

The Ottoman Model in Jerusalem, the Common Capital of All Religions

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"As Jerusalem was a sacred town for not only the Muslims but also the Christians and the Jews, it was visited by a colossal number of visitors from all over the world during the sovereignty of the Ottomans as has the case ever been. We will explore this fact with many firmans by Ottoman Sultans. During the reigning era of the Ottomans there used to be four large quarters in Jerusalem. In the northeast thereof was located the **Muslim Quarter**, where were found the Town Hall, Masjid Al-Aqsa and Sahra Al-Mukaddasa (the Holy Desert). In the northwest was the **Christian Quarter**, where were found the Cathedral called Kamama wherein it was believed by the Christians the sepulchre of Jesus Christ was found, as well as a great number of churches and monasteries. On the other hand, outside of the city wall were erected those private buildings and offices that belonged to the Russians and the other communities, which thus formed another quarter. Yet, in the southwest of Al-Qudus was the **Armenian Quarter** and in the southeast the **Jewish Quarter**.

During the period of Ottoman State, the holy places pertaining to Christians, Muslims and Jews have been explained and described according Ottoman Archives. If lesson is derived from history, there certainly exist ways out of the crisis of Jerusalem. Our proposal is to return those days of peace and tranquillity by setting forth, with some additions, from the Ottoman Model that had been successfully practiced for 450 years.

1.1 THE CAPITAL OF ALL THE RELIGIONS: JERUSALEM

The city called *Al-Qudus* by the Muslims and known as *Jerusalem* in today's world, as *Al-Bayt Al-Muqaddas* to the Arabs, as *Iliya* to the ancients, and *Yirusalam* or *Orushalam* to the Hebrews today attracts the eyes and curiosity of the world. Let us explore the city of Jerusalem, where the adherents of all the religions lived in peace for about 450 years under the sovereignty of the Ottoman state, in light of the information given by the Ottoman resources.

Al-Qudus (Jerusalem), 62 kilometers from the Mediterranean and 38 kilometers from the Dead Sea, is situated in a high mountainous region and was surrounded by a wall 13 meters high and 1 meter wide during the Ottoman period. It has seven gates, two of which are closed, and three broad streets. During the Ottoman era, Jerusalem consisted of four large quarters. In the northeast was the **Muslim Quarter**, where the Town Hall, Masjid Al-Aqsa, and Sahra Al-Mukaddasa

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(the Holy Desert) were located. In the northwest was the **Christian Quarter**, which contained the Kamamah church in which Christians believed the sepulchre of Jesus Christ was located, as well as a great number of churches and monasteries. On the other hand, private buildings and offices belonging to the Russians and other communities were found outside the city walls, thus forming another district. In the southwest of Al-Qudus was the **Armenian Quarter** and in the southeast the **Jewish Quarter**. The population of the city was almost 43,000 towards the end of the Ottoman era, and half was composed of Muslims, one-third of Jews and the rest of Christians of various nationalities.

Since Jerusalem was a sacred city for not only Muslims but also for Christians and Jews, it was visited by a huge number of visitors from all over the world during the Ottoman period, as always, and the city's economy was based solely on the entrance fees levied from the visitors along with the tourism revenues obtained from them.

Although it is not known who founded Jerusalem and when, it has from time immemorial been stated that it is the Hebrew city of Salem. Again, it is known that the Canaanites had captured this region and built a town called Yabus/Jebus on the Hill of Sahyun/Mt. Zion, in the upper part of the city. When the Prophet David ascended the throne in 1049 B.C.E., they drove the Canaanites out of Yabus and built a fortress there. Later, the Prophet Sulaiman (Solomon) constructed the celebrated temple called Al-Bayt Al-Mukaddas (the Sacred House) and a unique palace, thus expanding Jerusalem. After this the city was called Kadishah, which means holy. Nevertheless, the Assyrians demolished Al-Bayt Al-Mukaddas when they captured Palestine. It was later rebuilt. It is also known that Alexander the Great granted Banu Al-Israel (the Sons of Israel) considerable privileges. With the thorough destruction of Al-Qudus by the Romans in 70 C.E., Jewish sovereignty in Jerusalem ended. And then on, the Byzantine emperors began to repair and restore the city, which they named Iliya, and its temples in the name of Christianity.

The city that was conquered by Caliph Omar in 16 A.H. (After Hegira), where all the three religions were revered, was turned into an Islamic city in all respects. The location of Al-Masjid Al-Aksa to replace the old Temple and its Mihrab (the niche in the wall of a mosque indicating the direction of the Holy Kaaba) were determined and appointed by Omar personally. Then the current grand mosque was built by Abdulmalik bin Marwan, an Omayyad caliph. Although the crusaders transformed Masjid Al-Aksa into a church when they invaded Jerusalem, the city again passed into the possession of the Muslims with the conquest by Salahaddin Al-Ayyubi in 1187 C.E. Though the foundations of the wall surrounding Jerusalem had been laid by the crusaders, it was completed by Sulaiman the Legislator. Jerusalem was governed as the center of a *sanjak* (subdivision of a province) affiliated

with the state of Damascus for many years during the Ottoman period and was made the Independent Province of Jerusalem towards the end of the Ottoman state.²

1.2 HOW DID THE MUSLIMS TREAT THE NON-MUSLIMS?

Like the other Muslim states, the Ottoman state – as it did in all other matters – also treated the non-Muslims who lived on Muslim soil in accordance with the law code they called *Shar' Al-Sharif* (Islamic Legislation). According to the *Shar' Al-Sharif*, viz. Islamic law, the non-Muslims who made peace with the Muslims and recognized the sovereignty of the Ottoman state were called *dhimmis* who – without any discrimination based on color, language, or race – were treated in the same way in compliance with the decrees of the *Shar' Al-Sharif*. Although Muhammad the Conqueror had conquered Istanbul by the sword, he – holding that pacification would better serve the welfare of the non-Muslim population of the city and also at the request of the priests and the rabbis who interceded – granted facilitations, as if Istanbul had been taken in a peaceful way. Abussud Effendi, the founder of Ottoman legislation, explains the continued existence of the churches and the synagogues as resulting from this delicate empathy and favorable treatment, which was also the case in countries like Rumelia, Egypt, Palestine, and the like.

