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WOMEN AND *NAMUS*, AS A REGULATIVE PHENOMENON,
IN EARLY MODERN OTTOMAN SOCIETY

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by

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ABSTRACT

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In this thesis, the concept of *namus* (honor) as a regulative phenomenon in early modern Ottoman society and specifically for ordinary women are discussed. It focuses on which characteristic of women's *namus* differed from the general view of it in the society: sexuality. *Namus* was a shared value for Ottoman society; thus, it functioned as both the set of values and the regulatory tool. In other words, it not only determined which values were appropriate for a person but also imposed sanctions on any inappropriate behavior and made a person *namuslu* (honorable) or *namussuz* (unhonorable) in the society. As the expressions from the archival sources (mostly *arzuhal*s and *sicil* cases), related primary sources, and the academic literature are examined, it can be deduced that women's *namus*

was a fragile value reduced to sexuality in early modern Ottoman society. It should be protected, preserved, and conserved. This *namus* perception brings the protector/protected relationship along in which men were protectors and women were protected ones. This relationship can be examined in three intermingled layers: (1) A woman must protect her own *namus*. (2) Her family was responsible for protecting it. (3) At last, the society (village, neighborhood, etc.) was liable to protect women's *namus*. In this three-layered relationship of protection, women's *namus* and their sexuality belonged to not only themselves but also their families and even to their society.

Keywords: Ottoman Society, Early Modern Era, *Namus*, Women, Sexuality

ÖZET

ERKEN MODERN OSMANLI TOPLUMUNDA BİR DENETİM OLGUSU OLARAK NAMUS VE KADIN

Çenesiz, Ayşenur

Yüksek Lisans, Tarih Bölümü

Danışman: Prof. Dr. Özer Ergenç

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Bu tezde, erken modern Osmanlı toplumu ve bu toplumdaki sıradan/halktan kadınlar için bir denetim aracı işlevi gören namus kavramı ele alınmaktadır. Kadınların namusu, toplumdaki genel namus algısından cinselliğin ön plana çıkmasıyla birlikte farklılaşmaktadır. Osmanlı toplumunun ortak değerlerinden biri olan namus hem değerler kümesidir hem de bu değerler üzerinde denetim mekanizması işlevi görmektedir. Başka bir ifadeyle namus, toplum içerisinde hangi davranışın uygun olup olmadığını belirlediği gibi bu davranışlara uygun hareket eden kişileri namuslu, uygun hareket etmeyen kişileri namussuz olarak nitelendirerek kişiler üzerinde yaptırım uygulamaktadır. Arşiv belgeleri ve birincil kaynaklardaki ifadeler ve literatürdeki çalışmalar ele alındığında kadının

namusunun cinselliğe indirgenmiş, kırılğan bir değer olarak algılandığı sonucu çıkmaktadır. Kadının namusu mutlak surette korunması gereken bir değerdir. Bu namus algısı beraberinde, erkeklerin koruyan kadınların ise korunan rolde olduğu bir koruyan/korunan ilişkisi getirmiştir. Bu ilişki erken modern Osmanlı toplumunda, birbiri ile iç içe geçmiş üç katmanda incelenmektedir: (1) Kadınlar kendi namuslarını korumalıdır. (2) Aile, kadının namusunu korumakla mükelleftir. (3) Toplum da kadının namusunu korumakla yükümlüdür. Bu üç katmanlı koruma ilişkisinde, kadının namusu sadece kendisine ait değil aynı zamanda aileye ve topluma da aittir. Bu aidiyet, kadının namusu ve cinselliği üzerindeki kontrolün artmasına sebep olmaktadır.

Anahtar Kelimeler: Osmanlı Toplumı, Erken Modern Dönem, Namus, Kadın, Cinsellik

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CHAPTER I

INTRODUCTION

1.1 Objective of the Thesis

This thesis aims to understand the characteristics of women's honor (*namus*), how it differs from *namus* in a general sense, and the protection-control mechanisms around this concept in the early modern Ottoman society. It also seeks to demonstrate how *namus* and reputation have important places in *taife* structure of Ottoman society. To understand women's *namus*, the vocabulary related to this concept in the primary sources, mostly *arzuhal*s, would be the most helpful tool.

Namus is a polysemantic and multilayered concept. The perception of it differs in terms of time, place, culture, etc. Yet, it is mostly defined as behaving appropriately in society. Thus, as a concept, *namus* determines what kind of values are convenient regarding society's characteristics and needs. In Ottoman society, *namus* was a gender-differentiated concept parallel with the society's structure. Ottoman society had subcommunities which was referred to as *taifes*.

Individuals belonged to different *taifes* according to their ethnicity, religion, occupation, residential status, such as *Rum taifesi*, *esnaf taifesi*, etc. In this structure,

people's affiliation with the *taife* was defined through men. A man's *taallukat* (household) affiliated to *taifes* all together with him. To understand what *namus* was in Ottoman society, one should consider this gender-differentiated structure of the society. As Ottoman society had dividing lines (including gender), there must be consolidative values that hold the society together. *Namus*, therefore, as an important concept in Ottoman society not only determined which behavior was right or wrong but also affected an individual's status in the *taife*.

As the *taife* structure had gender-differentiated characteristics, *namus* for men and women had also differed. Liat Kozma says that *namus* was something a man must gain (*sharaf*). On the contrary, it was something that shouldn't be lost for a woman (*ırz*).¹ Although *namus* is a multilayered concept, it remains unchanged for a woman in traditional-patriarchal societies: *Namus* was directly related to her sexuality, while the reputation aspect of it stayed in the background. In Ottoman society, likewise, women's *namus* had meant their sexuality. For being a *namuslu* (honorable) woman, she must have been virgin before the marriage. She shouldn't have get closer to any *namahrem* (unrelated people, generally referred to opposite sex) after she married. She should also have had such qualities like being modest, earnest, self-contained, etc.

This sexuality-related *namus* concept for women brought together a strong mechanism of protection and control. Their sexuality should have been strictly protected for them being *namuslu*. In Ottoman society, this mechanism was divided into three levels: (1) A woman should have been aware of her own responsibility to protect her *namus*. (2)

¹ Liat Kozma, *Policing Egyptian Women: Sex, Law and Medicine in Khedival Egypt* (Syracuse, NY: Syracuse University Press, 2011), 100.

Family of a woman (mostly her first-degree male relatives) should protect her *namus*. (3) As a last resort, society was responsible to protect it. Under these three intermingled layers, women's honor belonged not only to themselves but also to their family and the society itself. This protection mechanism also functioned as a tool to control women's sexuality in Ottoman society.

When the vocabulary and the language in the petitions (*arzuhal*s), similar primary sources, and the academic literature around this concept are analyzed, the following can be inferred about *namus*. It was a shared value determining the place and the status of an individual in Ottoman society. Women's *namus*, on the other hand, had been reduced to a fragile value around their sexuality that should be protected, preserved, and conserved. In this protection and control mechanism over their *namus* and sexuality, women remained mostly passive.

1.2. Literature Review

In the literature around the history of Ottoman Empire, women as a subject of studies have been visible since the 1970s. As the feminist movement gained momentum at the end of the 20th century and court registers (*sicils*) attracted the historian's attention, the experiences of Ottoman women inevitably aroused interest. Many studies have shown that the Ottoman women had an essential part in the socio-economic history of the Empire. Since these studies are primarily *sicil*-based, they have focused on the areas in which Ottoman women appear, such as waqfs, inheritance, marriage, divorce, and sexuality. However, as one of the important concepts to study Ottoman women, *namus* still needs

further (more detailed and narrow-scoped) attention. Although there are insightful studies that mention *namus*, a few of them focus on the intersection of Ottoman women, honor, and sexuality, as they are extensive and general studies which spare only small sections to this concept.

In her article “Osmanlı Hukuk Çalışmalarında Kadın”, Betül İpşirli Argıt scrutinizes the literature focuses on Ottoman women and their experiences. She argues that early studies on Ottoman women can be categorized as a defense to Western studies and prejudices.² They try to show that, contrary to biases, Ottoman women were an active part of society. For example, they could apply to courts for various reasons such as inheritance, divorce, and marriage. Following nearly 1800 cases from the Kayseri *sicils*, Ronald Jennings emphasis that as litigants, Ottoman women used courts and defended their rights; in short, they were not prisoned at cages as the previous studies suggested.³ Like Jennings’s, Haim Gerber’s studies on Bursa *sicils*, Sureiya Faroqhi’s studies on Ankara, and Kayseri *sicils* show Ottoman women’s active lives, especially in terms of the economic area. For example, Gerber says that following the 17th century Bursa court records, the number of women who owned their own houses was quite a few.⁴ Faroqhi also connects women’s wealth and the judicial process from the local court of Kayseri to İstanbul by following a murder case from rural Kayseri.⁵

² Betül İpşirli Argıt, “Osmanlı Hukuk Çalışmalarında Kadın” *Türkiye Araştırmaları Literatür Dergisi* 3, no.5 (2005): 576.

³ Ronald Jennings, “Women in Early 17th century Ottoman Judicial Records: The Sharia Court of Anatolian Kayseri” *Journal of the Economic and Social History of the Orient* 18, no.1 (1975): 53-114.

⁴ Haim Gerber, “Social and Economic Position of Women in an Ottoman City, Bursa, 1600-1700” *International Journal of Middle East Studies* 12, no.3 (1980): 233.

⁵ Suraiya Faroqhi, “Crime, Women, and Wealth in the Eighteenth-Century Anatolian Countryside” in *Women in the Ottoman Empire, Middle Eastern Women in Early Modern Era*, ed. Madeline C. Zilfi (Leiden: Brill, 1997): 26-27.

As *sicil*-based studies improved, different areas women involved attracted historians' attention more. Using Aleppo *sicils*, Abraham Marcus shows women in Aleppo from various perspectives such as the court, family, economic and daily life. Beside a comprehensive work on the history of Aleppo⁶, Marcus focuses on specific topics such as privacy related to women's lives directly. In his article "Privacy in Eighteenth-Century Aleppo: The Limits of Cultural Ideals"⁷, Marcus compares the ideal understanding of privacy and its practice in daily life. From this discussion, he shed light on the public/private spheres, women's dress, perception of virginity in society, etc. Beside Marcus, Judith Tucker have made a number of studies in which she extensively uses Damascus, Jerusalem, and Egypt's *sicils*. In *In the House of the Law: Gender and Islamic Law in Ottoman Syria and Palestine*, following the court cases and fatwas, she shows that how legal doctrine and practice were gendered in the case of marriage, divorce, sexuality, and reproduction.⁸

Dror Zeevi, in *Producing Desire: Changing Sexual Discourse in the Ottoman Middle East, 1500-1900*⁹, examines the sexuality discourse from different perspectives. In addition to *sicils*, from medical texts to dream interpretation books, he shows that sexuality was an essential part of life and was affected by political and religious turning points. When Zeevi shows how sexuality was silenced by these turning points, such as Kadızadeli movement, he also shows how women and men differ in sexual discourse. For

⁶ Abraham Marcus, *The Middle East in the Eve of Modernity: Aleppo in the Eighteenth Century* (New York: Colombia Press, 1989)

⁷ Abraham Marcus, "Privacy in Eighteenth Century Aleppo: The Limits of Cultural Ideals" *International Journal of Middle East Studies* 18, no.2 (1986): 165-183.

⁸ Judith Tucker, *In the House of the Law Gender and Islamic Law in Ottoman Syria and Palestine* (Berkeley: University of California Press, 1998)

⁹ Dror Ze'evi, *Producing Desire: Changing Sexual Discourse in the Ottoman Middle East, 1500-1900* (Berkeley: University of California Press, 2006)

example, from Galenic medicine point of view, women were seen as inferior to men. For Zeevi, there was a “woman as imperfect man”¹⁰ model in the Ottoman medicine context. Moreover, Zeevi focuses on how *kanun* (Ottoman law) and Islamic law (sharia) regulated sexual desire and how they treated sexual transgression. Elyse Semerdijian’s “*Off the Straight Path*”: *Illicit Sex, Law, and Community in Ottoman Aleppo*¹¹ examines *zina* discourse both in sharia and *kanun*. She highlights that *zina* was one of the *hadd*. “In the context of Islamic law, *hadd* designates crimes that have fixed punishments in the shari’a”.¹² Although one of the predetermined sanctions for *zina* was stoning, there was almost no cases of stoning, in practice, in the Ottoman Syria. Semerdijian says that judges, following the *kanunnames* (imperial codes), turn the harsh punishment of the sharia into banishment or fine when *zina* is at the issue of the case.¹³

From economic area to sexuality, there are many studies aiming to understand the experiences of Ottoman women and their place in society.¹⁴ As these studies improved, new concepts came to light as important tools for further studies. In this sense, *namus* is one of the critical concepts to examine the Ottoman social structure and the place of Ottoman women within the society. Before it became a subject of history, many

¹⁰ Ibid., 23.

¹¹ Elyse Semerdijian, ‘*Off the Straight Path*’: *Illicit Sex, Law and Community in Ottoman Aleppo* (Syracuse, NY: Syracuse University Press, 2008)

¹² Ibid., 20.

¹³ Ibid., 158.

¹⁴ For comprehensive studies on experiences of Ottoman women see; Amira El Azhary Sonbol, *Beyond the Exotic: Women’s Histories in Islamic Societies* (Syracuse, N.Y.: Syracuse University Press, 2005); Gavin Hambly, *Women in the Medieval Islamic World: Power, Patronage and Piety* (New York: St. Martin’s Press, 1999); Amila Buturović and Irvin Cemil Schick, *Women in the Ottoman Balkans: Gender, Culture, and History* (London: I.B. Tauris, 2007); Duygu Köksal and Anastasia Falierou, *A Social History of Late Ottoman Women: New Perspectives* (Leiden: Brill, 2013); Suraiya Faruqi, *Stories of Ottoman Men and Women: Establishing Status, Establishing Control* (İstanbul: Eren, 2002); Nikki Keddie and Beth Baron, *Women in Middle Eastern History: Shifting Boundaries in Sex and Gender* (New Haven: Yale University Press, 1991)

anthropological studies¹⁵ had focused on the *namus* concept, yet, according to Nükhet Sirman what they missed was that they treat *namus* without considering its multiple meanings.¹⁶

On the contrary, historical studies discuss *namus* in different ways as they focus on particularities more. For example, Levy Aksu examines how *namus* was used as a self-representation tool in the Ottoman police organization during the second constitutional period.¹⁷ Focusing on the primary sources, such as documents written by police members, she claims that *namus* as a value determines, for example, who was excluded from the police community. Tolga Esmer also focuses on *namus* from a different side. He examines how *namus* was manipulated by various groups, for example, bandits.¹⁸

Beside how different groups adopted *namus*, valuable studies show the relationship between *namus* and gender in Ottoman society. Başak Tuğ, in her *Politics of Honor in Ottoman Anatolia: Sexual Violence and Socio-Legal Surveillance in the Eighteenth Century*¹⁹, focuses on *namus* concept by using the extensive size of the primary sources such as petitions, *Anadolu ahkam defterleri*, *kalebend defterleri*, etc. After detailed explanations of the social and legal order, she examines how the central

¹⁵ For example, see; Lila Abu-Lughod, *Veiled Sentiments: Honor and Poetry in a Bedouin Society* (Berkeley: University of California Press, 1986); Jean Peristiany, *Honor and Shame: The Values of Mediterranean Society* (Chicago: The University of Chicago Press, 1966); Julian Pitt-Rivers, *The Fate of Shechem: Or, The Politics of Sex: Essays in the Anthropology of the Mediterranean* (Cambridge: Cambridge University Press, 1977); David Gilmore, *Honor and Shame and the Unity of the Mediterranean* (Washington D.C.: American Anthropological Association, 1987)

¹⁶ Nükhet Sirman, "Contextualizing Honour" *European Journal of Turkish Studies* 18, (2014): 1.

