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MUSLIM WOMEN IN THE LOCAL SOCIAL LIFE  
OF THE OTTOMAN EMPIRE IN THE 16th–18th CENTURIES

The European descriptions of Muslim women in the early modern era centred on their family and sexual life. The prominent position was given to the descriptions of harems. Travellers, since their earliest contacts with Islam up till the 20th century, had tried to penetrate their secrets either themselves, or with the help of their female messengers. The harem was an embodiment of the unknown, exotic, strange. It symbolized two most important features of the Orient: sensuality and coercion. Although specialists realized that the harem had extra-Muslim roots, for the majority it remained a symbol of this religion. Therefore, in the early modern era, marked by struggle against and fear of the most powerful and closest Muslim state — the Ottoman Empire — it aroused both resentment and lively curiosity. Besides, the Ottoman world until the 18th century had not been treated as an area dominated by an underdeveloped civilization. Islam was, side by side with Judaism, a rival of Christianity. It was regarded as one of the three great religious systems. Hence the harem was not an invention of simpletons, but an alternative form of the organization of private life. In the era of Enlightenment this institution acquired a new sense. It became an evident symbol of the degradation of the Muslim world. It showed that the Muslim society was not able to organize its family life in a civilized way, and this had its fatal consequences for its internal and external policy. Due to these features the harem aroused interest not only in the 16th–17th, but also in the 18th century<sup>1</sup>.

Much less attention was devoted to the participation of Muslim women (apart from those from the Sultan's family) in

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<sup>1</sup> B. Melman, *Women's Orients: English Women and the Middle East*, London 1995, pp. 59–63.

public and economic life and their role in the local communities of the Ottoman Empire. This subject did not arouse the interest either of the early modern authors who described the Middle East, or later historians. This situation changed in the 1970s with the development of gender studies concerning the Middle East. A turning point came when, besides earlier works devoted to women from the Sultan's family<sup>2</sup>, there appeared Ronald Jennings's article. The author presented the situation of the Ottoman women who did not belong to the central élites on the basis of the court records of Kayseri (1,800 cases of the years 1600–1625) and other towns of Anatolia<sup>3</sup>. He showed the participation of women in economic and social life. He emphasized their right to the independent acquisition and management of property. He proved that they knew and exacted their, not seriously limited, rights in family, social and economic life. The publication of this study broke down the stereotype of the Islamic woman as a property of her father, brother or husband. By the example of the Ottoman Empire Jennings showed that there was an Islamic state which allowed a woman to enjoy many rights and freedoms.

Jennings's idea found a group of followers. They developed the source basis of their studies, enriching it by other kinds of administrative documents, among others the *kanunname*<sup>4</sup>, books of complaints<sup>5</sup>, collections of *fetvas*<sup>6</sup>, books of *vakyf*<sup>7</sup> and various types of registers (*defterler*)<sup>8</sup>.

<sup>2</sup> Ç. Uluçay, *Harem'den Mektuplar*, Istanbul 1956; idem, *Padışahların Kadınları ve Kızları*, Ankara 1980; U. Bates, *The Architecture Patronage of Ottoman Women*, "Asian Art" vol. VI, 1993, pp. 50–65 (text from 1978); I. Dengler, *Turkish Women in the Ottoman Empire*, in: *Women in the Muslim World*, ed. N. R. Keddie, B. Baron, Cambridge 1978.

<sup>3</sup> R. Jennings, *Women in the Early 17th Century Ottoman Judicial Records: The Shari'a Court of Anatolian Kayseri*, "Journal of the Economic and Social History of the Orient" (henceforward: JESHO), vol. XVIII, 1975, N° 1, pp. 53–111.

<sup>4</sup> *Kanunname* are collections of laws published in the name of the Ottoman Sultans since the second half of the 15th century. Regulations might concern the whole of the Empire or only individual provinces. The *kanunname* contained both regulations resulting from Shari'a, and those that did not comply with them.

<sup>5</sup> The books of complaints (*şikayet defterleri*) contain appeals of the Ottoman subjects to the Sultan's court. Since the middle of the 17th century every taxpayer living in the Empire had a right to appeal to this court.

<sup>6</sup> *Fetvas* were legal opinions issued by the most outstanding lawyers (in the Ottoman Empire, e.g. *şeyhülislams*). They consist of two parts. The question of the applicant is followed by the answer of the legal authority. The Hanafi school did not accept them as a general norm. They applied to a single case. They could apply to a bigger group of persons if they were entered in the *kanunname*.

The growing number of studies and source editions concerning the life of women in the Ottoman Empire makes possible a better understanding of their role in the society of that state. It also allows us to look more critically at the European accounts concerning this issue. The purpose of this article is to show the present state of research concerning the participation of women (apart from those from the Sultan's family) in the local social life in the Ottoman Empire and to compare it with the picture emerging from the previous European sources.

I have confined my subject to the religious rights and duties of the Muslim women, their position before the Ottoman courts of justice and their most important functions in the local communities.

#### WOMAN AS A BELIEVER IN ISLAM

According to the *Koran* woman is a member of the Muslim community. Just like man she should choose the right faith and persist in it (33:35; 16:97; 40:40; 57:19; 33:35; 9:71–72<sup>9</sup>), fulfil the duties required by her religion such as fasting (33:35), alms-giving (9:71; 33:35; 57:18) and prayer, contribute to and care for the weal of her community and obey its leader (60:12). For breaking the law women were threatened by definite types of punishment during their life on earth, and for complying with it they would be rewarded in after-life (16:97; 40:8; 40:40)<sup>10</sup>.

The religious equality of women was not obvious to foreigners. Jean Dumont<sup>11</sup> thought it necessary to emphasize that other

<sup>7</sup> The registers of the *wakıfs* (religious or family foundations) contain data concerning the person of the founder, the object and the beneficiaries of the foundation and the person of the administrator.

<sup>8</sup> On the kinds of *defters* cf. D. Kołodziejczyk, *Podole pod panowaniem tureckim. Ejalet Kamieniecki (Podolia under the Turkish Dominion. The Kamieniec Ejalet)*, Warszawa 1994, pp. 24–25.

<sup>9</sup> Quotations from the *Koran* are taken from Józef Bielawski's translation (*Koran*, ed. J. Bielawski, Warszawa 1986). Numbers in brackets relate to the numbers of the *sura* and verse.

<sup>10</sup> For woman's rights and duties in Islam cf. B. Freyer Stowasser, *Women and Citizenship in the Qur'an*, in: *Women, the Family and Divorce Laws in Islamic History* (henceforward: WIH), ed. A. El Azhary Sonbol, Syracuse 1996, pp. 23–38; E. Machut-Mendecka, *Kobieta bez zasłony. Muzułmanka w świetle wiary i kultury (Woman without a Veil. Muslim Woman in the Light of Faith and Culture)*, in: *Być kobietą w Orientcie*, ed. E. Machut-Mendecka et al., Warszawa 2001, pp. 18–33.

<sup>11</sup> Jean Dumont (1667–1726) left a detailed description of his journey over the Levant which he made in the years 1690–1692.

