

# THE OTTOMAN EMPIRE AND ITS HERITAGE

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VOLUME 10



# WOMEN IN THE OTTOMAN EMPIRE

*Middle Eastern Women in the Early Modern Era*

EDITED BY

MADELINE C. ZILFI



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SOCIAL BOUNDARIES OF OTTOMAN WOMEN'S  
EXPERIENCE IN EIGHTEENTH-CENTURY  
GALATA COURT RECORDS

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The intersection of research informed by feminist theory and by the new social history has generated novel studies in history which focus specifically on the experiences of ordinary women. Yet, one problem still remains: How do we draw the social boundaries that mark the experiences of ordinary women in history? Recent studies on Middle Eastern women such as that of Keddie and Baron (1991) challenge the distinction between the public and private domains. Yet, how can we go beyond the public/private distinction to construct the social boundaries within which women's experience takes place in history? It is this question that we attempt to address in this paper. Having empirically analyzed court cases concerning Ottoman women in eighteenth-century Galata,<sup>1</sup> an integral part of metropolitan Istanbul, we argue that the elements of legal, physical, and communal space converge to construct the boundaries of Ottoman women's experience. The legal space that is constructed by the Islamic and communal court systems of the Empire intersects with the physical space formed by the geography of Galata and the communal space accorded to women by their ethno-religious identity, in addition to the act of social categorization inherent in the legal language, to determine the social boundaries of women's experience.

What actually were the social boundaries that demarcated the experiences of women in the Ottoman Empire? Works of scholars such as Ronald Jennings (1975), Haim Gerber (1980), and recently, those

<sup>1</sup> The court cases analyzed here are all located in three registers (*defter*) inventoried as #268, #395, and #493 among the court records of Galata at the Office of Religious Opinion (*Istanbul Müftülüğü*).

of Judith Tucker (1985), Suraiya Faroqhi (1987), Gülru Necipoğlu (1991), Julie Marcus (1992), and Leslie Peirce (1993), have highlighted the spectrum of experiences that women have had in Ottoman society. All these scholars have extended beyond the travelers' accounts to bring in archival documentation to portray the arrested agency of these women. Temporally, they have covered the entire spectrum of Ottoman history and have thereby prepared the ground for the next step, that of determining the social boundaries of Ottoman women's experience.

*Theoretical Context: Determining the Social Boundaries of Women's  
Experience in the Ottoman Empire*

Social boundaries and women's experience are two recent concepts that have originated in the feminist sociology of knowledge by scholars such as Dorothy Smith (1990) and Sandra Harding (1991). Arguing that women have been consistently marginalized in scientific analyses that emphasize the public domain, both venture into the private domain to capture women's agency. Yet, given the power inequalities that exist between the public and private domains in favor of patriarchy, both ask whether it is wise to maintain the notion of domains. Since structures of power underpin both of these domains, they propose a radical change, a "different method of thinking and knowing society" that attempts to capture women's lived experience (Smith 1990, pp. 6-7). Smith argues not to "fall back into the same old methods, that make worlds that exist only in texts, that forget the site of experience, the presence of actual subjects, and the actualities of the world we live in" (1990, p. 212). We replace the public/private dichotomy that has long dominated analysis of gender within the context of the Middle East with a new conception of women's experience. The new concept focuses on a woman's agency and traces her actions and interactions throughout all aspects of society, from everyday practices to material interests, from social rituals to symbolic expressions. Yet, how can we capture women's experience in history when the material that has survived is highly selective and often at a disadvantage to women? The use of oral histories, poems, songs, proverbs, or reinterpretation of local records is one method that was recently employed in an edited volume which reconstructs gender in the Middle East (Göçek and Balaghi 1994).

Yet we still need to develop a theoretical framework that articulates the social boundaries of women's experience in history. The category of the "social" based on Bourdieu's conception (1984, p. 113) reaches beyond the economic to capture other forms of resources that are not material. Bourdieu states that the primary differences, those which distinguish the major classes of conditions of existence, derive from the overall volume of capital, understood as the set of actually usable resources and powers—economic capital, cultural capital, and also social capital. This conception becomes particularly significant in the case of minority groups whose power in society is marginalized based on criteria such as gender, religion, race, and ethnicity. In the Ottoman context, one can argue that although social groups all seem to participate in the economic sphere equally, there are many other "social" criteria based on patterns of marriage, residence, and laws of inheritance that draw the boundaries of women's experience.

