing rooms (*jahānnumā*) (n=29). Additionally, semi-open space additions, such as roof terraces (*taḥtapūsh*), covered terraces (*taḥt al-samā’*), and wooden canopies (*taḥtaband*) (n=17), as well as bay-window (*shāhnishīn*, *göbek shāhnishīn*, *jumbā*) additions (n=14), alterations in building height (n=10), and spatial enlargements (n=8), were also recurrently observed intervention types. At the building element level, modifications related to windows were the most frequently encountered type of intervention (n=58). Changes to eaves dimensions (n=11), alterations involving wooden screens (*taḥta-parḍa*) above windows or walls (n=8), and modifications to doors (n=6) and walls (n=9) were also commonly recorded intervention types.

These interventions were recurrently subjected to judicial scrutiny because they either caused damage, were claimed to cause damage, or infringed upon established rights. Consequently, the legitimacy - and the spatial limits- of these interventions were determined through court decisions, considering the type of intervention, the specific damage involved, and the resulting judicial verdict. Through this adjudicatory process, the legally recognized boundaries of individual micro-scale interventions within urban interfaces become discernible.

The types of damages encountered in the court cases are summarized in Table 1. In this context, a total of 226 individual interventions were analyzed according to their associated damages and judicial outcomes. Cross-tabulations (Table 2, Table 3) offer an integrated analytical perspective on how different intervention types resulted in distinct damage profiles and how these damages were addressed by the courts.

**Table 1.** Types of urban damages from individual interventions based on Istanbul Court Records

|                                                                  |
|------------------------------------------------------------------|
| Visual Damage                                                    |
| Privacy ( <i>Maqarr al-niswān</i> )                              |
| Blocking light                                                   |
| Blocking the view                                                |
| Olfactory Damage                                                 |
| Garbage, pollution, wastewater, etc.                             |
| Sewage/canalization smell                                        |
| Smoke                                                            |
| Commercial activities ( <i>Butcher, Laniary, Taverns, etc.</i> ) |
| Auditory Damage                                                  |
| Unaccustomed noise                                               |
| Continuous and intolerable noise                                 |
| Physical Damage                                                  |
| Imminent collapse risk                                           |
| Demolishing ( <i>causing partial or total destruction</i> )      |
| Structural weakening and instability                             |
| Water leakage or seepage                                         |
| Causing or exacerbating fire                                     |
| Functional Damage                                                |
| Obstructing or restricting passage                               |
| Preventing the intended use of space                             |
| Blocking airflow                                                 |
| Increasing spatial density ( <i>Takṣīf</i> )                     |
| Pollution                                                        |
| Moral Damage                                                     |
| Causing moral corruption                                         |
| Safety/security                                                  |
| Rule Violation                                                   |
| Precedence right                                                 |
| Space encroachment ( <i>Gasp</i> )                               |
| Height limits                                                    |
| Bay window rule ( <i>Shah-nishin</i> )                           |
| Right for opening window ( <i>Hakk-ı kanat</i> )                 |
| Special rules for dead-end streets ( <i>Ṭariq-i khāṣṣ</i> )      |

**Floor additions** were most frequently associated with violations of visual privacy (57.7%), violation of height limits (20.7%), and obstruction of natural light (11.5%). Courts commonly resolved privacy-related disputes through reducing the damage or facilitating agreements between parties. In contrast, violations related to building height and light obstruction were addressed more strictly, often resulting in rejection unless significant corrective actions were undertaken. **Closed space additions** predominantly resulted in spatial encroachment (37.9%), privacy violations (17.2%), and obstruction of light (13.8%). Spatial encroachments typically required compromise or damage removal for acceptance by courts, while privacy and light-related issues necessitated clear corrective measures or faced rejection. **Semi-open space additions** frequently involved formal rule violations (24.1%), privacy violations (23.5%), and spatial encroachment (17.6%). Courts tended to enforce stringent compliance with established building regulations for these interventions, leading to a higher rate of outright rejection unless harm prevention measures—such as de-