Needless to say, *dhimmis* (non-Muslims who made peace with the Muslims and recognized the sovereignty of the Ottoman state) who lived in Muslim lands differed from Muslims in several ways. Nonetheless, such variances were brought about by different religions. For instance, while the Muslims were required to pay *zakah* (alms tax), which is a pious act in Islam, non-Muslims were not. On the other hand, they were required to pay *jizyah*, a sort of tax, per capita once a year, which varied according to their financial capacity and income. The needy, the unemployed, the religious functionaries, the aged and the sick were exempt from this tax. Again, non-Muslims were exempt from compulsory military service. Yet, the legal decrees they followed in family law, heritage law and other legal issues related to their religions were applied. Non-Muslims were allowed to travel to Saudi Arabia but were not, unless deemed necessary, allowed to enter Masjid Al-Haram. As for clothing, non-Muslims were not permitted to dress like Muslims. In the meantime, the lives, property, chastity, and honor of the non-Muslims – like the Muslims – were protected by law. The indigent non-Muslims benefited from the very same social rights as Muslims did. With some exceptions, they would

² Muhammad Es'ad Effendi, *The History of the Annalist Es'ad Effendi*, ed. Ziya Yilmazer (Istanbul: OSAV, 2000), p. 444 etc.; Shamsuddin Sami, *The Lexicon of the World*, vol. V, pp. 3605-07.

perform state services and their graves and dead were revered. There was no inequality between Muslims and non-Muslims before the law. The most outstanding evidence of this are the documents in the churches, synagogues, graves, and archives in Istanbul as well as those court verdicts that convicted both Ahmads and Yorgis, Othmans and Dimitris.³

We will highlight this last point in details and analyze the following issues:

- *We will mention the most consequential of the firmans of privileges (sultans' edicts) by Caliph Omar and – based on those – of Salahaddin Ayyubi, and – again in observance thereof – of Muhammad the Conqueror who arranged the rights of the Christians in Jerusalem, of Sultan Selim the Excellent who put Jerusalem under the sovereignty of the Ottomans, and ultimately the Ottoman sultans who followed them.*
- *In light of these firmans of privileges, the holy places of the Muslims, Christians, and the Jews will be explored.*
- *What kind of solution can be found in the case of Jerusalem in consideration of today's conditions? Some proposals shall be submitted under the Ottoman Model.*

1.3 THE FIRMAN (EDICT) OF PRIVILEGE GRANTED BY CALIPH OMAR TO THE NON-MUSLIMS WHEN HE CONQUERED JERUSALEM

First and above all, it should be noted that according to what the Ottomans called *Shar Al-Sharif*, i.e. Islamic Law, in the lands where the Muslims ruled – as per the preferred view – the Christians were not allowed to build new churches, the Jews new synagogues, nor the Zoroastrians new houses of fire in villages or towns. **On the other hand, they were allowed to maintain those already in existence and to restore the demolished ones on condition that they be restored to the same precise state before.**

When Caliph Omar conquered Jerusalem in 15 A.H. through peace pursuant to this view, he accorded the same rights to non-Muslims, which he also confirmed with a written document.⁴

Of the Muslims, it is Calif Omar who first conquered Jerusalem by peaceful means. When the Islamic troops under the command of Abu Ubaidah Ibn Al-Jarrah said to the townsfolk of Jerusalem, who were called *Ahl Al-Ilia*: “Either you be-

³ For further detailed information, see Abdülkerim Zeydan, *Ahkâm-üz Zimmiyyin Ve'l-Müstemenin* (Place: Publisher, year?), pp. 3 etc.; Molla Husraw, Muhammad ibn Faramuz, *Durar Al-Hukkâm Fi Sharh Ghurar Al-Ahkâm* (Istanbul: Matba'ah al-Sahâfiyyah al-Othmâniyyah, 1317/1899), , pp. 298 etc.

⁴ Ibn Al-Asir, *Al-Kamil fi Al-Tarih*, 2 (Place: Publisher, year?), pp. 499-502; Molla Husraw, *Durar*, Dürer, 1 (Place: Publisher, year?), p. 299.

come Muslims or you agree to become citizens of a Muslim country." After lengthy negotiations – at the request of the inhabitants of the country – Caliph Omar, accompanied by Ali, came to take over Jerusalem. Although he asked the Patriarch to take him to *Al-Masjid Al-Dawud* (the Mosque of the Prophet David), which is called Al-Sahra Al-Allah (the Desert of God), and to *Al-Masjid Al-Sulaiman* (the Mosque of the Prophet Solomon), viz. *Al-Masjid Al-Aksa*, when he was shown the Kamamah church and the church of *Sahyun*, stating that those places did not correspond with the descriptions by the Prophet Muhammad, Caliph Omar himself determined the very site of the old temple, viz. *Al-Masjid Al-Aksa*, as well as *Al-Mihrab* (the place in the wall of a mosque showing the direction of Holy Kaaba. After having performed the Friday congregational prayer at this mosque, whose name is mentioned in the Glorious Qur'an and which is the third holiest mosque for Muslims, he issued two *firman*s (edicts), one to all the inhabitants of Jerusalem and the other to only the Christian inhabitants. The *firman* that really interests us is the one that establishes freedom of religion and conscience for Christians, but we will mention both.

1. *The Treaty of Pacification* issued by Caliph Omar to all the inhabitants of Jerusalem reads as follows:

In the Name of Allah, the Most Merciful, the Most Beneficent.

- *This treaty is a quarter awarded to the people of İlia from Omar, Ameer of the Muslims and the slave of Allah*
- *It is also a guarantee regarding their souls, properties, churches, crosses, and all their individual persons – both inhabitants and nomads*
- *Their churches shall not be transformed into houses, nor shall they be demolished be even partly invaded. Nor shall the sacred goods therein be touched*
- *Their commodities will be safe*
- *No one will be oppressed because of their religion, nor shall they be caused any harm nor shall the Jews be settled in their lands*
- *In return for this they shall pay jizyah*
- *Whoever wishes to leave his land will be guaranteed safe passage for his property and life until he has reached his destination. On the other hand, whoever wishes to remain on his land will be guaranteed safety and pay jizyah. Whoever wishes may go with the Greek and whosoever wishes may return to his land*
- *Nothing will be demanded from them until they have gathered their harvest*
- *This is a Pact of Security by the Prophet of Allah, the caliphs and the believers to the people of Jerusalem as long as they pay jizyah.*

WITNESSES:

*Khalid bin Walid, Amr bin Aas, Abdurrahman bin Awf and Muawiyah bin Abu Sufyan*⁵.

2. The *firman* (edict) written in Kufic script by Caliph Omar, in which he specifically mentioned the rights and freedoms of the non-Muslim inhabitants of Jerusalem and that later served as a source of inspiration for the Ottoman sultans is in the Ottoman Archives. A copy of this *firman*, which was taken to the presence of Muhammad the Conqueror at one time, was made. We will quote the original of this edict issued by Caliph Omar. It is explicitly stated that this *firman* was written on 20 Rabi-al-Awwal (third month of the Arabic calendar) in 15 A.H.; the witnesses here are different.