Indeed, in the Ottoman Empire, women could and did obtain great levels of fiscal capital. Among the courts records we analyzed, for instance, the wealth of Fatma Hatun, comprising substantial numbers of diamonds and pearls and freehold property, added up to 138,300 *akçes* (14/493, #192). Similarly, the wealthiest non-Muslim woman in the 1789 register, the Armenian Serpuhi daughter of Mardaros (14/493, #133), whose wealth had a total value of 154,520 *akçes* with 12,000 *akçes* in cash and with diamond jewelry which amounted to one-third of the estate, was wealthier than many Muslim men and women. But the fiscal wealth of both the Muslim and the Armenian women did not necessarily translate into power. Indeed, it was the location of women within the Ottoman social structure that determined the parameters of their power in society. Spatial constraints often interacted with legal codification and communal barriers to determine the social boundaries of women's experience. We attempt to reconstruct these boundaries through archival analysis.

#### *Methodological Framework: Islamic Court Registers*

A wealth of raw information on the social and economic conditions of Ottoman women's experiences can be found in Islamic court records, which contain information on material goods, source and location of wealth, property ownership, quarter of residence, religion,

gender, children, family, gender of the proxy of an estate and guardian of minors, and worth of goods. These records establish social and economic patterns in Ottoman society that are more representative of women of all classes and religio-ethnic affiliation than other official Ottoman texts. The existing analyses of these records have indicated that women played an active role in the Ottoman economy, especially in the sphere of property transactions. Inheritance records describe women as wives, daughters, and mothers, where they also appear as owners of diverse goods including homes and property. Women certainly had rights, knew of them, exercised these rights, and benefited from them. In inheritance cases of men, women appear in court to claim their share of the inheritance and to have approved their guardianship over minor sons and daughters.

In order to study the social boundaries of women's experience in eighteenth-century Ottoman society, we therefore analyzed a sample of the Islamic judicial records of the court of Galata in Istanbul. Galata captures the diverse experiences of women in the capital of the Empire, experiences that cross both religious and economic lines. After its establishment in the late fifteenth century, the Islamic court of Galata was one of the most important courts in the Istanbul area, especially for the inhabitants on the western side of the city (Akgündüz 1988). Not only was Galata's court the main seat of justice for the province of Rum's coast, but the court deputies of 300 villages and 40 administrative districts including Kasımpaşa and Beşiktaş were subject to the judge of Galata as well (Uzunçarşılı 1984, pp. 133–34).

In order to draw our sample, we selected the period from 1705 to 1809, the century before Mahmud II and the major reforms of the *Tanzimat* era. We randomly selected, from three clusters of approximately thirty-five years, the registers corresponding to the years 1729, 1769, and 1789, and studied these in their entirety. The register from 1729 contained 275 cases, most of which were inheritance cases with a few property disputes; the 1769 register contained 182 cases; and the register from 1789 included 246 cases. Out of these total 703 cases, the breakdown according to gender and religion was as follows: about three-quarters (72%) concerned males and one-quarter (28%) females; about four-fifths (82%) concerned Muslims and one-fifth (18%) non-Muslims. Hence males and Muslims form the majority of the cases. Among the Muslims, 73% concerned males and 27% females; among the non-Muslims, 72% concerned males and 28% females. Hence, gender was distributed in about the same proportion,

one-fourth female to three-fourths male across religion. When analyzed diachronically, the number of cases concerning non-Muslims escalate during the century, almost six-fold from 1729 to 1769 and another half-fold to 1789; hence the 6% non-Muslim presence rate goes up to 39% in 1769 and 55% in 1789. The number of cases concerning women stays fairly steady during the same time period, except for a dip in mid-century (the percentages diachronically are 42%, 20%, and 37%).