¹⁷ Noémi Lévy-Aksu, "Building Professional and Political Communities: The Value of Honor in the Self-Representation of Ottoman Police during the Second Constitutional Period" *European Journal of Turkish Studies* 18, (2014)

¹⁸ Tolga Uğur Esmer, "The Precarious Intimacy of Honor in Late Ottoman Accounts of Para-militarism and Banditry." *European Journal of Turkish Studies* 18, (2014)

¹⁹ Başak Tuğ, *Politics of Honor in Ottoman Anatolia: Sexual Violence and Socio-Legal Surveillance in the Eighteenth Century* (Leiden: Brill, 2017)

government used petitioning related to sexual violence to monitor local powers in the eighteenth century. She claims that sexual violence was strongly associated with banditry in that period, and the use of the term *hetk-i ırz* by petitioners and the central government increased. And she argues that *namus* was a legitimatizing tool in the legal discourse that regulated the relationship between the central government and its subjects.²⁰ In another article of her²¹, shows how the *namus*-based relationship between the center and Ottoman subjects continued in the nineteenth century. According to her, the emphasis on life, honor, and property in the Tanzimat Edict is also a sign of continuity.

Likewise, Leslie Peirce mentions the *namus* concept in her studies. In her well-known *Morality Tales*,²² she concentrates on one year (1540-1541) of Aintab's provincial court. By scrutinizing two *sicils*, she comprehensively examines Aintab's people and institutions, especially the court and its processes. The book investigates several cases, and each of them mirrors which problems Ottoman women faced during the legal process and how they reacted to them. Peirce also considers the *namus* concept necessary to understand the experiences of Ottoman women. According to her, *namus* closely relates to the reputation in Ottoman society, both for men and women. She claims that Ottoman women who were from upper strata could protect their reputations. However, for ordinary women, the court played an important role in defending theirs. Also, in her article “Honor as a Social Contract”²³, Peirce analyzes *namus*’ vocabulary and asserts that it can be

²⁰ Ibid., 23.

²¹ Başak Tuğ, “Gendered Subjects in Ottoman Constitutional Agreements, ca. 1740-1860” *European Journal of Turkish Studies* 18, (2014)

²² Leslie Peirce, *Morality Tales: Law and Gender in the Ottoman Court of Aintab* (Berkeley: University of California Press, 2003)

²³ Leslie Peirce, “Honor as Social Contract” at the conference of “Honor in Ottoman and Contemporary Mediterranean Societies: Controversies, Continuities and New Directions” in Central European University (Budapest: 2013)

labeled as a social contract. She continues those contractual relationships such as marriage and divorce in early modern Ottoman society were widespread. In such an environment, there were some mutual habits to bring people closer, such as honor.²⁴

At last, Cemal Çetin examines the *namus* concept in his article.²⁵ By giving interesting examples from Konya court registers, Çetin says that most of the attacks on *namus* in early modern Ottoman society were related to sexual assault.²⁶ From swearwords to *katran çalmak* (put on tar on someone's door), he shows several verbal or physical assaults on *namus* related to sexuality. Also, he scrutinizes the reactions of society to these attacks.

When these studies related to Ottoman women, sexuality, and *namus* are considered, the need for narrow-scoped studies on the intersection of three of them attracts attention. These studies would reveal further how *namus* affected the Ottoman women's experiences.

1.3 Methodology and Sources

The methodology of this thesis is to turn data taken from primary sources into historical knowledge by using content and comparative analysis and the inductive method. The data taken from the primary sources are the vocabulary related to *namus* and sexuality.

²⁴ Ibid., 6.

²⁵ Cemal Çetin, “Erken Modern Dönem Osmanlı Toplumunda Namus Algısına Dair Bazı Gözlemler (Konya Örneği)” *Journal of Turkish Studies/ Türkiye Araştırmaları Dergisi*, no.45 (2019): 61-86.

²⁶ Ibid., 65.

Focusing on the vocabulary makes it possible to analyze and cross-question documents in detail.

This thesis primarily utilizes content analysis (*muhteva analizi*) to understand what *namus* means and how the perception of women's *namus* differs from its general perception. Analyzing the data (expressions) from the primary sources related to *namus* and sexuality enables inferences such as why people use some of these expressions intentionally, the differentiation of the terms and grammatical structure from case to case, etc. For example, in Chapter III, I try to analyze and compare the expressions referred to sexual intercourse. By analyzing them, the perception of sexuality and *namus* in Ottoman society can be examined and discussed better. These expressions have reciprocal and unilateral meaning according to their prosodies and their different usage gives important clues on the sexuality and *namus* perception.

Also, the analysis of gender-differentiated *taife* structure in early modern Ottoman society is necessary to understand the perception of women's *namus*. Without a detailed analysis of *taife* structure and its gender-differentiated characteristic, examining why women's *namus* reduced to sexuality would be more complicated. So, I try to focus on *taulukat* term, analyze its different components and give examples from the primary sources to understand the correlation between the society's structure and its perception of women's *namus*.

Arzuhals (petitions) are the primary archival sources of this thesis. They are mainly from Prime Minister's Ottoman Archives online database. The catalog names where the petitions found are Başbakanlık Osmanlı Arşivi Cevdet Adliye (C.ADL), Başbakanlık Osmanlı Arşivi Sadaret Mektubî Kalemî Umum Vilayat Evrakı (A.MKT.UM), Meclis-i

Vâlâ Riyaseti Belgeleri (MVL). Moreover, as supporting documents, already transcribed petitions from İstanbul Kadı Sicilleri are used. Beside *arzuhal*s, imperial orders (*fermans*) enrich this thesis. These *fermans* are from Mühimme Defterleri (DVNSMHM.d), Prime Minister's Archives.

*Arzuhal*s are a form of legal document that demonstrates the complaint of any individual, community, or institution. From the local offices to the Sultan, everybody in Ottoman society could file their complaints.²⁷ These complaints were personal/private rather than public.²⁸ Therefore, they mirror what was acceptable and unacceptable for an individual and even society. Above all, although *arzuhal*s have a formal structure and language²⁹, they make it possible for a researcher to hear the complainant's voice and catch the clues on Ottoman social life. So, as this thesis aims to understand Ottoman women and their *namus*, *arzuhal*s related to them are the most valuable documents to use. Other primary sources such as imperial orders (*fermans*) were used as they also refer to a complaint which is the reason behind the ferman.

Besides, *sicil* records were substantially utilized in this thesis since they reveal the problems faced by Ottoman people and to what extent these problems were taken to the courts. Moreover, for both social and women's history, these documents have ample material for any researchers. Nonetheless, many scholars have pointed out that studying on *sicils* have some methodological problems. At this point, Dror Zeevi has a critical

²⁷ Mehmet İpşirli, "Arzuhal", *İslam Ansiklopedisi*, TDV Yay., V.3, (İstanbul: 1991), 447-448.

²⁸ Halil İnalcık, "Şikayet Hakkı: 'Arz-ı Hal ve 'Arz-ı Mazharlar" *Osmanlı Araştırmaları* 07-08, (1988): 35.

²⁹ For the detailed analysis on the structure of the *arzuhal*s, see: James E. Baldwin, "Petitioning the Sultan in Ottoman Egypt" *Bulletin of the School of Oriental and African Studies* 75, no.3 (2012): 499-524.

article³⁰ on using the sharia court records as primary sources. He highlights that these records may not reflect reality as much as a mirror.³¹ One should recognize, first, these records are texts and have their literary style. Second, the impact of the head of the court (qadi) and the court procedures should be kept in mind. Lastly, Zeevi reminds that sharia court is an institution and has a complex web of relationship inside, from qadi to sub-officers.³² Keeping Zeevi's warnings in mind, *sicils* are still a significant source of information for women's history. Iris Agmon's "Women's History and Ottoman Sharia Court Records: Shifting Perspectives in Social History"³³ shows how court records are valuable sources for the history of women. She comprehensively shows how the studies on women have used sharia court records with different methods and affected by methodological shifts such as cultural turn. She claims that the history of Middle Eastern women has adopted different methodologies, causing the historiography to remain "unfocused".³⁴

Also, Kınalızade Ali Çelebi's *Ahlâk-i Alâ'î*³⁵ is one of the significant primary sources used in this thesis. It is an advice book (*nasihatnâme*) mainly on how to govern a family and a state. The book consists of three parts: knowledge of ethics (*ilm-i ahlâk*), domestic science (*ilm-i tedbir-i menzil*), and political science and public administration (*ilm-i tedbir-i medine*). In *İlm-i tedbir-i menzil*, Kınalızade gives detail explanations about how a *menzil* (home) should be governed. Also, it is possible to see the ideal relationship

³⁰ Dror Ze'evi, "The Use of Ottoman Shari'a Court Records as a Source for Middle Eastern Social History: A Reappraisal" *Islamic Law and Society* 5, no.1 (1998): 35-56.

³¹ *Ibid.*, 37.

³² *Ibid.*, 54.

³³ Iris Agmon, "Women's History and Ottoman Sharia Court Records: Shifting Perspectives in Social History" *Hawwa* 2, no.2 (2004): 172-209.

³⁴ *Ibid.*, 202.

³⁵ Kınalızade Ali Çelebi, *Ahlâk-i Alâ'î: Kınalızade'nin Ahlâk Kitabı*, ed. Mustafa Koç (İstanbul: Türkiye Yazma Eserler Kurumu Başkanlığı, 2014)

between husband and wife and even their children in this part.³⁶ The last part, *ilm-i tedbir-i medine*, gives advice on how a ruler should behave to their subjects, in short, the relationship between state and subjects. The vocabulary Kınalızade chose makes it possible to analyze how different roles were given to husband and wife in a family which made the family relations asymmetric and hierarchical.

The last primary source worth mentioning is *Hayat-ı Tenasüliye Hakkında Musahabat-ı Mahremâne*.³⁷ It is an anonymous book related to the instructions of sexual health for teenagers (*sinn-i rüşde vâsıl olanlar için*). It aims to give detailed information about reproduction and its steps to readers. The main objective of the book is explained with these sentences: “[...] Öyle bir eser ki gerek gençlere ve gerek ihtiyarlara, ve gerek cühelâ ve ‘ulemâya hayat-ı tenasüliyenin bi’l-‘umûm safahât-i şâmil-i teferru’âtı tamamen izâh edebilsin.”³⁸ The main topics are *izdivâc* (marriage), *a’zâ-i tenasüliye* (reproductive organs), *zürriyet* (lineage), *bekâret* (virginity), *hayz* (menstruation), *mücâma’a* (sexual intercourse), etc. With giving the important definitions, the book offers vocabulary to analyze the relationship between women and men regarding sexuality.

Above-mentioned primary sources are mainly used to show the vocabulary related to *namus* and sexuality. These vocabularies such as *mücâma’a*, *bikr* (virginity), *kendi hâlinde olmak* (being inoffensive), *ırzıyla mukayyed olmak* (to protect the honor), *ehl-i ırz olmak* (being honorable), *namahremden ictinâb etmek* (keeping oneself away from

³⁶ In her unpublished Phd Thesis, Nil Tekgöl takes Kınalızade’s *Ahlak-i Alai* and its parts related to family from a different perspective, emotions. See; Nil Tekgöl, “A Gate to the Emotional World of Pre-modern Ottoman Society: An Attempt to Write Ottoman History from the “inside out”” (Unpublished PhD Thesis, Ankara: Bilkent University, 2016)

³⁷ *Hayat-ı Tenasüliye Hakkında Musahabat-ı Mahremâne*, trans. by A.M. (Dersaadet, İstanbul: Asar-ı Müfide Kitabhanesi, 1913)

³⁸ *Ibid.*, 3.

unrelated -men-), *yaramaz* (misconducting), *fahişe* (misconducted women), etc. are analyzed and compared to examine the main argument of the thesis.

Beside the primary sources, previously mentioned secondary sources, such as the studies of Dror Zeevi, Judith Tucker, Leslie Peirce, and Başak Tuğ, supporting the analysis are frequently used.



CHAPTER II

ORGANIZATIONAL MODEL OF OTTOMAN SOCIETY, *TAİFE*, AND *NAMUS*

2.1 General View on Ottoman Social Structure

Ottoman society was distributed in the vast territory called *Memalik-i Mahruse*, which consisted of heterogeneous divisions and regions. These regions varied in ecological, social, political, cultural, ethnic, and religious relationships and roots. This diversity, nonetheless, does not hinder researchers from analyzing the shared traditionality of Ottoman society in a broad scope. For example, although *taifes* differ in terms of various criteria, they have commonalities. *Taifes* are the sub-communities in the classical Ottoman organizational model. These sub-communities were determined and divided by their religious beliefs, ethnicities, settlements, legal statuses, occupations, etc. Ottoman individuals were members of different *taifes* in terms of different criteria, and it was crucially significant for them to be part of *taifes*. A Christian shoemaker, for example, was considered a member of both the Christians' *taife* (religious) and the shoemakers' *taife* (occupational). Interactions of individuals with their surroundings, with the community, and with the government were affected, even shaped, by their affiliation to these *taifes*.

Before diving deep into this *taife* structure, two things should be underlined. First, *taifes* also defined a shared social, cultural, and economic life whose norms and rules were mostly determined within the *taife* itself. These unwritten norms and rules were taken seriously because the individuals of a *taife* were severally liable for each other's actions and behaviors. In the Ottoman terminology, this liability was referred to as *müteselsilen kefil olmak*. As a byproduct of these norms, rules, and liability, *namus* emerges as a significant shared value in Ottoman society. Second, affiliation to a *taife* was defined through the male individuals in the community. In other words, a male individual was a member of a *taife* with his *taallukat* (household). *Taallukat* of a man included his *menkuhes* (wives), children, *kuls-cariyes* (slaves), and servants. *Menkuhes* were related by marriage, children were related by lineage, *kuls* and *cariyes* were related by purchasing, servants were related by *nefsini icareye verme* (leasing self for service). Affiliation of a female to *taifes*, therefore, either as a *menkuhe*, daughter, *cariye*, or servant, was determined through her male relative: her husband, her father, or her master.

Considering the significance of the *taife* structure in the Ottoman society, its close relationship with the concept of *namus*, and the mediated affiliation of women to these *taifes*, it should be closely investigated and explained.

2.2 *Taifes* in the Traditional Ottoman Society

From the Black Sea to Northern Africa, from the Balkans to the borders of Iran, the land under the rule of the Ottoman Empire was called *Memâlik-i Mahruse*, which means the Protected Lands. This naming tells a lot about the ideal political structure

perceived by the Ottoman State. According to traditional political thought, in the relationship between the ruler and the ruled, the state is obligated and responsible to protect those ruled individuals and communities. They were *Vedâyi'-i Hâlik-i kibriyâ*, meaning that all those living under the state's rule were trusted to the rulers, namely the sultan, by God. That is why the sultan of the Ottoman Empire had to protect and secure justice among the people, *re'aya*.³⁹ In return for this, *re'aya* were obliged to abide by and comply with the state and the sultan (*ulu'l emre itaat*).

In the traditional Ottoman society, those ruled were called *re'aya*, and this term referred to the entirety of the ruled. However, to sustain the peace and prosperity among the society, it was significant to keep in mind the differences of communities. Therefore, the Ottomans divided their society into *taifes* regarding people's religion, ethnicity, residential status, legal status, occupation, etc.

