THE STATUS OF THE ELITE MUSLIM WOMEN IN ISTANBUL UNDER THE REIGN OF SULTAN ABDÜLHAMİD II (1876-1909)

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Prof. Dr. Ali L. Karaosmanoğlu

I certify that I have read this thesis and in my opinion it is fully adequate, in scope and in quality, as a thesis for the degree of Master of History.

Dr. Selçuk Akşin Somel
Thesis Supervisor

I certify that I have read this thesis and in my opinion it is fully adequate, in scope and in quality, as a thesis for the degree of Master of History.

Prof. Halil İnalçık

I certify that I have read this thesis and in my opinion it is fully adequate, in scope and in quality, as a thesis for the degree of Master of History.

Dr. Aygen Erdemtuğ
ABSTRACT

The study takes into consideration the status of elite Muslim women living in Istanbul under the reign of Sultan Abdülhamid II (1876-1909) with relation to their education, marriage and divorce. Primary sources of various natures were consulted, such as archival material, along with the press and the literary works, i.e. the realistic novels written during that period, in order to give a complete picture of the issues in question. The study reveals that although the elite Muslim women were still confined to the traditional gender roles prevalent in an Islamic patriarchal society, the period -- that was a gradual continuation of the novelties commenced by the Tanzimat -- witnessed a considerable amount of progress related to women, especially in the field of education. It can be said that the reign of Sultan Abdülhamid II was a link in the chain of events that led to the emancipation of Ottoman/Turkish women during the Republican period.
ÖZET


Aslında, bu dönem, Osmanlı/Türk kadınının Cumhuriyet devrinde oysa hakkı kazanmasıyla neticelenen gelişme zincirindeki bir halkayı oluşturmaktadır.
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INTRODUCTION

The Ottoman Empire expanded over a vast territory comprising people of different ethnic backgrounds, religions and creeds. This variation led to the creation of a realm highly heterogenous in character. The status of an individual was determined vis-a-vis religious belief, ethnic background, class affiliation and gender status. This was also valid for the women of the Empire. The situation of a woman in the Christian Balkans would be very different from the situation of a woman in the Oriental Muslim territories. The position of urban women did not resemble those of rural women. Similarly the standing of the rich and elite women in Istanbul was very different from those women of the lower classes. This study discusses how the status of elite Muslim women living in Istanbul during the reign of Sultan Abdülhamid II (1876-1909) differed from other Muslim women in the realm, hence, there are also references to the peasant or lower class women of the same period, when necessary.

This study has taken into consideration various primary sources. The first category of primary sources consulted have been archival material. These are mainly the judicial records of Istanbul, the records of Istanbul Mahkemesi Defter # 1/251 and Defter # 1/284, taken from the archive of the judicial records of Istanbul (İstanbul Müstütüğü Şeriyye Sicilleri Arşivi). The first group of records covers the years [H. 1298 and 1299 M. 1880-1881]¹ that is approximately the beginning of the reign of Sultan Abdülhamid II, and the second group of records comprises the years [H.1324, 1325 and 1326-M.1906, 1907 and 1908], that is, the end of the reign of this Sultan. Various documents related to Muslim Ottoman women before and during the reign of Sultan Abdülhamid II, taken from the Prime Ministry Ottoman Archives in Istanbul.
(Başbakanlık Osmanlı Arşivleri), were also scrutinized besides the letters and the speeches of Fatma Aliye Hanım from the collection at Atatürk Library in Istanbul (Atatürk Kütüphanesi Fatma Aliye Hanım Evraki), the documents of # 9/1, # 9/2, # 12/2 and # 12/37. Another source in this category has been the marriage licences for virgins (Bikr İzinnamesine Mahsus Sicil) from the Archive of the Office of the Şeyhül-İslam in Istanbul (Meşihat Arşivi). This archive, which is still in the process of classification has not been referred to in any previous work until now.

In addition, published primary sources such as the Code of Laws (Düüstur), the Ottoman government Almanacs, as well as the Almanacs of the Ministry of Public Education (Salname-i Devlet-i Aliyye-i Osmaniyye, Salname-i Maarif) have also been taken into consideration.

The second category of primary sources constitute the press, namely the numerous magazines for women which were published before, during and after the reign of Sultan Abdülhamid II such as Terakki-i Muhadderat (“The Progress of Muslim Women”), Aile (“The Family”), Hanımlara Mahsus Gazete (“Ladies’ Gazette”), Mehasin (“Merits”) and Kadın (“Woman”). This category also includes newspapers containing articles or announcement of restrictions related to women such as Takvim-i Vekai (Official Gazette), Ceride-i Havadis (“Newspaper of Events”), İbret (“Admonition”) and Sabah (“Morning”).

The third category of primary sources are the realistic novels written during the reign of Abdülhamid II. The novels used are Mai ve Siyah (“The Azure and the Black”) written by Halit Ziya Uşaklıgil -- one of the leaders of the literary movement in the last decade of the nineteenth century Servet-i Fünun (“Treasury of Sciences”)

1 H. or Hicri stands for dates pertaining to the Hegira in the Arabic lunar calender and M. or Miladi stands for dates pertaining to the Christian era or the Gregorian calender; A.D.
first published as a serial in 1895 in the literary journal of the same name and his Aşk-i Memnu ("Forbidden Love"), Muhadarat ("Debates") written by Fatma Aliye Hanım, the most prominent female writer and the defender of women’s right of the period of Sultan Abdüllahamid II; Mürrebiye (The Governess) (1897) written by Hüseyin Rahmi Gürpınar; Zehra (1896) written by Nabizade Nazım and Mahur Bestë, written by Ahmed Hamdi Tanpınar and published in 1944 as a serial in the literary journal Ülkü. The novels have been mainly used to highlight and to complete the information extracted from the other two categories of primary sources. Non-fiction books of the period in question, written by the prominent writers of the period such as Ahmed Midhat or Şemsettin Sami were also consulted in order to reflect the normative aspects of the issues raised in this study.