Since the focus here is specifically on Ottoman women, let us give more detailed information on the cases concerning women and religion as broken into the categories of Muslim, Christian, and Jewish women. In 1729, the inheritances of 80 Muslim and 2 Christian women make up, respectively, 29.1% and .7% of the total number of cases brought to the Galata court that year. There are no inheritances of Jewish women recorded. In 1769, the inheritances of 30 Muslim and 9 Christian women comprise respectively, 16.5% and 5% of the court cases; there are no inheritances belonging to Jewish women. In 1789, the last register, however, 19.4% of the inheritances belong to Muslim women (48 women), 9.7% to Christian women (24 women), and the lone inheritance involving a Jewish woman represents .4% of all cases in that register. Hence, increasing numbers of Armenian and Greek women appear in the court records, the percentage and numbers of Muslim women appear stable, and the Jewish women are practically nonexistent. Why this difference among women across time and religion? This question needs to be approached by first describing the nature of the court records and the information they convey about women, and then constructing the social boundaries of women's experience in Ottoman society through an analysis of physical, communal, and legal space.

The inventoried property and possessions of these women provide insight into their material life, indicating a range of items consisting of clothing, bedding, kitchenware, bathware, and housewares, luxury items of furs and jewelry, and investments in property and cash capital. We only found two Muslim women in the sample who owned slaves.<sup>2</sup> Also, in one case, a significant proportion of a woman's wealth con-

<sup>2</sup> Lebibe Hatun daughter of Mustafa (14/495, #2), who had wealth worth 85,800 akçes in goods comprising mainly gold, cash, and dowry, also owned a slave valued at 30,240 akçes. Şerife Fatma Hatun daughter of Seyyid Süleyman (14/495 #79), owned a slave valued at 24,200 akçes in an inheritance with a total value of 261,951 akçes.

sisted of cash coins worth approximately 170,000 akçes.<sup>3</sup> Most of the women's wealth consisted of clothing and bedding. The largest proportion of all listings of material goods in all of the women's inheritance registers includes personal items of shirts, pants, robes, vests,<sup>4</sup> head scarves,<sup>5</sup> and belts, with many of the goods having gold and silver embroidery and even silk inlay. Many of the women owned fur coats of squirrel, rabbit, or ermine,<sup>6</sup> as well as jewelry containing diamonds and pearls. After such personal items, household, kitchen, and bath items follow, such as cushions and pillows, quilts, mattresses,<sup>7</sup> trunks, spoons, plates, water pitchers,<sup>8</sup> cups, coffee paraphernalia, and miscellaneous items for the bath and house such as brushes and towels. A surprising number of women also owned chairs,<sup>9</sup> which may be an indication of the diffusion of the Western use of space. The next group of goods included valuable immovable goods and property, comprising property and freehold house property.<sup>10</sup> Fifteen percent of Muslim women and ten percent of non-Muslim women owned freehold house property. Muslim women also had dowries.<sup>11</sup> What is significant in our findings is that the material life of women did not differ according to religion; there was no material basis to the social distinction and segmentation of Muslim and non-Muslim, except that dowries, though often nominal, guaranteed to Muslim women an additional material layer of comfort.

When the median wealth of Muslim and non-Muslim women is compared, Muslim women's medians were consistently higher: In 1729, the 80 cases concerning Muslim women listed a median wealth of 11,511 akçes whereas the only non-Muslim woman whose wealth was recorded, Zoi daughter of Persek, had more debts than assets.

<sup>3</sup> The case is that of Şerife Fatma Hatun daughter of Süleyman (14/493, #79), who was married to an officer in command of a company of Janissaries.

<sup>4</sup> The Ottoman term is *antaran*.

<sup>5</sup> The Ottoman term is *çarşaf*.

<sup>6</sup> The Ottoman term is *kakum*.

<sup>7</sup> The Ottoman term is *döşek*.

<sup>8</sup> The Ottoman term is *ibrik*.

<sup>9</sup> The Ottoman terms are *iskemle* and *sandalye*; one must distinguish these terms, however, from the chair used in the kitchen while cooking, which was similar to a stool and predated Western influence.

<sup>10</sup> The Ottoman terms are, respectively, *mülk* and *mülk menzil*.

<sup>11</sup> The Ottoman term is *mehr*, for cash or goods that Islamic law entitles a woman to upon marriage. Whereas *mehr-i muaccel* is paid immediately, *mehr-i müeccel* is an amount that the groom promises to pay some time in the future; it reverts to payment upon the dissolution of the marriage through death or divorce (Pakalın 1983, 2:443-44).