***Firman* (Edict) of Caliph Omar bin Hattab**

- Praise be to Allah, for He has blessed us with the Religion of Islam, honored us with Faith, shown us His Mercy with His Prophet Muhammad, guided us to *hidayah* (the Right Way) from *dalalah* (wrongdoing), has brought us together after the dissension and united our hearts, made us victorious over our foes, granted us these places, suffered us to be brethren who love one another. O slaves of Allah! Glorify Allah for all these bounties of Him.
- This is the written Treaty of Omar bin Hattab, which he has given to Saffranbos, the Honorable Patriarch of the Christians, on Tur Al-Zeytun (Mount of Olives) in Jerusalem, and which has been arranged in such a way as to be inclusive of all the *ra'ayah* (all those groups, Muslim or non-Muslim, other than the military elite, occupied with economic activities and thus liable for taxes) as well as priests and patriarchs.
- All the priests – wherever and in whatsoever conditions they are – will be safe from us, the Muslims. The security of all the non-Muslims will be observed as long as they abide by the conditions of the Contract of Dhimmah (duty of tribute and obedience owed to the state by a non-Muslim subject). We, the Muslims of the present time, and those who come after us in the future are to protect them. This will last as long as their obedience continues.
- As this promise of security and protection is valid for their own selves, it is also valid for their churches, monasteries, and all their sacred places either within or without the city walls.
- The sacred places are as follows: The Kamamah church, the Big Church in Bayt Al-Lahm, the place of birth of Jesus Christ; the cave with three

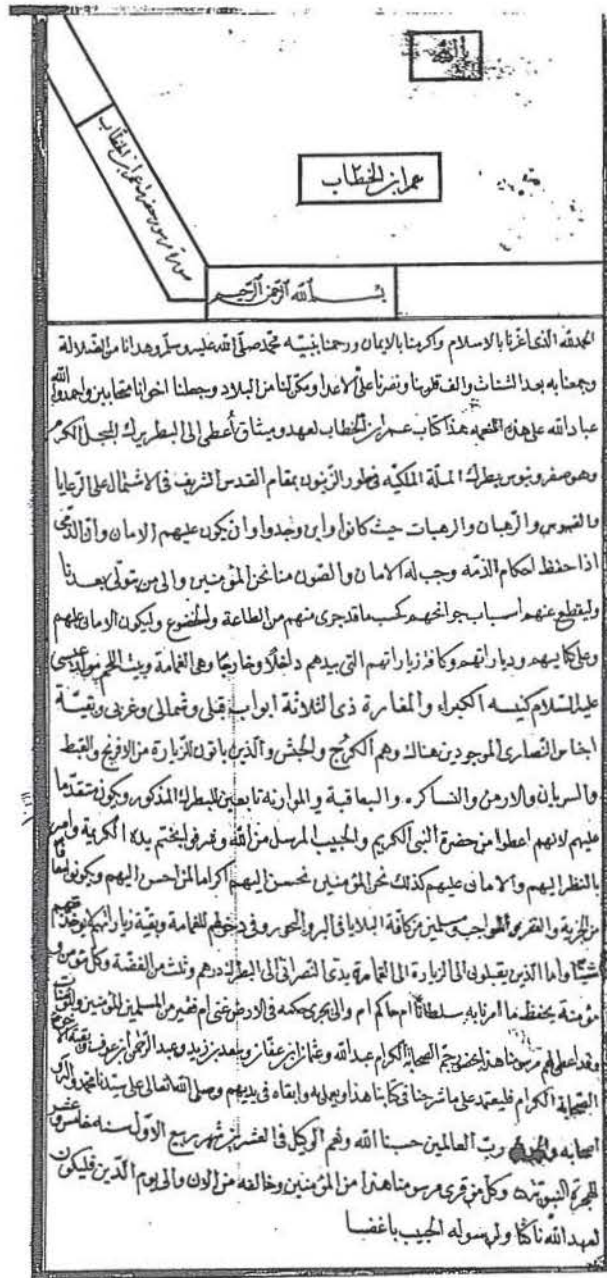
⁵ Mehmed Es'ad Efendi, *Vak'a-nüvis Es'ad Efendi Tarihi* (Yayına Hazırlayan: Ziya Yilmazer, year), pp. 448-49.

entrances one leading to the direction of Kaaba, one leading to the north, and one to the west.

- All the Christian denominations other than those in Jerusalem, in other words, the Abyssinian Christians, European visitors, Copts, Syrian Christians, Armenians, Jacobites, Maroons, and groups are totally subject to the Patriarch, who is presented to them.
- For the Prophet Muhammad awarded protection and security to the above-mentioned patriarchs and priests with his blessed seal. Accordingly, we Muslims will treat them well for the sake of the Prophet Muhammad, who treated them well.
- These patriarchs and priests shall be exempt from *jizyah* (the Islamic poll tax imposed on non-Muslim male adults) and similar liabilities both at sea and on land. Nothing will be demanded from them for frequenting the Church of Kamamah and other holy places. But those visitors who visit the Church of Kamamah, which is in the hands of the Christians, will pay 11/3 *dirhams* to the Patriarch.
- All Muslims, male and female, the sultan or a judge or a provincial governor, rich and poor, will adhere to these our decrees.
- This very *firman* (edict) has been given to the Christian leaders in the presence of the companions of the Prophet Muhammad, viz. Abdullah, Uthman bin Affan, Sa'd bin Zaid, Abdurrahman bin Awf, and the other companions of the Prophet Muhammad.
- Let the decrees declared in this much long *firman* be observed, abided by and remain in their hands. 20 Rabi Al-Awwal (the third month of the Arabic calendar).
- Whoever from among the believers has read this edict of ours and opposes it now or ever until Judgment Day will have breached the Pact of Allah and rebelled against His Beloved Prophet Muhammad.

As will be understood from the context of the above *firman*, its decrees were also based upon the *hadiths* (traditions) of the Prophet Muhammad.⁶

⁶ Prime Ministerial Ottoman Archives, Books of Churches, Book of Kamamah, No: 8; Effendi, *The History of the Annalist Es'ad Effendi*, pp. 448-49.

