

Social Gender Identity of Woman as a Socio-Economic Actor in Ottoman Society (1839-1900): Çorum Sharia Court Sample

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Abstract

The gender culture brought into existence by Ottoman society within its historic dynamics transpired when socio-cultural values consisting of traditions, customs, rituals and manners followed for centuries by Turks became uniquely integrated to sharia, Islamic thinking and cultural principles following Islamization. It is therefore that Ottoman society displayed certain differences when compared to the understanding of woman, family and society ween both in the patriarchal East and in various places of Islamic geography. Ottoman gender culture has been protected to a great extent, despite certain changes and limitations, upon adoption of woman typology which has been an important part of daily life in Turkish family and society understanding since the era of nomadic tribes. So much so that with the effect of this historic balance, it managed to balance the restrictions and opportunities introduced by sharia. Particularly socio-economic rights such as property, inheritance and heritage granted to woman by sharia brought her to a powerful gender role identity within the above mentioned gender culture. So in this study aiming to reveal the socio-economic aspect of woman's social gender identity within daily life, it has been tried to explain the situation by using Çorum as a starting point, a town with significant settlement importance in Anatolia during the Ottoman era and the basis of the study was mostly formed by archive data. And in conclusion, the study has shown that as an actor in socio-economic life, Ottoman woman not only had a definite control on her property right but she also had ways and methods of protecting it.

Keywords: Ottoman Empire, woman, social gender, Sharia Court.

1. Introduction

The values, attitudes and behaviours attached on genders by the great circle of culture surrounding a society have also determined gender and the meaning and nature of social gender concepts and the roles attained to genders within the gender culture (Ersoy, 2009: 215; Mukhopadhyay, 2002: 367-368). Gender culture on the other hand, is not natural but it is rather created within societies and may vary from society to society (N. Van, 2009: 338).² As such, within the social and cultural pattern of each society, the place, position, function, beliefs, dressing style, behaviours and attitudes (Murphy, 1988: 193, 109-110), and the unique engagements and habits of women and men have varied.³

Being a social and cultural phenomenon, gender culture makes it necessary to act within the borders of gender roles, in other words belief, value, trait, behaviour and attitudes uniquely attained to man and woman, in line with the cultural roles and expectations of the society (Ersoy, 2009: 215; Newman, 2002: 353).

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² Güngör (1998: 82) also looked at gender as a sub-culture group and reported the differences between values of man and woman and the role identities attained to them were mostly the result of social and cultural factors rather than psychological factors. For instance, the status of woman in Ottoman society differs from Muslim Indian, Persian and Arabic societies but the differences can also be seen among woman in different regions and races of Ottoman society. See. (Aydın et al., 2005: 161; N. Van, 2009: 339).

³ For instance, when Elizabeth Craven was talking about hamams and the hamam pleasure of woman as an important part of Turk-Islamic culture, she was revealing the different entertainment, dressing habits and the social area given to woman by a culture that she was not familiar with: "Hamam is the biggest joy of women. They spend five hours bathing and garnishing themselves... They dress very extravagantly and are too elaborative about it." (Craven, 1939, Düğ'er'den, 2015: 78).

As it can be understood from these explanations, concepts of gender, social gender and the role identities of man and woman attained in this sense to individuals vary from society to society, culture to culture and these cannot be assessed independently from the general culture. However, the place and status of woman within the Ottoman social structure has been discussed either by taking the patriarchal social structure as a basis, which is dependent on man's biologic and physiologic power (Yılmaz, 2010: 192) or over the rights granted to woman and not granted to man by dogmatic Islamic law. By taking this a starting point, it has been claimed that woman in Islamic and Ottoman society was treated as second class human in terms of social and legal rights (Aydın, 2005: 162; Yılmaz, 2010: 192-193; Ateş, 1991: 320-322; Hornby, 2007; 65). Furthermore in this context, harem has been thought to be a place where woman was usually kept at a secluded area and was prevented from having any influence on social life, and woman being let to go out shopping, which is part of their daily routine, has been likened to a caged bird being freed from time to time (Peirce, 2002: 4; Pardoe, 2010: 28; Montagu, 2004: 115). But in fact, the strong traditionalist structure of Turkish nation that has been ongoing since the times of nomadic and semi-nomadic tribes and Central Asian Turkish states granted woman an important place in social and economic life and some handcrafts and trade circles such as tentmaker, felting, dying, weaving, knitting, carpet-rug making, embroidering and the producing of various fabrics have almost been identified with women (Akgündüz, 2012: 131-13, 144). This was not changed even during the classical era of the Empire, when sharia was on a rise. Because despite the high dominance of sharia in the Ottoman State, law was emperor's rule book, had the status of basic law and sharia always realized established order with secular law systems (İmber, 2004:1-2; Peirce, 2005: 501; Heyd, 2002: 25). In other words, sharia never reached a level to completely exclude ancient tradition and customs in state and social order. For instance, despite sharia's permit, polygamy after converting to Islam was at very low levels in Ottomans due to the traditional structure of Turkish society (Faroqhi, 2011: 130; Aydın, 2005: 166).⁴