In 1769, the 30 Muslim women recorded had a median wealth of 15,691 akçes when the median inheritance value of the 9 non-Muslim women was 12,120 akçes. Similarly, in 1789, the Muslim women had a median of 31,547 akçes while that of non-Muslim women was 28,500 akçes. Another pattern that stands out among the wealthiest Muslim women is the possible transfer of wealth and social prestige from one generation to another: The wealthiest Muslim women were daughters or wives of men of prominent status, such as an agha,<sup>12</sup> a *çelebi*,<sup>13</sup> and an *efendi*.<sup>14</sup> There is no such discernible pattern among the non-Muslim women.

The use of inheritance registers for the analysis of women's location in Ottoman society contains certain limitations, however. These registers only contain information on those individuals who chose to use the court; those who settled their affairs informally were not always recorded. Therefore, the sample is selective, and generalizations from the court records cannot hold unless confirmed through other sources. Some goods were hidden from the judge; it is difficult to ascertain the goods of the spouse of the deceased, and therefore the wealth and social status of the entire family. There are scribal errors and overlooked facts that are corrected days after the claimants first appear in court. A minor son is sometimes missed, or a brother or uncle shows up late asking about the inheritance. The inventoried goods women possessed at the end of their lives do not indicate their real material wealth, or their downward and upward mobility.

We therefore need to develop a new composite historical method through which the social boundaries of the women's experience that is based on inheritance registers can be captured. This necessitates the use of inheritance registers not only as texts but also as contexts that provide information on Ottoman society. Such an approach also overcomes the problem of causal origins: Rather than categorizing the inheritance registers in solely gendered terms as those belonging to certain men or certain women, we can instead focus on both the men and women contained within all the inheritance registers of our sample. We can then focus on the inheritance registers belonging to

<sup>12</sup> The case concerns the inheritance of Emine daughter of Mehmet Agha (14/268, #155).

<sup>13</sup> The case concerns the inheritance of Fatma daughter of Kadızade Ali Çelebi (14/268, #178).

<sup>14</sup> The case concerns the inheritance of Hatice Hatun wife of Hasan Efendi (14/395, #44).

women, as well as women appearing in other registers as heirs, debtors, or creditors. Only then can we capture a more significant proportion of women's experience in Ottoman society. In the next section, we attempt to develop such a historical method whereby we search for the confines of legal, physical, and communal space which determines the social boundaries of women's experience in Ottoman society.

#### *Determinants of the Social Boundaries of Ottoman Women's Experience*

Rather than interpreting Islamic court records solely as texts, we need to reconstruct their location within the Ottoman social structure at large. We need to recreate the social boundaries within which women operated since, as Bourdieu argues (1984, p. 482), "social subjects cannot be characterized simply in terms of material properties; they comprehend the social world which in turn comprehends them." Such a reconstruction entails taking into account the physical, communal, and legal space which determines the social boundaries of women's experiences.

(i) Physical Space: Ottoman Women in the Context of Galata. This study is based on the residential area known as Galata, located across the Golden Horn from Istanbul; we argue that the specific historical and demographic background of Galata also constructed the physical space and determined the course of action of Ottoman women. Galata, separated from the predominantly Muslim and Turkish part of Istanbul by the Golden Horn and from the Asian part by the Bosphorus, had been a Genoese commercial colony during Byzantine rule (Arseven 1989; Mantran 1973). Following the conquest of Constantinople by Mehmed II in 1453, Galata retained its Christian character as it was transformed from an Italian and Greek city to a cosmopolitan trading center with Greek, Armenian, and Jewish merchants, foreign traders, middlemen, and European embassies. Galata retained its identity as the entrepôt of the capital. The occupations of the subjects listed in our sample of inheritance registers include many artisans and merchants, and very few laborers. Of the non-Muslims in our sample who came to this court in the middle and end of the century, 38% and 48% of men were artisans, in 1769 and 1788 respectively, and 58% and 39% were merchants. The most prominent merchants traded in timber, flour, soap, tobacco, and oil, and most artisans were tailors, furriers, and carpenters. The full list

of artisans includes barbers, stonemasons, printers of cloth, stonecutters, metal cutters, clothiers, gardeners, and makers of fish nets and augers. The full list of merchants includes fruit-drink sellers, grocers and greengrocers, butchers, store owners, sesame-oil sellers, vegetable vendors, wine sellers, millers, and shoeshines.