The study begins with Chapter I, a historical background of the situation of women in the Ottoman Empire up to the period of Sultan Abdüllahamid II. Then in Chapter II a description of the regulations and novelties related to women under Sultan Abdüllahamid II is given. The core of the study consists of the following chapters dealing with: (1) the education of women during the reign of Sultan Abdüllahamid II, (2) marriage and the status of women vis-a-vis marriage during the reign of Sultan Abdüllahamid II, and (3) divorce and the status of women vis-a-vis divorce during the reign of Sultan Abdüllahamid II.

Chapter III examines the education of women in two parts. First, the normative guidelines for the education of women under Abdüllahamid II, as reflected through the writings of the prominent — male as well as female writers — of the period is given.

2 Mahur is one of the oldest makan, i.e. a concept of Ottoman melodic creation which determines tonal relations, tessitura, starting tone, reciting tone and the finalis, as well as an overall indication of the melodic contour and patterns. Its closest counterpart in Western music is the medieval concept of mode. Beste means on the other hand a vocal composition consisting of four verses each followed by the same melodic passage.
Then, the actual developments related to the education of women that took place during that period is discussed.

Chapter IV begins with a detailed description of the institution of marriage in the religious law of Islam. Then the institution of mehr (bridal dower) and the various theories related to mehr are evaluated, based on the information extracted from the judicial records of Istanbul. This is followed by issues and novelties related to marriage in the Ottoman Empire before and after the Tanzimat (1839), up to the reign of Sultan Abdülhamid II. Lastly, issues related to marriage such as the age at marriage, mate selection, besides customs and ceremonies related to marriage are considered and the status of women is examined in regard to these issues.

Chapter V describes the institution of divorce in Islam and explains the different kinds of divorce allowed in Islam. Then, issues such as the rights of women in a divorce; the causes of divorce and the situation of women after a divorce etc. are treated in detail and the status of women is examined vis-a-vis these matters.

The study concludes with an evaluation and discussion of the last three chapters.
CHAPTER I: WOMEN IN THE OTTOMAN EMPIRE PRIOR TO
THE REIGN OF SULTAN ABDÜLHAMID II

The social structure of the Ottoman Empire, displaying patriarchal traits, was
predicated along the lines of Islam. This meant that religion would penetrate into
nearly every aspect of living, including social life. The relationship between the sexes
was regulated by a number of rules and restrictions that were mainly focused on sexual
segregation and female sexuality. In effect, women, through various religious
constraints, as well as through social incentives encouraging marriage and childbirth,
were confined to the home and the family.

The sexual urge in Islam is not regarded as a taboo nor is the sexual act
considered as a sin. However it is something to be exercised within the framework of
marriage and there are a set of regulations to control sexual behaviour.

Islam requires that women be treated with respect. Her sexuality is not
intended to be the main center of attention i.e., she is not to be treated as a sex object.
Rather, she is to be regarded and treated as a human being whose sexuality does not
enter into her relationship with any other man than her husband. That is to say that her
sexual attractiveness is reserved for her husband only. Based on these general
specifications there are a set of rules that regulate the relationship between the sexes.3

The first of these restrictions is that Islam insists on the segregation of the

3 For the discussions on women in Islam the following sources may be consulted among the many
existing ones:

Hüseyin Hatemi, İlahi Hikmet 'de Kadın. (İstanbul:İşaret Yayınları, 1995).


Muhammed Imran, Ideal Woman in Islam. (New Delhi, 1986).

Maulana Wahiduddin Khan, Woman Between Islam and Western Society. (New Delhi, 1995).
sexes. Its pattern of society is one in which women and men do not intermingle too freely. Members of the opposite sex are not to mix unless they are related by marriage or by a mahrem relationship i.e., those with whom, owing to intimate blood relationship, marriage cannot be contracted such as parents, siblings, cousins, nephews etc. This rule in general applies to life both within the public and private spheres. Homes are often constructed in such a way that men who visit the house do not come in contact with the women folk; male visitors are received by the men of the house and entertained in a guest room. The same is valid for women receiving female guests.

Another restriction is that in the case of a social mixing of the sexes each sex has to behave in a modest and a chaste manner, that is, not to look at one another directly or in a suggestive manner in order not to lead to any social distress.

The third restriction is that women are supposed to conceal their sexual attractiveness from men by a modest and a straight-forward type of attire. Within the home, be it either with her husband and/or her female friends, she is allowed to dress the way she desires. Whereas in public and in the presence of non-mahrem men, even within the home, she is to cover herself. This is to stress the fact that she is a chaste and a modest woman who keeps her sexuality in the background. The issue of concealment is explained as follows: The modest dress of the Muslim woman protects her from the sexual interest and improper looks and manners of men. Islam prescribes modest dress not only to protect the society from the disruption that may come about by illicit sexual interests and relations, but also to protect the dignity of the woman and to neutralize the sexuality of women so that their value is not associated to their sexual attributes but to their human qualities.⁴

⁴ Muhammed Imran, op.cit., 7.
It could, on the whole, be said that an Islamic pattern of life is one in which women would have their main roles confined to the home. Islam has adopted the division of labour in respect of the sexes, with the man's field of activity being external to the home, while that of the woman's is domestic. Its purpose, being far from being discriminatory, has always aimed at preserving the distinctive characteristics of both sexes and to deploy their talents in the most socially manner.\footnote{Maulana Wahiduddin Khan, \textit{Woman Between Islam and Western Society}. (New Delhi:1995), 126.}

1. Restrictions on Women's Attire

Every Muslim society has its own manner of adoption of these social rules and restrictions regarding the sexes. During the first periods of the Ottoman Empire women enjoyed considerable freedom and were not heavily veiled. Ahmet Refik (Altınav) states that during the reign of Mehmet II women covered only their heads and did not conceal either their faces, breasts, and or any other parts of their bodies.\footnote{Ahmet Refik (Altınav), \textit{Kadinlar Saltanati}. Volume I. (İstanbul: Kütüphane-i Askeri, 1332/1913), 30.} However during later periods, matters regarding women were carried out more strictly. Some authors relate this fact to the adoption of elements such as the harem, polygamy and the veil from the Byzantine Empire, Arabia and Persia.\footnote{Mina Nialla, \textit{Women in Islam: Traditions and Transitions in the Middle East}. (New York: Seaview Books, 1981), 44.}

Although urban women were free to dress as they desired inside their homes, they were absolutely required to veil in public at least from the sixteenth century onwards and certainly by the end of the seventeenth century.\footnote{The outdoor garment of urban women consisted of the \textit{ferace} (dustcoat) and \textit{yağmak} (veil), known to have}
been worn in periods before and during the reign of Süleyman the Lawgiver. Lady Mary Montagu, the wife of the ambassador to Constantinople in the eighteenth century, states in a 1717 dated letter to England as such:

No woman, of what rank soever, is being permitted to go into the streets without two muslins; one that covers her face all but her eyes, and another that hides the whole dress of her head, and hangs halfway down her back, and their shapes are wholly concealed by a thing they call a ferige, which no woman of any sort appears to be without; this has straight sleeves, that reach to their finger-ends and it laps all round them, not unlike a riding-hood.  