In this case, it is clear that these historic and cultural codes designing Turkish nation's social gender perception and the social gender role it attains to woman were not completely wiped out with Islamization and becoming sedentary.⁵ It can be seen that Ottoman public authority holding the administration affairs on the trail of this historical heritage has re-defined woman's legal existence, gender and social gender identity up to a certain point and created something new when compared to the role identity attained to woman especially by sharia in Persia and Arabic peninsula and the traditional patriarchal societies (Akgündüz, 2012: 134). The historic records we are going to present in this study clearly indicate that the role identity attained by the Ottoman social gender culture and the social, economic and societal rights granted to woman by Islamic Law are integrated in a way where they feed each other. In other words, estate right granted by Islam to woman and the right to freely exercise her estate rights has been identified with the existing woman's role identity in the Ottoman society. It has been reported that according to Islamic law, woman, just like man, could have a right on an estate or on an interest, can receive or leave heritage, can leave behind a will and her will can be fulfilled, can give or receive loan and can leave permanent works at towns, cities and villages through foundations (Ateş, 1997: 308; Karaman, 1990: 252-253; 166-171; Peirce, 2002: 7).

2. Purpose and Method

In brief, this study is aiming to find answers to questions and problems such as; does the social gender role of a woman in Ottoman society grants her the right to survive in socio-economic life, if so, what is the nature of it and through what economic activities can it be realized. With regards to method, the example of Çorum has been our starting point and the Çorum Sharia Court records of the 1839-1900 period have been used to classify data related to estate owning women and women engaged in commercial and economic activities to reveal the existing women typologies. In terms of limitedness of the study, some of the similar records found within the same typology have been selected and used as sample.

⁴ In over two thousand inheritance cases examined by Gerber in XVII. Century Bursa, the number of men with two or more wives did not exceed twenty. See (Recited by: Dulum, 2006: 17-18). And according to Özkul's studies on Cyprus during XVIII. Century, monogamy was common in Cyprus as it was in the Ottomans (Özkul, 2015: 127). Again, polygamy was not common in Lady Montagu, even though the law allowed Turkish man to marry with four wives (Recited by: Dulum, 2006: 17-18).

⁵ As such, the Ottoman woman typology described by Western female travellers indicates a dynamic social role identity that is greatly present in social order through house and harem life, hamam, excursions, picnic, engagement and wedding ceremonies, able to reach authorities and courts in almost any difficulties, with a free will regarding estate and marriage (Düğer, 2015: 73).

3. Scope and Limitedness

Çorum example has been selected as the starting point because the region has high tablelands with rich forests, warm wetlands, wide pastures, agricultural lands and reflects the demographical variety of Ottoman era when viniculture and horticulture developed (Çorumlu, I, 2009: 5; Çorumlu, II, 2009:1016; Öğreten, 2016: 404). With the second half of the XIX. century, Çorum became an important crossing point for transferring grains from central areas to Samsun commercial port, particularly with the increased grain demand following the Industrial Revolution, and this led to an increase in the Armenian and Greek population of the town (Korkmaz, 2003: 88). During the same period a neighbourhood named Çömlekçi Neighborhood has been founded with a significant Armenian population and upon their application a church has been built in 1891 (Korkmaz, 2003: 88; Oğuz, 2016:765-766).⁶In addition to all these, the nomads began to settle and new neighbourhoods began to be founded around the city at that time (Korkmaz, 2003: 88; Karademir, 2016: 383: 402). So looking at all these developments, it can be understood that Çorum is a great sample for reflecting the Ottoman State's Central and Inner Black Sea Regions, in terms of the economic, social, cultural, demographic changes and transformations that occurred in the local cities and towns. Hence, it is also clear that the Official Records of Çorum can be a great sample too and provide significant data regarding the Ottoman gender culture, gender and social gender role identities and the Çorum Court records, containing the judicial incidents of people living in neighbourhoods, suburban areas, villages and towns and having various social, societal, demographic characteristics and engaging in economic works can be a great sample too.