With the Armenians and remaining Latins, Galata had a Christian majority and a Muslim minority. Indeed, the non-Muslim identity in Istanbul in general and in Galata in particular persisted.<sup>15</sup> The existence of an Armenian quarter in Galata centered around St. Gręgory the Illuminator church, established in 1391 and recorded in the Ottoman survey of 1455, attests to the continuation of the Byzantine Armenian presence into the Ottoman period (İnalçık 1991, p. 35). A survey conducted in 1478 shows that the Greeks were the largest community in Galata with 592 households, followed by 535 Muslim and 62 Armenian households (İnalçık 1991, p. 97). *Bostancıbaşı defterleri*, notebooks of businesses and homes and the religio-ethnic identity of their owners, mapped out for the Ottoman sultans' boat trips around the coast of Galata in the mid-to-late fifteenth century, corroborate the existence of a dense Armenian concentration in the eastern half of Galata (Uyapazarcı 1992, pp. 110–14). Indeed, some scholars have argued that Galata “had been the living heart of the Armenian community” (Kevorkian and Paboudjian 1992, p. 99). In the eighteenth century, the residences of the Ottoman Armenians spread in all directions except for western Galata, and moved well beyond the Byzantine core north, west, and eastward into Kasımpaşa, Dört Yol/Pera, Beşiktaş, and Tophane. From church buildings and the sultans' boat trip maps, we know that the Greeks were also concentrated in the late fifteenth century in eastern and central Galata. Decrees prohibiting the construction by non-Muslims of housing in eighteenth-century Beşiktaş, Ortaköy, and Tophane point to a sizeable and growing Christian presence although the Greeks remained the “largest non-Muslim population on the European shore of the Bosphorus” (Artan 1989, pp. 163, 189). An early nineteenth-century English map (*Atlas* 1836) denotes a “Jewish ward” in eastern Galata as well, and the Bostancıbaşı registers (Uyapazarcı 1992, pp. 110–14) also confirm a significant number of Jewish households in the area.<sup>16</sup>

<sup>15</sup> In 1830, Constantinople had 54 Greek churches, 43 Armenian churches and neighborhoods, and 18 Jewish neighborhoods (Karpas 1985, p. 202).

<sup>16</sup> The only concrete data we have on numbers of Armenians, Greeks, Jews, and Muslims are drawn from the 1927 census. This document points to the Greeks as the largest community in Galata (İnalçık 1991, p. 105).

Eighteenth-century Galata court records confirm the spatial concentration of non-Muslims in the eastern half of Galata. The western half contained the court in a neighborhood anchored by the Arab Mosque. In 1711, a French traveler described the area as a Muslim quarter (Ortaylı 1989, p. 133). One would not want to leave the reader with the impression that the quarters were rigidly Armenian, Greek, Jewish, or Muslim, however. The court records demonstrate that Armenians and Greeks lived in the same quarter as Muslims, for example in the Bereketzade quarter in eastern Galata. Nevertheless, it can be stated that eastern Galata was predominantly Christian, as was Galata as a whole. The court's location in a predominantly Muslim neighborhood did not hinder non-Muslim women from bringing their appeals to the Islamic court for justice. Furthermore, women appeared regularly in the court registers interspersed with male cases and in property disputes with men, which also shows that the courtroom was not exclusively male space.

(ii) Communal Space: Minority Women and Ethno-Religious Identity. Why would radically increasing numbers of inheritances of Armenian and Greek women appear in the court records over the century while those of Jewish women, who should have had many reasons to seek recourse at the Islamic court, do not appear? We argue that the answer to this question lies within the power dynamic and social control within and among these communities. It was this communal space which determined both which women brought cases to the Islamic court and how they then used their inheritance shares. We conjecture that women who were dissatisfied with the inheritance partitioning within the context of their local communities, and were willing to defy the hold of the communal courts over them, brought cases to the Islamic court.

The rulers of the Ottoman Empire employed a multi-tiered court system for its subjects whereby Muslim, Christian, and Jewish courts concurrently operated. The courts were divided between those intended for the use of the Muslim subjects and those for the Christians, Greek Orthodox and Armenian, and the Jews. The courts acted as Ottoman institutions which validated many aspects of subjects' lives, from marriage to divorce, inheritances to taxation, business to property rights. The non-Muslim courts were allowed to administer justice in all matters of personal status except criminal cases. In the case of a Christian court, for instance, Artinian states (1988, pp. 15–16) that:



the Patriarch was allowed his own court and prison at the capital for trying members of the community in all cases except those involving "public security and crime . . ." [and he] had jurisdiction in matters of personal status, divorce, inheritance, guardianship, and no Ottoman official could interfere in his decisions.