The state was very sensitive on the issue concerning the outdoor garments of women and would intervene at once in the case of abuses. The point of view of the state regarding concealment can be seen in a [H.1189-M.1775] dated document that states as follows: “The wearing of the ferace and makrame and yaşamak of Muslim women is in order to protect them from the nâ-mahrem and the non-Muslims [...]”

Rural women were less affected by these regulations and covered to a lesser extent as it would be very impractical to veil them as they toiled in the fields. At the most, a rural woman would wear a headcover in order to flee from those men that she considered as being strangers. We could say that this issue of concealment which

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13 Aysçe Atetinan, Atatürk ve Türk Kadın Haklarının Kazanılması. (İstanbul: Milli Eğitim Yayınları, 1968).
aimed at the protection of privacy, the preservation of sexuality and the maintenance of social order was an important factor that led to the isolation of urban women.

2. Sexual Segregation and Restrictions on the Sexual Encounter of the Sexes

Contact between the sexes in the cities of the empire was kept under control by a number of restrictions that were again disadvantageous for women. Edicts were issued in order to keep the sexes from intermingling. One such edict is a [H.988-M.1573] dated decree addressed to the steward of the community of caique rowers (peremeciler kethidasi) that prohibited women and men from riding in the same caique: “[...] You are to be on the alert as not to allow young women from riding in the same caique as adolescent males and you are to order and procure the reiteration of this command to all other rowers of caiques.14 Such edicts that aimed at sexual segregation would proceed well into the nineteenth century.

These social limitations were also applied inside the houses. In fact, the mansions (konak) of the wealthy upper classes were divided into separate women’s and men’s quarters:

As a general rule, a Turkish konak, whether in town or country is a rambling, irregularly built edifice of two stories, divided internally into two parts, the haremlik and the selamlik. The former and the larger division is occupied by the women, and contains all the private apartments of the family. In the latter, of which the service is performed entirely by men, are the rooms used by the great man for transactions of business, the purpose of hospitality, and formal receptions.15

Women, at different periods of time, were forbidden to do certain things. They were banned from walking in markets during the month of Ramadan as stated in a

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[H.1179-M.1776] decree addressed to the kadi of Istanbul:

Since the walking around of women in market places and streets during the holy feast of Ramazan was prohibited with an imperial decree you are to warn everyone by ordering the district imams that women are not go out to market places and streets from the beginning of the feast until its end, and that they are to remain within their houses and you are to make it clear to everyone that anyone behaving against the imperial order is to be punished without doubt.  

Women were also forbidden to enter mosques.  

3. Women and Work

Women in the cities were deprived of holding positions in the world of business and in the world of politics. Rural women worked in the fields and contributed to the economy of the household by producing cloth, carpets and other handicrafts. Though there were women who did work in the cities, they were confined to roles that were compatible with sexual segregation such as midwifery for example. Woman peddlers who sold female garments, linen, cloth etc., wandering from door to door in the cities could also be considered as working women. There were also women who worked in the textile industry as stated by İnalcık: “Some guilds employed women. In Ottoman towns; silk-winding and cotton-spinning were usually left to women and children, and in this way poor urban women could earn a living”.

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16 Ergin, Mecelle..., 891.


18 Minai Naila, op. cit.,44.


In addition, female slaves (cariye) were also be taken into account as working women. The existence of these women could lead to polygamy. At times they would spy on the lady of the house; there is no doubt that these women could be a burden for her. (The popular theme of slaves and mistresses of the period will be elaborated in the following chapter concerning marriage.)

In short, women who worked were usually those from the lower classes in need of earning a living. The choices open to them were few, restricted and insignificant. Upper class women did not work, since they were economically well-off, and were subject to a seclusion of a higher degree in their homes than compared to their working counterparts.

The religious organization was also closed to the female subjects of the empire. Women were able to acquire the religious titles of hafiz (one who knows the whole Quran by heart) and moilla (doctor of Muslim law) by requiring the necessary education for it, but they were at no time given the permission to exercise these titles within a legal religious post.  

4. Education of Women

Likewise education was treated differently between the sexes. The only level of official schooling for women was the sibyan mektebi (traditional elementary school or Quran-school) where girls learned how to read and to write besides receiving religious training. Belkıs Hanım, in her letter to the newspaper for women, Terakki-i Muhadderat, gives a concise description of the female education at the beginning of the nineteenth century of those who were lucky enough to have one:

Our parents would have the majority of us, in our infancy, learn how to read and write, and learn the Quran and receive moral education. After that, some of us were not left behind in our education and read, by the means of female Muslim teachers, the *Muhammediye* and other similar books with wove points. There were a group of girls whose fathers would make them read books of history and literature. 

We could say that the basic education, as well as a religious one was always available for those whose fathers were of the idea that their daughters ought to receive an education: “In Istanbul, there was always an opportunity for a girl to read the Quran. Instruction was provided in private homes as well as in the mosque schools. [...] How much a schooling a girl had depended on the head of the family. If he was against schooling for girls, she had little choice but to remain ignorant.”

Further education at home by tutors was a privilege offered by money and by broad-minded parents. Those who were lucky to receive an education did so, to a certain level. The general orientation of women in life was towards domestic affairs such as, sewing, cooking, embroidering etc., taught by the mother at home, preparing them to be good wives and mothers.

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22 The famous work in verse of the life of Muhammed written by Gelibolului Muhammed Efendi, the assistant of Haci Bektashi Veli.