4. Woman in Socio-Economic Life as an Estate-Owner Actor

One of the most obvious indications of women's estate right in Ottoman and Islamic societies is the Islamic law of inheritance. As such, the Holy Quran says *"For men is a share of what the parents and close relatives leave, and for women is a share of what the parents and close relatives leave, be it little or much - an obligatory share."* (An-Nisaa, verse: 7). Because even though a woman and her brother get a different ratios from the inheritance of their parents, she is still a natural inheritor.⁷ Woman is the inheritor of her husband, while the husband is also her inheritor, if she does not have a child.⁸In terms of Islamic law of inheritance, there is no inequality between male and female inheritors when it comes to inheritance. Its difference from the existing current human inheritance system is that in some cases woman gets half a share less than man (Berki, 1981: 110; Peirce, 2002: 6).⁹ Woman being estate owner is an important factor for their influence going beyond the family circles (Peirce, 2002: 6). It is possible to follow-up the implementations of these sharia based legal rules from the martial law court records. For instance, the record showing the inheritance of Topaloğlu Ahmed's son Mehmed who passed away in Çorum's Ferzend village, indicates that his inheritance has been sold and divided to his inheritors, his wife Hafize and children Abdülkadir, Abdullah, Şakire and Fatma. According to this record:

His wife Hafize's share 219 guruş 15 para %12	His son Abdullah's share 511 guruş 34 para %29	His son Abdulkader's share 511 guruş 34 para %29	His daughter Şakire's share 255 guruş 37 guruş %14	His daughter Fatma's share 255 guruş 37 guruş %14
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⁶ As such, according to 1894 Ankara yearbook with number 12, Çorum town centre housed 16750 Muslims and 880 non-Muslims (Öğreten, 2016: 405). It has been recorded that 1% of the population living in Çorum during the second half of the 16th century was non-Muslim but during the XIX. century the has turned into a completely Turkish and Muslim city (Sönmez, II, 2016: 76). It can be said that towards the end of XIX. Century this ratio has shown an increase as much as half of the XVI. century.

⁷ "...for the male, what is equal to the share of two females. But if there are [only] daughters, two or more, for them is two thirds of one's estate. And if there is only one, for her is half. And for one's parents, to each one of them is a sixth of his estate if he left children. But if he had no children and the parents [alone] inherit from him, then for his mother is one third. And if he had brothers [or sisters], for his mother is a sixth, after any bequest he [may have] made or debt." (An-Nisaa, verse: 10); "And for the wives is one fourth if you leave no child. But if you leave a child, then for them is an eighth of what you leave, after any bequest you [may have] made or debt." (An-Nisaa, verse: 11).

⁸ "And for you is half of what your wives leave if they have no child. But if they have a child, for you is one fourth of what they leave, after any bequest they [may have] made or debt." (An-Nisaa, verse: 11).

⁹ This allocation by Islamic heritage law is unequal, but fair. For male sibling would marry and assume the responsibility of his spouse and children. This responsibility has been given to married men in the Holy Quran. Therefore, the inequality in here is in fact aiming to support the burden on the shoulders of man (Berki, 1981: 111)

surplus: 3 para (ÇŞS. d. 16, h. 370, s. 204, 16 Jumada al-awwal 1324).¹⁰

Looking at the allotment of the inheritance, we can see that his sons received twice as much as the daughters, while the wife received a share corresponding to approximately 12% of the inheritance.¹¹

We can see that woman had full dominance and control over their estates. For instance, Meryem, the daughter of Halil from Çakır area owned a house and the record showing that she granted the house with all its belongings to her grandchild Fatma, daughter of Hüseyin, is a clear indication of this (ÇŞS. b. 3, v. 95, p. 52 27 DhulHijjah 1280/3 June 1864). It is very clear that Meryem had the right of full control over her estate, as she succeeded in taking this decision despite the probable opposition by her other children and grandchildren. Woman was able to grant her estate to any institution or person, and she was also able to manage her estate through the proxies she freely appointed or to carry out all types of economic activities such as buying and selling. For instance, Ayşe Hanım, the wife of Mevlevi Lodge Sheikh İzzet Dede Efendi from Çorum's Azab Ahmed area had with her free will appointed Mevlevi Sheik Cemaleddin Efendi as her proxy to sell the eight fields at Amasya's Ulus village inherited from her late father. However, as the named person failed to do his task, Ayşe Hanım dismissed him and appointed her husband İzzet Dede Efendi as her proxy (ÇŞS. b. 16, v. 364, 202, 26 C 1324/17 August 1906). Another fact in this example indicating the level of dominance by a woman on her estate is that even her husband had no right to be involved with her estates without her consent. Ottoman woman gained a strong and comprehensive role in socio-economic life and when compared to Western women of the same era, it is possible to say that Ottoman woman was ahead of her time.¹²

When her economic rights and remedies were in question, woman in Ottoman society could easily reach the kadi (Muslim judge), who was the public authority and acted as the head of the administration and court especially in small towns. For instance, Çorum Redif Mukaddem Battalion's İskilip Company Deputy Captain Habib Efendi's inheritors, his wife Fatma and daughter Lütfiye filed a court case against Lütfullah Efendi from the Çorum Sub-Division of Treasury for the two months of wages of Habib Efendi kept by the Çorum Sub-Division of Treasury to be paid to them. As such, wife Fatma proved her case through witnesses and ensured the money was paid to them (ÇŞS. b. 10, v. 511, p. 342, 18 Ca 1303/22 February 1886). This incident points out to woman's highly effective and dynamic social gender role identity in Ottoman social life, where she could reach even administrative and judiciary mechanisms.