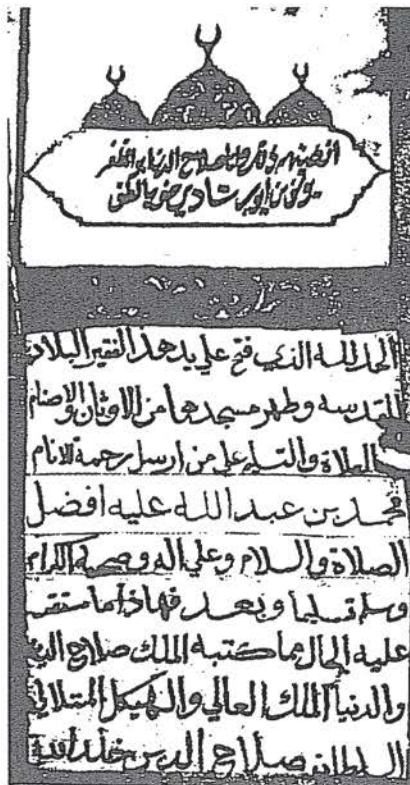


The Copy of the *Firman* (Edict) of Omar bin Hattab

(Prime Ministerial Ottoman Archives, Books of Churches, Book of Kamamah, No: 8)

1.4 THE FIRMAN ISSUED BY SALAHADDIN AYYUBI

As is well known, the first aim of the crusades was to take Jerusalem from the Muslims. As a matter of fact, they accomplished their goal and the allied crusaders, with France in the lead, invaded the whole country of Palestine, including Jerusalem. Nureddin Al-Shahid, and Salahaddin Ayyubi, the founders of Ayyubi state, who resisted this not only routed the crusaders but re-conquered Jerusalem on 20 September 1187 as well. Although Salahaddin Al-Ayyubi first intended to tear down the Church of Kamamah, he – upon being warned – concluded a treaty of pacification with the Christians, taking Omar's Declaration of Rights (which we discussed above) as his basis and agreed as follows:



- the Church of Kamamah will remain in the hands of the Christians as per the edict of the Khalif Omar
- the Patriarch's Chamber upstairs will be transformed into a *Masjid* (Al-Masjid Al-Salahuddin)
- the worship services at the Church of Kamamah will be commenced after the Muslims have been advised of this, remaining closed on other days with Muslim *bawwab* (door-man)⁷ present.

1.5 THE FIRMAN OF MUHAMMAD THE CONQUEROR ON JERUSALEM

Muhammad the Conqueror, who conquered Istanbul in 1453, turned the Ottoman state into the sole superpower of the world like the United States of America of today. He issued an edict in which he secured the rights and freedoms of the

⁷ Avedis K. Sanjian, *Die armenischen gemeinden von Jerusalem*, Armenische Kunst (Stuttgart: 1980 Effendi, *The History of the Annalist Es'ad Effendi*, pp. 448-49. Ramazan Şeşen, *Salahaddin Al-Ayyubi and the State* (Istanbul: 1987), pp. 114ff.

non-Muslims who lived in Istanbul, when the Christians in Jerusalem submitted to him the decrees signed by the blessed hand of the Prophet Muhammad and Caliph Omar's *firman* (edict) in the Kufic script, he likewise issued an edict of rights and freedoms on behalf of the Christians in Jerusalem, the original of which is found in the Patriarchate of the Greek Christians in Jerusalem and a copy in the Ottoman Archives. The person who came to Muhammad the Conqueror to collect it was Atnasiyos, Patriarch of the Greek Christians.

The *firman* of Muhammad the Conqueror regarding the sacred places in Jerusalem reads:

- Let it be duly abided by. May the curse of Allah rest on whoever annuls this blessed imperial decree!
- When we conquered Istanbul with the permission of Allah and the spiritual assistance of the Prophet Muhammad, shahs and kings from different parts of the world sent envoys to congratulate us on the conquest. In the meantime, Atnasiyos, the Patriarch of the Greek Christians in Jerusalem, came to me of his own accord and submitted to me the Prophet Muhammad's decree signed by his blessed hand, the *firman* of Calif Omar in the Kufic script as well as those imperial edicts of the former sultans and requested that all places of worship and voluntary pilgrimage within and outside of Holy Jerusalem, chiefly the Church of Kamamah, remain in their control.
- Thereupon I decreed that – as has been earlier granted as a favor – the Church of Kamamah and all the places of worship and places of voluntary pilgrimage, which are situated within Jerusalem, Mar Ya'kub, which is a Georgian Monastery, the monasteries and churches outside of Jerusalem, the Big Church in Bayt Al-Lahm, the birthplace of Jesus Christ, and the cave and three gates of the Church remain in their control.
- Let all the patriarchs, priests, and their assistants of the Christians in Jerusalem be exempt from *baj* (market or transit dues taken on goods for sale per container), *kharaj* (a combined land-peasant tax levied from a non-Muslim possessor of state-owned agricultural land) and the other extrajudicial and Islamic taxes.
- All these rights and freedoms have also been awarded by my *firman* [edict] as they were granted by the Prophet Muhammad, Caliph Omar, and the former sultans. May all the *walis* (provincial governors) and the statesmen under my sovereignty adhere to this and may they not disturb anyone.
- May whoever, caliphs, viziers, savants or one of the People of the Prophet Muhammad, (i.e. Muslims) ever opposes hereafter the Prophet Muhammad's decree signed by his blessed hand, Caliph Omar's *firman* written in the Kufic script, or the *firman*s of the other sultans or my *firman* for the sake of money or somebody else be struck with the malediction of Allah and His Prophet Muhammad.

- Let this be thus known! Let them trust and comply with the Sultan's Monogram! 15 Shawwal (tenth month of the Arabic calendar) 862/1458.⁸

In his *firman* (edict) Muhammad the Conqueror makes mention of every single sacred place of importance in Jerusalem. Let us now give the *firman* in the original Ottoman Turkish:

The noblest decree of Muhammad the Conqueror he granted with his Imperial Rescript:

- Mucebince amel oluna; her kim hatt-ı hümayun-ı sa'adet-makrunu fesh ederse, Allah'ın la'netine uğrasun.
- Sebeb-i tahrir-i tevkî-i reff-i hümayûn, vâcib'üt-tastîr-i yarlıĝ-i belîĝ-i hümayûn -Nassarahullahu Te'âlâ ilâ-i yub`asûn- oldur ki;
- Bi iznillahi Te'âlâ Hazret-i Resûl hurmetiyle Makam-ı Kostantınıyye feth u fütûh oldukda etrâf ve eknâfdan şahlar ve krallar Âsitâne-i Sa`âdetime elçiler gelüb feth u fütûhı arz edüb bu kerre Kudüs-i Şerif'de olan Rumların Patriĝi Atnasiyos (?) nam râhib rızalarıyla gelüb Âsitâne-i Sa`âdetime yüz sürüb ve Hazret-i Resûl-i Ekrem Hazretlerinin (Sallallahu aleyhi ve sellem) mübarek eliyle ve pençesiyle imzalı olan hatt-ı hümayûnları ve Hazret-i Ömer bin Hattab Hazretlerinin (Radiyahallahu Te'âlâ anh) verdüĝi Hatt-ı Kufi ile ve selâtîn-i mâziyeden hatt-ı hümayûnları ibraz edüb ve ricâ eyledi. Ol minval üzere Kudüs-i Şerif içerüsün ve taşrasunda namazların ve ziyaretlerin kel-evvel Hazret-i Resûl-i Ekrem Hazretlerinin (Sallallahu aleyhi ve sellem) ve Hazret-i Ömer bin Hattab Hazretlerinin (Radiyahallahu Te'âlâ anh) ve selâtîn-i mâziyeden sadaka ve ihsan olunan hatt-ı hümayûnları mücebince zabt ve tasarruf eyleyeler.
- İmdi kadimden ferman ve sadaka olunub bi aynihî içerüde olan Kamame ile cemî` namazgahları ve ziyaretleriyle ve Gürci Manastırı olan Mar Yakub ve Kudüs-i Şerif taşrasında olan manastırlar ve kiliseler ve Hazret-i İsa (Aleyhisselam) Hazretlerinin doğduĝu Beytüllahm Kilise-i Kübrâ ve Mağara ve Kilisede olan üç kapu miftahlarıyla şimal ve kible ve garbî tarafından içinde olan cemî`-i millet-i Nasrâniyye Kudüs-i Şerif Patrikleri, yamakları bu vefk üzere eşyaları bâc ve harâcdan ve kakırlardan ve sâir tekâlif-i örfiyyeden kadimden sadaka ve ihsan ve ferman olunan bi aynihî küllisinden mu`âf ve müsellemler olmak için rice eyledükleri ecilden; imdi kadimden Hazret-i Resûl-i Ekrem Hazretlerinin (Sallallahu aleyhi ve sellem) ve Hazret-i Ömer bin Hattab Hazretlerinin (Radiyahallahu Te'âlâ anh) ve selâtîn-i mâziyeden sadaka ve ihsan ve ferman olunan hatt-ı hümayûnları mücebince, cenâb-ı celâletim dahi sadaka ve ihsân ve fermân-ı âlî-şânım olmuşdur.

⁸ Prime Ministerial Ottoman Archives, Books of Churches, Book of Kamamah, No: 8.

- Tasarrufumda ve hükmümde olan memleketler eğer deryadan ve karadan hâkim`ül-vakt olanlar Kudüs-i Şerif Patriği ve ruhbanları mezbûrlara himâyet ve sıyânet ve âhardan kimesne rencide eylemeyeler.
- Ve eğer Hazret-i Resûl-i Ekrem Hazretlerinin (Sallallahu aleyhi ve sellem) sadaka ve ihsan olunan mübarek pençesiyle imzalı olan hattı ve Hazret-i Ömer bin Hattab Hazretlerinin (Radiyahallahu Te`âlâ anh) verdiği Kufi ile hattı ve selâtîn-i mâziyeden sadaka ve ihsan olunan hatt-ı hümâyûnları ve el-ân sadaka ve ihsan olun hatt-ı hümâyûn-ı sa`âdet-makrûnı ve fermân-ı âlf-şânı alub bundan sonra gelen halifeler ve vüzerây-ı izâmdan ve ulemâdan ve ehl-i örfden ve kapu kullardan ve sâir Ümmet-i Muhammed'den akçe için veyahud hâtır için feshine murâd ederler ise, Allah'ın ve Hazret-i Resûlün hışmına uğrasun.
- Şöyle bileler, alâmet-i şerife i`timâd ve inkıyâd kılalar. Tahrîren fî evâsıt-ı Şehr-i Şevvâl'il-Mükerrem li seneti isneyn ve sittîn ve semâne-mi`ete. Sene 862
Bi Makam-ı Kostantınıyye".⁹

⁹ Prime Ministerial Ottoman Archives, Books of Churches, Book of Kamamah, No: 8.

1.6 THE RIGHTS AWARDED TO THE PEOPLE IN JERUSALEM

We should emphasize once again that – for it is viewed as the fountainhead and center of Christianity – Jerusalem accommodated in certain years patriarchates and bishoprics of various Christian denominations. Furthermore, within Jerusalem and in its vicinity were some sacred places attributed to Jesus Christ and such places and buildings that pertain to Mother Mary and some other Christian saints. Even after the region came under the sovereignty of Islam, the Christian communities and those sacred places and buildings continued to exist. The maintenance, protection, and use of places of worship were handed to Christian communities of various denominations. After Jerusalem came under the administration of the Ottoman state, the sultans issued various *firman*s (edicts) to publicize the rights and privileges of the patriarchate and the Christian community.¹⁰

This conduct was likewise repeated by Sultan Selim the Excellent when he conquered Jerusalem in 923(A.H.)/1517(C.E.): to prevent the rights of the non-Muslims from being overlooked, he proclaimed a written *firman*, which is of great significance from the perspective of not only securing the rights of the non-Muslims against infringements but also advising them of their rights, thus preventing them from transgressing them. This *firman*, which was penned by the then *qadi* (judge) of Qudus Al-Sharif (Holy Jerusalem), Muhammad, was copied out by Sarkiz Karakoç, who was an Armenian as well, from the original, which is in the State Archives of the Armenian Patriarchate in Jerusalem.¹¹ It is also found in the Book of Churches in the Prime Ministerial Ottoman Archives.

The date of the Ottoman sultan's visit to Jerusalem is almost exact. Having left Damascus, Sultan Salim the Excellent came to the manor of Jaljuliyah on 27 December 1516, where he received the news of the victory of Khan Yusuf. They reached Ramleh the following day, where they stayed from 28 to 30 December. The army troops remained in Ramleh and on 31 December the sultan set out for Jerusalem accompanied by some statesmen and soldiers: Yunus Pasha, Husam Pasha, Hafidh Muhammad, Hasan Can, Mullah Idris (Idris of Bitlis), *beylerbeys* (governor generals), secretaries of the Council of State, *nishanjis* (officers whose duty was to inscribe the sultan's imperial monogram on all imperial letters patent), Silahdar Aghas (sword-bearer of the sultan) and their *katibs* (scribes), *qadhaskers* (chief military judges), right and left *ulufajiyan* (paid soldiers), right and left *gharibs* (members of a certain cavalry unit), 1,000 *tufakchi janissaries*

¹⁰ Yavuz Ercan, *The Armenian Patriarchy of Jerusalem* (Ankara: Turk Tarih Kurumu, 1988), pp. 1ff.

¹¹ Sarkiz Karakoç, *Qulliyah Al-Kavanin* (The Collection of Legal Codes), File No. 1 (TTK. Library), Document No. 2599.

