The status of women in a traditional society is of considerable interest, since it may partly determine the nature of the entire society. Among multiple components, it is the legal status of women, their legal activity and their legal security that are the most substantial indications of the true status of women in society.

It is to be noted that the status of women in traditional Dagestani society has been characterised by a number of features, being substantially different from other areas of the Muslim world. The place and role of women in Dagestan have been primarily associated with household activity and participation in the production of goods. Through their active economic participation women have not been able to keep a closed way of life hidden from alien eyes, as prescribed by Shari‘ah (Arabic Šar‘āh) and practised by most Muslim nations. The Dagestani women have almost never covered their faces, except during the period of Muridism. They displayed free and independent behaviour. The highland women had a conspicuous place in the family and an exclusive role in the household. Beside the multiple household tasks, they had to do a lot of things in the field, and were engaged in many trades. The work by the highland women often determined the welfare of their family.

In contrast to the highland women, the women of the flatland were not so burdened with various occupations. Their responsibilities were mainly centred upon the housework. In economic production the flatland woman was far less active than the highland woman. The resulting activity was reduced even more, since she lacked the freedom and independence, which was the privilege of the highland woman.

Although the dominant status in the Dagestani family was held by the man, the woman most certainly did retain her position in making family-related decisions. No important event could have taken place without her participation.

The Dagestani woman was not passive in public life, although she took no part in rural governance. Neither did she have the right to partake in the rural assembly, nor have the right to vote.
That, however, was the case in all traditional societies. Within the rural community the behaviour of the members, including women, was controlled by the whole society and regulated by the standards of common law and Shari'ah. Shari'ah, however, regulated mostly the matrimonial, interfamilial and property relations. Public life in Dagestani villages was nearly entirely under the aegis of common law or the Adats (Arab. 'adāt, pl.).

Almost every rural community (Jamaat, Arab. jama‘at) or union of communities, feudatory, had its own laws—Adats, resolutions, prescriptions, codes of law, regulating different aspects of their life, as well as the legal interrelations between the community members. A wide range of laws and establishments concerned the women directly. The Adats determined the legal status of women in the community and the measure of their responsibility for different offences. They also determined the sanctions against the trespassing woman: inflicting on her dishonour, insult, and so on. At the same time the Adats regulated the woman’s standards of behaviour both within the family and the society at large.

Valuable collections of Adats are published in the relevant law digests.¹ Some of those from the Adat books have been gathered and classified in co-ordination with the Russian authorities. When organising colonial rule in the Caucasus, the authorities were confronted with the need to study the local laws, hence the attempt to gather and study the Adats of the indigenous nations. Efforts at gathering the standard common laws of the Dagestani nations were undertaken in the 1940s and 1960s in connection with the administrative and judiciary reforms. Based upon the materials collected, typical Adat collections were produced in virtually all districts of the Dagestan Oblast’ (province), mainly for the needs of legal proceedings.²

The woman in Dagestan as a legal person had certain restrictions related to her representative capabilities. Although by Adat the right to submit complaints belonged only to the victim, it was allowed for the complaint to be submitted by her husband, father, brother or guardian. Nevertheless, in similar cases the

¹ Памятники обычного права Дагестана XVII-XIX вв.: Архивные материалы. Сост. Х.-М. Хапасев, М., 1965 (hereafter referred to as ПОПД); Из истории права народов Дагестана: Материалы и документы, Сост. А.С. Омаров, Махачкала, 1968 (hereafter ПИПИД).

² Адаты Дагестанской области и Закавказского округа: Судопроизводство в частях Бакинского края военно народного управления, Под. редакцией И.Я. Сапрыгайло. Тифлис, 1899 (hereafter АДОЗО).