European authors were mistaken in their thinking that the Muslims denied a woman had a soul<sup>12</sup>. Also the fate of Muslim women in after-life aroused some doubt (George Sandys<sup>13</sup>, Lady Mary Wortley Montagu<sup>14</sup>).

The later development of the Muslim law and ethic produced various solutions concerning the life of women. The *Koran* was interpreted in various ways, also various collections of the hadithes were held to be orthodox. Therefore it is difficult to present a catalogue of rights and duties common to all the Muslims. Hence the ideal of a woman-believer also varies. I will present the main debatable points below.

#### THE PARTICIPATION OF WOMEN IN PRAYERS, PILGRIMAGES TO MECCA AND IN THE STRUGGLE AGAINST THE INFIDELS

The problem of women's participation in prayer was not clear. In the first years of the community's existence women prayed together with men. They were then recommended to stay at the back of the mosque in simple clothes, so as not to tempt men. In time, special screened places were created for women in the mosques. At the same time there was a tendency to make women stay at home for prayer.

In the Ottoman Empire the freedom of taking part in prayer as well as of moving around depended on the woman's age. According to one of the *fetva* of the most outstanding *seyhülislam* Ebüsuud (1545–1574) this right belonged to the older, hence unattractive women, while it was denied to the younger ones<sup>15</sup>.

Women were allowed to travel to the sacred places, but only under the protection of a male relative. Ebüsuud confirmed that a husband was not allowed to hinder his wife from taking part in

<sup>12</sup> J. Dumont, *Voyages de... en France, en Italie, en Allemagne, à Malthe et en Turquie*, vol. III, Paris 1699, p. 176.

<sup>13</sup> G. Sandys, *A Relation of the Journey Containing a Description of the Turkish Empire. Of Aegypt, of the Holy Land, of the Remote Part of Italie and Islands*, Amsterdam 1973, p. 58; in this book the author included his impressions of his journey over Europe and the Middle East in the years 1610–1615.

<sup>14</sup> M. Wortley Montagu, *Turkish Embassy Letters*, ed. M. Jack, A. Dasei, London 1993, pp. 100–101; 109–110; the author accompanied her husband — the English ambassador to the Sublime Port in the years 1717–1718. She put her observations and reflections on her stay in the Ottoman Empire in the form of scandalizing letters which were published after her death (1763).

<sup>15</sup> L. Peirce, *Seniority and Social Order: The Vocabulary of Gender in Early Modern Period*, in: *Women in the Ottoman Heritage* (henceforward: WOH), ed. M. Zilfi, Leiden 1997, p. 170.

such religious expedition. Despite the regulations Juwayriya, daughter of Hasan, belonging to the merchant elite of Cairo, thought it necessary to include a clause in her marriage contract that she would be able to set out for a *Hajj*<sup>16</sup>.

From time to time, in court records, we can find information showing that women participated in pilgrimages, such as the title of *hacıye*<sup>17</sup>, or their last wills in which they bequeathed devotional articles connected to their journeys to Mecca or Medina<sup>18</sup>.

Europeans have noted the participation of women in the pilgrimages to Mecca. Paul Lucas met in Palestine a Tartar prince returning from Mecca in the company of some women on horseback<sup>19</sup>. Samuela Pilsztynowa described with much excitement the dangers awaiting “the Turkish women” on a pilgrimage<sup>20</sup>.

Women also participated in the local pilgrimages. There is much evidence that they visited the grave of the Prophet’s companion — Ebu Eyyüb<sup>21</sup>. This tomb is regarded by many Muslims as the sacred place of Islam that is fourth in importance after Mecca, Medina and Jerusalem<sup>22</sup>.

According to Dina Rizk Khoury, in the 18th century the women living in this area visited in great numbers the graves of the male and female descendants of Ali at Mosul. Especially

<sup>16</sup> N. Hanna, *Marriage among Merchant Families in Seventeenth Century Cairo*, WIH, p. 153.

<sup>17</sup> L. Peirce, *Morality Tales. Law and Gender in the Ottoman Court of Aintab*, London 2003, p. 82.

<sup>18</sup> C. Establet, J. P. Pascual, *Women in Damascene Families around 1700*, JESHO vol. XLV, 2002, № 3, pp. 303–319.

<sup>19</sup> P. Lucas, *Voyage dans la Turquie, L’Asie, Syrie, Palestine, Haute et Bas Egypte*, vol. II, Amsterdam 1720, pp. 22–23; the author, a physician, made journeys to the Middle East in the years 1699–1703 and 1704–1708.

<sup>20</sup> S. Pilsztynowa, *Proceder podróży i życia mego awantur (The Proceedings of My Travels and the Adventures of My Life)*, ed. R. Pollak, Kraków 1957, p. 258; the author worked as a physician in the Ottoman Empire in the 1730s and 1760s.

<sup>21</sup> Eyüp is situated in the European part of Istanbul, at the end of the Golden Horn.

<sup>22</sup> H. Inalcık, *Eyüp Sultan Tarihi Ön Arastırma Projesi*, in: *18. Yüzyıl Kadı Sicilleri Isiginda Eyüp’te Sosyal Yasam*, ed. T. Artan, Istanbul 1999, p. 2; this locality had become a fashionable place of outings for the inhabitants of Istanbul as early as the 16th century. Its inhabitants made a lot of money by offering the visitors their famous dairy and confection products. The shops with sweets became places of social meetings. In 1573 women coming to this locality were forbidden to enter such shops, since they were suspected of flirting with strangers. In keeping with the *ferman*, the shop-owners who did not observe this prohibition were penalized (E. Burcak, *Yabancı Gezginler ve Osmanlı Kadını*, Istanbul 1997, p. 33).

willingly visited were the mausolea on the outskirts of the city. This holy pilgrimage also became an occasion for a picnic. The mausolea became such a popular object of pilgrimages that their managers established special days when they could be seen by separate groups of population (women, the ulemas, craftsmen)<sup>23</sup>. This separation of the sexes was probably also aimed at preventing immoral behaviour.

The elements deciding the inclusion in the Muslim community were prayer and *Hajj*. *Jihad* was merely recommended. In Europe this term is known best in the sense of an expansive holy war against the infidels. In the period under discussion the female subjects of the Ottoman Empire did not take an active part in such a war. However, the Muslim lawyers thought that women should not be completely deprived of an influence on such an activity. According to Kadichan<sup>24</sup>, a man could not take part in a holy war without the consent of both of his parents. However, when the Ottoman sultans appropriated to themselves the privilege of conducting a holy war, it ceased being understood as an action which was a matter of personal option. In this situation the parents' theoretical right of influencing their sons' decision found no application. The right to decide on the participation of a subject in a holy war rested with the administration. Women, just like men, retained their right of participation in the *jihad* understood as self-improvement through faith. Thus they should have fought against anything that prevented their pious behaviour. In this sense we can interpret one of Ebüssuud's *fetvas* where the scholar accepted that a woman took part in a holy war if she killed her potential violator. Such an offender would force her to perform a forbidden act of an illegal sexual intercourse<sup>25</sup>.