(guards at the Imperial Palace) and 500 *sipahis* (cavalry soldiers).¹²

According to the *firman* (edict), the subject could be outlined as follows: Sultan Salim the Excellent came to Al-Bayt Al-Maqdis in Jerusalem on 25 Safar (second month of the Arabic calendar) 923 (A.H.)/1517 (C.E.). In the company of the other priest, the Armenian patriarch, Sarkiz, went to the sultan to ask him to grant them favors, and they requested him to let them retain control of the churches and places of worship that had been under their administration from ancient times as well as to renew the treaty Caliph Omar and Salahaddin Ayyubi had granted to them. Thereupon, it was decided that the Armenian priests would continue to be authorized to retain control – as they had been doing – of Kamamah, the Cave of Al-Bayt Al-Lahm, where Jesus Christ had been born, the keys to the north gate, the two candlesticks and their candles at the gate of Kamamah, the Big Church, Mar Yaqub, the churches of Dayr-uz-Zaytun and Habs-ul-Masih and their foundations, vineyards, gardens, the people of Abyssinia, Copt, and Assyria who adhered to the same denomination, and their produce and in similar matters. Again, as per the aforementioned treaty, nobody was to interfere with them. Children, viziers, the pious, *qadis* (judges), *beylerbeys* (governor-generals), governors of *sanjaks* (subdivisions of a province), *vaivodes* (a kind of governor or mayor), *subashis* (police superintendents), and others were to follow these rules.

While he was in the Sahara of Jerusalem, Sultan Salim the Excellent awarded similar *firman*s (edicts) to both the Armenian people and the Armenian patriarch Atalya. While we take that edict given to the Armenian patriarch as the basis for the text we will present the text of the *firman* given to the Greek Christians in the Ottoman Turkish original found in the Ottoman Archives.

Here is the original text of the document in Ottoman Turkish:

- Emr-i Şerifim mücebince her kim bir gayrı şekle giderse ve bozarsa, Allah Te'âlânın kılıncına uğrasun.
- Nişan-ı Şerif-i Alişân-ı Sâmi-i Sultâni Ve Tuğrây-i Garrâyı Cihan Sitân-i Hâkân-î bil- Avn'ir-Rabbânî ve'l-men'ni's-Sübhânî hükmü oldur ki¹³;
- Bi avnillâhi Teâlâ ve Resûlihi, Kudüs-i Şerif'e gelüb mâh-i Safer-ül Hayr'ın 25. gününde feth-i bab olunub Ermeni tâifesine patrik olan Serkiz nâm râhib cümle ruhban ile maa reâyâ ve berâyâ gelüb atâ ve in'âmımdan ricâ ve temennâ kılmişlardır. Kadimen meşrûtalari olub uhdelerinde olan kenise ve manastir ve sâir ziyâretleri ve içerde ve taşrada vâki kenise ve ma'bedhaneleri

¹² Ercan, *Armenian Patriarchy of Jerusalem*, pp. 11ff.

¹³ This part is missing in BOA. We have supplied some missing sections from the copy at the Armenian Patriarchate in Jerusalem.

kadimden zabt ve tasarruf edegeldikleri minval üzere Ermeni tâifesine patrik olanlar zabt ve tasarruf eyleyeler.

- Hazret-i Omer (R.A.) Hazretlerinin olan Ahidnâme-i Hümayun ve merhûm melik Selâhaddin zamanından beri verilen evâmir-i şerifeler mücebince zabt ve tasarruflarında olan Kamame ve Beytullahım mağara ve şimal tarafındaki kapu ve kenise-i kübrâları, Mar-Ya'kub ve Deyr'üz Zeytun ve Habs'ül-Mesih ve Nablûs ve keniselerine tâbi' hemmilletleri olan Habeş ve Kıbtî ve Süryanî milletleri, Mar Ya'kub keniselerinde mütemekkin olan Ermeni patrikleri tarafından zabt ve tasarruf olunup âher milelden min ba'd bir ferd müdâhele ettirilmemek babında bu Nişân-ı Hümâyûn-ı saâdet-makrûnımı verdim.
- buyurdum ki; mücebince amel olunup, zikrolunan Kenise-i Kübraları, Mar Yakub'da mütemekkin olan Ermeni Patrikleri içerüde ve taşrada vâki olan keniseleri ve manastırlar ve sâir ziyâretgâhları ve kendülerine tabi milletleri ve yamakları olan Habeş ve Kıbtî ve Süryânî milletleri âyinleri üzere zabt ve tasarruf eyleyüp vâki olan umurlarına ve azl ve nasb ve sâir vakıflarına müteallik hususlarına ve mürd olan metropolid ve piskopos ve ruhban ve papaz ve yamaklarının ve sâir Ermeni tâiesi patriklerinin zabt ve tasarruflarında olan kenise ve manastır ve ma'bed ve sâir ziyaretlerinin ve kendülere tâbi hem milletlerine ve yamaklarına âher milelden min ba'd bir ferd müdâhele eylemeyüb ve Kamame ortasında vâki olan türbesi ve Kudüs-i Şerif taşrasında Meryem Ana Makberesi ve Hazret-i İsa (A.S.) doğduğu Beytullahım mağara ve şimal tarafında olan kapunun miftahı ve içerüde Kamame kapısında iki şamdan ve kandilleri ve türbe kapısında ve içerisinde olan kandilleri ve yakıtları şem ve buhurları ve kamame içinde âyinleri üzere nâr-ı şem' zuhurunda kendülere tâbi olan hem milletleriyle türbe dâhiline girüb ve havalisinde devr etmeleri ve kapu içerüsünün zir ü bâlâsı ve iki penceresi ve içerüde olan ma'bed ve ziyâretleri ve su kuyusu ve Kamame havlusunda vâki Mar Yuhanna Kenisesi ve taşrasında Mar-Yakub kurbünde vâki Habs'ül Mesih ve sâir manastırları ve makberelikleri ve medfenleri ve Beytullahım mağara kurbünde olan odaları ve misâfirhâneleri ve bağ ve bağçe ve zeytünlükleri ve bilcümle zikrolunan kenise ve manastır ve ma'bed ve ziyâretgâhları ve kendülerine tâbi hem milletleri ve sâir emlâk ve tevâbi-i kadimeleri tayin olunduğu üzere Ermeni tâifesi ve patrikleri zabt ve tasarruf eyleyüb ve keniselerine ziyârete gelen Ermeni taifesi zemzem tabir olunur su üzerine ve panayırlarına ve sâir ma'bed ve ziyaretlerine vardıklarında ehl-i örf tâifesinden ve âherden min ba'd bir ferd dahl ve taarruz eylemeyüb ba'del-yevm vech-i meşrûh üzere verilen Nişân-ı Hümâyûn-ı saâdet-makrûnum mücebince amel olunub âher milletten bir ferdi müdâhele ettirmeyüb ol-babda evlâd-ı emcâdımdan veyahud vüzerây-i izâmımdan ve sulehây-ı kirâmımdan ve kadılardan ve beğlerbeği ve sancak beği ve mîr-i mîrân ve voyvodaları ve beytülmal ve kassâm adamları ve subaşları ve zuamâ ve erbâb-ı tımar ve mutasarrıfın-i emvâl ve sâir kapum kullarımdan ve gayriden muhassalâ vazî' ve refî' ve kebirden hiçbir