5. Woman as an Active Actor in the Field of Economy

¹⁰ Data acquired from Çorum Municipality Town Archive (2008), Çorum Registrations, Turkish Archivist Association, have been abbreviated as book (b), verdict (v), page (s) and given in this order.

¹¹ According to the death record of Köseoğlu Mehmed's son Mehmed from Çorum's Karasar-ı Kebir village, whose inheritance has been sold upon his death and allotted to his inheritors, namely his wives Mustafa's daughter Melek and Abdullah's daughter Satı and his children Satılmış, Melek, Fatma and Ümmügülsüm, the total inheritance was 1944 pence and after deduction of debts and fees, the inheritance were left with 1355 pence, and the allotment was as follows:

His wife Melek's share 84 guruş 27 para %6	His wife Sati's share 84 guruş 27 para %6	His son Satılmış's share 474 guruş 10 para %35
Melek's big daughter's share 237 guruş 5 para %17	Fatima's little girl's share 237 guruş 5 para %17	Ümmü Gülsüm's little girl's share 237 guruş 5 para %17

Surplus: 1 para (Book 16, Page 205, Verdict 37217, Jumada al-awwal 1324). In this example, we see that a son is allotted twice as much as his sisters, and the two wives of the deceased equally shared the allotment allocated for the wife.

¹² Sancar on the other hand pointed out another aspect, saying Turkish women was in a more preferable position compared to married European women (Sancar, 2009: 9). Lady Montagu described Ottoman women's position in social life as "Turkish woman, more independent than any woman on earth and the only one able to lead a carefree life full of uninterrupted joys..." (Montagu, 2004: 117, 120).

There were no legal obstacles for women having estate ownership and the legitimacy of this was recognized by the administrative and social order, which unavoidably made women an effective actor in socio-economic life. For instance, records indicate that Fatma, son of Abdulkadir from Çorum's Hacı Kemal Quarter willed one third of her ownings and her inheritance was allotted to her inheritors. Other than all the usual belongings such as tools, furniture and food in her house, Fatma also had two vineyards, one located in a place called Kuyuönü, worth 300 guruş, and the other located in an area called Fitnebağı, worth 500 guruş, and a half share of a tanner store located at Debbağlar bazaar, worth 4000 guruş. Fatma was interested in almost all types of business activities, which is clear from the fact in different villages in different people she had cows and sheep belonging to her. In this incident, Fatma was the actual owner of the animal, but the people taking care of the animals would be profit partners over the herds they reproduced. In other words, Fatma was defacto involved in economic activities, by being both a financier and being involved in a multi-partnered production model. Again in different people, this lady also had seed grains and she was owed by different people which are important in terms of indicating the wide area she did business with in the socio-economic life. Fatma's inheritance seems to have been spread to almost all areas of social life, such as agriculture, commerce, animal breeding, tradesman, social assistance etc. This points to something very different than the efforts by some circles trying to display Ottoman Muslim woman as a person caged behind a veil and inside a harem (Ateş, 1997: 320-322; Sancar, 2009: 9, 10-12; Pardoe, 2010: 18-36). Another important issue in this inheritance record is that Fatma Hanım asked one-third of her inheritance to be allotted to her inheritors Lady Ayşe and Lady Asiye. So in this case, the role identity of the woman in social sense does not change, and the gap left by the mother in social and economic life is filled by her daughters. This, some way or another, pictures a portrait of an active woman with a certain level of knowledge in commerce and other economic issues as well as any possible administrative, judiciary and legal issues. Another important issue here is the expression by the court, stating Fatma was "*on her own and with a right state of mind*", in other words, she decided what to do about her estate without any external pressure or disease harming her strong and free will. This at the same time is also important for indicating a general and basic rule that has been internalized by Islamic law and Ottoman public administration (ÇŞS. b. 3, v. 377, p. 193, 29 Sha'aban 1283/6 January 1867).

Court records are clearly indicative of the large area covered and influenced by woman in social and economic life as an estate owning independent individual. For instance, Kadir's daughter Zahide from Şeyhler Area passed away and her heritage has been sold and divided among her inheritors. This incident is also providing us with significant data in this sense. According to the records, among her daily belongings Zahide also had a vineyard in ruins, worth 200 guruş, cattle cow and calf and also receivables with a "*Mehr-i mu'eccel*"¹³ amounting to 166 guruş has also been added to the inheritance (ÇŞS. b. 3, v. 116, p. 61). In this instance, the rights and responsibilities of a woman with regards to her gender role identity came to forefront through the issue of "mahr", and even though she passed away, her estate has been approved as a receivable right. This important as it indicates that her death did not cause a loss in her previously earned rights. Again in this instance, we see that Zahide is involved in agriculture and animal husbandry, hence producing a value in economic terms.

