Women have generally been considered by modern western observers to occupy a despised and servile position in the social and economic order of Islamic civilization. Arabists and anthropologists have been in accord that Muslim women were virtually the property first of their

*) Kayseri sicils are housed in the Etnografya Muzesi in Ankara, the Karaman, Isparta, and Konya sicils are in the Mevlana Muzesi in Konya, the Amasya sicils in the museum of Tokat, and the Trabzon sicils in the Topkapi Saray Muzesi Arşivi in Istanbul. I wish to thank the directors and their staffs for generous hospitality; I am particularly obligated to the staff of the Etnografya Muzesi, including the director Bayan Enise Yener and the recently retired assistant director Bay Ziya Ceran. This research was supported by grants from the American Research Institute in Turkey and from the University of California at Los Angeles (an NDEA title IV grant). This paper is built upon a chapter from my Ph. D. dissertation in Islamic Studies at UCLA, “The Judicial Registers (Ser'i Mahkeme Sicilleri) of Kayseri (1590-1630) as a source for Ottoman History” (1972). At that stage it profited from readings by Professors S. J. Shaw and S. Vryonis, Jr.

Abbreviations:

bn = son of; bint = daughter of; v. = veled = son of. In Ottoman documents after 1600, bn is used for Muslims and veled for zimmis (non-Muslims).

Archival sources are cited as follows: 15 56-4 means Kayseri sicil number 15, page 56, entry 4. When a sicil from a collection other than that of Kayseri is cited the name of the city is always identified. The pages in most volumes are not numbered; in such cases the author began counting with the first page containing court business.

Cases cited in the text have been summarized selectively on the basis of their importance and relevance to the topic. It should be noted that a verdict is not a part of the formal registration of cases in the sicils.
fathers or older brothers and then of their husbands, that Muslim women were not able to manage or control any of their own property and, in fact, were usually denied the inheritance to which the Koran entitled them, and that they even had no say in their marriages, into which they were sold by their fathers or guardians. From its beginning to the present day Islam has supposedly heaped indignities and scorn upon women. They are held to have been utterly unable to challenge or even question the authority of their fathers, brothers, and husbands 1).

This study of the position of women is based primarily on the judicial records (sing. sicil) of the Ottoman court at Kayseri, 1600-1625 2). Over 1800 cases in which one or more women was a litigant were examined. Some materials were taken for comparison from other courts of eastern and central Anatolia: Trabzon, Amasya, Karaman, Isparta, and Ankara. The purposes of this study are 1) to determine what the court held to be the legal position of women (and, by implication, their moral worth), and 2) to consider the nature of their participation in certain aspects of the economic and social order.

Although sicils are the best source yet uncovered for the study of the position of women in Ottoman and Islamic society, it must be acknowledged that this study has certain limitations because of (a) the place of origin, (b) time, and (c) nature of the source used.

a. The judicial records on which this study is based come almost exclusively from Kayseri in central Anatolia. I know of no available evidence that would enable one to judge how typical the role of women there was of the Ottoman Empire, or indeed of Anatolia. Modern Kayseri is considered one of the more strongly religious cities in

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1) Consider Simone de Beauvoir, The Second Sex. tr. H. M. Parshley. (N. Y., 1953), p. 80: “The Koran treats women with utter scorn.” Also p. 84: “When the family and the private patrimony remain beyond question the bases of society, then woman remains totally submerged. This occurs in the Moslem world.... The religion created when the Arab people were warlike and triumphant professed for women the utmost scorn.”

2) For the 20 1/2 years between May 1605 (Muharrem 1014) and October 1625 (Muharrem 1035) sicils survive concerning 130 of the 246 months, i.e., covering 33% or almost exactly 11 years of the total period.