ferd-i efrâd-ı âferideden kâne men kân vechen min'el-vücûh ve sebeben mine'l-esbâb dahl ve taarruz kılmayub tebdil ve tağyir eylemeyeler. Her kim dahl ve taarruz ve tebdil ve tağyir eder ise, indellâhil-Melik-il-Mu'în zümre-i mücrimîn ve a'dâd-ı âsiminden ma'dûd olalar.

- Şöyle bileler, hükm-i kişver-ktişâ ve tuğrây-ı garrây-ı âlem-ârâ ile mücellâ ve müzeyyen görenler mazmûn-ı meymûnın muhakkak ve fahvây-i hümâyunun musaddak bilüb alâmet-i şerife itimad kılalar.

Kütibe fi sene selâsin ve işrîne ve tis'arnie Sahray-ı Kudüs-i Şerif¹⁴

¹⁴ Ottoman Archives, Book of Churches, No: 8; For the copy given to Armenians see Ottoman Archives, *The Classification of Kamil Kepeci, the Item of Bishops' Muqataa (a arming out of public revenue) subject to the Item of Financial Matters*, No: 2539, p. 2; Karakoç, *Al-Qulliyah Al-Qawanin* Document No. 2599.

1.7 THE *FIRMANS* ISSUED BY OTHER SULTANS

The tradition beginning with Caliph Omar and continuing with Salahaddin Ayyubi to quote each and every sacred place in Jerusalem through *firman*s and to determine the rights and freedoms of the non-Muslims who resided in the city lasted until the city was recaptured from the Ottoman state. Nonetheless, here we have cited only those *firman*s (edicts) proclaimed by Muhammad the Conqueror and Salim the Excellent, merely mentioning others, for we do not wish to make our article longer than necessary.

But we ought to state that, with the exclusion of the temporary interventions by France and Russia, Jerusalem experienced an epoch of utter peace and tranquillity under the sovereignty of the Ottoman state. The Ottoman state offered perfect counsel regarding the sacred places in the region to such countries as France who attempted to interfere in the affairs of Jerusalem on the pretext of protecting the Christians. In this case, if – just as the Ottoman state did – it is taken into consideration that, no matter who rules the city, Jerusalem is the common capital of all three religions and also provided that all the holy places and places of worship pertaining to all the religions in the region are held in due esteem and reverence, peace and tranquillity will certainly be reestablished just as it was under the Ottomans. By virtue of the significance of the question, we would like to introduce the holy places and the places of worship that pertain to every religion on the basis of the information revealed by the *firman*s.

1.8 DETERMINATION OF THE SACRED PLACES IN JERUSALEM

Jerusalem was under the rule of Muslims for about 1,400 years, with the sole exception of the short intervening period during the crusades and temporarily at the time of the fall of the Ottoman state. At present we are experiencing the third exceptional interim, which was brought about by Israel with its invasion of Jerusalem. It is particularly a matter of wonder that by whatever criteria the holy places had been divided under the Ottomans for 450 years no serious disorders or conflicts broke out. To answer this question accurately, we should briefly describe the sacred places and places of worship in Jerusalem.

1.8.1 CHRISTIAN HOLY PLACES

The sacred places alluded to in the *firman*s of the Ottoman sultans and Caliph Omar are actually the sacred places and places of worship of Christians. The sovereignty of the Hebrews over the territory ended in 70 C.E., which passed to the

Muslims towards the end of the 7th century.

At France's demand in 1850s, the Ottoman state instituted a Commission of History that listed the Christians' sacred places within and in the vicinity of Jerusalem as follows.

1) The Kamamah Church: It is another name for the Church of Kiyama that had been built by the Byzantine Emperor Constantine circa 326 (C.E.) on the site claimed to be the tomb of Jesus Christ. This building, which is a place of pilgrimage not only for the Christians but Jews as well, is also called *Bab-ul-Kamamah*. Kamamah is a term used by Muslim historians. It was rebuilt during the crusades from 1130 (A.C.) to 1149 (A.C.). Christians from all over the world – French, English, Greek, Georgian, Abyssinian, etc. were all allowed to visit here freely. The Kamamah church is a place of worship regarded as holy by all Christian denominations. Some of the legal decrees related to the issue are as follows:

THE LEGISLATION OF KAMAMAH IN HOLY JERUSALEM

- 25. Seven florin coins are collected from visiting Franks, viz. Europeans. And at Bab Al-Kamamah (the Outermost Gate of Kamamah) 50 *akchas* (small silver coins) are demanded from them as *Rasm Al-Kal'a* (fortress toll) and at the Gate of Kamamah 45 *akchas* as toll. These taxes are levied on the visiting unbelievers who come from the European countries.
- 26. And three *kayitbay* gold coins are collected from Greek travelers, and the same from visitors from the Orient.
- 27. And two *kayitbay* gold coins are collected from visitors from Aleppo and Damascus, and one *kayitbay* gold coin from Egyptian travelers.
- 28. And 25 *akchas* are charged on the unbelievers who come from Salt, Ajlun and Ramlah. And four *akchas* are collected from the unbelievers from Jerusalem and *Halil Al-Rahman* (may the Greetings of Allah be upon him).
- 29. And from the unbelievers who visit Christian festivals one *akcha* at three different places are collected. And from the European merchants who have come from Damascus two and a half gold coins are collected aside from the aforementioned taxes. And nothing is demanded from the unbelievers from Georgia and Abyssinia. And one *akcha* is collected from the European travelers per week.

2) The Grand Dome of the Kamamah Church and the Small Dome

The Grand Dome of the Kamamah church and the Small Dome on the place known as the Sepulcher of Jesus Christ: as with the Kamamah church, they are the common sacred places held in high esteem by all Christian denominations.

3) The arch composed of seven parts called Sitt Al-Maryam

This is also a common place that pertains to all the Christian denominations.

4) The arch made up of four parts under Jaljalah

Half of them belong to the Greek Christians and the other half to the Latin Christians.

5) The Sahara around Hajar Al-Mughtasal: this is a common region as well.