Table 2. Distribution of urban interventions by type and associated damages in Ottoman Istanbul (n=226)

| Intervention Types                   | Damage Types                   |       |       |      |       |           |               |               |      |                     |         |           |                  |              |                |              |            |           |             |   |                |     |      |  |       |  |  |  |
|--------------------------------------|--------------------------------|-------|-------|------|-------|-----------|---------------|---------------|------|---------------------|---------|-----------|------------------|--------------|----------------|--------------|------------|-----------|-------------|---|----------------|-----|------|--|-------|--|--|--|
|                                      | Visual, Olfactory and Auditory |       |       |      |       |           |               |               |      |                     |         |           | Physical         |              |                |              | Functional |           |             |   | Rule Violation |     |      |  | Moral |  |  |  |
|                                      | Privacy                        | Light | View  | Odor | Noise | Weakening | Collapse Risk | Water Leakage | Fire | Obstructing Passage | Density | Pollution | Precedence Right | Encroachment | Rule Violation | Private Road | Security   | No Damage | Unspecified |   |                |     |      |  |       |  |  |  |
|                                      | n                              | n     | %     | n    | %     | n         | %             | n             | %    | n                   | %       | n         | %                | n            | %              | n            | %          | n         | %           | n | %              | n   | %    |  |       |  |  |  |
| Constructional/Spatial Interventions |                                |       |       |      |       |           |               |               |      |                     |         |           |                  |              |                |              |            |           |             |   |                |     |      |  |       |  |  |  |
| Floor addition                       | 26                             | 13    | 50.0  | 3    | 11.5  | 1         | 3.8           | -             | 1    | 3.8                 | -       | -         | -                | -            | -              | 6            | 23.1       | -         | -           | 1 | 3.8            | -   | -    |  |       |  |  |  |
| Closed space addition                | 29                             | 5     | 17.2  | 4    | 13.8  | -         | 2             | 6.9           | -    | 1                   | 3.4     | -         | -                | -            | 11             | 37.9         | -          | -         | -           | 2 | 6.9            | 1   | 3.4  |  |       |  |  |  |
| Semi-open space addition             | 17                             | 4     | 23.5  | 1    | 5.9   | -         | 1             | 5.9           | -    | -                   | -       | -         | -                | 3            | 17.6           | 7            | 41.2       | 1         | 5.9         | - | -              | -   | -    |  |       |  |  |  |
| Bay window addition                  | 14                             | 5     | 35.7  | -    | -     | -         | 1             | 7.1           | -    | -                   | -       | -         | -                | 1            | 7.1            | 4            | 28.6       | 2         | 14.3        | - | -              | -   | -    |  |       |  |  |  |
| Spatial enlargement                  | 8                              | -     | -     | -    | -     | -         | 1             | 12.5          | -    | -                   | -       | -         | -                | 7            | 87.5           | -            | -          | -         | -           | - | -              | -   | -    |  |       |  |  |  |
| Height                               | 10                             | -     | -     | 2    | 20.0  | -         | -             | -             | -    | -                   | -       | 1         | 10.0             | -            | -              | 6            | 60.0       | -         | -           | - | -              | -   | -    |  |       |  |  |  |
| Integration                          | 1                              | -     | -     | -    | -     | -         | -             | -             | -    | -                   | -       | -         | -                | -            | -              | -            | -          | -         | -           | - | 1              | 100 | -    |  |       |  |  |  |
| Position                             | 2                              | -     | -     | 1    | 50.0  | -         | 1             | 50.0          | -    | -                   | -       | -         | -                | -            | -              | -            | -          | -         | -           | - | -              | -   | -    |  |       |  |  |  |