23 *Terakki-i Muhadderat*, 4 (8 Rebiyyi’l-Ahır 1286 / 6 July 1285/1869), 3. The Ottoman text is as follows: “Zira bizim ekereniz hal-i șebavate iken vâlide ve pederlerimiz elifba ve kelâm-i kadın ve ahlâk risalesi okutmuşlardir ve ba’zimizin büyükükten sonra dahi okumasından şarf-i nazâr etmeyiib mahsun hança kadınlar marifetiyle Muhammediyye gibi ve daha sâir ana benzer harekeli kitâblar okuma-devam etirirler hasta içimizden bir fırka dahî vardır ki pederleri ma’riferiyle tarih ve edebiyat kitâbları mütalâa etmekde [...] For a summary of this text see also Sema Uğurcan, *“Tanzimat Devrinde Kadının Statüsü.”* 150.Yılinda Tanzimat edited by. Hakki Dursun Yıldız. (Ankara: Türk Tarih Kurumu, 1992).

5. Marriage and Women

Women were also affected by a number of social incentives that pushed them towards accepting the traditional roles of the mother and the wife. Marriage, besides being a religious duty of every Muslim towards the society, was an important means of acquiring social respect as well as producing children:

[...] In this country, it is more despicable to be married and not fruitful, than it is with us to be fruitful before marriage. [...] Without any exaggeration, all the women of my acquaintance that have been married ten years have twelve to thirteen children and the old ones boast of having had five-and-twenty or thirty a piece, and are respected according to the number they have produced.25

The social status of an unmarried woman was low. A woman by contracting marriage acquired status, maintanence, family, community support and money,26 that is to say achieved a prestigious position in society. It meant that she was a member of it and not an “outsider”. An unmarried woman would not be able to enjoy any of the above mentioned possessions.

6. Tanzimat and Women

The Ottomans, when they were at the peak of their power, were a fairly closed society to Western social and intellectual influences. However, after having lost a considerable amount of territory and prestige with the treaties of Carlowitz (1699) and Passarowitz (1718), they had come to a full realization of the technical supremacy of Europe. As a consequence they looked to the West for technological and educational assistance in order to be able to resist the external threats of their powerful European neighbour states.


26 Ian C. Dengler, “Turkish Women in the Ottoman Empire: The Classical Age,” ..., 232.
The first series of institutional reforms which took place during the reign of Sultan Selim III were applied to the fields of military and education. His successor, Sultan Mahmud II, expanded these reforms to the sphere of public administration and to society. The palace was decorated in an European manner and the Sultan changed the way of dressing from traditional to European.

The outcome of the efforts of limited modernization, that were carried more or less ad hoc were put under a official regulation with a decree issued in 1839 providing for a new penal code and a commercial law. There was also a proclamation, advocating the equality of all subjects regardless of race or creed, that paved the way for a forty year period of reforms (The Tanzimat). Although there was nothing in the charter itself related to women, this period was to see a number of changes that turned out to be favorable to them.

6. 1.Women’s Attire

The novelties brought by the Tanzimat reflected themselves in the lives of especially urban elite women, affecting their outdoor as well as indoor garments. An Ottoman urban woman of the middle and high classes would traditionally be dressed as follows: a pair of baggy trousers (šalvar) and over them a fine gauze smock edged with embroidery, with a high neck and sleeves to the elbow. Over this they would wear a tight buttoned long sleeved waistcoat that would fall over the arms (cepken), and a close fitting ankle-length caftan, tied with a girdle (iç etek). Over this, in cold weather, a loose robe of brocade and a cap with tassels would be worn.27 The changes in clothing introduced by Sultan Mahmud II replaced the šalvar with the dress (fistan)

and did away with the rest of the garments which were worn with the šalvar. Affluent urban women had their seamstresses create for them indoor garments after the latest fashion in Paris and had as their outdoor garments feraces transformed into Empire style frocks.

The need to follow fashion would be to such an extent that even the state, from time to time, felt the need to control the colour and the length of the ferace and regulate the yasmak and the colour of the shoes. Muslim women were required to wear yellow shoes and somber coloured feraces. They were not allowed to wear pale and brightly coloured feraces entitled as ill-coloured (‘bed-renk ’). One such example is a [H.1203 - M.1789] dated decree of Selim III addressed to the kaymakam (the head official of a district):

The ferâce [dustcoat!] and the hotoz [a sort of tall headgear worn by women] of the women of Istanbul which I have seen while I was in disguise are extremely ugly. Send an order to each of the district imams to warn women to keep the collars of their ferâces short and not to wear pale colours such as the autumnal and also not to wear such short yasmak (veil) because their jewelry and the colour of their inner head covering are visible. Tell the officers to cut the collar and the hotoz of such women and I will have them cut off if I see them while I am in disguise.

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30 Başbakanlık Osmanlı Arşivi, (hereafter BOA), Hatt-ı Hümayun, # 9273. Kaymakam Paşa, İstanbul 'avratlarını tebdilde gördüğüm ferace ve hotozları gayet betdir cümle mağalle imamlarına mağalle mağalle emr gönderesinin ferâcelerini yaşakalı kısa eşyelerin ve açık renkler hastabı renği ve o makule ferace giymesüler ve yasmaklarını öyle etmesüler mücevheratları ve yemeni rengi görünüyor ve zabıtiya tenbin edesin öyle kanıları rast geldikde hotozunu ve yaşasını kessüler sen de rast gelirsen kesesi ben de eger tebdilde rast gelirsem kesdiririm. Another document of Sultan Selim III of the same nature is published by Ahmet Refik in “Osmanlı Tarihinde Kadın” Yeni Meclis 65. (1918), 251.
6. 2. Women’s Behaviour in Public

The novelties had also brought about abuses in behaviour and the state was sure to keep things under control. Shops selling European goods had come into being, as a result of the wave of Westernization. Since these were attractive to women, the state made sure that there were not any behaviour that could cause social agitation. A [H.1252-M.1836] dated memorandum states:

Since for some period time it has been observed that women and some tradesmen of the guilds have been flaunting regulations, especially the tradesmen of the haberdashers, headgarmakers, drapers, by allowing their sons or their servants wearing various headgear to sit and intermingle with the women, and that the women had entered the shops and dared to eat ice-cream in the ice cream parlours situated in Galata and Beyoğlu; these matters should come to an end and especially the tradesmen involved in buying and selling are to be respectable and are to get rid of the newly employed young Armenian, Greek and Jewish apprentices wearing various types of headgear and employ, if necessary, men of old age and of respect and that women are by no means to enter the shops and are to do their shopping from the outside [...] 31

Another decree of the date [H.1250-M.1834] states: “[...] Women were observed to stroll and sit together with men in the places of public promenade [...] everyone is asked to stroll in a modest and a honourable manner [...] and women are not to walk within men.” 32

31 BOA, Hatt-ı Hümayun, # 24223-A. The Ottoman text is as follows: “[...] bir müddetden beri nisvân ta‘ifesî ile död ü sitâda me’lîf ba’zî esnāf ta‘ifesinin nizâmât-ı kadîmeleri hâlele-pezîr olarak ez-cümle tuhaçî ve yemenici ve çuçaci ve eczaci esnâfinin bir taçum fasîl ve şûrataî ve âlî-paî şâb-ı hizmetkar ve yâhîd evvelâsînî dükkanlara oturup nisvân ta‘ifesisyle ilhâta ve ekeresini dükkanları mağazaları ve ojalara olarak taide-i mezklü dükkan içine girecek âlişveriş etmek ve Galata ve Beyoğlu ve hevalîsindede kain döndürmacı dükkanlara daği nisvân ta‘ifesî duhûl ile döndürma yemek gibi halate cesaretleri müşâhade olunmakata idâgûne binaen bu keyfiyyetlerin taht-ı rábiya iadhâ ve ale’l-‘hsus nisvân ta‘ifesisyle bi’z-zarad dar ü sitâda me’lîf esnâfin gayet eh-i ‘uzanda maâflesinden olmasi ve minel-kâdim mura” ve mülezzim olub bir müddetden beri peyda eyledikleri şâb-ı emr ve fasîl ve şûrataî ve âlî-paî Emenî ve Rum ve Yahud ta‘ifesinin yanlarından tâd ü defî’i ve ustalara hizmetkar laxmî ise kenderleri gibi musime ve eh-i ‘urz maâflesinden istihâm eylemeleri ve mağaza ve ojalara zinhâr nisvân ta‘ifesî girmeyüb duasandand işini görub gitmesi...”

32 BOA; Hatt-ı Hümayun, # 31250. The ottoman text is as follows: “Şeye-i hüma vaye-i cenâb-ı cihan penâhîde lâsîb-ı-mevsim herkesin mestregâhında gezûb kendü hallerinde olarak tenezzûh ve adamlarla bir şey denîlemiz ve bu suturel olan zûkur ve inâsa múhl-lefet olunmuş ise de el-haletû-hazîhi sey yerlerinde bulunan ta‘îfe-i nisânın vakîtîyle hançelerine gîmeyûb aksam ezanına ve belki
As we can see, the government did pay the utmost attention to control the social encounter of the sexes in the cities even between the Muslim women and non-Muslim men. The focus was on the movement of women in the city, allotting them lesser space than men. However, the relationship between the sexes of the lower classes were more natural. There were no haremlık and selamlık in the modestly built houses of these classes. Rural women were, as stated above, freer in their movements than their urban counterparts.33

Although changes did take place, the regulations based on sexual segregation continued to be applied with the same intensity. There were even separate days for outings for women and men so that they did not mix, thus, preventing any indecent behaviour. A [H.1269-M.1852] dated newspaper, Ceride-i Havadis, (Newspaper of Events) states which places of excursion were reserved for which sex on which day as follows: Women were only allowed to go to Küçüksu and Göksu on Fridays in the district of the Bosphorus and were not allowed to go to any other places of public promenade. Women were allowed to go to the other places of excursion on the Bosphorus except for Fridays and Sundays. Men were prohibited from going to Küçüksu and Göksu on Fridays. The places of excursion in Scutari were reserved for women only on Mondays and on Thursdays; they were not permitted to go to these places except for the above mentioned days. On Fridays Kağıthane was reserved for women only and the meadows of Çırpıca and Veliefendi for men. Each sex was to heed to these restrictions and not behave otherwise. Women were prohibited from going out

33Tezer Taşkiran, op. cit., 29.
on Sundays. Women were equally forbidden from entering the shops and were required to do their shopping from the outside. They were obliged to watch their clothing and manners and to return to their homes absolutely before sunset at all times.

There are also some other interesting rules concerning sexual segregation in Düstur (Code of Laws) in the section entitled “Information about the Neighbourhood” (Mu'amelat-i Civariyye Hakkundadur). In article 1202 it is stated that the visibility of such places as kitchens, courtyards, and the area around wells, i.e., those regarded as the domain of women (makarr-i nisvân) is considered as morally damaging. What is interesting to note here is the fact that in the dwellings there is, first of all, the categorization of places according to sex and secondly, that the places reserved for women reflect the sexual division of labour or segregation in society. The kitchen is allocated to women referring to their activities while the courtyard, a major space in the dwelling, is interpreted as the “home”, thus confining them to the traditional gender roles and to the notion that the place of a woman is her home. What is more, the articles of 1203 and 1205, stated that if a person had a window overlooking the above mentioned places he was to obstruct this window either by constructing a wall or by making a wooden fence across it. If he had to climb a tree and, if while on the tree there was the possibility of seeing the places that were reserved for women, he had to tell the women to cover themselves before climbing the tree. If he proceeded otherwise the kadi had the right to prohibit him from climbing the tree in question again.

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34 Ceride-i Havadis.626 (28 Şa’ban 1269/1852), 1.
35 Takvim-i Vekai. 347 (gurre Ramazan 1263/1846), 2.
36 Düstur. Üçüncü Cilt, 1.Tertip. (İstanbul: Matbaa-i Âmire, 1293/1876), 83.
37 Ibid., 84.
On the other hand, there were permissions concerning cultural matters such as
the granting of admission for men and women to attend the exhibition together.38

6. 3. Women’s Inclusion in the Census

The year 1844 witnessed a novelty. Women who had never been taken into
count until that time were incorporated into the population census. Although it may
seem as a very big step for women, it should be noted that this action was far away
from being a favour granted to them by the state. It seems to have been introduced as
an economic necessity on the part of the government.