#### COVERING OF THE FACE

Much has been written about the covering of the Muslim women's faces and the limitation of the circle of people who were allowed to see them. This custom is rooted in pre-Muslim Arabic and

<sup>23</sup> D. K. Houry, *Slippers at the Entrance or Behind Closed Doors: Domestic and Public Spaces for Muslim Women*, WOE, pp. 105–127.

<sup>24</sup> Kadichan (d. 1196) was a Hanafi lawyer of Transoxania. His collection of *fetvas* enjoyed wide recognition. The author created it so that it would be useful in solving the conflicts of everyday life. Its clear arrangement of material helped to find an answer to legal problems.

<sup>25</sup> C. Imber, *Ebu's-su'ud. The Islamic Legal Tradition*, Stanford 1997, pp. 72, 250.

Persian traditions. It does not result from the regulations of the *Koran*. According to this sacred book women are only required to wear modest clothes which would cover their beauty from strange males (24:31; 33:59). That women's faces need not have been covered is also testified by the participation of both the sexes in pilgrimages, during which the believers were required not to cover their hands and faces. Iconographic sources show that these matters found different solutions in various Muslim societies.

Whether the covering of the face and of the whole figure can be regarded as a symptom of respect and of belonging to the upper class remains an open question. To support this interpretation we may cite the privilege of the rulers (known since Sassanian times) to cover themselves from the eyes of their subjects of lower rank. Only a few chosen subjects could also enjoy the privilege of seeing the Ottoman sultan. However, the fact that a woman could not give up this privilege without losing her good name (that of a *muhaddere*), would mean that the limitation of her contacts with the external world cannot be interpreted in this way.

European travellers did not diverge from reality when they said that a woman could not show her face to males from outside her family<sup>26</sup>. They attributed this custom to the jealousy of men. This, they thought, testified to the stupidity of the Turks who due to such conduct achieved just the reverse of what they wished for. Indeed, nothing made unfaithfulness easier than the identical appearance of all women.

#### THE FREEDOM OF MOVING AROUND

Doubts can also be aroused by the division of the social space between home — the right place for a woman, and “non-home” — the place of man. The limitations to women's freedom of moving around were being justified by the quotation from the *Koran* concerning the limitation of the possibility to see the wives of the

<sup>26</sup> An exceptional description is that by Vaclav Vratislav of Mitrowice who wrote about his meeting with beautiful Turkish women. The author described with much enthusiasm the kindness and charm of the Muslim women. This meeting seems rather improbable, since he presented them as non-prostitutes — *Przygody... jakich on w głównym mieście tureckim Konstantynopolu zaznał, jako pojmany doowładczył, a po szczęśliwym do kraju rodzinnego powrocie w roku Pańskim 1599 spisał* (*The Adventures He Came across as Captive in the Principal Turkish City of Constantinople, and Which He Wrote Down after Happily Returning Home Anno Domini 1599*), ed. D. Reychmanowa, Warszawa 1983, pp. 86–87).

Prophet (33:53). It was meant to demand all the Muslim women to stay in the homes of their husbands. However, considering the specificity of the laws concerning Mohammed and his family, the extension of the norms relating to them to the whole of the community seems to have been a too far-going interpretation.

Europeans reported that women's freedom of moving around was limited. Nevertheless, they noted that in some cases they were allowed to go outdoors. The reporters perceived a close relationship between the opening of the social space into the "non-home" area and the religious duties of women.

Constantio Garzoni said that the Turks were the most jealous of men since they did not even allow their wives to go to the mosques. Some authors said that the Turks justified such behaviour by their belief that women had no soul. The Venetian, followed by many others, contended that the real reason was jealousy<sup>27</sup>. Two hundred years later a similar statement can be found in the work by Jean Antoine Guer. According to him a husband was obliged to allow his wife to go to the bath twice a week, as well as to take part in prayer at the mosque during Ramadan. However, he said, the husbands were afraid that going outdoors would be an occasion for illicit love. For this reason, if they could only afford it, they built a mosque and a bath on their own estates. This, however, was possible only for a few. Thus what was left to the poorer jealous husbands, was to persuade their wives that their souls were not immortal, hence they did not need to take part in religious rites<sup>28</sup>.

Since only few husbands could afford building their own baths, most of them had to allow their wives to use the public ones.

The central authorities realized the great temptations and dangers threatening a woman during such an expedition. To reduce the risk, Murad III forbade males gathering on the way leading to the bath<sup>29</sup>. Besides, men were fined for accosting

<sup>27</sup> *Relazioni degli ambasciatori veneti al senato*, ed. E. Alberi, series III, vol. I, Firenze 1840, p. 399.

<sup>28</sup> J. A. Guer, *Moeurs et usages de Turcs, leur religion, leur gouvernement civil, militaire, et politique*, vol. I, Paris 1746, pp. 404–408; the author, who died in 1764, worked as an attorney in Paris. Although he had never stayed in the Ottoman Empire, he left a very faithful picture of this country.

<sup>29</sup> *Osmanlı Kanunnameleri ve Hukuk Tahlilleri*, ed. A. Akgündüz, vol. VIII, Istanbul 1994, pp. 114–115.



women outside home<sup>30</sup>. Within the boundaries of the local communities (*mahalle*) many passages and bystreets were closed to strangers, which additionally protected the privacy of the inhabitants.

The baths were meeting-places for women. They were a counterpart of the male coffee-rooms. Such were the conclusions of Lady Montagu who visited the baths in Sofia and later in Edirne and Istanbul<sup>31</sup>. She maintained that extremely beautiful women, unconstrained by their clothes, used to spend four or five hours in the bath at least once a week, talking, and drinking sorbet and coffee. On this occasion they also underwent beautifying treatments performed by their female slaves<sup>32</sup>. S. Pilsztynowa also appreciated the role of the bath in the social life of women: "For there is a custom here to keep the women shut at home, they do not go out anywhere, unless with their husbands' consent, and a daughter, with her father's consent, can go to the bath and there she can see others, they can enjoy themselves, eat and drink, they can also dance and sing"<sup>33</sup>.

The example of Pilsztynowa, a Polish woman who gained new clients precisely in the bath shows that in this place a woman could not only freely talk about everyday matters, but also establish important contacts helpful in managing her own business.

#### NEIGHBOURHOOD LIFE AND WOMANLY FRIENDSHIPS

Visits to the same bath and living within the boundaries of the same *mahalle* tightened neighbourhood ties. They were an occasion for going out and visiting one's friends. They helped one in such everyday problems as a temporary lack of cash<sup>34</sup>. In 18th century Istanbul they ensured the patronage of more influential and wealthy women over the poorer ones<sup>35</sup>. They obliged one to

<sup>30</sup> *Ibidem*, vol. IX, Istanbul 1996, pp. 494-498.

<sup>31</sup> *Tis true they have no public places but the bagnios* (M. Wortley Montagu, *op. cit.*, p. 134).

<sup>32</sup> *Ibidem*, pp. 58-60.

<sup>33</sup> S. Pilsztynowa, *op. cit.*, p. 54.