| Repair                               | 5                              | -     | -     | -    | -     | -         | 2             | 40.0          | -    | -                   | -       | -         | -                | -            | -              | -            | -          | 1         | 20.0        | 2 | 40.0           | -   | -    |  |       |  |  |  |
| Demolition                           | 3                              | -     | -     | -    | -     | -         | 3             | 100           | -    | -                   | -       | -         | -                | -            | -              | -            | -          | -         | -           | - | -              | -   | -    |  |       |  |  |  |
| Construction Elements                |                                |       |       |      |       |           |               |               |      |                     |         |           |                  |              |                |              |            |           |             |   |                |     |      |  |       |  |  |  |
| Window                               | 58                             | 52    | 89.7  | -    | -     | -         | 1             | 1.7           | -    | -                   | -       | -         | -                | -            | 3              | 5.2          | 1          | 1.7       | -           | 1 | 1.7            | -   | -    |  |       |  |  |  |
| Door                                 | 6                              | 2     | 33.3  | -    | -     | -         | 2             | 33.3          | -    | -                   | -       | -         | -                | -            | -              | 2            | 33.3       | -         | -           | - | -              | -   | -    |  |       |  |  |  |
| Wooden screen                        | 8                              | 6     | 75.0  | -    | 1     | 12.5      | -             | 1             | 12.5 | -                   | -       | -         | -                | -            | -              | -            | -          | -         | -           | - | -              | -   | -    |  |       |  |  |  |
| Eave                                 | 11                             | -     | -     | -    | -     | -         | -             | 8             | 72.7 | -                   | -       | -         | 1                | 9.1          | 2              | 18.2         | -          | -         | -           | - | -              | -   | -    |  |       |  |  |  |
| Pillar                               | 3                              | -     | -     | -    | -     | -         | -             | -             | -    | 1                   | 33.3    | -         | -                | 1            | 33.3           | -            | -          | -         | -           | - | -              | -   | -    |  |       |  |  |  |
| Bozaci chimney                       | 4                              | -     | -     | -    | -     | -         | -             | -             | -    | -                   | -       | -         | -                | -            | 4              | 100          | -          | -         | -           | - | -              | -   | -    |  |       |  |  |  |
| Wall                                 | 9                              | -     | 1     | 11.1 | -     | 1         | 11.1          | 1             | 11.1 | -                   | -       | -         | -                | 4            | 44.4           | -            | -          | -         | -           | - | -              | -   | -    |  |       |  |  |  |
| Roof                                 | 3                              | -     | 1     | 33.3 | -     | -         | -             | -             | -    | -                   | -       | 1         | 33.3             | -            | 1              | 33.3         | -          | -         | -           | - | -              | -   | -    |  |       |  |  |  |
| Staircase                            | 1                              | -     | -     | -    | -     | -         | -             | -             | -    | 1                   | 100     | -         | -                | -            | -              | -            | -          | -         | -           | - | -              | -   | -    |  |       |  |  |  |
| Functional Interventions             |                                |       |       |      |       |           |               |               |      |                     |         |           |                  |              |                |              |            |           |             |   |                |     |      |  |       |  |  |  |
| Functional Change                    | 8                              | 1     | 12.5  | -    | -     | 2         | 25.0          | -             | -    | -                   | 1       | 12.5      | -                | -            | -              | -            | -          | 2         | 25.0        | - | -              | -   | -    |  |       |  |  |  |
| Total                                | 226                            | 88    | 38.94 | 13   | 5.75  | 3         | 1.33          | 4             | 1.77 | 2                   | 0.88    | 8         | 3.54             | 10           | 4.42           | 12           | 5.31       | 1         | 0.44        | 3 | 1.33           | 1   | 0.44 |  |       |  |  |  |