All these *taifes* had a similar pyramid-shaped hierarchical structure in the traditional social organization. At the highest level, there were the leaders like *kethüda*, *yîğitbaşı*, *pir*, *şeyh*. The non-leader elites of *taifes* were in the middle of this hierarchy. They were the most known or the wealthiest in their *taifes*. They were called *ihitiyaran*, *ayan*, *vücûh*, or if they were the elites of a commercial *taife*, *üstadân*.⁴⁰ The rest were at the bottom of this hierarchy, the members of the *taife*. With the help of this pyramid-shaped hierarchical structure, the rules were applied and enforced, and the order was maintained.

³⁹ In *Ahlâk-ı Alâ'î*, Kınalızade Ali Çelebi explains “circle of justice” as follows: “Adldir mûcib-i salâh-ı cihân/Cihân bir bâğdır divârı devlet/Devletin nâzımı şerî’attır/Şerî’ate olamaz hiç hâris illa melik/Melik zabt eylemez illâ leşker/Leşkeri cem’ edemez illa mâl/Mâlî kesb eyleyen ra’iyyettir/Ra’iyyeti kul eder pâdişâh-ı âleme adl” Kınalızade, *Ahlâk-ı Alâ'î*, ed. Mustafa Koç, 1090.

⁴⁰ Tekgül, “A Gate to the Emotional World of Pre-modern Ottoman Society”, 152.

Taifes were significant for people's identity. A person was expected to live and spend the day together with the *taife*'s other members. They were also obliged to abide by the same rules and customs of the same *taife*. However, an individual was a member of different *taifes* according to different criteria. A Christian shoemaker example has been mentioned above. A Muslim shoemaker and a Christian shoemaker were members of different *taifes* in terms of their religious beliefs, while they were members of the same *taife* in terms of their occupations.

To see this complex structure in a context, it would be helpful to look at a *ferman*⁴¹ sent to the qadi of İstanbul and his *muhtesib*.⁴² In this *ferman*, the head of grocers and stallholders (*bakkal ve pazarbaşı*) complains about Murad's (Murad veled-i Şahbaz) violation of *taifes* rules. Murad was an Armenian grocer and stallholder⁴³, therefore, in this *ferman*, he was mentioned and discussed in terms of his affiliation to two different *taifes*. Murad was allegedly violating the rules and gaining an unearned advantage. The rules suggested that the goods and commodities that were to be sold by the grocers and stallholders should have been first brought to the related market (e.g., fishes to the fish-market) and second wholesaled to those grocers and stallholders which were retailers.

⁴¹ "Mahrûse-i mezbûrede olan Bakkâl ve Bâzârbasisi sûret-i sicil ibrâz edip; "Kadîmden aramızda bakkâllık ve bâzârcılık edenlerin dükkânları ve kefilleri olup ve tekâlîf-i örfiyyeyi berâber çekip ve sehre gelen zehâirden hisselerine düşen ile kanâat ederler iken Ermeni tâifesinden Murad veled-i Sahbaz nâm Ermeni, koltukdan zahîre alib satıp narh-i câriye dahi amel etmeyip narhdan ziyâdeye satar." deyü men'olunmak için emr-i serîf taleb etmeğin buyurdum ki..." 82-1 Numaralı Mühimme Defteri (H. 1027-1028/ M. 1618-1619) (İstanbul: Türkiye Cumhuriyeti Cumhurbaşkanlığı Devlet Arşivleri Başkanlığı, 2020), 71.

⁴² *Muhtesib* regulates and controls *hisba* orders in the urban area. For further information see; Özer Ergenç, "Osmanlılarda Esnaf ve Devlet İlişkileri," in *Şehir, Toplum, Devlet Osmanlı Tarih Yazıları* (İstanbul: Tarih Vakfı Yurt Yayınları, 2012).

⁴³ Grocers and stallholders were the guilds that sold the wholesaled food and other consumer's good at the shops and their own marketplaces. Although they were separate guilds, they could be jointly acted, as one *taife*, because both were retailers.

These retailers, then, should have sold the goods and commodities with the pricing (*narh*⁴⁴) determined by the rulers of that *taife*.

On the other hand, Murad was accused of meeting with the wholesalers before entering the city and buying the commodities he needed at a lower price before anyone else could even see them (*koltukdan zahîre alıb*). Moreover, he was accused of selling these commodities more expensive than the determined *narh*. These accusations of *Pazarbaşı* about Murad veled-i Şahbaz demonstrate the strict rules in *taifes*, and these rules were enforced by the *taife*'s rulers. People had to abide by these specific rules and customs of the *taifes* that they belonged to.

Considering all these, there were appropriate and inappropriate ways for an individual to behave in a society. Sanctions on the inappropriate behaviors had two dimensions. The first dimension is the jural and legal one. The case of Murad veled-i Şahbaz is a concrete example of the legal dimension. The second dimension is the field of *Namus*. *Namus* determines the accepted and unaccepted behaviors in a *taife*. In this sense, the field of *namus* is more comprehensive than the first dimension. It is also more timeless. What makes this concept even more interesting in the field of gender studies is that *namus* distinguishes the genders. It regulates the relationship between genders by casting different roles on men and women. To fully understand this regulated relationship, it is essential to investigate the roles of men and women in the *taife* structure.

⁴⁴ For detailed information, see; Mübahat Kütükoğlu, “Narh”, *İslam Ansiklopedisi*, TDV Yay., V.32, (İstanbul: 2006), 390-391.

2.2.1 Taallukat

The affiliation to a *taife*, as mentioned at the beginning, mainly was determined through the male individual. It can be seen in the *tahrirs*. *Tahrirs* were the records of the population in terms of their residential status and occupations. The Ottoman State used these *tahrirs* to determine who will pay how much tax. In these *tahrirs*, the affiliation of individuals to *taifes* had been documented through the men in a family, with some minor exceptions: female widowers who produced and paid her taxes. Apart from them, single men were listed as *mücerred*, which means on one's own, and the married men constituted *hânes*, which means households. Apart from the male leader of the family, these households included his *taallukat*: wives, children, *cariyes*, slaves, and servants.

Taallukat means relatives, kin, or immediate family. Affiliation to a *taife*, as mentioned above, was determined through man and his *taallukat*, which together defines the household. Kınalızade explains a household in his *Ahlâk-ı Alâ'î*: “Mesela herkes ehl-i beyt ü hâne ve sükkân-ı menzil-i kâşanesiyle- ki ehl-i beyt ü ıyâl ve evlâd u etfâl ve hidmetkârân u haşem ve peresterân u hademdir- ...”⁴⁵ A household, according to Kınalızade, consists of the man (leader of the household) and his wives, children and servants. In a broader explanation, a man's *taallukat* includes his wives (*menkuhes*), his children, his slaves and *cariyes*, and his servants. All these are linked to the man with a different tie.

2.2.1.1 Menkuhes

⁴⁵ Kınalızade, *Ahlâk-ı Alâ'î*, ed. Mustafa Koç, 79-80.

Menkuhes were linked to the man with *izdivac* (marriage). Whether written or oral, *izdivac* defines a contract. In the traditional social structure of the Ottomans, *izdivac* happens between the two opposite poles, genders, and it is far from being symmetrical. The fundamentals of *izdivac* are man's supremacy and woman's obedience.⁴⁶ To see the perception of the roles of man and woman in a marriage, *Serope v. Vartan's* complaint⁴⁷ against his wife should be scrutinized.

Serope, a *zimmi* living in the Üsküdar Selami district, filed a complaint against his wife, *Sima*, as she was allegedly loath to do her wifely duties, and she was not behaving according to the expected and accepted ways a wife should behave. *Serope* complains that his wife did not obey to him (*zevcem olup bana mutâva'at etmeyip*). The subject of this allegation, the expected and accepted behaviors of a wife, can range from respect and obedience towards the husband to sexual intercourse. As a result of the hearing, *Sima* was warned and advised to obey her husband. The obedience was the most interesting highlight in terms of this thesis's scope. Women should have abided and obeyed to his husband, which demonstrates the asymmetrical relationship between spouses.

2.2.1.2 Children

⁴⁶ Tucker, *In the House of the Law*, 40.

⁴⁷ “*Medîne-i Üsküdar'da Selami mahallesinde mütemekkin Serope v. Vartan nâm zimmî mahfil-i Bâb'da meclis-i şer'-i hatîrde hâlâ zevcesi şahsı mu'arrefe Sima bt. Sahak nâm Nasrâniye muvâcehesinde merkûme Sima Nasrâniye zevcem olup bana mutâva'at etmeyip benimle izdivâc mu'âmelesinden imtinâ' etmekle kibel-i şer'den bana mutâva'ata merkûme Sima Nasrâniyeye tenbîh olunmak murâdımdır deyü ba'de'd-da'vâ ve'l-istintâk ve'l-ikrâr mûcibiyle zevci merkûm Serope zimmîye mutâva'ata merkûme Sima Nasrâniyeye tenbîh olunduğu bi'l-iltimâs huzûr-ı âlilerine i'lâm olundu. Fî 22 min-Z sene 1206.*” Transcribed by ISAM. Istanbul USK JCR 531, v.81: 821.

<http://www.kadiscilleri.org/arascl/ayrmetin.php?idno=54402>

Children were linked to the man, their fathers, with *neseb*. *Neseb* means lineage. In traditional societies based on blood relationships, children are born with certain rights, power, and wealth.⁴⁸ Especially for legal purposes, it is significant to determine people's lineage. This lineage is, just like in most of the traditional societies, defined through the father in the Ottoman society as well. In the official documents, people are mentioned with their father's names. Lineage for boys is shown by *bin*, *veled*, *oğul*. In a similar fashion, the lineage of daughters is shown by *binti*, *kız*, *kerime*. Additionally, if it is wanted to be emphasized that the child is a biological offspring the term *sulbünden gelmek* is used. *Sulbünden gelmek* means that a child has emerged from the sperm of his father, therefore, the child is biologically and legally the offspring of his father.

2.2.1.3 Slaves and *Cariyes*

A man's *taallukat* was not necessarily confined to his relatives like his wives and children. His slaves, *cariyes*, and servants were also counted in his household, therefore in his *taallukat*. Slaves and *cariyes* were linked to the man with *temellük* (acquisition). Slaves and *cariyes* were properties of their masters. They were generally used in production and domestic chores. They were named differently in terms of their legal status. Woman slaves, in the Ottoman official documents, are generally called *cariye*, *müstevlide* (*ümm-i veled*), *müdebbire*, and *ma'tûka*.⁴⁹ Masters were allowed to have sexual intercourse with their *cariyes*, and a *cariye* giving birth to the child of his master gains a

⁴⁸ Tucker, *In the House of the Law*, 167.

⁴⁹ Nelly Hanna, "Sources for the Study of Slave Women and Concubines in Ottoman Egypt," in *Beyond the Exotic: Women's Histories in Islamic Societies*, ed. Amira El-Azhary Sonbol (Syracuse, N.Y.: Syracuse University Press, 2005), 123.

new legal status and a new name: *müstevlide* (*ümm-i veled*), which means the “mother of the child.” This child’s *neseb* was rightfully linked to his biological father, the master of *müstevlide*, in case the father acknowledges his child as his own as well. A good example of this phenomenon can be seen in the case of Şehri Mehmed Ağa and his *cariye* Selame.⁵⁰ Şehri Mehmed Ağa acknowledges the child that Selame was soon to give birth as his own. Selame, referred to as *cariye-i memlûke* in the register, was a property of his master, Şehri Mehmed Ağa. Even if she was pregnant to his master’s child, and even if his master had acknowledged the child as his own, Selame’s position and affiliations in the society were possible only through his master, Şehri Mehmed Ağa.

2.2.1.4 Servants

Hidmetkarân (servants), on the other hand, were not properties of their masters. They were linked to the man, the leader of the household, with *nefsini icareye verme*. *İcare* means leasing. “*Nefsini icareye verme*” refers to the act of leasing one’s service and self to another. In the household, a husband was responsible for the well-being and expected to fulfill the needs of his house. Additionally, relatively wealthier men were expected to hire a couple of servants to help his wife in the domestic chores.⁵¹ In this sense, they were a kind of paid labor. Even though this relationship might seem like a

⁵⁰ “[...] Şehri Mehmed Ağa b. Hasan meclis-i şer‘-i şerîfde ikrâr ve takrîr-i kelâm edip orta boylu, kara gözlü, kara kaşlı Habeşîyyetü’l-asl Selame bt. Abdullah nâm câriye-i memlûkem el-ân hâmile olub mezbûr Selame’nin haml-i mezbûru bendendir, eğer haml-i mezbûr hayyen zuhûr ederse zuhûr eden veled benim veledim olub mezbûre Selâme ümm-i veledim olur dedikde mâ-vaka‘a hıfzan li’l-makâl gıbbe’t-taleb ketb olundu ...” Transcribed by ISAM. Istanbul BAB JCR 11 v.53: 229.

<http://www.kadisicilleri.org/arascl/ayrmetin.php?idno=2569>

⁵¹ Judith Tucker, *Women, Family, and Gender in Islamic Law* (Cambridge: Cambridge University Press, 2008): 51.

simple contract for service, a servant was considered in the household, therefore *taallukat*, of the patron. Kınalızade Ali Çelebi lists servants after mentioning *menkuhes* and children, “*hidmetkârân u haşem ve perestârân u hadem*”⁵².

Masters should not have had sexual intercourse with their female servants, as the *hürmet-i müsahara* principal dictates.⁵³ However, in the course of history, there were cases of such sexual intercourse. They were even brought up to courts. Ramata, a non-Muslim woman from Mudanya, had filed a complaint against his patron Kara Yorgi as he raped and took away her virginity.⁵⁴ Ramata was known in his neighborhood in Mudanya as the servant of Kara Yorgi, and she was a part of his *taallukat*. Ramada requested both her wage for her 12-year service and compensation for her lost virginity as her sexual integrity should have been protected by the *hürmet-i müsahara* principle.

2.2.2 Discussion on *Taallukat* and Women

⁵² Kınalızade, *Ahlâk-ı Alâ’î*, ed. Mustafa Koç, 80.

⁵³ In Islamic jurisprudence, *fiqh*, *hürmet-i müsahere* refers to forbidden marriage because of the affinity relationship by marriage. However, it should be examined beyond its meaning in *fiqh*. For example, although a marriage is not forbidden according to legal and religious rules, it could be under a ban which the society imposes.

⁵⁴ C.ADL. 79/4770 (H.1197) reads: “Devletlü ‘inayetlü merhametlü Sultanım hazretleri sağ olsun. Arzuhal-i Nasraniye cariyeleridir ki Mudanya sâkinelerinden olub yine Mudanya sakinlerinden Kara Yorgi nam zımmiye hîn-i sabâvetimden berü on iki sene hidmetinde olub bu cariyeleri kendü hâlimde ve ‘ırzımla mukayyed iken mesfur zımmi cebren tutub ve bikrimi izale idüb kemâl mertebe ‘ırzımı pâyimâl eylediğinden mâ’adâ mesfur zımmi hilesinden nâşi ben seni bir aher mesfura tezvîc idiririm deyu dürlü dürlü tezvîrat ile bir takrib küşad virüb zelil sefil serkerdan ha’ib ve hasir bırakub ve mahall-i merkumede mesfur ile mukâvemet bir dürlü iktidarım olmadığından taraf-ı Âsitâneye gelüb ve fetvâ-i şerife mürâca’at olundukda sene-i merkumelerde hizmetim mukabili ecr-i mislim ve bikrimi izâle eylediğinin müceb-i şer’isi üzere ecirren fetva-yı şerifeler virilmeğle hâkipây-i devletlerine arz-ı hale cesaret olundu merâhım-ı aliyyelerinden mercûdur ki taraf-ı devletlerinden mübâşir kulları marifetiyle yedime bir kıta emr-i ‘âli ihsân ve mahallinde şer ile ihkâk-ı hak olmaz ise mesfur zımmi taraf-ı Âsitâneye ihzâr olunması babında emr u ferman devletlü ‘inâyetlü Sultanım hazretlerindir. Bende Ramata.”