There is another record indicating the allotment of the inheritance of Hacı Osman's daughter Asiye Hatun from Uç Neighborhood and this record includes the "mehr-i mueccel" receivables from the siblings and husband of Asiya. She had a great amount of gold and she left a certain amount of estate to her husband, who took custody of their children, as well as her mother and children. As well as saving precious minerals, we can see that Asiye also owned some gardens and cattle, in other words she made use of her property in different areas of economic life (ÇŞS. b. 3, v. 178, p. 96, 17 Rajab 1281/16 December 1864).

From the above examples, particularly the heritage of Fatma Hanım is providing us with important data regarding the fact that women did not earn estate only through inheritance but women actively involved in social and economic activities operated and expanded their estates. It is also shown that woman acted in a wide range of behaviours, from resolution to settlement and court cases, regarding their estates and the estates they acquired through inheritance. Many relevant examples have been provided in the following section.

¹³ Mahr is the name given to a certain amount of money or gifts given or committed to be given by the husband to his wife at or during marriage. Mahr is divided into two. "Mehr-i muaccel" is the part given at the start of the marriage, while "mehr-i müeccel" is the part given during the marriage, or given to the wife in case of a divorce or death of the husband, or given to the inheritors of the wife in case the wife passes away before the husband. The use of mahr is completely under the control of the wife (Aköz, 2012: 19; Yakut, 2015: 7).

Another record indicating that woman had a definite right of control over her property and estate as well as being actively involved in socio-economic life is about Hüseyin's daughter Ümmü Gülsüm from Nurullah Neighborhood of Çorum. She filed a court case against Murad's son Ahmed Kethüda claiming she owed to her. Ümmü Gülsüm, claiming she was owed tens of golds and asking for reimbursement lost the case as Ahmed Kethüda proved that the sum was paid to her (ÇŞS. b. 4, v. 84, p. 27, 13 Jumada al-awwal 1285/1 September 1868). What is interesting for us in here is that Ümmü Gülsüm was involved in socio-economic life by loaning her gold through her free will. This example indicates that she had an important status within the society through her loan-receive relations and she also had a high visibility in the socio-economic area of daily life.

As shown in the above loan-payment example, women personally had a n economic value within the flow of the social and economic life and also had the status of producer as they were mostly working in gardens and fields. But the example also shows that these webs of relations sometimes caused problems too. For instance, the case regarding a garden filed in Budaközü area by Bektaş's daughter Emine against Kulaksızoğlu Osman Kethüda from Külah village of Çorum is an example to such cases. At one point, Emine rented her garden to Kalenderoğlu Ali for a period of three years. We should take note in this incident that Emine was operating her estate through tenancy. Ten years before the court case, Emine sold the garden to gardener Ali, and seemingly, upon Ali's death she filed a case objecting to the garden being given to his inheritors but in the end she lost the case (ÇŞS. b. 3, v. 392, p. 201, 9 Rabi' al-awwal 1284/11 July 1867).

6. Woman as an Active Actor in Terms of Protection of Estate

The fact that woman's estate right has been built on a strong foundation in Ottoman society is in fact related to being able to defend such right in front of the state or the courts where necessary, and to achieve tangible achievements when using ways and methods to protect the right if attacks and infringements occur from family or social circles. Before reaching the court, women had to get over the conditions of the time, limitations by transport and communication opportunities and most of all, other obstacles such as male-dominant family and society structure, which has almost been accepted as a pre-condition. By succeeding in this, she was able to be involved in a strong law struggle to appoint proxy for the use and administration of her property and also to justly inherit any property or estate left to her. This action and discourse ability of woman between social life, legal order and public place (court), is at the same time providing us with clues about the dynamic role identity attained to woman within the Ottoman social gender concept and the attitude of the administration recognizing and enhancing this identity. Court records clearly indicate that women were struggling within the established order, but at the same time they gained a lot upon proving their rightness.

Historic records prove that women did not resign against attacks to her estate or against attempts to take away her estate during or after allotment of the heritage, and they were able to defend their property and estate as much as men were. For instance, when Ali from Çorum's İsa Hacı village passed away, his daughter Mihriban Hatun filed a court case against his nephews Mehmed and İbrahim, claiming they forcefully took her half share of the seven fields left by her father.

By appointing her husband as proxy, Mihriban Hatun proved her case and finally the court decided for the shares to be given back to her (ÇŞS. b. 4, v. 22, p. 5, 13 Safar 1285/5 June 1868).¹⁴ As well as such incidents, we also see that woman did not bow to the inevitable when violence and mobbing events such as theft, smash and grab, fraud etc. occurred. These are incidents that could happen to anybody. For instance, Hüseyin's daughter Emine from the Tozluburun village filed a court case against Çerkez İshak, claiming that he stole her gold from her house one night. At the end of the court process, Emine was found to be right and it was decided that Çerkez İshak refunded the gold and other belongings he stole back to her (ÇŞS. b. 3, v. 395, p. 202, 15 Rabi' al-awwal 1284/17 July 1867).