<sup>34</sup> As example may serve the loan-contract, entered by Fatma, daughter of Mustafa, in one of Istanbul courts in 1612. Fatma borrowed 11 florins from Mustafa Bese, pledging her elegant dress. Mustafa's daughter Aise, who lived in the same local community (*mahalle*), obliged herself to pay off the loan if Fatma did not return it within three days (*Şer'üyye Sicilleri*, ed. A. Akgündüz, vol. II, Ankara 1988, pp. 43-45).

take part in the preparations for a wedding in the neighbourhood<sup>36</sup>. In one of his *fetvas* Ebüssuud confirmed that a woman could develop such an activity without detriment to her reputation. Sandys noted that women were allowed to visit other women<sup>37</sup>. This is also corroborated by Lady Montagu's memoirs. She reports that during her visits to women from the Ottoman élite she had an occasion to see there the female friends of the hostess<sup>38</sup>. Women did not confine the places of their meetings to their residences. Iconographic records show their common excursions by boats. According to Samuela Pilsztynowa, they used to arrange picnics. This is how she described one of them: "I had one patient, the wife of a *kafeci*, who could not see anything for several years and I, with God's grace, cured her. After the cure she paid and here in Istanbul, there is a custom to throw a *ziafet*, that is a banquet for your friend according to your possibilities, and if it is summer, it is held in an Italian garden. Hence my patient, a coffee-seller's wife, hired two coaches and got into one, and took me and her son, a lovely young boy Feysula and her married daughter with her — — In the other coach there were her two female slaves and her small children — — The guards asked who was this woman with males. The coachman said: «They hired the coaches from me». The guards did not know that this was a mother with her son and daughter and me, a doctor, but misunderstood us, thinking that her son Feysula was a bad man and we women of easy virtue. And so, without much ado, they started knocking him about — — And so my patient, the mother of Feysula, started crying bitterly and fretting, fearing to return home, for her husband, the father of Feysula, several times forbade her: «Don't take Feysula with you, for he is a big boy, and it is dangerous and unbecoming to go to the garden with him»"<sup>39</sup>.

<sup>35</sup> According to Madeline Zilfi one could observe women's solidarity, based on the similar social and ethnic background. It could be relied on in the case of a divorce or the husband's death, if a woman was deprived of the support of her own family (M. Zilfi, *We Don't Get Along: Women and Hul Divorce in the Eighteenth Century*, WOE, p. 290).

<sup>36</sup> In Sandys's relation we find the following fragment: "Many women are invited by the mother of the Bride to accompany her the night before the marriage day; whereof they spend a great part on feasting; then leade they her into a bath, where they annoynt and bath her: so breaking company they depart into severall rests, and in the morning returne to her chamber" (G. Sandys, *op. cit.*, p. 66).

<sup>37</sup> *Ibidem*, p. 66.

<sup>38</sup> M. Wortley Montagu, *op. cit.*, p. 87.

<sup>39</sup> S. Pilsztynowa, *op. cit.*, pp. 41–42.

The above story shows that women were allowed to go out, but in no case in the company of strange males<sup>40</sup>. The Sultan's regulation (*ferman*) issued in 1752 forbade common outings<sup>41</sup>. The *kafeci's* anxiety shows that even staying in the company of a grown-up kinsman was seen in a bad light, although the *Koran* allowed such contacts. Sandys made a similar remark<sup>42</sup>.

Extracts from court records and from collections of laws confirm Pilsztynowa's story. A woman talking to a man in the street might have been accused by a police chief (*subaşı*) of immoral conduct. This was punished by flogging and a fine<sup>43</sup>.

The attitude of the male Ottoman subjects staying in Europe to the local women allows us to see the difference between the situation of the European and Muslim women. Unfortunately, the sources that I know do not give an unequivocal answer to the question whether the Muslims were shocked or surprised at the position of women in Europe. Their attitude to their freedom of moving around will be here the best example.

Osman Ağa who was rarely shocked or amazed, did not comment on it. He had no problems himself in co-operating with the female servants of his owners<sup>44</sup>. Whether he was simply able to adjust himself to this situation, or took the matter for granted, remains an open question. The only woman who did arouse his

<sup>40</sup> Ignace Mouradgea d'Ohsson emphasized that the separation of the sexes restricted even the freedom of a male's movement in his house. A man wasn't allowed to enter his wife's rooms without knocking when she was receiving another woman, since this would be an occasion for seeing a strange woman's face (*Tableau général de l'Empire Ottoman*, vol. IV, Paris 1784, p. 323). Similar observations were made by Lady Elizabeth Craven who travelled to the Ottoman Empire in 1786. She said that a husband could not enter his wife's rooms if she had put out her slippers in front of her door. This Englishwoman's remark is treated in the literature as an expression of women's positive freedom — "freedom of" rather than "freedom from" (*A Journey Through the Crimea to Constantinople*, Dublin 1786, p. 303).

<sup>41</sup> E. Burcak, *op. cit.*, p. 36. This was not the first regulation of the Sultan's that prevented the mixing of the sexes that might favour immoral behaviour. Another example is the prohibition issued by Murad III in 1580 that forbade the crossing of the Bosphorus and the Golden Horn by young males and young females in one boat (L. Peirce, *Seniority and Social Order*, p. 191).

<sup>42</sup> G. Sandys, *op. cit.*, p. 65.

<sup>43</sup> Such a case was that of Emine Melek, daughter of Hüsseyin, tried by the court in Harput in 1631 (*Şer'iyye Sicilleri*, vol. I, p. 262).

<sup>44</sup> Osman Ağa, *Leben und Abenteuer des Dolmetschers Osman Ağa. Eine türkische Autobiographie aus der Zeit der grossen Kriege gegen Österreich*, ed. R. F. Kreutel, O. Spies, Bonn 1954, pp. 76–77; the author was the Emperor's captive in the years 1688–1699, and later until the 1720s held various offices in the Ottoman administration.

amazement was Elżbieta Sieniawska, because of her ability to ride a horse and to handle fire-arms<sup>45</sup>. To Hacı Ali Ağa the presence of Polish aristocratic ladies in the Royal Court was something natural<sup>46</sup>. Only Yirmisekiz Mehmed Efendi showed surprise at the presence of women in public life. He considered France to be their Paradise, since there the most distinguished men showed respect for and fulfilled the wishes of the least important ladies<sup>47</sup>. He was amazed at the crowds in the streets of Paris. He attributed it to the presence of so many women moving around. He reported that the French women were not able to take care of themselves and ran from one home of their friends' to another. He also noted that women remained outdoors for the sake of business. They sold various articles in little shops<sup>48</sup>. The pieces of information at our disposal are so few and divergent that they do not allow us to learn the Turks' opinion of the rights and conditions of life of the European women.