Considering all these mentioned about the *taallukat*, as a summary, following can be said. Whether boys or daughters, children had been a part of society through their fathers. However, male children's dependence on a man was generally temporary. A boy was expected to grow up and be the leader of their own *taallukat*. Women, on the other hand, had not a similar path. Through marriage, their affiliation passed from their fathers to their husbands. Apart from the abovementioned exception for female widows, women were permanently affiliated to society through the men in their families. To secure this social organizational model, written and unwritten values gained prominence. As one of these values, *Namus* and its applications set light to the social structure, the power dynamics in the society, and the gender-based behavioral patterns.

2.3 Joint and Several Liability

Until 19th century, the Ottoman society had an eclectic form which was divided into *taifes* in terms of various criteria. It was crucially important to sustain the peace and adherence among the members of a *taife*. Each and every member of a *taife*, therefore, had to know and be closely acquainted with all the other members. This was a prerequisite to create and sustain a shared living space. Furthermore, people were severally responsible for the other members of their *taife* and neighborhood, according to the legal dimension of this social structure.⁵⁵ Ergenç strongly underlines this several responsibility as it is a key concept revealing the nature of social order and the life in a neighborhood.

⁵⁵ Özer Ergenç, "XVIII. Yüzyılın Başlarında Edirne'nin Demografik Durumu Hakkında Bazı Bilgiler" in *Şehir, Toplum, Devlet Osmanlı Tarihi Yazıları* (İstanbul: Tarih Vakfı Yurt Yayınları, 2012), 183.

Several liability simply refers to the responsibility and accountability of a person for the other members of his family, neighborhood, and *taife*. Neighborhoods and *taifes* were not transitive. To come of a neighborhood and to join a new one was not easy. Previous members of neighborhoods did not easily accept newcomers, as they would become responsible for the newcomers' behaviors. They supposed to know and check each other closely. In the most extreme example, whole neighborhood could have been accused and sanctioned because of an unsolved murder. To avoid such accusations and sanctions, people were allowed, even encouraged, to keep an eye on each other.

This several liability and the right to check and control each other was also a common case in *taifes*. Candlemaker Yorgi is a good example. Yorgi was a *zimmi* (non-Muslim) and a candlemaker. His actions and behaviours, therefore, were affecting both the *zimmi taife* and the candlemaker *taife*. When Yorgi was imprisoned because of his debt, the other *zimmi* candlemakers went bail for him.⁵⁶ They testified Yorgi's good

⁵⁶ “Mahmiye-i İstanbul hısmı ebvâbindan Ayakapısı hâricinde vâki' selhânede sâkin mumcu tâifesinden Kosta v. Todori nâm zimmî mahfil-i kazâda işbu bâ'iseyü'l-kitâb Mahmud Beşe b. Ömer ve Himmet Beşe b. Mehmed mahzarında ikrâr ve takrîr-i kelâm edip Galata'da sahn-ı sultânîde hâlâ mahbûs olan tâife-i mezbûreden Yorgi v. Yani zimmetinde deyn-i şer'iden mezbûr Mahmud Beşe'nin üç bin üç yüz on altı akçe ve mezbûr Himmet Beşe'nin dahi dört bin iki yüz kırk sekiz akçe ki cem'an yedi bin beş yüz altmış dört akçe târîh-i kitâbdan bir sene tamamına değin müeccel ve mev'ûd hakları olmağın meblağ-ı mezbûrun cem'isine merkûm Yorgi'nin emri ve mezbûrân Mahmud Beşe ve Himmet Beşe'nin kabûllerini hâviye kefâlet-i sahîha-i şer'iyye ile ben kefil oldum dedikde gıbbe't-tasdîki'l-mu'teber yine zikr olunan selhânede sâkinler olan mumculardan Panayot v. Mihal ve Yorgi v. Andriya ve Foti v. Yani ve Kasab Kosta v. Harpato nâm zimmîler dahi hâzirûn olup ecel-i merkûm hulûlünde kefâleti hasebiyle merkûm Kosta v. Todori'nin zimmetine lâzım gelen meblağ-ı mezbûr yedi bin beş yüz altmış dört akçenin cem'isine mezbûr Kosta'nın emri ile her birimiz kefil olduk dediklerinde mezbûrân Mahmud Beşe ve Himmet Beşe dahi kabûl etmeğın mâ-hüve'l-vâki' gıbbe't-taleb ketb olundu. Fi't-târîhi'l-mezbûr. Şuhûdü'l-hâl: el-Hâc Mehmed b. el-Hâc Mahmud, Ahmed Beşe b. el-Hâc Hasan, Yusuf Beşe b. İbrahim, Mustafa Beşe b. Hasan.” Transcribed by ISAM. Istanbul Ahi Çelebi JCR 1 v.49: 67. <http://www.kadiscilleri.org/arascil/ayrmetin.php?idno=213>

manners and his obedience to the rules. In a nutshell, the other members of Yorgi's *taifes* had to answer for Yorgi's behaviors.

This several responsibility, to avoid injustices to an extent, needed strict rules and values that the members should follow and abide by. These shared values, like an invisible hand, sustained and secured the different dynamics among the people, between different communities, and also between the individuals and the state. One of these most significant shared values was *namus*.

2.4 *Namus*

In the most general sense, *namus* can be defined as the abidance to the moral principles and communal values, honesty, and righteousness. This concept, which has been under the close investigation of anthropological studies since the 1960s, has been a building stone in the Mediterranean cultures. Pitt-Rives and Peristiany, who were known with their studies on cultural anthropology, underlines this phenomenon. According to them, beside the environmental and historical similitudes, Mediterranean societies share a common value system based on *namus* and shame.⁵⁷ In these societies, people's reputation in the community is heavily rely on their *namus*.

Apart from such a generalized definition, *namus* is a concept that is hard to define universally. It can change from time to time, from culture to culture. For example, a prohibition based on *hürmet-i müсахara*, which was mentioned above, can vanish in a different era. In the Ottomans, for instance, a way of dressing may be well-received for

⁵⁷ Gilmore, *Honor and Shame*, 2.

non-Muslim women while it may be off the charts, even prohibited, for Muslim women. A 1726-dated *ferman* related to women's dress, which will be investigated below, is a good example how a certain way of dressing could have been seen inappropriate for Muslim women while not suggesting that the non-Muslim women dressing like were *namussuz*. It is, therefore, a polysemantic and a multilayered concept. To understand its nature and changes from culture to culture, and time to time, Ottoman official documents would be a prolific source of information.

According to anthropologist Paul Friedrich, *namus* is a law that extents from hermeneutic to the act. It involves both cognitive and pragmatic factors.⁵⁸ First of all, *namus* is a system of values and symbols. Secondly, it regulates and shapes the behaviors within the society. In Ottoman society, it refers to the set of values related to respectability and reputability, like honesty, generosity, being righteous, etc. A man who is known to be honest, generous, righteous, respectable, and reputable, is regarded *namuslu*. On the contrary, a man who is known to act on his *nefsâniyet* (lust), is regarded *namussuz*. People would prefer to be *namuslu* as it was the key for survival in the Ottoman *taife* structure. Therefore, *namus* became a prohibitor of bad behaviors based on lust and a catalysator for welcomed behaviors in the society. Moreover, it became the measure of a person's value in the community. It shows whether a person's reputation was besmirched or not.⁵⁹

2.4.1 *Namus* and *Töhmət*

⁵⁸ Abu-Lughod, *Veiled Sentiments*, 86.

⁵⁹ Peirce, *Morality Tales*, 179.

Since *namus* was such an important property for a person to hold, the concept of *tö Ahmet* (indictment) comes into prominence. *Tö Ahmet* means an accusation or a charge to someone, which has not been verified or refuted, of a crime or fault. Indicted people were *tö Ahmetli* and the unindicted people were *tö Ahmetsiz*. *Tö Ahmetli* people were attributed with bad behaviors, thus, they were unreputable. On the other hand, *tö Ahmetsiz* people were known with their well behaviors. *Tö Ahmet*, therefore, was a tool to dishonor and besmirch. That is why, the concepts of *namus* and *tö Ahmet* were closely related to each other.

Numan Efendi's petition to the grand vizier, reveals this close connection of *namus* and *tö Ahmet*, showing how even a doubt in a person's reputation can have an impact.⁶⁰ Numan Efendi says that he was from Niğde, and he was elected member to Niğde Sanjak Council by the people. In his time of duty, he argues, he spent time for the necessities of Niğde, and he was very successful even in the eyes of the people. Despite his excellent work, the former district governor Ali Rıza Efendi terminated Numan Efendi's membership to Niğde Sanjak Council without a reason. Numan Efendi says that this termination besmirched his *namus*: "*bî vech ihracım ile kesr-i namus olduğumdan*"⁶¹. He went to the court and win his case. To restore his *namus*, he seeks his membership to be renewed.

⁶⁰ MVL. 384/94 (H. 1278) reads: "*Ma'rûz-ı çâker-i kemîneleridir ki bu kulları nefis-i Niğde ahalisi bulunduğum cihetle çenden akdem ittifâk-ı ahali ile Meclis a'zalığına ta'yin umûr-ı meham-ı belde ve ahalice bilakusur tesviye itmekde iken kaim-i makam-ı sâbık Ali Rıza Efendi bir gûna sebep olmayarak meclis-i mezkur azalığından ihrâc itmiş kulları hâhişgir olmadığım derkâr ise de bî vech ihracım kesr-i namus olduğumdan ikmâl-i namus itmek üzere lâzımgelenler ile bi'l-mukabele haklı olduğum tebeyyün ittiği halde meclis-i mezkura tayin buyurulması hakkında mukaddemki isti'dâ-i âcizanem üzerine Meclis-i Vilayete lede'l havale fî Rebiü'lahir sene (12)78 tarihi ile devletlû Konya valisine hitaben bir küt'a emirname. Bende Numan kulları.*"

⁶¹ MVL. 384/94.

Numan Efendi sees the unprovoked termination of his membership as a threat to his *namus*, therefore, his reputation in the society. The termination of his membership might have caused a *tö Ahmet*. Since there were no reason for the termination, people might have thought that Numan Efendi had done something bad, because of his lust, related to unlawful gains, dishonesty, or relationships with unrelated women. Since a man was affiliated to the society with his *taallukat*, people might have thought that Numan Efendi's wife or children done something unacceptable, instead of Numan Efendi himself. The unreasoned termination of his membership could cause these kinds of suspicions, even *tö Ahmet*, to his and his family's *namus*. Numan Efendi, therefore, seeks an acquittance.

2.4.2 *Namus* as a Tool for Engineering Individual and Social Behavior

The concept of *namus* had the power on people to shape their behaviors. Including but not limited to crimes, *namus* was suggested to prohibit bad behaviors and promote good ones. In the Ottoman society, this concept was often linked with the metaphor of a *perde* (curtain) as it hinders certain behaviors. A *namuslu* person was considered *ehl-i perde* (person of curtain). When a person's *namus* was besmirched, it was referred as *hetk-i irz* (tearing of honor), *hetk-i perde* (tearing of curtain), *hetk-i perde-i namus* (tearing of honor's curtain). This curtain was a fragile limit of accepted behaviors which should have been protected at any cost.

Women had to be careful about what they wear, they should not have revealed their bodies and even their bodily movements in the Ottoman society, especially in the

public sphere.⁶² In the early 18th century, the number of women violating the socially accepted dress code has increased. As a result, a *ferman* was enacted in 1726 about the apparel and clothing of women, and it shows how *namus* was used as a tool to rectify and prohibit certain behaviors that are attributed to *nefsâniyet*.⁶³ According to this *ferman*, Muslim women started to envy and emulate non-Muslim women's appearances, clothing and jewelries. By coming into the public sphere with such an emulated appearance, they violated both the rules of the state and the values of *namus*. They were, this *ferman* suggests, tempted by their *nefsâniyet* and did not hesitated to tear the curtain of *namus* (*hetk-i perde-i nâmusdan tehâşî etmeyip*)⁶⁴.

When some women started to wear clothes like non-Muslim women against the codes of *namus*, it is also believed to affect *namuslu* women to emulate that as well. As more and more women were tempted by their lust to be dressed *namussuz*, it become hard to preserve those *namuslu* women from the same temptation. This fear of losing *namuslu* women to their *nefsâniyet* is clearly stated in the *ferman*. At this point, *namus* appears as a tool to restrain *nefsâniyet*. Those who were *namuslu* and those who were not, in this *ferman*, were distinguished sharply. *Namuslu* women were referred as *ehl-i ırz* (person of honor), *ehl-i ismet* (person of chastity), and *sahibe-i ismet* (owner of chastity), while

⁶² Suraiya Faroqhi, *Osmanlı Kültürü ve Gündelik Yaşam Ortaçağdan Yirminci Yüzyıla* (İstanbul: Tarih Vakfı Yurt Yayınları, 1998), 124.

⁶³ "...ba'zı yaramaz avratlar intihâz-ı fırsat ve sokaklarda halkı idlâl kasdına izhâr-ı zîb ü zînet ve libâslarında gûnâ-gûn ihdâs-ı bid'at ve kefare avratlarına taklîd serpûşlarında u'cûbe heyetler ile nice üslûb-ı ma'yûb ibdâ' ve âdâb-ı ismet bi'l-külliye meslûb olacak mertebe kıyâfetler ihtirâ' etmeleriyle, bundan akdem men' olunmuş iken, mesâlih-i mehâmm-ı nizâm-ı memâlik-i İslâm'a iştigâl esnâsında eslâfınızdan adem-i tekayyüdden nâşî yine hetk-i perde-i nâmusdan tehâşî etmeyip ve türlü türlü heyet-i şenî' ve kıyâfet-i fazîhaya mütesaddî ve birbirini görerek bu hâleti ehl-i ırz ve ismet olanlara da âdet olmak mertebelerine müeddî olmağla ümmet-i Muhammed'i idlâl ve ifsâda sebeb ve ehl-i ırz ve ve sâhibe-i ismet olanlara dahi icâd-ı kıyâfetden nâşî şenâ'atleri sirâyetine bâdî olduğundan mâ'adâ..." Transcribed by ISAM. Istanbul JCR 24 v.21: 97. <http://www.kadisicileri.org/arascl/ayrmetin.php?idno=29009>

⁶⁴ Ibid.,97.

namussuz women were referred as *yaramaz* (mischievous). This *ferman*, as a result, suggests that in order for Muslim women (at least for those who were living in Istanbul⁶⁵) to be called *ehl-i ırz*, *ehl-i ismet*, or *sahibe-i ismet* and to avoid being called *yaramaz* in the community, they should have abided the socially accepted apparel and clothing codes for Muslim women. As this example also suggests, *namus* had been an important tool hindering and prohibiting certain actions and behaviors that were based on one's *nefsâniyet*, and this tool was utilized to sustain the social order within the traditional social structure.

2.5 Concluding Remarks on *Taife* Structure and *Namus*

Memalik-i Mahruse, which extended to three continents over 20 million km², contain within itself several cultures, ethnicities, religious groups, languages, etc. To secure the coherence among this vast territory, and to govern such a varied society, Ottoman society was divided into sub-communities called *taifes*. People within a *taife* were severally liable for each other, which means that they had to answer for how the other members behaved. This social structure brought along a set of rules and control mechanisms, one of which is *namus*.