Table 3. Distribution of legal outcomes by type of interventions in Ottoman court cases (n=226)

| Intervention Type                    | Outcome  |    |                    |     |           |    |          |       |                |      |        |      |             |     |       |       |          |      |             |      |       |      |       |
|--------------------------------------|----------|----|--------------------|-----|-----------|----|----------|-------|----------------|------|--------|------|-------------|-----|-------|-------|----------|------|-------------|------|-------|------|-------|
|                                      | Accepted |    |                    |     |           |    | Rejected |       |                |      |        |      | Unclear     |     |       |       |          |      |             |      |       |      |       |
|                                      | Direct   |    | Damage Elimination |     | Agreement |    | Total    |       | Rule Violation |      | Damage |      | Tarik-i has |     | Total |       | Appealed |      | Unspecified |      | Total |      |       |
|                                      | n        | %  | n                  | %   | n         | %  | n        | %     | n              | %    | n      | %    | n           | %   | n     | %     | n        | %    | n           | %    | n     | %    |       |
| Physical Interventions               |          |    |                    |     |           |    |          |       |                |      |        |      |             |     |       |       |          |      |             |      |       |      |       |
| Constructional/Spatial Interventions |          |    |                    |     |           |    |          |       |                |      |        |      |             |     |       |       |          |      |             |      |       |      |       |
| Floor addition                       | 26       | 2  | 7.69               | 15  | 57.69     | 1  | 3.85     | 18    | 69.23          | 3    | 11.54  | 2    | 7.69        | -   | -     | 5     | 19.23    | 2    | 7.69        | 1    | 3.85  | 3    | 11.54 |
| Closed space addition                | 29       | 3  | 10.34              | 10  | 34.48     | 3  | 10.34    | 16    | 55.16          | -    | -      | 11   | 37.93       | -   | -     | 11    | 37.93    | -    | -           | 2    | 6.9   | 2    | 6.9   |
| Semi-open space addition             | 17       | 1  | 5.88               | 10  | 58.82     | -  | -        | 11    | 64.7           | 4    | 23.53  | -    | -           | 1   | 5.88  | 5     | 29.41    | -    | -           | 1    | 5.88  | 1    | 5.88  |
| Bay window addition                  | 14       | -  | -                  | 7   | 50        | 2  | 14.29    | 9     | 64.29          | 2    | 14.29  | -    | -           | 2   | 14.29 | 4     | 28.58    | -    | -           | 1    | 7.14  | 1    | 7.14  |
| Spatial enlargement                  | 8        | 1  | 12.5               | 2   | 25        | 3  | 37.5     | 6     | 75             | -    | -      | 2    | 25          | -   | -     | 2     | 25       | -    | -           | -    | -     | -    | -     |
| Height                               | 10       | 3  | 30                 | -   | -         | 1  | 10       | 4     | 40             | 1    | 10     | 1    | 10          | 1   | 10    | 3     | 30       | 2    | 20          | 1    | 10    | 3    | 30    |
| Integration                          | 1        | 1  | 100                | -   | -         | -  | -        | 1     | 100            | -    | -      | -    | -           | -   | -     | -     | -        | -    | -           | -    | -     | -    | -     |
| Position                             | 2        | 1  | 50                 | 1   | 50        | -  | -        | 2     | 100            | -    | -      | -    | -           | -   | -     | -     | -        | -    | -           | -    | -     | -    | -     |
| Repair                               | 5        | 4  | 80                 | -   | -         | -  | -        | 4     | 80             | -    | -      | 1    | 20          | -   | -     | 1     | 20       | -    | -           | -    | -     | -    | -     |
| Demolition                           | 3        | 3  | 100                | -   | -         | -  | -        | 3     | 100            | -    | -      | -    | -           | -   | -     | -     | -        | -    | -           | -    | -     | -    | -     |
| Construction Elements                |          |    |                    |     |           |    |          |       |                |      |        |      |             |     |       |       |          |      |             |      |       |      |       |
| Window                               | 58       | 1  | 1.72               | 35  | 60.34     | 3  | 5.17     | 39    | 67.23          | -    | -      | 17   | 29.31       | -   | -     | 17    | 29.31    | -    | -           | 2    | 3.45  | 2    | 3.45  |
| Door                                 | 6        | -  | -                  | 3   | 50        | -  | -        | 3     | 50             | -    | -      | 1    | 16.67       | 2   | 33.33 | 3     | 50       | -    | -           | -    | -     | -    | -     |
| Wooden screen                        | 8        | -  | -                  | 6   | 75        | -  | -        | 6     | 75             | -    | -      | 2    | 25          | -   | -     | 2     | 25       | -    | -           | -    | -     | -    | -     |
| Eave                                 | 11       | 1  | 9.09               | 6   | 54.55     | 1  | 9.09     | 8     | 72.73          | -    | -      | 2    | 18.18       | -   | -     | 2     | 18.18    | -    | -           | 1    | 9.09  | 1    | 9.09  |
| Pillar                               | 3        | -  | -                  | 1   | 33.33     | -  | -        | 1     | 33.33          | 1    | 33.33  | 1    | 33.33       | -   | -     | 2     | 66.66    | -    | -           | -    | -     | -    | -     |
| Bozaci chimney                       | 4        | -  | -                  | -   | -         | -  | -        | -     | -              | 4    | 100    | -    | -           | -   | -     | 4     | 100      | -    | -           | -    | -     | -    | -     |
| Wall                                 | 9        | -  | -                  | 3   | 33.33     | 2  | 22.22    | 5     | 55.55          | -    | -      | 4    | 44.44       | -   | -     | 4     | 44.44    | -    | -           | -    | -     | -    | -     |
| Roof                                 | 3        | -  | -                  | 1   | 33.33     | -  | -        | 1     | 33.33          | -    | -      | 2    | 66.67       | -   | -     | 2     | 66.67    | -    | -           | -    | -     | -    | -     |
| Staircase                            | 1        | -  | -                  | -   | -         | -  | -        | -     | -              | -    | -      | 1    | 100         | -   | -     | 1     | 100      | -    | -           | -    | -     | -    | -     |
| Functional Interventions             |          |    |                    |     |           |    |          |       |                |      |        |      |             |     |       |       |          |      |             |      |       |      |       |
| Function                             | 8        | -  | -                  | 1   | 12.50     | -  | -        | 1     | 12.50          | -    | -      | 7    | 87.50       | -   | -     | 7     | 87.50    | -    | -           | -    | -     | -    | -     |
| Total                                | 226      | 21 | 9.29               | 101 | 44.7      | 16 | 7.07     | 61.07 | 15             | 6.64 | 54     | 23.9 | 6           | 2.7 | 75    | 33.18 | 4        | 1.77 | 9           | 3.98 | 13    | 5.75 |       |