In all traditional societies of the Middle Ages males were considered as the
producing party whereas females were regarded as the consuming one. According to
this notion it was the male population who provided an equilibrium between economic
activity and the spirit of the ghaza. This meant that there was the need of an abundant
and regular economic production in order to provide for the army. The producers of
agricultural goods and those who went to war were the male population. This
producing and warring male population -- acquired the right of control over financial
and military sources -- in combination with the religious privileges granted to them in
periods where the income of the treasury exceeded the expenditures. Thus they
possessed an authority that made them omnipotent throughout the society. Keeping
count of this male population into the census was a practical way of determining the
sources of production i.e., the number of producers versus the number of those who
went to wars. The government by determining the number of farmers could determine
whether the production was on a par with the number of soldiers in the army. However
at the beginning of the 19th century the damaged economy of the empire necessitated

the incorporation of women into the census in order to determine their number and to find out their share in consumption.39

6. 4. Landownership of Women

Another development of major importance that was carried out by the government regarded the issue of land ownership by women.

Land, especially arable land was of major importance to the Ottoman Empire. This was due to the fact that the subsistence economy and the provision for both the army and the cities depended on the cultivation of grain. A scarcity in this cultivation would interpret itself as famine and shortage. In order to guarantee food production the state felt the need to keep under control the land that was open to grain cultivation (mirî land). The mirî land system functioned by the distribution of state-owned land to peasants who would have the right of use and transfer of that land. The mirî land system was divided into land under title-deed (tapulu arazi) and land under mukata’a (mukata’alti arazi).40 The tapulu arazi is of relevance to the topic discussed here. Tapulu arazi was state-owned land distributed to the peasant for cultivation. He could neither sell (hibe) nor mortmain (wakf) it but could only transfer it to his son.41

The mirî land system was treated under a different judiciary system than the privately owned land (mülk). The former was subjected to Örфи law -- law based on the decree of the Sultan for those issues uncovered by the religious law, the Sharia --42 due to the fact that it is regarded as the property of the state. However the latter was


41 ibid., 4.

subject to the Sha‘ria, the religious law. The religious law, based on the Quran, the
Hadith (the sayings of the Prophet Muhammed), the Fikh (Islamic jurisprudence) and
the Icma (consensus on religious matters) was difficult to alter in its principles,
whereas the Sultanic law could be adjusted according to circumstance. 43

The issues of transfer in mülk was subjected to the principle of ferâiz — the
plural of feriza (the obligatory share of an inheritance). According to this principle
daughters would inherit ½ in the case of there being only one daughter, and ²⁄₇ in the
case of there being more than one daughter. 44 As we can see, Islam does not give equal
share to daughters i.e., they are to inherit only a part of the son’s inheritance. This
inequality is based on the assumption that males will provide for the material needs of
females throughout their lives. In the case of transfer of tapulu miri arazi only the son
possessed the right of tax-free inheritance. In the case of there not being a son the land
could be transferred to the daughter on condition that she paid for the title deed. If
the possessor of such a title was a woman, both daughter and son would have to pay
for the title deed in case of inheritance. These regulations were necessary in order not
to put grain cultivation in jeopardy.

During the period of Tanzimat a number of efforts had been carried out in
order to regulate matters related to land, and were considerable changes concerning
female title ownership of mirî lands. A decree was issued, [H.1263-M.1846] that
stated that the mirî land controlled by a woman was to pass on, as in the case of father

43Halil Cin, Eski ve Yeni Türk Hukukunda Tarım Arazilerinin Miras Yoluyla İntikali. (Ankara:
Ankara Üniversitesi Hukuk Fakültesi Yayınları, 1979), 35.

44George Young, Corps de Droit Ottoman: Recueil des Codes, Règlements, Ordonnances et Actes les
plus Importantes du Droit Interieur, et d'Etudes sur le Droit Coutumier de l'Empire Ottomane.
to son, from mother to son and daughter without payment'.

There were further developments and the outcome of these efforts was the enactment of a new land law (Arâzi Kanunnâmesi), in 1858, with the aim of alleviating issues related to land ownership. This new law brought about changes concerning the rights of control and transfer of mirâl lands regarding women. The 54th article of the new land law stated:

In the case of the death of the male or female possessor of the mirâl land or lands in mortmain, the land under his/her responsibility is to pass onto his/her son and daughter without payment and equally [...]. in the case of there being only a daughter or son the land is similarly to be passed on without payment and entirely [...].

As we can, see both the decree of 1846 and the article 54 of the Land Code of 1858 dated brought about significant changes concerning women. Women, from then on, were given the right to pass on their land without payment even to their daughters, and daughters were given the right to inherit the same amount of land as sons in the same manner. Although one must not forget that these novelties were carried out due to economic difficulties on the part of the government, it was nevertheless very important steps which meant that women were regarded as equal to men in matters regarding land ownership.

6. 5. Abolition of Slavery

Another important development was the formal abolition of the slave market in 1847. The Ottoman Sultan would, traditionally pay a visit every year to the office of

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46 Dâstûr. 1.Cilt, 1.Tertip. (İstanbul:Matbaa-1 Âmire, 1289/1872), 178. The text in Ottoman goes as follows: Arazi-yi miriyye ve mevkûfe mutasarrif ve mutasarriflerinden biri fevt olduğunda 'uhdesinde olan ârâz erkek ve kız evlâdına gerek arâzini holding mağalde bulunalar ve gerek diyâr-i âherde olsunlar meccanen ve bila bedel mütesâviyen intîkâl eyler yalnız erkek veyâhûd yalnız kız evlâdı olur ise kezâlik bila bedel ve müstağîlen intîkâl eder...
the Grand Vizier (*Bab-ı Ali*). In [H. Muharrem 1263- M. December 1846], during such a visit, the Sultan Abdulmeclid attended a meeting of the General Assembly (*Meclis-i Umumi*) which had gathered in order to launch important reforms. At this meeting the Sultan brought up the issue of the slave market in Istanbul due to the fact that he had heard of the slaves being ill treated. This situation being against the religious law, the Sharia, he abolished the slave market. Although the buying and selling of slaves became officially prohibited it is a well known fact this institution continued during and well after the period of Abdülhamid II. This injunction, as far as it concerns the female slaves, most probably just lead to a transformation of the status of *cârîye* to female servant.