#### THE POSITION OF WOMAN BEFORE THE COURT IN THE OTTOMAN EMPIRE

##### 1. Woman as a Party in Litigation

A Muslim woman in the Ottoman Empire enjoyed the basic rights of preserving her health and life, practising her religion, being protected against detriment to her honour as well as possession and acquisition of property. She could defend all these values before the court of justice. In one of his *fetvas* Ebüssuud stated categorically that a husband was not allowed to restrict the rights of his wife to representing her affairs before the court personally or with the help of her lawsuit representative (*vekil*) appointed by

<sup>45</sup> *Idem*, *Zwischen Paschas und Generalen. Bericht des Osman Ağa aus Temeschwar über die Höhepunkte seines Wirkens als Diplomatdolmetscher und Diplomat*, ed. R. F. Kreutel, Wien 1966, p. 35.

<sup>46</sup> B. Kucharska, *Polska XVIII wieku w oczach tureckiego dyplomaty Hacı Ali Aği (18th Century Poland as Seen by the Turkish Diplomat Hacı Ali Ağa)*, "Przegląd Orientalistyczny" vol. XL, 1962, pp. 31-46; Hacı Ali Ağa was an envoy to the Polish-Lithuanian Commonwealth in the years 1754-1755.

<sup>47</sup> Mehmed Efendi, *Le Paradis des infidèles. Un ambassadeur ottoman en France sous la Régence*, ed. G. Veinstein, Paris 1981, pp. 73-74; Mehmed Efendi was an envoy to France in 1720, his report on his stay in this country played an important role in the process of the modernization of the Ottoman Empire.

<sup>48</sup> *Ibidem*, p. 135. In his description of the Ottoman Empire d'Ohsson (*op. cit.*, vol. IV, pp. 322-323) explained to his readers that women did not trade in the streets or in the shops. This was only done by males who sold various articles. Women could only sell things in the harems of wealthy ladies.

her<sup>49</sup>. Jennings says that in the years 1600–1625 at Kayseri 37% of women on average settled their affairs with the help of a *vekil*. Respective numbers for the same period in Karaman were 53%, in Amasya 37% and in Trabzon 49%<sup>50</sup>. A woman could also represent herself before the court as her *vekil* on her own. Most frequently she represented her children, her younger and juvenile brothers and sisters and her mother.

If a woman infringed the rights of other persons, she might be accused herself. Her position before the court of justice was similar to that of a man. She was allowed to lodge her complaints in the court of justice personally or through her representative, or to rejoin in the same way the claims lodged against her<sup>51</sup>. In the years 1699–1750 at Konya women were plaintiffs in 35% of cases<sup>52</sup>.

Women were also parties in the contracts entered into the court's registers. In the judicial registers examined by Jennings 19% of the cases concerned at least one woman.

A woman as a party in litigation could avail herself of the same evidence as man. The witnesses gave evidence, the experts pronounced their opinions, her neighbours informed on her, and the visit to the scene of crime was carried out in her favour or disfavour. Her oath was taken into consideration just as the oath of a man<sup>53</sup>.

## 2. Other Functions of a Woman in the Court of Justice

Women were not allowed to hold any court offices. They were not encountered, either, among the members of the local community who controlled the work of the courts (*şühud ül-hal*).

The word of a woman as a witness counted for half the value of the word of a man. Besides, women could not be the only witnesses. In a majority of cases the testimony of two persons was required. Thus, if one of them was a woman, her testimony had to be confirmed by two men or a woman and a man. In the case when a woman's testimony was necessary and she did not

<sup>49</sup> L. Peirce, *Morality Tales*, p. 153.

<sup>50</sup> R. Jennings, *op. cit.*, p. 60.

<sup>51</sup> The case tried at Beşiktaş in 1755 shows women in both roles. The proceedings were opened by Amire. She claimed from Şerife Hatice Hatun 128.5 of 160 *kurushes* the latter owed her for various materials (*Şer'iyye Sicilleri*, vol. II, p. 3).

<sup>52</sup> H. Erten, *Konya Şer'iyye Sicilleri Isiginda Allenin Sosyo Ekonomik ve Kültürel Yapisi*, Ankara 2001, p. 74.

<sup>53</sup> *Şer'iyye Sicilleri*, vol. II, p. 224; this was also noted by Jean Dumont, *op. cit.*, vol. III, pp. 201–204.

want to appear before the court, the *kadî* sent to her an official who accepted her testimony, without seeing her face or figure.

A woman could be summoned as an expert (*ehl-i vukuf*). In the cases known to me woman-experts expressed their opinions only on matters connected with the sexuality of the accused or the victim. A good example here would be the case of Kerime, the daughter of Husseyn, who divorced her husband. In 1686/1687 she declared before the court in Bursa that she was pregnant. She sued her ex-husband for the maintenance of her and her child. The husband refused, denying that she could be pregnant. The *kadî* appointed as an expert Fatma, the daughter of Mehmed, who confirmed that Kerime was expecting a baby. The *kadî* ordered her husband to pay 10 *akçe* daily for the maintenance of the child and his ex-wife<sup>54</sup>.

### 3. Punishment in the Cases Prosecuted by the State

According to the *Koran* if a woman committed something forbidden, her punishment should be the same as that of a man. However, in practice this was not always the case. This was principally a result of the Ottoman law where severe Koranic punishments were retained only for two of the five crimes defined by the *Koran* (apostasy and highway robbery). More lenient punishments that were also more profitable for the state treasury were proposed for theft, illegal sexual intercourse (*zina*) and false accusation of illegal sexual intercourse. These offences were punished by a fine and public labour or flogging and imprisonment. The size of the first two punishments was adjusted to the possibilities of the offenders. The example of punishment for *zina* and false accusation of *zina* may serve us to show that the size of the fine depended on the financial status of the defaulter. Murad the Third's *Kanunname* regulated this question in the following way:

“If somebody commits *zina* and it is confirmed, if he is wealthy let him [pay] 1000 and if he is short of means let him pay 400 *akçe*; if he is of the middle estate (*vasat'ul-hal*), let him pay 100 *akçe* fine.

If the person who commits *zina* is a youth (*ergen ve bay*), let him pay 100 *akçe*, if he is of the middle estate — 50 *akçe*, and if he is poor — 40 *akçe*.

<sup>54</sup> N. Abacı, *Bursa Şehri'nde Osmanlı Hukuku'nun Uygulanması (17. Yüzyıl)*, Ankara 2001, pp. 121-122.

If the person who commits *zina* is an unmarried girl (*kız*), let her pay as much as if she were a youth.

If *zina* is committed by a married woman (*avret*), the fine will be paid by her husband; if he accepts her anew, he will pay 100 *akçe* fine for [consenting to] being deceived.

If those who commit crime are male or female slaves, let them pay half of the freemen's fine.

If *zina* is committed by a juvenile person, then, to protect his father from a loss, the offender should be flogged, but no fine taken<sup>55</sup>.

The above fragment shows that the size of the fine for adultery also depended on the civil status and legal capacity of the offender. The offender's sex was of no consequence, apart from the case of a married woman. In such a case the fine was paid by her husband.

In the case of other offences, like a public fight of a woman against another woman, the legislation of Suleiman the Magnificent allowed the husband to administer the punishment to his wife himself. Such a legal solution was, however, applied only when the wife had a good reputation (was a *muhaddere*). In such cases it was the husband who suffered the punishment of a fine and humiliation in public, and the woman avoided public flogging<sup>56</sup>.