sign adjustments or neighbor consent—were implemented.

**Bay window (*jumbā*) additions** were notably complex, often resulting in privacy disputes (35.7%), violations of bay window-specific regulations (14.3%), and lack of required consent from neighboring property owners sharing semi-private pathways (*ṭarīq-i khāṣṣ*) (14.3%). Court decisions typically displayed firm adherence to these regulatory frameworks; rule violations and absence of consent were frequent grounds for judicial rejection. **Spatial enlargements** were predominantly associated with spatial encroachment (87.5%). Courts assessed these interventions on a case-by-case basis, generally accepting them only if affected parties reached an agreement or the encroachment was satisfactorily resolved. **Height modifications** mainly involved violations of height limits (20.7%) and light obstruction (20.0%). In one notable case, increased height was associated with rising density (*teksīf*), which was explicitly articulated as a form of damage. **Repairs and demolitions** raised issues predominantly related to structural stability, safety, and collapse risks. Courts generally allowed such interventions when they demonstrably improved structural integrity but rejected them if they introduced new risks.

At the level of building elements, window interventions were overwhelmingly associated with privacy concerns (89.7%), followed by door additions (33.3%) and wooden screen modifications (75%). Court decisions often favored acceptance if interventions included effective measures to mitigate privacy concerns. However, wooden screen alterations, given their direct impact on visual privacy, were subjected to particularly rigorous scrutiny.

Table 3 indicates that judicial outcomes were not uniformly restrictive: 61.07% of the documented interventions received approval, 33.18% were rejected, and 5.75% had unclear outcomes. Rather than reflecting formal compliance alone, these distributions point to an evaluative logic centered on the remediability of damage. Interventions that resulted in irreparable or structurally lasting damage were typically rejected, whereas those for which effective mitigation—via technical modification or negotiated compromise—was achievable were more often approved. In the absence of severe damage or rule violation, interventions tended to proceed uncontested. Moreover, even in instances involving identifiable damage or rule violations, consensual settlements between affected parties often facilitated as decisive factors in judicial approval, reflecting the role of negotiated resolutions within community-oriented urban administration.

The high acceptance percentage demonstrates a pragmatic legal culture that prioritized individual agency, provided its negative consequences are constrained or reversible. In this framework, minor or avoidable damage did not automatically trigger prohibition; rather, it opened space for adjustment, negotiation, and accommodation. Notably, in some

cases, the courts privileged established *kadīm* rights over the formal prohibitions imposed by imperial *firmāns*, including height restrictions or limitations on semi-open spaces. Consequently, deviations from sultanic codes—such as exceeding prescribed height limits or reconstructing features like the *taḥṭapūsh* were occasionally legitimized, provided that the intervention did not culminate in severe damage.

This high rate of acceptance further reveals how micro-scale individual interventions—ranging from additional floors and bay windows to the insertion of doors, windows, balconies, terraces, and rooms—continuously reshaped the urban interfaces. Although individually minor, these interventions collectively exerted a substantial influence on the spatial configuration of the city. This judicial pattern provides compelling evidence that the urban morphology of Ottoman cities was shaped predominantly by the cumulative effect of locally negotiated and tolerated interventions.