It is understood from the attitude displayed during inheritance cases or in some economic disputes that women consider her estate as an important factor for the providence of her household and her future. For instance, when Gobudoğlu Ebubekir from Çorum's Fatma Bacı Area passed away, his widow objected to the sale of the store

¹⁴ Kadifeoğlu Hacı Ali's deceased son Mustafa from Burhan Kethüda Area had two wives among his inheritors and the disagreement between them is an interesting example for this matter. One of Mustafa's wives, Ayşe the daughter of Ismael filed a court case against Fatma, the other wife of Mustafa, asking for the share of the field located at the Sultanseki Neighborhood, however the case was refused by the court on the grounds that she could not prove her claim (ÇŞS. b. 4, v. 78, p. 25, 3 Jumada al-awwal 1285/22 August 1868).

left by her husband. The store was located at the next to their stores at Pekmez Bazaar Area, and Hacı Mehmed from Yavruturna Area made a *fait accompli* to purchase it for four thousand pence. Pursuant to inheritance law, the court decided that the priority to purchase belonged to Şerife and asked for it to be sold to Şerife against a payment (ÇŞS. b. 4, v. 119, p. 36, 9 Sha'aban 1285/25 November 1868). This way, Şerife got what was her by entering a legal battle and she also took an important step forward in terms of securing her and her little son Ali's future. Hatice (Fatma) from Hacı Receb Area also a filed a court case, to get her half share of the store located in Attarlar bazaar. The case was filed against Hacı Hâfız Mehmed Efendi. However, Hatice's claim proved to be groundless and it was decided that she could only receive an amount of payment corresponding to two and a half years of rent. It is no secret that in this incidence, Hatice went after the share because she considered it important to have a regular income through the store.

Ottoman social gender culture did not allow woman to suffer from *fait accompli* in terms of her estate as well as her other social and legal rights. For instance, Mehmed's daughter Fatma from Karakeçili Neighborhood filed a court case against Hasircioğlu Mustafa on the grounds that the house located in Çakırcı Neighborhood belonged to her. This example clearly indicates the above mentioned protective attitude of ottoman social life towards women. Following the unjust event she suffered, Fatma was able to reach the court and thanks to the social gender role identity granted to her through the administrative and social structure, she did not allow any unfairness to take place on her estate. During the court hearing, Lady Fatma proved that she purchased the house in question fourteen years ago from Mustafa Aga against a payment of thousand and five hundred pence and in the end, she was given the house (Book No. 3, Page 184, Verdict 356, 18 Dhul Hijjah 1283/23 April 1867).

In another similar incident, Halil's daughter Emine from Hacı Nasrullah Neighborhood filed a court case against Osman's son Mehmed from Karacaköyü, who forcefully took her share on the field located at Uzunpara area and the investigation resulted in the field being handed over to Emine (ÇŞS. b. 3, v. 352, p. 182, 4 Dhul Hijjah 1283). As seen in this example, Eminewas able to win her struggle for her rights and justice against Mehmet, within the orderly structure of Ottoman court system, which did not discriminate, including genders, to establish justice. There is another example shedding light to this issue. When Kürt Hüseyin's son Mehmed from Çorum's Tepecik Neighborhood passes away, there was a dispute regarding the heritage between his son Hasan and wife (Hasan's stepmother) Emine. Hasan applied to the court and filed a case against his stepmother Emine, claiming that she forcefully took the shares belonging to the house in the same area and the garden at the Kapaklı area, both of which he claimed were inherited by him through his father's heritage. However, during the court hearing Emine stated that the heritage of her late husband has already been divided and the parties agreed to it, but the house and the garden in question were given to her by her late husband Mehmed when "*he was healthy with a right state of mind*" and by proving this claim through witnesses, she brought a new dimension to the case. What is important in this example is that Emine was in command of the heritage law and she got herself well-equipped guides. We can see this from the fact that she said her husband was in a right state of mind when making the transfer and she proved this through witnesses.