The above examples show that there were some differences between the punishments administered to females and males. This was the result of the transference of some of the ruler's rights to the male. This even concerned the questions the solution of which was presented in the *Koran*. It should be noted, however, that in the majority of cases women and men suffered the same consequences.

#### 4. Execution of Civil Judgement

On the basis of the book of complaints we can see that at least some women took advantage of any possible legal means to get

<sup>55</sup> *Osmanlı Kanunnameleri*, vol. VIII, pp. 112–113. Similar regulations are contained in the *kanunname* of Selim I and Ahmed III (*Osmanlı Kanunnameleri*, vol. IX, p. 494).

<sup>56</sup> "If women come to blows and tear each other's hair or beat each other severely — if they are not veiled ladies (*muhadderat*), [the *cadı*] shall chastise [them] severely and a fine of one *akçe* shall be collected for every two strokes; if they are veiled ladies [the *cadı*] shall threaten their husband and a fine of 20 *akçe* shall be collected" (U. Heyd, *Studies in Old Ottoman Criminal Law*, Oxford 1973, p. 109); L. Peirce, *Morality Tales*, pp. 159–160.

and exact a favourable court judgement. Some of them even appealed to the Sultan's court of justice. Hans Georg Majer says that in the book of complaints of 1675 5% of the lawsuits were brought by women. Fariba Zarinbaf-Shahr has calculated that in the years 1680-1706 they lodged 8% of the totality of complaints<sup>58</sup>. Research into the court registers does not provide, however, an answer to the question what percentage of women who were parties in the legal proceedings held in the local courts decided to venture an expensive and difficult appeal to the capital. We do not know, either, how many complaints of that kind found favourable settlement.

A large number of women pleaded their causes by themselves, and this seems to testify that if the actions had been brought by their families this would not necessarily have guaranteed the execution of the judgement. Leslie Peirce and Nurcan Abacı suggest that in the execution of a judgement of basic significance was the support of the community and the condemnation of the evil-doer by society at large<sup>59</sup>. According to Ronald Jennings the disputes over property in Kayseri can serve us to show that women really vindicated their own rights. An especially large number of cases concerned the execution of the rights resulting from *shari'a*, but not only those<sup>60</sup>.

#### WOMEN'S FUNCTIONS IN THE LOCAL COMMUNITIES

##### 1. Women's Work and Professions

The *Koran* as well as the later legal teachings clearly state that a woman need not in any way contribute to the maintenance of the home. This is solely the task of a man.

Most Europeans were of the opinion that a free Muslim woman indeed did no work. Sandys wrote: "All that is required at their hands is to content their husbands, to nurse their own children, and to live peaceably together"<sup>61</sup>.

Many observers thought that a Muslim woman even had no duties in the household. Most of housework was done by slaves.

<sup>57</sup> H. G. Majer, *Einleitung*, in: *Das Osmanische "Registerbuch der Beschwerden" (Şikayet Defterleri) vom Jahre 1675*, vol. I, Wien 1984, pp. 13-23.

<sup>58</sup> F. Zarinbaf-Shahr, *Ottoman Women and the Tradition of Seeking Justice*, WOE, pp. 253-263.

<sup>59</sup> L. Peirce, *Morality Tales*, p. 166; N. Abacı, *op. cit.*, pp. 202-204.

<sup>60</sup> R. Jennings, *op. cit.*, p. 98.

<sup>61</sup> G. Sandys, *op. cit.*, p. 67.



This aroused both admiration and indignation. Jean Antoine Guér wondered whether the loss of freedom and the necessity to spend their lives doing nothing indeed made women happy. Definitely not — he said. Lady Montagu and Lady Craven appraised such a division of roles very favourably. The first left some enthusiastic descriptions of harems where beautiful, elegant and well-educated women could relish the pleasures of life or devote themselves to religious contemplation. Lady Craven expressed her enthusiasm as follows: “I think I never saw a country where women may enjoy so much liberty, and free from all reproach, as in Turkey — — The Turks in their conduct towards our sex are an example to all other nations. The husband works hard, while his wife sits home with jewels”<sup>62</sup>. These observations concerned the élite and the upper middle class. They give a wrong impression that only female slaves did work.

## 2. Weavers and Seamstresses

In 1612 in Istanbul Abdülkerim, the son of Mehmed Beg, accused Melik, the daughter of Haydar, of not paying him for the linen worth 1470 *akçe*. The woman admitted she took the linen cloth worth 1370 *akçe* and 5 *okka* of linen priced at 100 *akçe*, in order to earn the living of her daughter<sup>63</sup>.

Despite the lack of essential information about the details of Melik’s business dealings and her personal situation, this entry in the court register is extremely valuable. It provides information about a Muslim woman who earned her own and her child’s living herself and who used a considerable capital in her economic dealings<sup>64</sup>. It can be surmised that she either sewed herself or commissioned this work from others.

Sewing and weaving were one of the basic ways of earning money by women. Although the crafts and commerce were managed by the guilds who did not admit women and tried to stifle the competitors who were not their members, the female subjects of the Ottoman Empire held their ground in the labour market in this field. According to Haim G e r b e r, in Bursa, one of the major textile centres, there was a widespread system of outwork: 150

<sup>62</sup> E. Craven, *op. cit.*, p. 270.

<sup>63</sup> *Şer’iyye Sicillert*, vol. II, p. 13.

<sup>64</sup> For comparison: at that time a day’s wages of an unskilled worker in Istanbul was about 12–14 *akçe*, a *kile* (about 24 kg) of flour cost 22 *akçe* (S. P a m u k, *Istanbul ve Diğer Kentlerde 500 Yıllık Fiyatlar ve Ücretler 1469–1998*, Ankara 2000, pp. 43, 69).

in 300 well-known workshops were run or owned by women, and 20 in 123 women known from court register entries were engaged in craftsmanship, most frequently weaving. The authorities supported this activity of women. The Sultan granted them the privilege of selling silk thread made at home in any place in town. They did not have to pay a tax. The local guild was not able to change this regulation.

Gerber's study shows that women had a large share in one of the most important branches of production in the Ottoman Empire. Also in other court registers known to me I came across mentions of the economic activity of women connected with the production of textiles or sewing.

### 3. Farming

European travellers did not devote much attention to peasants. Nor did they mention women's work on the farm. As I have already said, the opinion prevailed that women did no work.

The Ottoman sources show that women were concerned with farming as owners of gardens and arable land as well as co-workers on the family farms. In the first case their role consisted in managing their property. Land was not the basic kind of real estate owned by women. In comparison to their male relatives they were considerably handicapped in their inheritance rights to it<sup>65</sup>. If, however, they came into possession of land, they soon sold it. The court registers show that women much more frequently sold land and other kinds of real estate than bought them. Women preferred to invest in houses, rather than in land. We know only a few examples of the acquisition of real estate, or land, by women<sup>66</sup>. Also religious foundations established by women show that arable land constituted a minor percentage of their property.