6. 6. The Education of Women For an Occupation

It has been mentioned earlier that the state had launched a policy of education in order to provide women with an occupation. The first attempt was in the field of midwifery. It had been decided in 1842 that women were to receive a training in the School of Medicine in order to become midwives. They were to do their training on dummies and there were to be no men around. The first graduates were ten Muslim and twenty-six Christian women.

The second step of this policy of education was the granting of better primary education for women with the opening of *rüşdiye* (adolescence) schools for girls. It was established in the district of Sultanahmet in Istanbul, in the year 1858, with the intention of increasing their number both in Istanbul and in the provinces. The

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49 ibid., 457.
necessity of an education for girls is stated in the \textit{Takvim-i Vekai}, the official press organ, as follows:

It is necessary that parents pay attention to the acquisition of good manners and education of their daughters since the order and the welfare of marriage, which is an arduous and a toilsome business requiring endurance on the side of the husband in order to earn a living, will depend on those women who know worldly as well as religious affairs, who are obedient and contented and who preserve their honour.\footnote{\textit{Takvim-i Vekai}. 649. (22 Zilhicce 1279/1862), 4. The Ottoman text goes as follows: “Müteşâbbâmât ve şarf-i tâvvan ve tağva olan izdivâcun âşîyis û refah ve erâmişi etife-i nisvânın dañî din ve dünyalarını bilîb enre içsat ve tahsil-i esbâb-i ‘ifset âanatı riâyetlerinden tevâlîd edeceginden kız çocuklarının dañî emr-i terbiye ve adab-i merîyye eye vuçûflarına ana ve bûbûruları tarafîlärndan bâkılmak lâzîmedendir...” For a Turkish summary of this text see Hasan Ali Koçer, \textit{Türkiye’de Modern Eğitimin Doğuşu ve Gelişimi} (1773-1923). (İstanbul:Talim ve Terbiye Dairesi Yayınları, 1974), 67.}

As can be seen clearly from this statement, any further education of women has been fitted in to a patriarhcal frame of mind. Women are to be educated as to provide for the comfort of their husbands and their families in a more diligent manner.

The curriculum of adolescence schools which continued until the year 1877 was as follows:


The curriculum has courses that are appropriate to a traditional Muslim Ottoman society and in accordande with traditional gender roles. However, it must be noted that such courses as Mathematics, Geography etc. show that there really was an effort to educate women and to broaden their horizons.

The numbers of such schools increased in time and in the year 1872 there were seven rüşdiyes for girls in Istanbul with a total of 311 students. The Muslim population of Istanbul (Europe) in 1872 was 686,000. If we consider half of this population as females we come up with a female population of 343,000. If we consider one third of this population about 114,000 to be young girls, then the ratio of female rüşdiye students to the population would be approximately 0.3 per cent.

In 1869, The Regulation for Public Education (Maarif-i Umumiye Nizamnamesi) was launched, prepared by the minister of education of the time, Safvet Paşa, taking as an example the French education system. This regulation aimed at not only systemizing what had been done previously but also laid out plans that were to be applied during the remainder of the century. Those developments concerning women were as follows: (1) All children at the age of schooling, including girls, were to receive compulsory primary education; (2) Rüşdiye schools for girls were to be opened in all appropriate places and (3) the Women Teacher’s Seminary (Darû l-mu’allimât) was to be established in Istanbul.

Another achievement prior to the opening of the Darû l-mu’allimat was the

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52 Kurnaz, ibid., 11.
opening of Industrial Schools for Women (Kız Sanayi Mektebi), first in Ruscuk then in Istanbul, owing to the endeavours of Midhat Paşa, the then governor of the Danube. He launched a project which aimed both at providing orphan girls with employment and meeting the needs of the army such as bandage, underwear etc. for the soldiers. He built a factory and a school in Ruscuk, in the year 1865, and collected orphan girls to train them in this school, preparing them to work in the factory in question.

Mithat Paşa, on his return to Istanbul, opened a school in 1870 with a similar purpose. The girls who were trained at this school were to work in the factory at Yedikule in order to sew the necessary things needed by the soldiers.\textsuperscript{55}

The opening of the Darü'l-mu'allimât in the year 1870 was another important step in the education of women. The reasons for the opening of such a college are stated in the speech of Safvet Paşa at the opening of this school. The minister stressed that women need to be educated and that their deprivation up to that time has been due to the lack of means of education. Since the rüşdiyves for girls had reached the number of seven, there was a need for female instructors due to the necessities of sexual segregation.\textsuperscript{56} The curriculum and the instructors of the seminary in the year 1870 was as follows:

Religious and moral education (Musa Efendi), Composition Writing (instructor to be found), Mathematics (İsmail Efendi), Sewing and Embroidery (Eliza Mayno), Drawing (Valker), Siîlîs and Nesîh (Haci Raşit Efendi), Ottoman History (instructor to be found), Geography (İsmail Efendi).\textsuperscript{57}

\textsuperscript{55}Osman (Nuri) Ergin, Türkiye Maarif..., 672-673.

\textsuperscript{56} ibid., 671.

\textsuperscript{57} BOA, İrade-i Dahiliyye, # 42823. See also Osman (Nuri) Ergin, Türkiye Maarif..., 670.
As we can see the only female instructor is Eliza Mayno, a non-Muslim woman. The rest are Muslim male instructors with one non-Muslim male instructor, of the name Mr. Valker.

One interesting thing is the difference in the salary given to the director and the directress of the seminary. The director was to get 2000 kurus (piaster) while the directress was to receive 1065 kurus.\textsuperscript{58} One may ask the question whether this difference in salary was perhaps due to sexual prejudice or discrimination.

In the subsequent years, the courses of music and ri'ka (a style of Arabic calligraphy) were added to the curriculum. There was also the introduction of the first Muslim female instructor, Hâtice Hanım, as the teacher of Embroidery. This personnel was to continue until 1877.