After all, the court decided that Emine was right and refused stepson Hasan's claims on the properties that were understood to have been transferred to Emine by her husband. In fact, Emine was the second wife of Mehmet Bey and he transferred some of his properties to Emine while still alive. This clearly shows that she was successful in convincing her husband to do that. She had a good understanding of women's gender role identity and social role identity and managed to secure her future in the socio-economic life (ÇŞS. b. 4, v. 773, p. 307, 13 Jumada al-awwal 1289). The dynamic woman typology in the Ottoman society seen in these examples can actually also be interpreted as women having internalized the rights and responsibilities granted to them. In some of the problems arising from the Ottoman private land-registered land system, women again did not refrain from looking for her social, economic and legal rights. Hasan's daughter Asiye from the Karaman Çavuş Area filed a court case against Karacaoğlu Hüseyin from the Yavi village on the grounds that he was intervening to a field belonging to her and located at the İçkarye area. This court case is an example to the above remark. Asiye was obliged to perform agriculture in this field, which was found out to be public, but she and her youngs on failed to fulfil this obligation and the field was left unattended for many long years. Upon this, the authorized officers performed the necessary procedures and auctioned the filed in the presence of Asiye and her sister Satı and sold the field to Karacaoğlu Hüseyin against a payment of thirty pence. When this was proved to be case in the presence of the witnesses, Asiye's file has been rejected (ÇŞS. b. 3, v. 393, p. 201, 21 Safer 1284/24 June 1867). In this instance, Asiye did not want to lose her and her family's economic and legal rights on the public field. Problems similar to those experienced in the public land system were from time to time also experienced in the foundation system.

Again in this system, women tried to protect their rights. For instance, Fatma, one of the inheritors of Cumukoğlu Hacı Süleyman who passed away in Eşme village, filed a court case against his brother Hasan with regards to the foundation fields located in Sirmecderesi, Köşkeresi, Şeytankaya and Karaağaç dibi areas. She was found to be right and the shares were decided to be given back to her (ÇŞS. b. 3, v. 477, p. 233, 27 Rajab 1284/24 November 1867).

7. Conclusion

The gender culture created uniquely by the Ottoman society has been formed over a long period of time as a result of the merging of socio-cultural values of Turkish society that were long existent and Islamic culture, and women gender and social gender role identity has been developed and matured within this context. In particular, the estate and heritage right granted by Islamic law to women became integrated to the woman phenomenon that had a dynamic place within the lifestyles of Turkmen tribes for a long time and this had contributions on the formation of an active woman typology within the social, economic and cultural life during the latter stages of the empire.

Ottoman woman had the right of estate, she had full control with her free will over her estate, could loan and borrow money, and was involved within the socio-economic life by using her economic savings in business and social areas such as trade, animal husbandry, agriculture, tradesman, renting, social assistance etc. This was the woman typology of the time. She could be the inheritor of those before her and could leave her heritage to those after her, and when necessary, Ottoman woman could access the religious judge who in small settlements had the both administrative and judiciary authorities. In other words, she was able to access the state authority and courts. She was also able to protect her rights through proxies she appointed. This did not change even if there were social pressures, fait accompli, violence and cruelty; and by making use of everything granted to her by the Ottoman social gender identity, woman did not bow down against cruelty and reached the authorities and the court.

These developments taking place around basic issues in Ottomans such as woman's estate, her control over her estate, in volvement in socio-economic life and protection of the estate against external interventions indicate that in the context of socio-economic life, woman had a wide and comprehensive gender role identity within Ottoman gender culture.

References

- Çorum Belediyesi Kent Arşivi (Çorum Municipality Town Archive) (2008). 3, 4, 10 ve 16 Nolu Çorum Şeriye Sicilleri, Türk Arşivciler Derneği, Çorum.
- Çorumlu Dergisi 1938-1946 (2009). (Hazırlayan İrfan Yiğit), Cilt. I, II, III, Çorum Belediyesi Kültür Yayınları, Çorum.
- Akgündüz, Ahmet (2012). "Tarihî Süreç İçerisinde Türk Toplumunda ve Devletlerinde Kadının Yeri ve Önemi", *The Journal of Academic Social Science Studies*, Volume 5 Issue 5, p. 129-148, October 2012, 129-148.
- Ateş, Süleyman (1991). "Woman Rights İn İslâm/ İslâm'ın Kadına Getirdiği Haklar", *19 Mayıs Ü. İlahiyat Fakültesi, İslâmî Araştırmalar*, Samsun, Cilt: 5, s. 320-328.
- Aydın, Mehmet Akif (2005). "Osmanlı Toplumunda Kadın ve Tanzimat Sonrası Gelişmeler", *Sosyal Hayatta Kadın*. (Hazırlayan İslâmî Araştırmalar Vakfı), Ensar Neşriyat, İstanbul, s. 161-176.
- Berki, Şakir (1981). "Kur'an'da Miras Hukuku", *Ankara Üniversitesi Hukuk Fakültesi Dergisi*, C. 38, S. 1-4, s. 107-132.
- Dulum, Sibel (2006). *Osmanlı Devleti'nde Kadının Statüsü, Eğitim Ve Çalışma Hayatı (1839-1918)*, Osmangazi Üniversitesi, Sosyal Bilimler Enstitüsü, Tarih Ana Bilim Dalı, Yakınçağ Tarihi Bilim Dalı Yüksek Lisans Tezi, Eskişehir.
- Düğer, Selçuk (2015). "Batılı Kadın Seyyahlar İmgeleminde Osmanlı Kadını" *Kocaeli Üniversitesi Sosyal Bilimler Enstitüsü Dergisi*, sayı 29, s. 71 – 90.
- Ersoy, Ersan (2009). "Cinsiyet Kültürü İçerisinde Kadın ve Erkek Kimliği (Malatya Örneği)", *Fırat Üniversitesi Sosyal Bilimler Dergisi*, C. 19, S. 2, s. 209-230.
- Faroqi, Suraya (2011). *Osmanlı Kültürü ve Gündelik Yaşam Ortaçağdan Yirminci Yüzyıla*, Tarih Vakfı Yurt Yayınları, İstanbul.
- Güngör, Erol (1998). *Değerler Psikolojisi Üzerinde Araştırmalar*, Ötüken Yayınları, İstanbul.
- Heyd, Uriel (2002). *Türk Hukuk ve Kültür Tarihi Üzerine Makaleler*, (Çeviri Ferhat Koca), Ankara Okulu Yayınları, Ankara.
- İmber, Colin (2004). *Şeriatın Kanuna Ebussud ve Osmanlı'da İslami Hukuk*, (Çeviri Murteza Bedir), Tarih Vakfı Yurt Yayınları, İstanbul.
- Karaman, Hayrettin (1990). *İslam Hukuku*, c. II, Ensar Neşriyat, İstanbul.