Thus, a dual system existed, one within the non-Muslim communities administered by the Armenians, Greeks, and Jews, and that of the Islamic courts within the dominant society. These courts were not for the exclusive use of any one community, however. Confirming previous studies, our analysis also indicates that increasing numbers of non-Muslims appeared in Galata's eighteenth-century records, representing 2.9% of all cases in 1729, but 28.3% by 1788, although inheritances of Muslim men still constituted 68%, 56%, and 51.4% of all cases in our sample years. Hence, one can argue that the Islamic courts fulfilled not only the function of applying the laws of personal status unique to each community to its members, but also helped reproduce and preserve the societal distinctions.

Women's cases brought to court may have been due to the unfair shares given to them according to their indigenous communal laws of inheritance. According to the Islamic law of inheritance, women were guaranteed shares in inheritances not allowed, for example, in Jewish law, let alone eighteenth-century English law. Jewish women could not divorce their husbands according to Jewish law; Jewish daughters received considerably less than Muslim daughters in inheritances at the same time when many Jewish women engaged in commerce and were parties to various business transactions (Steinsaltz 1976, pp. 133, 140). We would expect Jewish women, not an insignificant population in eighteenth-century Galata, to appear in the Islamic court to register and to seek shares of inheritances not allowed by Jewish law. Jewish women did not appear in our sample, however. Another study on the Jews in eighteenth- and nineteenth-century Istanbul (Gerber 1982, p. 31) notes that Ottoman Jews used the Islamic courts in settling mostly commercial disputes, not personal law; it lists only one inheritance case whereby the sons of the deceased declared before the judge that they had all received their fair shares in the inheritance and that there were no other claimants.<sup>17</sup> Perhaps Galata Jews took their cases to courts elsewhere, or,

<sup>17</sup> Gerber also mentions that during the same period, Ottoman Christians brought to the Islamic court cases concerning marriage and conversion.

more likely, the silence in our sample may display the effective social control of the Jewish communal leaders over their members, one not displayed to the same degree by the Armenian and Greek communal leadership. Until 1908, the Jewish court was located in a synagogue in Balat, across the Golden Horn from Galata. The chief rabbi in Istanbul during our earliest sample of 1729 was Samuel Levi, a rabbi of notable distinction whose communal presence may have prevented the Ottoman Jews in the area from bringing their cases to the Islamic court (Galante 1985, p. 247). Furthermore, the chief rabbi was sometimes the judge at the *bet din*, i.e., the leader of the law court, whose authority was so great that "it could even enforce (itself) on those who wished to withdraw from the court" (Galante 1985, p. 221).

Additional evidence on the tension between the power of the religious authorities to induce and maintain order in their community and that of the individual to avoid it comes from the Jewish community of Izmir. Haim Falaji, a nineteenth-century rabbi, cries out that "there is no power in the hands of the rabbis," because the Ottoman Jews avoid the decisions of the Jewish court (Barnai 1982, p. 59). He further laments the "chaos" that ensues as individuals "do what their hearts desire" and end up evading payment of their share of the community's tax obligation to the Ottoman authorities (Barnai 1982, p. 60).<sup>18</sup> The communal order was rent as the rabbis could not impose their will. Still, they were able to force, though in the end to no avail, all members of the community to sign an agreement not to go outside the authority of the *bet din* or risk excommunication.<sup>19</sup>

The condition of the leadership of the Ottoman Greek and Armenian communities was much different during this period. According to Papadopoulos (1990, p. 59), the Greek community was experiencing a crisis in authority, which led, after 1763, to "the loss of the effective authority of the Patriarch, and the reduction of the authority of the officials to insignificance." This rupture would have certainly allowed and encouraged the Ottoman Greeks to seek justice in the Islamic courts. Less is known about the Armenian patriarchate, although one can conjecture that a similar crisis might have also occurred within non-Muslim communities due to the increasing tension

<sup>18</sup> This was also from the pen of rabbi Haim Falaji in 1848.

<sup>19</sup> Barnai, p. 58.

between the clergy and lay persons in assuming communal leadership during the course of the eighteenth century.