Despite the tendencies in land turnover outlined above, there were some cases when women bought big farms, and retained or

<sup>65</sup> For more information on women's inheritance rights see: *Osmanlı Kanunname-leri*, vol. VIII, pp. 115–117; vol. IX, pp. 100–107, 443, 506–507; *Padışahlar Kanunnamesi (Kitabın el yazmasıdır)*, ed. H. Tüncer, Ankara 1997, pp. 1–27; H. Reindl-Kiel, *A Women Timar Holder in Ankara Province During the Second Half of the 16th Century*, *JESHO*, vol. XL, 1997, N° 2, pp. 207–231; *An Economic and Social History of the Ottoman Empire*, ed. H. Inalcık, D. Quataert, vol. I, Cambridge 2000, pp. 104–142.

<sup>66</sup> *An Economic and Social History of the Ottoman Empire*, vol. II, Cambridge 2000, p. 600.

managed this type of real estate when they inherited it. Statistics show, however, that this happened rarely.

It could be expected that women played a much more important role as co-workers on the family farms. However, in the court registers known to me I have encountered few mentions of women's work on the farm<sup>67</sup>. This is due to the specificity of this type of sources where we find few entries concerning country people at any rate. More reliable information concerning the role of women's work on the farm can be found in tax regulations in the local *kanunname*.

The basic type of land tax, apart from the tithe, was the duty for the use of a unit of land, the so-called *çiftlik*. This tax (*çift resmi*) arose from the combination of the land tax and labour due to the feudal seigneur, turned into a pecuniary rent. In the case of property smaller than half the basic land unit the size of tax in a given *sancak* depended on the manpower of the tax-payer<sup>68</sup>. According to these principles a married man (*bennak*) paid a different tax from an unmarried man (*mücerred* or *caba*). In the books of law of Selim I and Ahmed I a *mücerred* was burdened with the tax of 6 *akçe*. If he got married, he had to pay 12 *akçe*<sup>69</sup>. I am not able to say whether such a growth of tax equalled the value of a woman's work. It seems, however, that it must have reflected it to some extent.

#### 4. Other Professions of Women

##### 4.1. Teaching

Islam, as we have shown above, imposed similar religious duties on women as on men. Thus it would seem that in the field of religious education women should have access to the best educated experts, that is males. This may be suggested by the story from the life of the Prophet who met with women to explain to them the secrets of faith. In the early period of Islam we encounter examples of women engaged in creating this religion, for example the mystics or those who preached the *hadith*.

<sup>67</sup> *Şer'îyye Sicilleri*, vol. II, p. 126.

<sup>68</sup> *An Economic and Social History of the Ottoman Empire*, vol. I, pp. 150–151.

<sup>69</sup> *Kniga zakonov*, p. 41; *Osmanlı Kanunnameleri*, vol. IX, pp. 504–505. For comparison: the tax on the *çiftlik* amounted to 30–42 *akçe*, depending on the territory.

In the second half of the 11th century in Baghdad there arose the institution of *medrese* as the basic educational and scholarly unit. The idea of such a system of education soon became widespread in the Islamic world. Women were not admitted to it either as teachers or students. Nevertheless, they played an active role as founders and administrators of such institutions in the Caliphate, the Mameluke State and the Ottoman Empire. Although they did not take part in the scholarly activity of the *medrese*, many were highly educated. In the Ottoman Empire this is testified by the works of such poets as Mihri Hatun (d. after 1515)<sup>70</sup> and Fitnat Hatun (d. 1780); theologians such as Piri Hanım (the grandmother of the famous *şeyhülislam* Feyzullah) or mystics such as Asiye Hatun of Skopje, associated with the *Halvetiye* order (17th century). In the 16th–18th centuries copies of the *Koran* or other religious works appear from time to time in the transactions and testaments of women from outside the central élites. It can be optimistically assumed that even if they inherited them, they read them as well<sup>71</sup>. Such an assumption would let us accept that at least some of them could read.

In what way they acquired this skill remains an open question. Was the aid of teachers not belonging to the family available outside the framework of the *medrese*? One might suppose that in wealthy families the daughters could receive elementary education together with their brothers, if a teacher was hired for them.

A problem that is less clear is the participation of women in self-educational circles outside the *medrese*. In the Seljuk State the great mystic and religious authority Celaleddin Rumi held at least one meeting precisely for women. Jonathan Berkeley has shown by the example of educated women from the medieval Mameluke élite that such education was possible. Women not only could be found among the students, but also gave instructions themselves. It seems that the educated Muslim women more frequently imparted their knowledge to female than male pupils. Even when religious education was at stake, the moralists, e.g.

<sup>70</sup> P. Kappert, *Die Osmanische Prinzen und Ihre Residenz Amasya im 15. Jahrhundert*, Leiden 1976, p. 87.

<sup>71</sup> L. Peirce, *Mortality Tales*, p. 225; T. Artan, *Terekeler Işığında 18. Yüzyıl ortasında Eyüp'te Yaşam Tarziye Standartlarında Bir Bakış Orta Hallığın Aynası*, in: *18. Yüzyıl Kadı Sicilleri Işığında Eyüp'te Sosyal Yaşam*, ed. T. Artan, Istanbul 1999, pp. 55–59.

Ibn al-Hajji, condemned mixing strange people of different sexes in one group<sup>72</sup>.

As the case of Hacıye Sabah shows, such a solution was also condemned by the Ottoman authorities. The trial took place at Aintab in 1541. The woman was accused of transgressing against sex segregation during daily courses for girls and married women. She employed the preacher Ibrahim and his two male assistants. According to her testimony, she had long been running her school. Her female clients paid for their education. The price must not have been high, considering the very modest conditions in which the classes were held. Since her courses took place every day, one can hardly suppose the families of the participants saw them as immoral. Another problem in the case of Hacıye Sabah was the accusation of heretical teachings. However, I will leave it outside the main current of my deliberations, since the accused was sentenced precisely for immoral behaviour. The court decided that women should not be taught in private homes by strange males. Considering the big number of participants who did not see the courses as dangerous to their reputation, we cannot be sure whether and to what extent, the sentence met with social acceptance<sup>73</sup>. The activity of Hacıye Sabah deserves attention all the more, because it does not seem to have been directed at the urban élites. This example provides a lot of valuable information about the demand for and the conditions of education among women of average means.

This case shows that in the Ottoman Empire much doubt was aroused by the teaching of women by strange males. Thus the only way out for them would be to learn in the homes of relatives of both sexes, from their husbands, or from a hired female teacher.

According to d'O h s s o n girls used to be taught the essentials of religion and sometimes of reading, and much less frequently writing, by their mothers, elder female relatives, or a female slave. No male teachers were hired for this job<sup>74</sup>.

<sup>72</sup> J. P. Berkley, *Women and Islamic Education in the Mamluk Period*, in: *Women in the Middle Eastern History. Shifting Boundaries in Sex and Gender*, ed. N. R. Keddie, R. Baron, London 1991, pp. 143-157.