Namus was a shared value in the early modern Ottoman society. It refers to the area of both cognitive and pragmatic factors, meaning that it both was a system of values

⁶⁵ Robert Dankoff, in his article “Ayıp Değil!”, analyzes the context of the word “ayıp” in Evliya Çelebi’s *Seyahatname* and shows how different parts of the Ottoman Empire had different value judgment. As he cited from Çelebi: “ve çârşû-yı bâzârda avrat gezmek bu şehirde [Yanya] gâyet ayıbdır, avratı taşrada görseler hemân amân u zaman vermeden katl iderler; ama Urûm karıları yüzleri açık sokaklarda gezüb gûna-gûn kâr ederler, ayıp değildir.” Robert Dankoff, “Ayıp Değil!” in *Çağının Sıradışı Yazarı Evliya Çelebi*, ed. Nuran Tezcan (İstanbul: YKY, 2009), 115.

and functioned as a regulatory tool in the society. Society was labeling people as *namuslu* or *namussuz* and it was important for people to be called *namuslu* in order for them to survive in this social structure. Hereby, *namus* became a social engineering tool to shape the behaviors of people and the society.

The *taife* structure in Ottoman society was gender-differentiated, thus, the concept of *namus* was also gender-differentiated. For men, *namus* could easily be about their professional life (just like in the case of Numan Efendi), for women it generally refers to their behaviors in family (Sima's example), their way of dressing (in the example of abovementioned *ferman*), and their sexuality (Ramata's example). This situation necessitates a close study on the perception of women's sexuality in Ottoman society, for researchers to understand the concept of *namus* and women.

CHAPTER III

PERCEPTION OF SEXUALITY AND LANGUAGE

3.1 Perception of Sexuality and *Namus*

How a society perceives sexuality and which roles are given to men and women directly shape the definition and perception of the *namus*. For this reason, before analyzing how Ottoman society defines *namus* of women, there is a need to dwell on sexuality. The function of women in a sexual relationship, the roles are given to them determine the perception of women in the eye of men and society. As both a system of values and a field of action, *namus* identifies different values for men and women and builds up particular control mechanisms based on the roles in sexuality.

The language itself has important clues on how society perceives sexuality and which roles are given to men and women. Beside the reflection of the outside world, the language mirrors people's and societies' perceptions of the world. In other words, it shows the structure of the mind rather than the outside's.⁶⁶ From this point, one of the most useful tools to demonstrate the perception of Ottoman society on sexuality is its language. As Kalpaklı and Andrews asserts that "... such things as love and sex are not biological

⁶⁶ David Evans, *Language and Identity Discourse in the World* (London: Bloomsbury, 2015), 22.

realities (in the way that reproductive sexual intercourse is). They are social constructs given form and shape by the ways they are put into language...”⁶⁷ So, gender-differentiated *namus* perception of Ottoman society can be examined by revealing the mutual relationship between the male-dominant sexuality and the language.

3.2 Reciprocal and non-Reciprocal Vocabulary

Ottoman society had different words and expressions referring to sexuality. They could be the expressions that either position the men and women opposite (such as subject/object, active/passive, penetrator/penetrated) or indicate the reciprocity of the sexuality. For example, there is a word *cima'* in Islamic jurisprudence to define the sexual relationship between a man and a woman. It derives from the root of *cem'* (جمع) and means to get together. It can also be used in *mufâ'ale* prosody, which makes it *mücâma'a* and gives the word a reciprocal meaning. No prosody makes the *cimâ'* either *fâ'il* (subject) or *mef'ûl* (object). In other words, *cimâ'* does not distinguish the roles of man and woman in a sexual intercourse. Besides, *istifrâş*, which derives from *fîrâş* (فراش), refers to sexual intercourse, meaning "getting the concubine into bed."⁶⁸ Hence, *istifrâş* has a direction from man to woman, lacking the reciprocal semantics of *cimâ'*. In a sentence formed with *istifrâş*, man is the subject, and woman is the object of the verb, therefore, it has *ism-i fâ'il* (prosody makes the word subject) and *ism-i mef'ûl* (prosody makes the word object). In *istifrâş*, a man is *müstefriş*, and a woman is *müstefreşe*. The other way around does not

⁶⁷ Mehmet Kalpaklı and Walter G. Andrews, *The Age of Beloveds Love and the Beloved in Early-Modern Ottoman and European Culture and Society* (Durham; London: Duke University Press, 2005), 37.

⁶⁸ *Kamus-ı Osmani* defines *istifrâş* as following: “Yatak manasına olan fîrâşa almak dımekdir ki, odalık almak, carıye tutmakla kullanılır. Odalığa da müstefreşe denılır.” Mehmet Salahi, *Kamus-ı Osmani*, ed. Ali Birinci (İstanbul: Yazma Eserleri Kurumu Başkanlığı, 2019), 324.

work, meaning that woman in this relationship is always the passive one, as this word suggests.⁶⁹

Beside the terms' semantics itself, it should also be examined how the society uses these terms in different contexts. At this point, the documents containing people's or communities' complaints will be helpful because they make it possible to see both what was welcomed and what wasn't. A 1573-dated *ferman*⁷⁰ sent to the qadi of Filibe is a good example how Ottoman society expresses sexual relationships differently. This *ferman* is based on the petition ('arz) of the qadi of Filibe. According to the letter of the qadi, Muslims living in the Filibe complained about Üzümcü Mustafa and his wife, Nisa binti Ahmed. The reason for the complaint was that Nisa had a sexual relationship with unrelated (*namahrem*) men. Regarding Nisa's crime, in their complaint, the Muslim community uses the words of *yaramaz* (misconducted) and *fahişe* (prostitute) for her. As the content of the *ferman* demonstrates, Sultan ordered that Nisa and other women like her whose criminal acts were detected by the court must be banished from Filibe. In this *ferman*, one of the remarkable points is that the Muslim community expressed sexual intercourse with the word of *musahabet*. It derives from the *sohbet* (صحبت) and means talking face to face and companioning. However, despite its lexical meaning, it means sexual intercourse in the context of the document. *Musahabet* is a reciprocal verb and

⁶⁹ This situation overlaps with Selahattin Asım's argument that suggests all wives, *cariyes*, *odalisques*, and *müstefreşes* were the tools for the satisfaction of men. Salahaddin Asım, *Osmanlıda Kadınlığın Durumu* (İstanbul: Arba Yayınları, 1989), 99.

⁷⁰ A.{DVNSMHH.d... 22/169 (H.981) reads: "Filibe kadısına hükm ki mektub gönderüb Filibe mahallatından Muhsin Hoca mahallesinde Üzümcü Mustafa'nın zevcesi Nisa binti Ahmed için Müslümanlar yaramazdır namahrem ile musahabet ider fahişedür deyu bildirdüklerin arz eylemişsin imdi mezburenin ol yerden 'alakasın kat' idüb memleketden sürülmesin emr üdüb buyurdum ki vusul buldukda mezburenin emrim üzere ol yerden alakasın kat' idüb şehirden sürüb ve andan maada fahişeliği şer ile sabit olan avretleri dahi habs idüb 'arz eyleyesin."

refers to the sexual intercourse in which women and men have mutual roles. In the Nisa case, such a verb like *istifrâş* has not been used, instead *musahabet* was used as Nisa was not simply the object of the act, her active participation in *zinâ* was emphasized. She willingly committed the crime, so she was *yaramaz* and *fahişe*.

Another example is a 1758-dated petition⁷¹ belonged to Hatice binti Ebubekir. As the petition demonstrates, Hatice wants to divorce her husband, Mehmet Beşe, because of his impotence. According to her, although she gives herself to her husband, he cannot deflower her and engage in sexual intercourse. This is the reason why Hatice seeks a divorce. When Mehmed Beşe claims the opposite, the court appoints midwives to understand whether he deflowered her or not. The midwives, Ümmügülsüm binti Mehmed and Emine binti Abdullah states that Hatice was still a virgin, and her hymen was not damaged. Then, the court informs Mehmed Beşe, and to understand Hatice's complaints, whether based on temporal conditions or not, gives him additional time to engage in sexual intercourse. The expressions used in this document can be a guide for the perception of sexuality in Ottoman society. First, Hatice's words of choice to express sexual intercourse are noteworthy. Hatice says that Mehmed Beşe took her as a wife (*tezevvüc edip*), then he

⁷¹ “İstanbul’da Şeyh Ebulvefâ mahallesinde sâkine ve zâtı ta’rîf-i şer’î ile mu’arrefe olan Hadice bt. Ebubekir nâm hatun Mumcu İsmail Beşe mübâşeretiyile mahfil-i şer’iyyâta ihzâr etdirdiği zevci Mehmed Beşe b. Halil muvâcehesinde zevcim mezbûr Mehmed Beşe bin yüz altmış sekiz senesi Şevvâli’nin sekizinci günü beni elli guruş mehr-i müeccel tesmiyesiyle tezevvüc ve duhûl ve nefsimi kirâren ve mirâren mezbûr Mehmed Beşe’ye teslim edip lâkin mezbûr Mehmed Beşe innün olup bana vusûl ve bikrimi izâleye kâdir olmamağla hâlâ nikâhım fesh olunmak murâdımdır deyü da’vâ etdikde merkûm Mehmed Beşe cevâbında müdde’iye-i mezbûre Hadice ber-vech-i muharrer mehr-i mezbûr ile zevcesi olduğunu ikrâr ve kendüye mukârenet ve vusûl eyledim deyü müdde’iye-i mezbûrenin minvâl-i muharrer üzere müdde’âsını inkâr etdikde bu makûle husûsun teşhîsine kâbile ta’yîn olunan Ümmügülsüm bt. Mehmed ve Emine bt. Abdullah nâm hatunlar kibel-i şer’den me’zûn-ı irâe ve nazar eylediklerinde müdde’iye-i mezbûre hâlâ bîkr ve sahihatü’l-a’zâ olduğunu haber vermeleriyle işbu târîh-i i’lâmdan kameriye hitâmına değin zevci merkûm Mehmed Beşe vusûl ve mukârenete mezbûre Hadice te’cîl-i şer’î ile te’cîl olunduğu huzûr-ı âlîlerine i’lâm olundu. Fî 8 Saferi’l-hayr sene 1172.” Transcribed by ISAM. Istanbul Rumeli Sadareti JCR 272 v.74: 409 <http://www.kadisicilleri.org/arascl/ayrmetin.php?idno=42626>

penetrated into her (*duhûl edip*), and she gave herself to him several times (*nefsimi kirâren ve mirâren mezbur Mehmed Beşe'ye teslîm edip*). It is interesting that Hatice positions herself as passive in his marriage, and in the sexual intercourse. Hatice has expectations from her husband to penetrate her and to deflower her, which has not been met. However, Mehmed Beşe claims that he had intercourse with and penetrated her. (*kendüye mukâranet ve vusûl eyledim*). In this expression, *mukâranet* is a reciprocal verb and means getting closer, on the other hand, *vusûl* means penetration and defines men as the subject in the sex. At this point, what is interesting is that although *mukâranet* refers to reciprocity, Mehmed Beşe uses it one-sided. He emphasizes that who was sexually getting closer was himself (*mukâranet eyledim*).

The abovementioned two documents show that as contexts differ, words referring the sexual intercourse change, too. An expression carrying a meaning of reciprocity of women and men in sexual intercourse could refer to an unapproved relationship by the society. In contrast, in a marriage, a word which positions the man as the active subject could be used. In this sense, it is important to remember that the rules of sexuality were drawn by men either way.⁷² The expressions referring to the reciprocity of the sexual relationship and not positioning men and women in hierarchical relationships; are overshadowed and made meaningless by this male-dominant language. Moreover, these expressions serve for a discourse that makes men "more subject" than women.

3.3 Sexual Desire, Reproduction, and the Social Dimensions of Sexuality

⁷² Susan Sellers, *Language and Sexual Difference Feminist Writing in France* (New York: St. Martin Press, 1991), 23.

Sexual desire is necessary for reproduction, but its dangerous consequences should also be regarded. This is why most of the advice books (*nasihatnames*) accept sexual desire as an inherent feeling and warn that it should be restrained. Extreme desire can both damage morality and negatively affect sexual health. The adjectives of *itidal* (moderation) and *ifrat* (extreme) are the reflections of common ground. For example, Kınalızade gives the İmam Ghazali's opinions in *Ahlak-i Alai*: If we were ordered to erase the rage and lust, we cannot be strong enough for it because a living being has no power to change what the Creator creates. However, we are ordered to direct rage and lust in moderation, and we are strong enough to do it.⁷³ In an ideal world, sexual desire is moderate, and people can take it under control.⁷⁴ Again in *Ahlâk-ı Alai*, Kınalızade continues that an individual has the reason that distinguishes him from an animal. It is inexcusable if an individual has extreme rage and lust.⁷⁵

Tenasüliye Hakkında Müsahabat-ı Mahremane explains what the definition of sexual intercourse is, what is the aim of it, and its limitations as following. Reproduction is the aim of marriage, and for the reproduction, wife and husband must copulate. This copulation is called *mücâ'maa*. It aims to reproduce, and reproductive organs must be in touch with each other to do it.⁷⁶ At this point, a reciprocal verb like *mücâma'a* is used

⁷³ Kınalızade Ali Çelebi, *Ahlâk-ı Alâi 'Ahlâk İlmi*, ed. Hüseyin Algül (İstanbul: Tercüman Gazetesi, 1974), 73.

⁷⁴ Fatma A. Sabbah claims that in Islam, the reason and the desire represent opposite poles and she analysis it by the discourse of heroism/bravery. In this discourse, the most powerful thing an individual has is the reason. At the same time, it is the basic of religion and the essence of order. However, the desire brings the chaos together. Fatma A. Sabbah, *Women in the Muslim Unconscious* (New York: Pergamon Press, 1984), 110.

⁷⁵ “[...] hayvan sırf şehvet ve arzusunun içinde kalırsa mazurdur. Ama insan bu mazerete sahip değildir. Onun elinde ona yetecek kadar bir akıl ışığı vardır. Buna rağmen şehvet ve sapıklık içinde yanmasında insanı mazur gösterecek hiçbir yön yoktur, olamaz da” Kınalızade, *Ahlâk-ı Alâi* 73.

⁷⁶ “Emr-i tenasül, izdivacın maksad ve gayesi bulunmasına nazaran temin vuku için zevc ile zevcenin birleşmesine ihtiyacı mutlak vardır. İşte bu birleşmeye mücâma’a tabir edilir. Mücâma’a ‘amel-i tevellüd

because men and women have mutual roles during the intercourse. Also, its only aim is to reproduce. As the book says once more, living being creates because it gives birth and is created because it is born. So, the essence of life is nothing but lineage.⁷⁷ In early modern medicine also indicates that men and women desire to copulate to continue the lineage.⁷⁸

Copulation has a reciprocal nature. However, it causes men and women to have different and even asymmetrical roles in a male-dominant discourse, because sexuality is also a social act in traditional-patriarchal societies.⁷⁹ So much so that social codes shape the biological elements of sexuality, and even get them under control. Ottoman society had controlled sexual desire and reproduction as well. In short, in Ottoman society, the borders of sexuality were strictly drawn.

In traditional-patriarchal societies, the lineage of a child must be sure. One of the most dangerous things against the social order is the children whose lineage are uncertain.⁸⁰ That is why, to prevent this uncertainty, the sexual desire of men and women should be controlled. As a contract that makes the sexual relationship legal⁸¹, marriage (*nikah/izdivac*) is the most powerful mechanism to control the desire. The copulation which serves reproduction must be between wife and husband. The names of a child's parents should be known by the society. Yet, these legal mechanisms not only control sexual desire but also create different roles for men and women.

olub bu 'amel sayesinde aza-i tenasülüye derhal yekdiğeriyle temasda bulunurlar." *Hayat-ı Tenasülüye Hakkında Musahabat-ı Mahremane*, trans. A.M, 81.