6) The tomb of Mary and the adjacent yard

Like the Kamamah church, this is a common holy place for all Christian denominations.

7) The Grand Church at the village of Bayt Al-Lahm

This church contains the cave called Al-Maghara Al-Mahd, renowned as the birthplace of Jesus Christ. Furthermore, the keys of the gates of this cave in the directions of the Qiblah (the direction to which Muslims must turn for prayer), north and south are esteemed as holy by all Christian communities. This place was the cause of grave conflicts between the Greek Christians, the Latin Christians, and the Armenians. This cave, which we can call the "Cave of the Cradle," is open to all Christian groups at present. The keys of the gates were handed at times to the Latin and to Greek Christians at others.

8) The gardens composed of two lots adjacent to the Frankish monastery:

They are the gardens at Bayt Al-Lahm.

9) The cisterns located on the site called Tahun Al-Atik.

10) The building said to be the sepulcher of Jesus Christ.

11) The cave called 'Al-Maghara Al-Ruat' and the surrounding Field.

12) Al-Hagar Al-Mughtasal: A building regarded as holy by all Christians.

13) Al-Maghara Al-Mahd: This is the cave where Jesus Christ was born. The church built on this cave is called the Grand Church.

14) The Church of Mar Yuhanna in the yard of the Kamamah church; the Church of Mar Yakub outside, the monastery of Habs Al-Messiah nearby, the monastery called Al-Dayr Al-Zaytun, the Georgian monastery, and other places of worship.

These are only several outstanding holy places. There, are others, to be sure.

1.8.2 MUSLIM HOLY PLACES

As a matter of fact, the title above is incorrect, for – with some exceptions – most of the places considered holy by the Christians and Jews are sacred for Muslims as well. In addition, there are places that are esteemed holy only by Muslims. Because Jerusalem was ruled by Muslims for 1,400 years and most of the sacred

places pertaining to the former religions are also regarded as holy by them and because Jerusalem had been the first *qiblah* for Muslims other reasons, space does not permit mentioning all the Muslim sacred places. All the same, we will cite the most significant ones.

- 1) **Al-Masjid Al-Aksa:** This is the mosque that was built on the site of the former place of worship of the Prophet Sulaiman (Solomon), which is also mentioned in the Glorious Qur'an. In fact, it is located in the Muslim Quarter in Jerusalem. Also, it is the third mosque mentioned by the Prophet Muhammad in his tradition: *"One has to travel for three masjids (mosques)."*
- 2) **Al-Bayt Al-Haram:** This includes the district and the premises between *Al-Qubbah Al-Sahra* and *Al-Masjid Al-Aksa*.
- 3) **Al-Qubbah Al-Sahra:** This is the dome built over a rock called *Sahra Al-Allah* or *Hagar Al-Sahra* in the vicinity of *Al-Bayt Al-Haram*. It was later converted into a mosque, under which a cave was found where holy relics like the footprints of Archangel Jibril Al-Ameen (Gabriel) and the Prophet Muhammad, the banners of the Prophet Muhammad and the Khalif Omar, the shield of Hamzah, a companion and an uncle of the Prophet Muhammad, the gold nails hammered in by the Prophet Muhammad, etc. were found. It is usually – and mistakenly – known as *Al-Masjid Al-Omar*. Visitors circumambulate *Al-Hagar Al-Sahra*.
- 4) **Al-Dahma Al-Mutabarrikah:** This is a place that is said to be the site of the tombs of the Prophets Ishaq (Isaac), Ya'kub (Jacob), and Yusuf (Joseph), and even about 200 prophets.
- 5) **Al-Rumman Al-Dawud (Prophet David):** This is said to be the place where the Prophets Dawud (David) and Ilyas (Elias) worshiped. It can be seen when one enters *Al-Qubbah Al-Sahra*.

In short, each and every single place like the Well of the Prophet Joseph, the Tomb of the Prophet David, and similar places that pertain to prophets are also held in high esteem by Muslims, to which those mosques, masjids (small mosques), madrasas (Islamic schools) and zawiyahs (hermits' cells) which had been constructed during those 1,400 years can be added.

1.8.3 JEWISH HOLY PLACES

Because the Jews lost dominion over Jerusalem in 70 C.E., no mention has been made in history regarding their holy places other than their alleging that the

Wailing Wall and such places they deem holy are unique and exclusive to the Jews.

1.9 THE SOLUTION IN JERUSALEM: THE OTTOMAN MODEL, TEMPORARY TRANSFER TO THE ISLAMIC CONFERENCE OR UNITED NATIONS

After the latest clashes and the diplomatic endeavors that have been carried on for many years with no outcome, it is obvious that it is out of the question that any solution to the problem of Jerusalem will be found by those means. If a lesson can be derived from history, there are certainly ways out of the crisis confronting Jerusalem. Our proposal is to return to those days of peace and tranquillity by starting, with some additions, from the Ottoman Model that had been successfully practiced for 450 years.

- It is impossible to transfer Jerusalem to the sole sovereignty of the Jews. If the states of the world are really contemplating this, they certainly are preparing for Judgment Day. The Problem of Jerusalem will continue until the last Muslim in the world, since the matter of Jerusalem is a matter of faith for Muslims.
- Jerusalem has been an important center of places of worship for Christians ever since 70 C.E. This being the case, it is unfeasible to seek a remedy to the crisis without regard for the Christian world.
- The Jews, on the other hand, consider it a religious task to appropriate Jerusalem, calling it *Al-Ardh Al-Maw'ud* (the Promised Land).
- The three points above make clear that "Jerusalem is a religious prerequisite either for all three religions or none." Accordingly, following the Ottoman Model, this city should become the holy common capital of all three religions.
- For this reason, Jerusalem ought to be transferred temporarily to the United Nations, and the United Nations must appoint a Governor General to Jerusalem from the Muslims, Christians, and Jews alternately and by turns. If this model does not work, then a citizen of an impartial country could be assigned to this task. Or the city should be governed by Jewish and Palestinian governors alternatively.
- As the Ottoman state did, the Muslim, Christian, and Jewish

quarters ought to be separated. As a matter of fact, the holy places of worship of each religion do not interpenetrate. Only the Jews' *Wailing Wall* and the Muslims' *Masjid Al-Aksa* have to be established on sound bases.

- As was the case in the Ottoman state, total freedom is to be granted to those places of worship and sacred places esteemed holy by each religion as well as their religious beliefs.
- Jerusalem should cease being the capital of Israel.
- In brief, the Ottoman Model is to be applied in Jerusalem in that the United Nations' sovereignty will replace the Ottoman sovereignty so that the old peaceful days can be restored.
- Otherwise, it should not be forgotten the crisis of Jerusalem will cause the end of the world.