- Korkmaz, Şerif (2003). *Çorum'un İdari Sosyal ve Ekonomik Yapısı (Tanzimat-II. Meşrutiyet)*, Doktora Tezi, Ankara: Gazi Üniversitesi.
- Lady, Hornby (2007), *Kırım Savaşı Sırasında İstanbul*, (Çeviri Kerem Işık), Kitap Yayınevi, İstanbul.
- Lady Montagu (2004), *Doğu Mektupları*, (Çeviri Murat Aykaç Erginöz), İstanbul-Hiperlink, Erişim tabanı: eBook Collection (EBSCO host).
- Mukhopadhyay, Maitrayee (2002). "Same Thoughts on Gender and Culture", *Development in Practice*, Vol.5, No.4.
- Newman, Louise K. (2002). "Sex, Gender and Culture: Issues in the Definition, Assessment and Treatment of Gender Identity Disorder", *Clinical Child Psychology and Psychiatry*, 2002, V.7, p. 358-367.
- Oğuz, Ahmet (2016). "1915 Olaylarından Önce Çorum'da Türk Ermeni İlişkileri", *Uluslararası Bütün Yönleriyle Çorum Sempozyumu*, Hitit Üniversitesi, Çorum, C. I, s. 759-770.
- Öğreten, Ahmet (2016). "Osmanlı Dönemi Ansiklopedik Eserlerinde Çorum", *Uluslararası Bütün Yönleriyle Çorum Sempozyumu*, Hitit Üniversitesi, Çorum, C. I, s. 403-410.
- Özkul, Ali Efdal (2015). "18. Yüzyılda Osmanlı İdaresinde Kıbrıs'ta Meydana Gelen Boşanma Olayları" *Türk Tarih Kurumu Belleten Dergisi*, Cilt: LXXIX-Sayı: 284, ss. 126-162.
- Pardoe, Julia (2010), *Sultanlar Şebri İstanbul (The City of the Sultan)*, (Çeviri M. Banu Büyükkal), Türkiye İş Bankası Kültür Yayınları, İstanbul.
- Peirce, Leslie (2005). *Ahlak Oyunları 1540-1541 Osmanlı'da Ayntab Mahkemesi ve Toplumsal Cinsiyet*, (Çeviri Ülkün Tansel) Tarih Vakfı Yayınları, İstanbul.
- (2002). *Harem-i Hümayun Osmanlı İmparatorluğu'nda Hükümler ve Kadınlar*, Tarih Vakfı Yurt Yayınları, (Çev. Ayşe Berktaş), İstanbul.
- Sancar, Aslı (2009), *Osmanlı Kadını Efsane ve Gerçek*, Kaynak Yayınları, İzmir.
- Sönmez, Serpil (2016). "19. Yüzyılın İlk Yarısında Çorum'un Demografik Yapısı", *Uluslararası Bütün Yönleriyle Çorum Sempozyumu*, Hitit Üniversitesi, Çorum, C. II, s. 73-88.
- Yakut, Esra (2015). "Klasik Dönem Osmanlı Aile Hukukunda Kadının Konumu", *Anadolu Üniversitesi Hukuk Fakültesi Dergisi*, c. 1, s. 1-23.
- Yılmaz, Ahmet (2010). "Osmanlı'dan Cumhuriyet'e: Kadın Kimliğinin Biçimlendirilmesi", *Çağdaş Türkiye Tarihi Araştırmaları Dergisi*, IX/20-21, (2010/Bahar-Güz), İzmir, s. 191-212.