⁷⁷ Ibid., 38. "Canlı mahluk hem halk eder hem halk olunur; halk olunur zira tevellüd eyler, halk eyler zira tevlid eder. Şu hâlde hayat esasen zürriyetten başka bir şey değildir."

⁷⁸ Ze'evi, *Producing Desire*, 31.

⁷⁹ Tucker, *In the House of the Law*, 149.

⁸⁰ Ibid., 149

⁸¹ Tucker, *Woman, Family and Gender*, 41.

By drawing borders of sexuality and making it the subject of the particular rules, women have three different social roles: virgin, mother, and prostitute. For Irigaray, the limitations of women's sexuality are drawn by these roles, and they cannot possess their desire in any of them.⁸² But it is crucial to remember that the roles mentioned above can differ from time to time and place to place. For example, Irigaray defines a prostitute as one engages in sex for money. However, in Ottoman society, the word prostitute could be used by the society for any women who have illicit sex.⁸³ In other words, a woman who goes against the rules of society or commits *zina* could be labeled as a prostitute or misconducted woman in legal discourse. As court registers demonstrate, these women were marginalized by the society, and in most cases, they were banished from their neighborhoods.

In Ottoman society, marriage is the determinator of women's sexuality. An ideal woman is a virgin; she must not engage in a sexual relationship before the marriage. For Ghazali, a man should marry a virgin woman. A virgin can behave to her husband warmly without an image of another man.⁸⁴ Also, a virgin was regarded to be more religious, earnest and guardian herself against unrelated men. Marriage, as a determinator, change the identity and status of a woman. When her husband penetrates and takes her virginity, she is not a girl (virgin) anymore; instead, she is *avrat*, *kadın*, *hatun*.⁸⁵ Also, as a consequence of the penetration, if a woman gets pregnant, it means a new identity and

⁸² Luce Irigaray, "Women on the Market" in *Literary Theory: An Anthology*, ed. Julie Rivkin, Michael Ryan (Malden, MA: Blackwell Publishing, 2004), 808.

⁸³ Eugenia Kermeli, "Sin and the Sinner: Folles Femmes in Ottoman Crete" *Eurasian Studies* 1, no.1 (2002): 85.

⁸⁴ Zahra Ayubi, *Gendered Morality, Classical Islamic Ethics of the Self, Family, and Society* (New York: Colombia University Press, 2019), 127.

⁸⁵ Kozma, *Policing Egyptian Women*, 104.

responsibility for her: being a mother. At this point, by discharging the duty of reproduction, she fades into the background as a child's lineage is identified by his father in traditional-patriarchal societies. Expressions from Ottoman documents to identify individuals also demonstrate this: "*gaib-i mezbûrdan [İbrahim'den] olma mezbûre Fâtîma'dan doğma Ahmed*"⁸⁶. Women as an instrument for childbearing should be well-behaved to raise children. However, compared to men, women were a weak chain of morality, and they can be easily overwhelmed by their senses (*nafs*).⁸⁷

Sexuality has both biological and social sides. Although it contains reciprocity in nature, the social dimension brings the difference between women and men: women have passive, and men have active roles. Legal mechanisms to control sexuality, such as marriage and father-based lineage, create this hierarchical relations between men and women.

⁸⁶ "...Hâkim sonra gâib-i mezbûrdan olma, mezbûre Fâtîma'dan doğma Ahmed ve Mehmed nâm sagîreynin nafakası için, anneleri mezbûr Fâtîma'nın talebiyle gâib-i mezbûr babaları üzerine, her birine beşer akçe olmak üzere yevmî râyicü'l-vakt on akçe farz ve takdîr etti..." Transcribed by ISAM. Istanbul BAB JCR 3 v.17:265. <http://www.kadiscilleri.org/arascl/ayrmetin.php?idno=1443>

⁸⁷ Ayubi, *Gendered Morality*, 117.

CHAPTER IV

WOMEN'S *NAMUS* AND LAYERS OF PROTECTION

4.1 General View on the Protection Layers on Women's *Namus*

As the first chapter examines, *namus* indicates an approved and socially accepted set of values. These values determine individuals' reputation in society, whether they gain recognition or not. Yet, it is crucial to remember that *namus* is a multilayered concept whose meaning varies in terms of time, geography, and culture. However, what is unvaried in patriarchal societies is that *namus* is mainly defined through women and sexuality. It was the case for Ottoman society as well. As a fragile shared value which needs to be protected, *namus* attributes similar characteristics to women in the society: They, and their sexuality, are delicate and need to be protected.

This *namus* perception in Ottoman society brings the protector/protected relationship along. In this relationship, men are portrayed as protectors while women are the protected ones. It is the responsibility of men to protect women, thus, it is evident that men's control over women is secured by this protector/protected relationship. There were three main layers in the several liability to protect women's *namus*: (1) First and foremost, a woman must protect her own *namus*. (2) In the second layer of this liability, her family is responsible to protect it. (3) On top of this layered relationship, the society (village,

neighborhood, etc.) is liable to protect women's *namus*. This three-layered relationship of protection demonstrates that women's *namus* and their sexuality belong to not only themselves but also their families, on a larger scale, even to their society.

4.2 First Layer: Woman

The prerequisite of being a *namuslu* woman in Ottoman society was that she must be virgin; she must not have engaged in any sexual relationship before marriage. Abraham Marcus gives an interesting example in his study analyzing the privacy concept in 18th century Aleppo. In a 1756-dated case in Aleppo court records, a local woman says that her four-year-old daughter accidentally fell from the stairs, and consequently, she lost her virginity. The mother asks the court to record what had happened to her daughter.⁸⁸ Marcus takes the case to demonstrate how an intensely private concept such as virginity can easily be publicly discussed. The reason why the mother wants the court to know the accident is an important question. Her motivation might have been to prevent gossips (being called unpleasantly) and *tö Ahmet*. Otherwise, her daughter might have been under suspicion. This kind of examples from the court cases shows how virginity as a concept was important in Ottoman society.

Virginity makes regulations on women's sexual lives and regulates the relationship between men and women, and women's mobility in public spaces.⁸⁹ In the Ottoman Empire, a woman should have followed the behavioral rules imposed by the society to protect her virginity and her *namus*. She must be cautious, especially in public spaces,

⁸⁸ Marcus, "Privacy in Eighteenth Century Aleppo" 165.

⁸⁹ Kozma, *Policing Egyptian Women*, 105.

about following the rules: She must not be together with unrelated (*namahrem*) men and must be careful about her clothes and talking. These rules are parallel with the ideal characteristics of a wife drawn by Muslim thinkers. For example, according to Ghazali, an ideal wife should be beautiful, religious, and virgin; for Tusi and Davani, she should be intelligent, devout, earnest, and self-contained.⁹⁰ Also, for them, it is directly related to virginity if a woman is modest, loyal, and obedient.⁹¹ The characteristics of an ideal wife are, at the same time, the characteristics of a perfect woman. If a woman carries the abovementioned characteristics, she is defined with such expressions refers being honorable in the documents: *muhaddereden, ismetlü, iffetlü, ehl-i ırz, kendi hâlinde, ırzıyla mukayyed, namahremden ictinâb*. On the other hand, if a woman does not obey the rules, they are recognized by the society as a woman who does not protect her *namus*, thus, her *namus* is damaged. Once a woman recognized with such characteristics, it will be hard for her to marry, live in a neighborhood, etc.

As court registers and petitions show, many women who lost their virginity out of their consent could apply to the court and demand further action. In the first chapter, from *nefsini icareye vermek* part, a 1783-dated petition⁹² by Ramata can be helpful to analyze the relationship between *namus* and virginity as well. Ramata's petition is a good example to show which paths women follow for such cases, which expressions they use to emphasize that they are aware of their responsibility to protect their *namus*. According to this petition, Ramata complains about *zım̄mi* Kara Yorgi, who employed Ramata for twelve years. She claims that he raped her. She continues that after he deforced and

⁹⁰ Ayubi, *Gendered Morality*, 131.

⁹¹ Ibid.,134.

⁹² C.ADL. 79/4770 (H.1197) For the transcription see footnote 53.

deflowered her, he consistently forced Ramata to engage in sexual intercourse with him (*cebren tutub ve bikrimi izale idüb kemâl mertebe' ırzımı pâyimâl eylediğinden*). Also, as Ramata states, after Kara Yorgi promised that he would marry her to another man, he did not keep his promise. On the contrary, he fired her, and she lived a miserable life. After explaining her complaints, she continues that as she could not stand out against Yorgi in Mudanya, she came to İstanbul. She wants her employment fee for twelve years and a fatwa for compensation for her damaged virginity. Ramata also demands a bailiff (*mübaşir*) to be appointed to call Kara Yorgi to Istanbul, in case there would not be a satisfying judgement in Mudanya.

The expressions Ramata uses in the petition to complain about Kara Yorgi are noteworthy. Before putting forward her complaints, Ramata emphasizes that she lives in Mudanya, obeys the community's rules without hurting anyone (*kendi hâlimde*) and cares to protect her *namus* (*ırzımla mukayyed*). The Ramata's words of choice are not arbitrary. In the first place, she uses these expressions because she wants to stress her awareness of her responsibility to protect herself and her *namus*. Also, what grabs attention is that Ramata uses the word which explains that Yorgi took her virginity away forcefully: *cebren*. What happened in reality cannot be known exactly since petitions are highly formulaic legal documents and shows only a one-sided point of view. For example, Ramata might have engaged in sexual intercourse with her consent if Yorgi had promised to marry her. Yorgi might not have kept his promise, then fired her promising to marry her to another man. It is possible to see many cases about the complaints on sexual relationships which happened by such promises. Yet, the concern of the thesis is not to learn what happened in reality; instead, it aims to analyze which expressions Ramata uses

in the petition to emphasize her awareness that she should protect her *namus*. She, first and foremost, defines herself as *kendi hâlinde* and *ırzıyla mukayyed*. No matter how the case has happened, she is aware that she must protect herself and her *namus*. Also, one of the critical points the petition demonstrates is that the strong relationship between *namus* and virginity is not only experienced in a particular community, such as Muslims; instead, it is a more widely accepted cultural phenomenon.

Another case dated back to 1790⁹³ reveals the fact that the reputation of a woman was significant in the court processes as well. Hatice binti Salih, who lives in Debbağlar neighborhood in Üsküdar, complains about her ex-husband, Bostancı Seyyid Mustafa. She complains that although their daughter's guardianship belonged to her, Bostancı Mustafa took the daughter by his side three months ago. She states in the petition that her daughter is still with her ex-husband. Hatice wants to get her back. Bostancı Mustafa, on the other hand, claims that her ex-wife spent nights in other people's houses, often leaving their daughter alone. Therefore, he claims, he took his daughter along. Then the court asks neighborhood residents how they think about Hatice binti Salih. According to them, she lives by the community's rules without hurting anyone (*kendi hâlinde*), protects her chastity (*ırzıyla mukayyed*), and except going to the bath, she does not appear in the street. (...*nâm kimesnelerden herbiri mezbûre Havva Hatun için kendi hâlinde ırzıyla mukayyed ve beher şehir hamamdan gayri umûru için sokağa çıktığı ma'lûmum değildir deyü [...]* müdde'ye-i mezbûre Havva'nın hüsn-i hâlini bi's-şöhret ve't-tevâtür alâ-tarîki's-şehâde...) ⁹⁴ After the court hears neighborhood residents, at the end, it warns Bostancı

⁹³Transcribed by ISAM. Istanbul Üsküdar JCR 531 v.81: 203
<http://www.kadiscilleri.org/arascl/ayrmetin.php?idno=53177>

⁹⁴ Ibid., 203.

Mustafa to give their daughter back to the mother, Hatice binti Salih. In this case, what the community dwellers said about Hatice is remarkable. The expressions like *kendi hâlinde* and *ırzıyla mukayyed* are emphasized in the case Hatice, just like in Ramata's petition.

When the terms from the court cases and petitions are analyzed, it is important to remind that they were constructed by the legal discourse. They might have left out many important details, such as what the litigants said to each other during the court. Nevertheless, what can be seen in the cases and petitions is helpful for us to hear social relationships and the motivations of the parties.⁹⁵ So, the expressions of both the parties and community dwellers have an undeniable importance. What is interesting in the case is the dwellers emphasize that they didn't hear Hatice's appearance in the street except for the bath. In this sense, Ebru Boyar's article⁹⁶, on *namus* and Ottoman women's mobility in public spaces, examines the *muhaddere* term, which was always used for *namuslu* women in the documents. According to Boyar, the term has no single definition, and she supports her claim by using fatwas from different periods. One of the fatwas she gives in her article is Şeyhülislam Çatalcalı Ali Efendi's fatwa from the 17th century. According to Ali Efendi, women who do not go outside except for their basic needs are *muhaddere* (honorable women).⁹⁷ So, it is not a coincidence that the neighborhood residents stress that she went out only to go to the bath, which was a basic need. This testimony shows that Havva was a *namuslu* woman who meticulously protects her *namus* and she was aware of her

⁹⁵ Boğaç Ergene, "Evidence in Ottoman Courts: Oral and Written Documentation in Early-Modern Courts of Islamic Law" *Journal of the American Oriental Society* 124, no.3 (2004): 473.

⁹⁶ Ebru Boyar, "An Imagined Moral Community: Ottoman Female Public Presence, Honour and Marginality" in *Ottoman Women in Public Space*, ed. Ebru Boyar and Kate Fleet (Leiden: Brill, 2016).

⁹⁷ *Ibid.*, 192.

responsibility about it. These expressions are also determinants of how the court will end. As previously mentioned, the court warns Bostancı Mustafa to give their daughter back to the mother. However, if the neighbors did not make the testimony indicating Havva as an honorable woman, the court would probably end with the opposite judgment; the daughter would still live with her father.

The expressions from the two petitions above show that Ottoman women were responsible to protect their honor. Any suspicion related to not being a virgin before the marriage and developing intimacy with unrelated men after the wedding could affect their lives profoundly. In this sense, the 1855-dated document regarding the petition of Ayşe from Gemlik, is a good example.⁹⁸ Ayşe states that the wife of Hacı Mehmed invited her to their house. During her visit, Hacı Mehmed took her ring and pearl away. Sometime later, through the head of the district, Ayşe took her ring and pearl back. However, because of what happened, Ayşe's husband divorced her. In her petition, Ayşe wants further action from the court as her honor was damaged. There are some missing points in Ayşe's petition, such as how and under what conditions Hacı Mehmed took her belongings away. One of the strong presumptions is that Ayşe's husband might have thought that there was an intimacy between Ayşe and Hacı Mehmed. This presumption suggests that Ayşe was a *namussuz* woman who did not protect her honor; although she was married, she had an

⁹⁸ A.}MKT.UM. 216/81 (H.1272) reads: “Hüdavendigar Valisine Gemlik kazası sakinelerinden ‘Aişe hatunun takdîm eylediği arzuhalde kaza-i mesfur sakinlerinden Hacı Mehmed nam kimesnenin haremî kendisini misaferet tarikiyle hanesine da’vet idüüb azimetden biraz vakt mürurunda merkum Mehmed kendü nezdinde mevcûd inci ile bir aded yüziüğünü ahz ve muahharan kaza-i mezbur müdiri marifetiyle mezkur inci ve yüziük istirdad olunmuş ise de bu husustan dolayı zevci kendisini bırakub namusu şikest olduğundan Burusa Meclis-i kebirinde bi't-terafu' icray-i hak-âyin olunması hususi istida olunmuş ve keyfiyet sahih ise pek çirkin şey olarak merkumun te'dibi lazimmeden bulunmuş olmağla şer'-i şerîf ve meclis marifeti ile rü'yet olunarak icabının icrası ve keyfiyyetin iş'arı hususunda himmet buyurmaları sibakında şukka.”

intimacy with unrelated men. As her honor was damaged (*zevci kendisini bırakub namusu şikest olduğundan*), she applied to the court and demanded her right.