<sup>73</sup> For more information on this subject cf. L. Peirce, *Morality Tales*, pp. 251-270.

<sup>74</sup> I. Mouradgea d'Ohsson, *op. cit.*, vol. IV, p. 333.

We know nothing of the social roles of the wives of the *ulema*. It is only known that in 18th and 19th century Bukhara and Samarkand such married women, called *mullikhi*, and other educated Muslim women (*otin*) instructed other women. Thus it can be seen that Islam was able to reconcile the necessity of women's education with the segregation of the sexes<sup>75</sup>.

Unfortunately, the sources accessible to me keep silent about such an activity of women in the Ottoman Empire. The condemned Hacıye Sabah is the only woman that I know of who was engaged in teaching other women, and she developed her activity in a provincial, recently conquered town.

#### 4.2. Pedlary

According to Gerber about 35–45% of pedlary market was supplied by women. They had the advantage over males of being able to enter the female part of homes. Those who earned their living in this way were mainly Jewesses; Muslim women engaged in this business to a much smaller extent. In the *sicills* of Kayseri of the first quarter of the 17th century, and of Konya of the second half of the 18th century we also find mentions of such a form of trade.

According to European accounts women did not deal in selling in the streets and markets. The reliability of this information seems to be confirmed by Mehmed Efendi's surprise at seeing female vendors in Paris<sup>76</sup>. The participation of women in retail trade and pedlary was confined to catering for the harems of more wealthy ladies who did not go out shopping themselves<sup>77</sup>.

Apart from the above-mentioned professions, the court and property registers provide information about women who ran their own big businesses, such as silk trade as well as small ones, such as e.g. baths<sup>78</sup>. Unfortunately, the Ottoman sources say nothing of women providing medical aid. Only European sources do mention such female professions, and their remarks concern only non-Muslim women<sup>79</sup>.

<sup>75</sup> S. Keller, *To Moscow, Not Mekka. The Soviet Campaign Against Islam in Central Asia, 1917–1941*, London 2001, p. 11.

<sup>76</sup> Mehmed Efendi, *op. cit.*, p. 135.

<sup>77</sup> E. Burcak, *op. cit.*, p. 40; J. A. Guer, *op. cit.*, vol. I, p. 362.

<sup>78</sup> H. Erten, *op. cit.*, p. 90.

<sup>79</sup> M. Wortley Montagu, *op. cit.*, pp. 79–81; R. Halsband, *The Life of Lady Mary Wortley Montagu*, Oxford 1956, pp. 80–81; S. Pilsztynowa, *op. cit.*, pp. 48–50.

A separate group of working women consisted of prostitutes whose business was liable to dishonourable punishment, flogging and banishment from town.

#### 4.3. Foundresses

According to many researchers, Ottoman society would not have been able to function correctly without the institution of *wakf*. Due to the foundations established by private persons the Ottoman Empire could build mosques, *medreses*, roads and bridges, feed its poor and protect its travellers. The *wakfs*' registers and court registers show that women, just like men, designed the property they inherited or gained<sup>80</sup> for the foundations serving public purposes.

There were two types of *wakfs*: for the public and for the family. In 1770–1840 at Aleppo 64 % of women's foundations were assigned for public investments (to be compared with only 44% of males' *wakfs*). Women's foundations were generally smaller and fewer than those established by men. At Aleppo we may observe a tendency to growth in their number. In the 16th century they made up 6% (4 in 61), in the 17th century 25% (21 in 80), in the 18th century — 37% of the total<sup>81</sup>.

In the 18th century in Egypt women founded 25% of the *wakfs*. Most of them were designed for family purposes. Here too, they were generally smaller than the foundations established by men.

The studies devoted to *wakf* show that there were more small and middle-size foundations established by women than by men. To them belonged the donation, mentioned in court registers, made by Fatma, the daughter of Abdullah, who presented her house with a courtyard in Istanbul. Ten years later, in 1612, its manager asked the court for a consent to pull it down, since its renovation would surpass its value<sup>82</sup>. There was also a widespread public patronage extended by women. As example of this may serve the foundations established by women from the local élites, among them Rabi'ya al-Jalili, who financed the construc-

<sup>80</sup> Mary Ann Fay calculated that 60% of property donated by women was purchased and not inherited by them. The author does not, however, answer the question where the money for this purchase came from (eade m, *Women and Wakfs*, pp. 28–47).

<sup>81</sup> *Ibidem*; M. L. Meriwether, *Women and Wakfs Revisited. The Case of Aleppo, 1770–1840*, WOE, pp. 129–152.

<sup>82</sup> *Şer'iyeye Sicillert*, vol. I, pp. 247–248.

tion of two mosques at Mosul in the second half of the 18th century<sup>83</sup>.

The role of women was not confined to handing over their property. Especially in the case of a family, but also a public *wakıf*, women could gain the post of manager (*mutevelli*). A good example here is the *wakıf* by Usman Pasha, consisting of a mosque, funds for its upkeep and a family *wakıf*. After the death of this governor of Aleppo in 1737, his sister, son, daughter and nephew became managers in succession. The latter lost his lawsuit for this post to the eldest sister of the deceased.

It seems that the deceased generally chose the person who would be the best manager of his property. In the case of male *wakıfs* at Aleppo in the years 1770–1840 those preferred as administrators were wives (22%), sons (17%), daughters (17%) or children whose sex was not mentioned (40%). Such a choice might have resulted from a conviction that in the case when there were no male relatives, it was better to entrust the management of a *wakıf* to a daughter or wife than to a strange person.

Although the foundations established by women were smaller than those made by men, they were of great significance for the correct functioning of the community. Regardless, however, of the size of the foundation, the very act of establishing it showed that women felt responsible for the local community as a whole.

#### RECAPITULATION

The *Koran* postulated the equality of males and females in some very important domains (religious duties, penal law), at the same time creating inequality in others (the superiority of man and his protection over woman, 4:34). The later interpretation of the sacred scriptures had led to the limitation of the living space and the rights of Orthodox Muslim women.

The description of the rights of the Muslim women in the Ottoman Empire shows that they enjoyed the rights enabling them to conduct social and economic activity (limited observance of religious duties outside home, management of public and family foundations, appearance in various roles before the court and vindication of their own rights there).

The comparison of the Ottoman material with European accounts reveals above all the weak knowledge of the legal and

<sup>83</sup> D. K. Houry, *op. cit.*, pp. 111–112.



social realities in the Ottoman Empire represented by European travellers. For this reason their descriptions present a false or distorted picture of the role of women in the Ottoman Empire.

European records do not allow us to reconstruct the full picture of the rights and the richness of the everyday life of the Muslim women. They are not a reliable source of knowledge of this subject. Despite these shortcomings, they are worth reading since they convey the life-stories of individuals which are still rare in the widely accessible Ottoman literature. For this reason any mention of feelings and motivations of behaviour is interesting, even if the reliability of the description may arouse some reservations. Besides, they extend our knowledge concerning European societies, since the descriptions of foreign lands were an excellent occasion for criticism directed at the internal relationships in one's own country.

*(Translated by Agnieszka Kreczmar)*