Taken together, this integrated analysis clearly illustrates the interdependence between intervention typologies, their associated damage classifications, and subsequent judicial decisions in Ottoman Istanbul. It highlights that judicial assessment functioned within a contextual and relational framework, wherein architectural actions were evaluated not in isolation but concerning their spatial, social, and legal implications. In doing so, the courts articulated a sophisticated mode of urban principles that balanced individual agency, communal rights, and normative order within a complex and densely inhabited urban environment.

The cumulative evidence from these 226 interventions underscores a fundamental finding: residents acted as the principal decision-makers in shaping the spatial boundaries between interior and exterior, as well as the transitional zones between streets and adjacent properties. These interfaces, often involving projections, enclosures, or modifications to semi-private alleys (*ṭarīq-i khāṣṣ*), were largely formed through resident-led actions rather than through adherence to formal municipal regulations or sultanic codes. Judicial outcomes frequently tolerated such interventions provided they avoided severe harm, reinforcing a model of urban morphology driven by localized negotiation and micro-scale adaptation rather than top-down planning.

## DISCUSSION AND CONCLUSIONS

This study reveals that the spatial character of Ottoman Istanbul was significantly shaped by resident initiatives within a flexible legal framework. The principle of damage (*lā ḍarar wa-lā ḍirār*) and the right of precedence (*ḥaqq al-qa-dīm*) did not simply restrict action; they enabled a process of negotiated boundary-making. In this respect, the court records demonstrate that individual spatial interventions, ranging from additions and openings to vertical expansions, were widespread and repeatedly subjected to judicial

evaluation, with their acceptance largely contingent on the presence and remediability of harm. When courts assessed interventions, such as bay windows extending into shared alleys or height increases affecting light and privacy, they were effectively arbitrating where one resident's right to modify space ended and another's right to protection began. This judicial mediation legitimized a form of organic urbanism wherein residents collectively defined spatial interfaces between public and private realms, often without reference to overarching planning regulations. These findings challenge narratives of Ottoman urban form as either purely regulated or chaotically informal, highlighting instead a sophisticated socio-legal system that prioritized localized negotiation and incremental adaptation. Importantly, this historical precedent resonates with contemporary participatory planning paradigms, suggesting that involving residents in boundary-defining processes can foster more responsive and resilient urban environments.

More broadly, the material demonstrates that when individual initiatives operated within a flexible legal framework structured by principles such as principle of damage and precedence, urban space was shaped through continuous negotiation rather than rigid regulatory compliance. From this perspective, the judicial records provide clear evidence of resident agency in spatial disputes, documenting how everyday legal practice enabled residents to negotiate, contest, and stabilize urban boundaries through incremental adaptation. These findings underscore the analytical value of socio-legal approaches for understanding the formation of historical urban morphology and highlight the relevance of such perspectives for contemporary debates on urban order.

It is crucial to note that, the historical urban fabric was shaped predominantly through the routine operation of negotiated everyday practices, rather than through the exceptional disputes preserved in judicial records. The cases examined in this study indicate that court records primarily capture moments in which everyday negotiation failed and disputes escalated to legal adjudication. In the Ottoman urban context, litigation functioned not as the primary mode of spatial regulation but as a secondary mechanism activated when informal, neighborly negotiation proved insufficient. Consequently, these cases do not undermine the broader system of resident-led urban shaping; rather, they illuminate its limits and the costs of conflict escalation.

These case studies, upon examination, open several analytical directions for future research grounded in judicial case studies. It calls for further investigation into the morphogenetic effects of individual interventions on the urban fabric, as well as comparative analyses across different Ottoman cities to assess how similar legal frameworks produced divergent spatial outcomes. Further research may also explore whether the boundaries of permissible intervention varied between Muslim and non-Muslim res-

idents, and how distinctions in property relations—such as ownership and tenancy—shaped the scope, legitimacy, and spatial consequences of individual action. Comparative inquiries with contemporary urban regulatory systems may further illuminate the continuing relevance of negotiated normative spatial practices under different institutional conditions. Such inquiries would not only deepen historical understanding but also contribute to broader theoretical discussions on the negotiated production of urban space.

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