The experiences of Ramata, Havva binti Salih, and Ayşe show that it was important for Ottoman women to protect their honor. It was possible for them to protect their *namus* only by obeying the borders of sexuality drawn by the society. The obligation of women to abide by these borders indicates the control mechanisms on women's sexuality. In order to avoid sanctions of being known *namussuz*, women had to protect their *namus* in the first place.

4.3 Second Layer: Family

In the second layer of the several liability about a woman's *namus*, there was the family. In the Ottomans, a family was referred as *menzil*, *beyt*, *hane*, *ehl ü iyal*, which were interchangeable for family, house, and household. For Ottoman society, which had the traditional-patriarchal structure, the head of the family was the father. In *Ahlâk-ı Alâ'î*, Kınalızade explains the role of the father in the family.⁹⁹ He says that the father should take measures to sustain domestic order in the family. He should preside over the family and bring them under his administration. He should take a hard line to prevent the household from behaving ingloriously while handling it with kid gloves. Kınalızade also

⁹⁹ “Ve çün her kesretin bir cihetle vahdeti olur, lâbüdd bu kesretin dahi vahdeti nizâm-ı sînâ’îdir. Ve nizâm-ı sînâ’î tedbir ile olur ve tedbire müdebbir gerek. Ve lâyük u münâsib oldur ki bu tedbirin sahibi vü müdebbiri sâhib-i menzil ola ki pederdir. Ve sâyir ehl-i menzile riyâset ve anların umûrunu zabt-ı siyâset anın ola. Ve ol dahi tedbir-i sâyib edip luft u unf ve va’d u va’id ve teşehhüd ü lîn ve teklif ü müdârâyı mahall-i münâsibinde isti’mâl etmekle zabt u siyâset ile amel eyleye ki ehl-i menzilden her biri rezâyilden muhteriz ü müctenib ve fezzâyili muhtevi vü müktesib olalar.” Kınalızade, *Ahlâk-ı Alâ'î*, ed. Mustafa Koç, 666.

gives advice on how a father should discipline his wife and children. As the head of the family, he should protect their honor and guide them to be well-behaved.¹⁰⁰

It was necessary for a girl to grow up in a safe environment and a circle of moral rules. Especially for a girl who reaches puberty and becomes an object of desire, her father's protection was fundamental.¹⁰¹ In the cases where the father was absent, the responsibility passed over male relatives such as brother, uncle, male cousin, etc. Also, as the protector of her daughter, a father played a guardian (*veli*) role in her wedding. A 1796-dated petition¹⁰², which belongs to Abdullah, one of the residents of Hürrem Village in Danişmedli district, demonstrates a father's responsibility to protect his daughter's *namus* and sexuality. In his petition, Abdullah says they did not harm anyone in the community and preserved their honor. Nevertheless, from the *reaya* of the same village, brigands¹⁰³ (Hüsam, his son Mehmed and Yusuf, his brother Küçük and Küçük's son Ali and his other

¹⁰⁰ Ibid., 752.

¹⁰¹ Tucker, *In the House of the Law*, 139.

¹⁰² C.ADL. 68/4098 (H.1211) reads: “Devletlü inayetlü merhametlü Sultanım Hazretleri sağ olsun. Arzuhal-i kulları budur ki bu kulları konargöçer taifesinden Danişmendlü mukataası reayalarından Danişmendlü kazasında Hürrem nam karye sakinlerinden olub ayâl ve etfal-i kulları kendü hallerimizde ırzımız ile mukayyed iken yine aşiret-i mezbur mukataa-i mezkur reayalarından zümre-i eşkıyadan Hüsam ve oğlu Mehmed ve Yusuf ve karındaşı Küçük ve oğlu Ali ve diğer karındaşı İbrahim ve Deli Halil nâmun eşkıyalar birbirleriyle mütefik ve yekdil olub hufyeten hanemi basub bakire kerimem Ümmü Gülsüm nam cariyelerini füzuli cebren ve kahren ahz idüb Donbay ovasında sakin zümre-i cebabire ve tegallübeden Güneşoğlu Ahmed Bey dimekle meşhur nam eşkıya tarafına gitmek vechle mezbur Ahmed Beye varub kerimem merkume cariyelerini matlub eylediğinde şakiy-i mezburlara i'ânet ve bir dürlü virme-yüb indinde hıfz ve hetk-i ırzile aşiretim beyninde rezil şermsâr ve ziyade gadr-i küllî itmekleriyle merahim-i aliyyelerinden mercudur ki mezbur Güneşoğlu Ahmed Bey nam tegallübe ve şakiy-i mezburlar mübaşir marifetiyle ahz ve Divan-ı Anadolu'ya ihzar ve divan-ı alide mura'faa olunmak üzere ve Kütahya mütesellimine ve kadısına hitaben müekked ve müşedded bir kıta emr-i ali i'ta ve inayet buyurulmak babında emr ve ferman devletlü inayetlü merhametlü sultanım hazretlerininindir. Bende Abdullah.”

¹⁰³ *Eşkiya* term in the documents are directly related to sexual assault. In the complaints, banditry and sexual assault are joint. What important is, there is no single definition of banditry. A bandit must not be armed man, it can refer to anyone who do not obey the rules of the state and society. For a comprehensive view for the relationship between banditry and sexual assault, see, Başak Tuğ, *Politics of Honor in Ottoman Anatolia: Sexual Violence and Socio-Legal Surveillance in the Eighteenth Century* (Leiden and Boston: Brill, 2017). Tuğ claims that at the end of 17th century the distinction between *eşkiya*, *ayan* and *ehl-i örf* became blurred. Also, for this issue, see; Leslie Peirce, “Abduction with (Dis)Honor: Sovereigns, Brigands, and Heroes in the Ottoman World,” *Journal of Early Modern History* 15, (2011): 311-329.

brothers Deli Halil and İbrahim) raided his house. Also, they kidnapped his virgin daughter Ümmü Gülsüm by force. These brigands (*eşkiyas*) brought Ümmü Gülsüm to another *eşkiya* named Güneşoğlu Ahmed Bey. Abdullah went to Güneşoğlu to take her daughter back, but he could not succeed. Because her daughter stays with Güneşoğlu, Abdullah says his honor was damaged, and he is still in shame in the eye of his clan. He says he was oppressed by these brigands and wants, with the help of the bailiff, them to be caught and sent to Anadolu Divanı. Abdullah seeks a trial and a *ferman* addressed to the *mütesellim* and qadi of Kütahya.

Just like the Ramata's case, it is impossible to learn what have really happened and what was the true intentions of the brigands to kidnap Ümmü Gülsüm. The expressions in the petitions belong to Abdullah and show us only his point of view. So, it should be remembered that brigands might have raided the house and kidnapped the daughter because of the ongoing conflict between Abdullah and them. There might be an act of revenge on the issue. Whatever the motivation they had, to kidnap the daughter of a man functioned as an efficient way to harm and besmirch the honor of that man.

Moreover, Abdullah's expressions in the petition are important to demonstrate how a father's responsibility to protect her daughter creates its specific language. Like previous petitions, before the content of his complaint, Abdullah states that he, his wife (*ayâl*), and his children (*etfâl*) were *kendi hâllerinde* and *ırzları ile mukayyed*. His emphasis on these expressions is significant because he was aware of his responsibility as the head of the family to protect his wife and children. These expressions Abdullah uses before his complaint show the awareness of his responsibility and what happened to them was unjust.

His main complaint was the kidnap. What attracts attention at first glance is that Abdullah defines his daughter as a virgin. He emphasizes her virginity because he wants to clarify that he tried to protect his daughter's *namus* and guarded her as a father until the incident. Another expression that should be examined is *hetk-i ırz*. However, when the petition is closely read, Abdullah uses this term for his *namus* rather than her daughters'. At this point, the petition clearly shows that a woman's *namus* belongs to her family, especially to her first-degree male relatives, as well as it belongs to her. Although in the document there is no direct reference to the virginity taken away, Abdullah has a strong suspicion about it. The probability of her daughter's deflowering is enough for damaging Abdullah's *namus*.

Another interesting example is a 1756-dated petition of retired-Janissary Ali, who lives in Asperi Village in Kayseri. This petition further proves that a woman's *namus* belonged to her family.¹⁰⁴ In his petition, Ali states that when he went to İstanbul, his closest neighbors damaged her daughter's virginity, and they intendedly took her virginity

¹⁰⁴ C.ADL. 12/757 (H.1183) reads: “Şevketlü mehabetlü kerametlü ammeyemehametlü Halledallahu Hilafetehu ila yevmi'd-din mübarek vücud-ı hümayunların cem'-i hatalardan ve kederat-ı dehrden ma'sun ve mahfuz eyleyüb tûl-ı ömr eyleye serîr-i saltanat-ı 'aliyyelerinde ber karar ber devam dünyevi uhrevi murad-ı maksudunuza na'il eyleye amin arz-ı hâl-i kulları Cebeciyan Ocağından elli altmış seneden mütecaviz hıdmet-i padişahide bulunub fi'l asl bu kulları Kayseri kazasına tâbi Asperi nam karyede sakin olmağla bu kulları Asitanede umurum üzerinde iken karye-i mezkurede sakine bîkr-i baliğa kerimem Fatma Şerife civar komşum Sivacı Ahmed'in karısı Sultan nam avret kerimem mezbureye bana gel saçımı tara deyu davet ve kerimem mezbure dahi mezbure avretin yanına menziline vardıkda odası derununa koyub ve üzerine kapu kapayub kocası mezbura haber idüb kerimem mezburenin bîkrini zecren izale idüb kemâl-i gadr-ı külli eylediklerine kâni olmayub mezkur Sivacı Ahmed'in karındaşı Süleyman ve bacanağı Mehmed ve Mehmed ve sair akrabalarını başına cem hanemi basub enva-i hakaret ve garer mucib hatun tasaddi ile zulmlerini bu tarafa mektublarıyla ilan etmeleri bu kullarına gadr-ı külli olduğında rikab-ı hümayuna arz-ı halim cesaret olundu meramım mülukanelerinden mercudur ki hasbeten lillahil teala hallerimize merhamet buyurulub kerimem mezburenin vekili olan ... ile terafu murad olundukda her biri fîrar olmağla ol tarafdân aherhususiçün tayin olunan mübaşir marifetiyle tarafınızdan vekili ile mezkurun hangi mahallede bulunduklarında ahz-ı huzur-ı şerde terafu ber mucib-i fetva-i şerife icra-i ahkam-i şer'i ve ihkak-ı hak olunmak babında Konya ve Kayseri'ye mütesellimlerine ve sair kazalar zabitanlara hitaben emr-i ali ihsan buyurulması babında emr-i ferman şevketlü mehabetlü merhametlü padişahım hazretlerindir. Bende Ali”

away. When he was in İstanbul, Sıvacı Ahmet's wife Sultan, neighbors of Ali, invited Ali's virgin daughter Fatma Şerife to their home to comb her hair. Then, she closeted Fatma so that her husband, Sıvacı Ahmet, could rape her. Retired-Janissary Ali continues that it was not enough for the neighbors; after they raped and deflowered her daughter, the relatives of Sıvacı Ahmet raided his home and insulted him.

One of the interesting points in Ali's petition is that he says the neighbors wrote a letter to him in which they told everything they had done. The reason why they reported their crimes to Ali might be again an ongoing conflict between them. Most probably, Ahmet and Sultan took Fatma Şerife's virginity as a way of taking revenge on the father, Ali. The last two petitions demonstrate that taking his daughter's virginity was regarded as an effective way to besmirch the father's *namus* and reputation. Another important point in the petition is that Sultan, as a woman, wanted her husband to rape Fatma Şerife. At this point, Deniz Kandiyoti's "patriarchal bargain" concept comes to the mind.¹⁰⁵ Patriarchal bargain suggests that women can adopt the rules of patriarchy in their lives and give important meanings to them. Even, they can impose these rules to other women. In Ali's petition, Sultan is a good example for Kandiyoti's concept. She, as a woman considers damaging the virginity of one's daughter as an effective way to damage his *namus*. Even, she wanted his husband to rape Fatma Şerife and, in this way, take revenge on Ali.

In Ottoman society, families had an important responsibility to protect women's sexuality and *namus*. In the families, especially first-degree male relatives had to guard

¹⁰⁵ Deniz Kandiyoti, "Islam and Patriarchy: A Comparative Perspective" in *Women in Middle Eastern History: Shifting Boundaries in Sex and Gender*, ed. Nikki Keddie and Beth Baron (New Haven: Yale University Press, 1991), 27.

the women in their families. Abdullah had to protect his daughter Ümmü Gülsüm, retired-Janissary Ali had to protect her daughter Fatma Şerife because their daughters' *namus* was theirs as well. For the necessity of this responsibility, they specifically emphasized their daughters' virginity before the mentioned incidents and tried to protect their *namus*.

4.4 Third Layer: Neighborhood

Neighborhood, as the last layer, was liable to protect women's *namus*. To understand the role of the society in this protector/protected relationship, first, the function of the neighborhood should be examined. As mentioned earlier, Ottoman society was not a homogeneous entity; instead, sub-communities constituted it. In the urban areas, each district formed a separate community. In this sense, the neighborhoods were administrative units as well as social units in which specific rules were put to sustain daily life.

The neighborhoods were also units of belonging for individuals. In the eyes of the state, an individual who lived in a city was recognized by the *mahalle* (district) he lived. In the court registers and petitions, the complainant must state from which *mahalle* he was. Stating which *mahalle* he belongs to, before stating his name and complaint, demonstrates that the *mahalle* was an essential belonging unit for the state and society. Besides, it was a structure that individuals lived together and frequently communicated with each other. The physical structures of the *mahalles* were constructed in a way that maximizes the connection and communication between their residents. Looking at the design of the *mahalle* is necessary to understand how individuals lived together.

In her article¹⁰⁶ on the perception of privacy and the type of relations it created in Ottoman society, Nil Tekgöl analyzes the privacy concept in the cyclic structure of physical places. In an intermingled chain, she says the cluster of houses constitutes a *mahalle* and a *mahalle* is an eclectic combination. A *mahalle* was a primary living space over a set of houses.¹⁰⁷ There were *mahalle* relations; district dwellers met at common places such as sanctuaries, they got familiar with each other at bazaars and markets. In other words, it was a structure where dwellers were closely acquainted with each other, living in solidarity and at the same time responsible for each other's actions.

In a *mahalle*, women's behavior, either they behave moral and honorable, was strictly controlled. They were at the focus of the *mahalle* with their clothes, their way of talking, their behavior towards their husband, children, and even unrelated people (in particular unrelated men). If they misbehaved regarding the specified issues, the *mahalle* residents could request their banishment. Women who behaved against the *namus* code and did not protect their honor were perceived among the most significant dangers for the residents. The complaint of the residents of Çelebi District about a woman, Acem Emine, demonstrates how a *mahalle* was responsible for women's honor and could decide on the fate of them.¹⁰⁸ The *imam*, *muezzin*, and a couple of residents from the Çelebi district say

¹⁰⁶ Nil Tekgöl, "Modernite Öncesi Osmanlı Toplumunda Mahremiyet Halkaları," in Prof. Dr. Özer Ergenç 'e Armağan, ed. Ümit Ekin (İstanbul: Bilge Kültür Sanat, 2013).