In addition to the minority community structures which affected the boundaries of their members' recourse to justice, communal cultural practices also played a significant role. For instance, all women, regardless of religion, chose to convert the business shares they inherited from their husbands or fathers into cash capital. Zaghîb daughter of Arakîl (14/493, #63), upon inheriting the barbershop<sup>20</sup> of her son the Armenian barber Hovhannes son of Nizar, had the barber implements sold immediately. Similarly, the wealthiest Muslim woman in the 1729 register, Emine daughter of Mehmed Agha (14/269, #155), owned half a share of a grocery store. Both women probably cashed their inherited shares and invested the proceeds in moneylending or real estate. One scholar (J. Marcus 1992, p. 103) explains this conversion of artisanal goods and business shares into immovable assets such as real estate or liquid resources such as capital in terms of their location within the social structure.<sup>21</sup>

(iii) Legal Space: Ottoman Women in Islamic Courts. Since, as Foucault contends (1984, p. 87), "the exercise of power has always been formulated in terms of law," an analysis of the legal system often provides insights into the social practice of power. Hence, the legal space created around women often signifies the relative position of women within society at large. In the context of Ottoman women, the legal structure of the Empire captures the viable theoretical framework within which women participated in society. The findings of scholars such as Faroqhi, Jennings, and Gerber for the Ottoman courts in Ankara, Kayseri, and Bursa document the agency of women in the Ottoman legal system. For instance, Jennings' findings (1975, pp. 59, 114) for seventeenth-century Kayseri indicate that women used the courts "confidently," coming to court at their own convenience, and regularly representing themselves. Similarly, Gerber (1980, p. 233) demonstrates that in seventeenth-century Bursa, women "appeared in court in person and pleaded their cases freely." Yet the social boundaries of this agency are still unclear; it is in this context that we generate the concept of legal space. We argue that Ottoman

<sup>20</sup> The barbershop was licensed in the guild as "half a share."

<sup>21</sup> She further argues that women thus transferred their assets from a male to a female form; the female form was partible and readily convertible (i.e., from land to jewelry and clothes), and also available to circulation by gift, loan, and inheritance within the female domain.

women's material life, property, and possessions need to be analyzed within the parameters set by the legal structure which, although defending the material wealth and legal shares of women, nevertheless promoted a gendered vision.

In the registers analyzed, the inheritances of Ottoman women indeed revealed significant differences in material life, property, and possessions. For instance, the Muslim widow Ümmühan daughter of Abdülmalik (14/268, #93) owned merely 429 akçes in material goods at her death in 1729, therefore living very differently from the married Greek woman Maryule daughter of Nikola (14/493, #16), who possessed goods worth 135,600 akçes at the time of her death in 1788. Similarly, the (Armenian) wife of a translator to the Italian embassy, Marcelir daughter of Rubusian (14/395, #162), inherited over 400,000 akçes from her husband's estate of 1,700,000 akçes. This included ten fur coats whose value alone exceeded the sum total of one-third of non-Muslim inheritances that year; she certainly lived a different life from Emine Hatun, the wife of a Muslim itinerant coffee seller (14/395, #65).

To the Muslim judge, and the Ottoman state which legitimated his decisions, the primary identity of the complainant was gendered, a difference structured by the Islamic law of inheritance. The judge enacted the Islamic law which formulated and reproduced a patriarchal structure by arguing that males continue the family line and thus needed the economic wherewithal to do so, thereby bestowing upon them "the equivalent of the portion of two females" (*Quran* 4:11). Accordingly, the Muslim judge applied this gendered ruling to all Ottoman subjects who came to court, Muslim and non-Muslim alike. Hence, for instance, when the Muslim judge of Galata's court partitioned the inheritance of Ayşe Hatun daughter of Osman (14/493, #152), he apportioned 37,102 akçes to the son Hüseyin, whereas the daughter received only half that amount. When non-Muslims brought such cases to the Islamic court, their cases were judged according to the Islamic laws of inheritance, with women thereby receiving half the share of the men. For instance, when the Greek butcher Simo son of Kiryago died (14/493, #24) leaving an estate worth 16,320 akçes, his wife Katyana daughter of Dimitri only inherited 1,959 akçes, whereas 13,719 akçes went to the minor son Kiryago. Katyana was the wife of Simo and bore his child, yet she received only about one-seventh of what the boy inherited, a share required by Hanafi jurisprudence. The fact that the prepubescent

son was "awarded" so much more of the inheritance than his mother was ameliorated by the fact that the mother was assigned as legal guardian over the son and his inheritance; it was her duty to handle the estate judiciously.