¹⁰⁷ Ibid., 425.

¹⁰⁸ "Ashâb-ı arzuhâl Manisalı Çelebi mahallesini imâmı es-Seyyid Hasan Efendi ve Muezzin Mehmed Halife ve ahâlîsinden Molla Mehmed b. Hasan ve Molla Hüseyin b. Mehmed ve el-Hâc Ebûbekir Çelebi b. Mehmed ve es-Seyyid Mehmed b. Hüseyin ve Abdullah Beşe b. Mehmed ve es-Seyyid Mehmed b. Kasım ve Salih Beşe b. Ebûbekir ve Mustafa b. İbrahim ve Ömer b. Mustafa nâm kimesneler meclis-i şer'-i hatîrde derûn-ı arzuhâlde mezkûreti'l-ism Acem Emine nâm hatun muvâcehesinde mezbûre Emine mahallemiz ahâlîsinden olup lâkin kendi hâlinde olmayıp öteden beri dil-âzâr olduğundan mâ'adâ nâ-mahrem kimesneler menziline gelip ve mezbûrenin dahi nâ-mahremden ictinâbı olmamağla iki def'a mahalleden ihrâcî'çün i'lâm-ı şer'î olunmuşken fîmâ-ba'd kendi hâlinde olmağa ta'ahhüd ile cemâ'ati iğfâl ile mahallemizde sâkine olup hâlâ dahi nâ-mahrem âdemleri yine evine getirip evvelkiden ziyâde fesâda ictirâ eder olmağla mezbûre

they had complained twice about Acem Emine; she promised to behave appropriately regarding the community's rules, but she did not. Then they decide to complain again. The expressions that the residents used for referring to the reasons behind their complaint in the court are noteworthy. They state that Acem Emine did not obey the community's rules (*kendi hâlinde olmayıp*). Like in the previous documents, this expression shows that Emine bothered the community with her behavior. According to the complainants, she did not weigh her words (*dil-âzâr*) and talked in an offending way. However, above all, she did not avoid unrelated men. The residents point out that she invited unrelated men to her house and developed intimacy with them. As mentioned earlier, *mahalle* residents were liable for each other's behavior as well as *namus*. Regarding this responsibility, they had a right to request from the court for Emine's banishment from the *mahalle* since she behaved against the *namus* code. If she is banished, the residents would feel more secure.

In the same year, from a different part of İstanbul, the residents of the Hayreddin *mahalle* did not feel secure themselves, too, because of Ali Usta and his wife Zeynep binti Mustafa.¹⁰⁹ They complained about the husband and wife at the court and requested their

Emine'den bir vechile emn ü râhatımız yokdur deyü mazmûnu takrîrlerine mutâbık iki kıt'a i'lâm-ı şer'î ibrâz ile teşekkî ve mezbûre Emine'nin mahalle-i mezbûreden ihrâc olunmasını iltimâs eyledikleri Mahkeme-i Bâb'dan huzûr-ı âlîlerine i'lâm olundu. Fî-selhi Cumâdelûlâ sene 1162." Transcribed by ISAM. İstanbul BAB JCR 197 v.73: 200 <http://www.kadisiçilleri.org/arascl/ayrmetin.php?idno=7212>

¹⁰⁹ "Ashâb-ı arzuhâl İstanbul'da Sancakdâr Hayreddin mahallesi imâmı Mehmed Efendi b. el-Hâc Mehmed ve müezzini Molla Mustafa b. Abdurrahman ve ahâlîsinden İshak Efendi b. Süleyman ve Ahmed Efendi b. el-Hâc Abdullah ve es-Seyyid Ömer b. Süleyman ve el-Hâc Ali b. Mehmed ve Salih Efendi b. Abdullah ve es-Seyyid Mehmed b. İbrahim ve Cafer b. İbrahim ve Ali b. Mehmed ve Mustafa b. () [ve] Veli b. Mustafa ve Mehmed b. Abdülğani ve Nu'man b. Mehmed ve Mehmed b. Hasan ve sâirleri meclis-i şer'de mahalle-i mezbûre sükkânından Ali Usta b. Mehmed muvâcehesinde mezbûr Ali Usta kendi ve zevcesi gâibetü ani'l-meclis Zeyneb bt. Mustafa kendi hâllerinde olmayıp bed-zebân ve hadîdî'l-lisân olup dâimâ herbirimize itâle-i lisândan hâlî olmadıklarından mâ'adâ ibâdullâhın ehl ü iyâllerini idlâl ve ifsâd edip ve ecânibden ricâl ve nisâdan meçhûlî'l-ahvâl kimesneleri menziline getirmekle mezbûrdan bir vechile emniyetimiz olmamağla mahallemizde sâkin oldukça kat'a râhatımız yokdur deyü bi'l-muvâcehe teşekkî ve mezbûr Ali Usta'nın ve zevcesinin mahallelerinden hurûcu için fermân-ı âlî ricâsında oldukları Bâb'dan huzûr-ı âlîlerine i'lâm olundu fermân men-lehu'l-emrindir. Fî 4 Muharrem sene 1162." Transcribed by ISAM. İstanbul BAB JCR 197 v.73: 400 <http://www.kadisiçilleri.org/arascl/ayrmetin.php?idno=7555>

banishment. According to the residents, Ali Usta and Zeynep were not obeying the rules of the *mahalle*, disturbing them (*kendi hâllerinde olmayıp*), and talking irritatingly. Also, the residents claim that Ali Usta and Zeynep deceived their wives (*mâ'adâ ibâdullâhın ehl ü iyâllerini idlâl ve ifsâd edip*). Residents define themselves as *ibadullah* (the slave of God) at the court. For Hamadeh, the expressions like *ibadullah*, *ehl-i ırz*, *zürafa* are used in the documents to define individuals who protect the moral order of the district and live according to the community's rules.¹¹⁰ In this case, the residents of Hayreddin uses *ibadullah* to emphasize that they obey the moral rules and values of their community. Ali Usta and Zeynep were not among *ibadullah* people because they behaved against the *namus* code. Another important point in the case is the complaint about deceiving the residents' wives. As discussed in the family part, men were responsible to protect their wives' honor. Behaviors of Ali and Zeynep, however, had started to besmirch the *namus* of other women in their *mahalle*, therefore their husband's *namus* as well. In this court case, the residents protect both their, their wives', and their *mahalle*'s *namus* by requesting Ali and Zeynep's banishment.

An 1844-dated petition of *Zaptiye* (policeman) Mehmet Kamil¹¹¹ is also one of the good examples to show how a *mahalle* had the authority to protect the *namus* of women.

¹¹⁰ Shrine Hamadeh, "Mean Streets: Space and Moral Order in Early Modern İstanbul," *Turcica* 44 (2012-2013): 254.

¹¹¹ C.ADL. 17/1047 (H.1260) reads: "Maruz-ı bendeleridir ki Bosna eyâleti dâhilinde vâki' medine-i Benaluka mütemekkinlerinden Cevre veled-i İlyâ nâm zimmî yine medine-i mezbûre ahalisinden Durçin Hoca oğlu ... nâm kimesnenin kerimesi Atiye nâm bakireye cebren icrâ-i fi'l-i şeni' kasdıyla itâle-i dest-i tasallut eylediği hinde bikri izâle olunmaksızın ahâli-i İslâm'dan cend nefer kimesne bakire-i merkumu zimmî-i mesfûrdan tahlis iderek keyfiyyet mahallinden bâ-i'lâm-ı şerî savb-ı acîziye iş'âr ve zimmî-i mezbûrun bu makûle fazâhata ibtidâr ve kesr-i 'ırzın ve namusun ictisarı ahâlinin gücüne giderek katl ve idamını derece-i isrârda iltimâs itmiş olduğu hususu dahi mütesellim canibinden ifâde ve izbâr olunmuş olmağla mezbûrun mütecâsir olduğu fazahatı bâb-ı âliyyeye 'arz ve inhâ ve müteallik buyurulacak irâde-i seniyye veçhile mücâzat-ı icâbiyesi icrâ olunacağından mahalinde bir şey denilmeyüb bu tarafa gönderilmesi sûy-i kemteriden bi'l-iş'âr zimmî-i mezbûr bu canibe celb olunub zuhûr-i irâde-i seniyye

According to Mehmet Kamil, in Benaluka, within the Bosnia Vilayet, *zım̃mi* Cevre veled-i İlya attempted to rape a virgin, Atiye. (*cebren icrâ-i fî'l-i şeni' kasdıyla itâle-i dest-i tasallut eylediği hinde*). At the time of Cevre's attempt to rape, a couple of men from the Muslim community rescued her before Cevre could damage Atiye's virginity. The Muslims sent Cevre to the court and complained about him. The reason behind their complaint is significant. They say that what Cevre did, damaging the honor of Atiye, offended their feelings (*kesr-i 'ırzın ve namusun ictisarı ahâlinin gücüne giderek*). Also, they insist on the death of Cevre by execution. As the Sultan's approval was necessary to give capital punishment, Cevre was transferred from Benaluka to İstanbul and jailed as Mehmet Kamil ordered.

In this document, it is interesting to see how the *mahalle* residents paid attention to the *namus* of Atiye when her virginity was at stake. Cevre's attempt to rape Atiye offended their feelings, and it was an unacceptable situation. The expressions that refer to the residents' feelings demonstrate that they recognized Atiye's honor as their own. Also, it is important that Cevre was a non-Muslim and, most probably, it also triggered the residents to request capital punishment. For Muslim men who rescued Atiye, to protect the virginity of a Muslim girl and her *namus* was a responsibility. At this point, Cevre crossed the line, and by attacking Atiye's *namus*, he also attacked the *namus* of the Muslims.

terakkuben mahbese ilkâ ve merkumun hakkında terettüb idecek mucizât-ı icabiyenin mahalinde icrası niyâzına dâ'ir muahharan medine-i mezkûreden tevârüd iden bir kıta ilâm-i şerî leffen takdim ve isra kılınmış olmağla keyfiyyet meâlinde dahi ma'lûm-ı refet-i lüzum-ı alileri buyurulacağı ve icrâ-i iktizâsı menû-ı rey ve irade-i alileri olduğu beyanıyla nemika-i ihlas-şiarı terkim ve takdimine ibtidar kılınmıştır inşallah u teala muhat-i ilm-i kerimâneleri buyuruldukda olbabda lutf ve irade Efendimindir An sene (12)60 Mühür (Mehmed Kamil)”

In an Ottoman *mahalle*, in which people were responsible for each other, individuals must live under the rules of moral and *namus* codes; women must protect their honor, and mischievous women (women who behaved against these codes) must be banished from the district. Thus, the residents could feel safe as well as discharge their responsibility to protect *namus*.

4.5 Concluding the Layers of Protection

To conclude the discussion on the layers of protection, women's *namus* was protected by three layers in Ottoman society: first women themselves, then the family, at last, the society must protect women's *namus*. In this protector/protected relationship, women's *namus* belongs to not only themselves but also their families and society.

In this three-layered chain, their sexuality was also under strict control. Women should live their sexual lives with the rules of the community. The circle of protection aims to prevent any attack on women's sexuality. Moreover, if a woman behaves against the community's laws, it imposes the sanction with *namus* mechanism. Beside the legal sanctions, the expressions like *namussuz*, *yaramaz*, *fahişe*, etc., labeled the women who stray from the circle and its rules; and these women are excluded from the society and marginalized at the end.

CHAPTER V

CONCLUSION

In this thesis, the concept of *namus* (honor) as a regulative phenomenon in early modern Ottoman society and specifically for Ottoman women from lower strata is examined. It tried to discuss what *namus* as a concept meant, how it was shaped in parallel with the structure of the society, and lastly, how *namus* had the particular characteristics when women were at issue. When related expressions from the primary sources, such as court registers and petitions, were analyzed, they showed that women's *namus* was directly related to sexuality and its regulation. Also, this *namus* perception created the protector/protected relationship to control and regulate their sexuality.

To understand women's *namus*, first, analyzing the general structure of early modern Ottoman society and how it perceived *namus*, in general, was important. Ottoman society was constituted of *taifes*, and they had gender-differentiated characteristics. The *taallukat* of a man affiliated to the *taifes* with him. In other words, a woman's affiliation to the *taifes* was possible through a man (especially through her father or her husband). There was a correlation between this gender-differentiated structure of society and the perception of *namus*.

Namus is a set of values that determines which behavior is appropriate or not. In this sense, it has multiple meanings for different times, places, cultures, etc. As primary sources and academic literature demonstrate, it was perceived differently for men and women in Ottoman society. Although *namus* determined people's status and how reputable they were in society, it was reduced to a fragile value for women around their sexuality. For being *namuslu* (honorable) women, their sexuality must be protected, preserved, and conserved.

As women's *namus* was directly related to sexuality, how Ottoman society had perceived it was critical in the context of this thesis. In this sense, analyzing the vocabulary of archival and other primary sources was helpful. The words related to sexual intercourse enabled us to discuss the roles given to women and men. Ottoman society had a wide range of expressions that referred to sexual intercourse. These expressions could refer to either the reciprocal or unilateral nature of it.

At the initial stage of this thesis, I had expected a strict distinction between the expressions related to sexual intercourse used by Ottoman society and the court. For example, in my first readings of court records and petitions, I stumbled upon that the expressions which referred to the reciprocity of the sex (such as *musahabet*, *muamele*, *mukavenet*) were used where women were labeled as mischievous (had sexual intercourse with unrelated men) by Ottoman society. So, it could be a general tendency to use these words to emphasize their involvement in illegal sexual intercourse with consent. However, as the variety of the sources increased, I realized that there was not a clear-cut distinction. In the example of Hatice's complaint, mentioned in the third chapter, her ex-husband used the *mukavenet* in the first-person singular (*mukavanet eyledim*). This misapprehension

reminds Irigaray's words again: "They [the sexes] are determined in and through language. Whose laws, it must not be forgotten, have been prescribed by male subjects for centuries."¹¹² Although expressions did not draw sexual intercourse as a hierarchical relationship between men and women, they would not change Irigaray's words. These expressions also would serve male language at the end.

Beside discussing the language of sexuality, in terms of grammar, it was critical to question how the perception of Ottoman women's *namus* through sexuality affected their lives. As this thesis argued, Ottoman women's *namus* was reduced to a fragile value that must be protected, preserved, and controlled. In addition to legal mechanisms such as marriage and lineage, *namus* was one of the effective tools to control and regulate women's sexuality in early modern Ottoman society. Legal regulations gave women different identities, such as mother, virgin, or prostitute (mischievous). The sexuality of women was the central aspect of each role. As a regulative phenomenon, *namus* also creates a protector/protected relationship in three intermingled layers. In the first layer, women had to protect their *namus*. Second, their family (mostly first-degree male relatives) was responsible. At the top of these layers, society was liable to protect women's *namus*. In this protection chain, women's *namus* and sexuality were under control. These intermingled liabilities resulted in that women's *namus* belonged to not only themselves but also their families and the society. Their behavior against the rules drawn by *namus* made Ottoman women *namussuz*, *yaramaz*, *fahişe*. Once a woman was known by these adjectives, her already challenging life became more challenging.

¹¹² Luce Irigaray, *This Sex Which is Not One* (Ithaca, New York: Cornell University Press, 1985), 87.

This thesis aimed to analyze the data (expressions) related to *namus* and turn the data into historical knowledge by using the inductive method. When the vocabulary and the language in the petitions, other primary sources, and the literature around the *namus* are analyzed, the following can be inferred: It was a shared value determining the place and the status of people in Ottoman society. On the other hand, women's *namus* had been reduced to a fragile value around their sexuality that should be preserved. In this protection and control mechanism over their *namus* and sexuality, women remained mostly passive.

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