What insights do the inheritance registers provide into Ottoman women's experience? It is often the context within the text that captures the agency of women. For instance, one record conveys the life chances of Bilaş the daughter of Todori, who remained in Trabzon with her minor son, Yorgi, as the tailor father and husband, Joseph son of Constantine, attempted to establish himself in the capital (14/493, #7). Upon the death of Joseph, however, the son received 5,649 akçes and Bilaş 726 akçes, both of which claims were sent to Trabzon. This labor migration pattern evinced through the inheritance registers sent many married men to the capital to earn a living, and also highlighted the wives and mothers who remained behind to take care of the family. Those women who were at the capital often engaged in financial transactions, sometimes more successfully than their male counterparts. Even more telling is the story of four women, Lalab, Huri, Hanım, and Suhuman, in the inheritance record of the Armenian razor-maker<sup>22</sup> Sahak son of Abraham (14/493, #43), who filed claims on the inheritance as Sahak's creditors. The court record reads in part:

[I]n the city of Galata domiciled in Sultan Beyazid neighborhood, the razor-maker Sahak son of Abraham perished in unbelief with debts which were greater than his estate . . . in accordance with Islamic law, his inheritance is limited to his wives, Lalab daughter of [illegible] and Huri daughter of Artin, and his sister from the same father, Hanım, and his sister from the same mother, Suhuman. The aforementioned Lalab and Huri and Hanım and Suhuman are mentioned as creditors in claiming and requesting the registration and paying the debt of the estate of the aforementioned perished one.

Hence the four women, two wives and two sisters, who are the inheritors, also come to court as creditors, illustrating the range of choices available to them in pursuing legal matters.

The social boundaries set upon Ottoman women's experience are also present in the text of the inheritance registers, however; the language employed in the court records reflects and reproduces the status of women in the social hierarchy of eighteenth-century Galata. The systematic employment of certain language was crucial in deter-

<sup>22</sup> The Ottoman term is *ustura*.

mining and reproducing the symbolic boundaries of gender within the Ottoman Empire. At the same time that judges upheld the customary rights of women, they did so by utilizing language and categories which reconfirmed and normalized women's status within the social structure. Although women appeared in court, had property rights, and owned substantial amounts of valuable goods, the court language privileged the societal status of men and Muslims over women and non-Muslims. In the texts, a Muslim man was most often given honorifics such as *hacı efendi*, and Muslim women were referred to as *hatun*, "ladies." Non-Muslim men were referred to by occupation, and non-Muslim women by their husbands' social standing. The texts did not use such terms for pejorative or derogatory reasons, but repeated and reproduced the societal hierarchy and segmentation. More specifically, the first couple of lines forming a Muslim woman's inheritance refers to the woman as "one who had been living or dwelling in a certain neighborhood (*sakine*)." This is followed by the woman's name with the honorific title "lady (*hatun*)," who, the text then explains, "God drew back to Himself (*vefat eden*)." In contrast, the first two lines of a non-Muslim woman's inheritance read as "one who had settled in a place (*mütemekkine*)." This is succeeded simply by the name of the woman without any honorific titles, who, the text then explains, is one who "has perished in unbelief (*halike olan*)." Hence there is a systematic difference in the way language is used to refer to a Muslim as opposed to a non-Muslim, a difference that also extends to males. The reference to gender is also different across religious lines among men; in the case of the inheritance of a Muslim woman, the document states that "it has become evident in accordance with Islamic law that her inheritance is limited to her husband who is the son of a certain man (*ibn*)," whereas the text for a non-Muslim woman reads that "[the inheritance] is limited to her husband, child of a certain man (*veled-i*)." Hence religious and gendered identities often intersect to provide different noun and verb usages which reflect that it was not the material differences in women's wealth, but the socially imposed gender and religious differences that the Islamic court language emphasized.

In conclusion, it was the combination of women's interpretation of the legal, physical, and communal space which determined the social boundaries of women's experience in Ottoman society. The elements of gender and religion often intersected with living arrangements, law, and language to give meaning to this experience.

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