The students were to receive a scholarship that consisted of 220 kurus for each student,\textsuperscript{59} in order to encourage them towards education. They were to pay this amount back after having graduated by working for the government as a teacher.

At the beginning thirty-two students enrolled at this seminary. The number of students and graduates until the year 1876 were as follows:

<table>
<thead>
<tr>
<th>years</th>
<th>the number of students</th>
<th>the number of graduates</th>
</tr>
</thead>
<tbody>
<tr>
<td>1872</td>
<td>50</td>
<td>20</td>
</tr>
<tr>
<td>1873</td>
<td>-</td>
<td>17</td>
</tr>
<tr>
<td>1874</td>
<td>31</td>
<td>20</td>
</tr>
<tr>
<td>1875</td>
<td>58\textsuperscript{60}</td>
<td>8\textsuperscript{61}</td>
</tr>
</tbody>
</table>

\textsuperscript{58} BOA, İrade-i Dahiliyye, #42823.

\textsuperscript{59} BOA, İrade-i Dahiliyye, # 42823.

\textsuperscript{60} Şefika Kurnaz, op.cit., 24.

\textsuperscript{61} Salname-i Maarif-i Umumiyye (1318/1900).
The seminary remained closed during the Russio-Ottoman (1877-1878) war and there were no graduates during this period. It was after 1878 that this institution continued to function. The graduates were officially appointed to posts in Istanbul as well in the provinces. These appointments were not to take place before the period of Abdülhamid II (1876-1909), since the government had to wait for the establishment of schools both in Istanbul and in the provinces.

Besides these efforts on the part of the government on the issue of the education of women, a number of women were also receiving modern education at home. These were mainly the daughters of the intelligentsia and the bureaucratic families of the period. These women were: the writers Fatma Aliye and her sister Emine Semiye (the daughters of the historian, administrator, educational and judicial reformer Ahmet Cevdet Paşa); the poet Nigar bint-i Osman (the daughter of Osman Paşa, the director of the Military College); the poet Leyla (Saz) (the daughter of the Sultan’s chief physician İsmail Paşa); Fatma Fahriününa (the granddaughter of the Tanzimat writer and administrator Ahmet Vefik Paşa); Hamide (the daughter of the writer Abdülhak Hamit); Gülistan İsmet (the daughter of the major Mehmet Tevfik Bey) and M kabule Leman.62 These women were to shape the intellectual background for the emancipation of women during the reign of Abdülhamid II with their articles in the newspapers for women and novels and poems discussing the condition of the Ottoman women of the period.

62 Murat Uraz, Kadin Şair ve Muharrîlerimiz. (İstanbul:Tefeyyüz Kitabevi, 1941). See also Serpil Çakır, Osmanlı Kadın Hareketi. (İstanbul:Metis Yayınları, 1996), 30.

6. 7. Women and Marriage

The developments related to the education of women, preparing them for a
better place in society were accompanied by heated discussions, commenced by the Tanzimat about the status of women and the relationship between the sexes. Ottoman women who had been regarded as privileged members of society until that time, were now considered like prisoners under the light of new ideas from the West. During this period of reforms the West was regarded as a point of reference more or less in all areas of life. An important part of the intellectuals of the period were caught between an East versus West conflict in search of a “golden mean” to fit European modes of behaviour and living into a traditional Muslim society. The most eminent male writers of the period were writing realistic novels, portraying the condition of women; publishing articles criticizing the issues of the institution of marriage; attacking practices such as early or arranged marriages and defending her right to receive an education and to have a profession.

One such writer was Namık Kemal (1840-1888). In a 1872 dated article “Aile” (the Family) published in the newspaper İbret we can see his ideas on arranged marriages in an explicit manner:

Until when are mothers going to hand their daughters over to a man whom they themselves have favoured without even asking for the consent of the daughter, after having presented their daughters just like a chattel for years to the scrutinizing glances of a slave-trader mannered suitor?\(^{63}\)

As can be seen, he is definitively against the practice of arranged marriages and seems to blame mothers for this.

\(^{63}\) Namık Kemal, “Aile,” in İbret. 56 (19 Teşrin-i Sani 1872). The text in Ottoman goes as follows: “Ne zamanına kadar vali diler kızları satılık metâ” gibi senelerce her gün bir esirci başlı görücünüün nazarı-ı mugayıb hayranesine ‘arz ettikden şofora hediye lük çiftiye gibi bir kerecik rizasını şormaga bile tenezzül etmeşizin kendi begendiği bir adamın eLINE teslim edecek?
6. 8. Education of and Magazines for Women

In an article named "Maarif" (Education), again published in the newspaper İbret Namık Kemal presents his views on education of women. In this article he states that ninety per cent of the population in European countries is literate owing to the fact that these countries pay an enormous importance to the instruction of both men and women. Under such circumstances women come to attain high places in society:

We know that women are educated in the same fashion as men in civilized countries. We need also to understand that there are poets and clerks among women who can be considered as first quality possessors of their own language and administration. A young girl of eighteen teaches differential calculus and aged professors try to profit from this occasion.⁶⁴

Namık Kemal gives examples from the West in order to point out that this is what is needed in the empire in the area of education. He defends the idea that the progress of a country can only be achieved through the education of its women. Educated women would raise the standards of the society by raising cultivated children:

There are such countries that more than half of the instructors in all kinds of schools is women under the age of twenty-five. Presidents, ministers, generals, civilservants, deputies, scholars and writers usually choose their wives from these women.⁶⁵

It ought to be noted that Namık Kemal believed that the preference of the most prominent men of a country in choosing a wife would be an educated woman. Namık


⁶⁵ Kemal, "Maarif" İbret. 16 (4 Temmuz 1872). The text in Ottoman is as follows: "Memleket bulunan ki her nev' mekteplerinde olan hocaların nisâfından ziyâdesi kadınlar çok daha vâzîh ta'b bir olanmak istenirse yirmibeş yaşına varmanış kızlardır. Cumhur re'isleri, nâzîrlar, vükela-yi 'ümnet,
Kemal encouraged women towards getting an education by stating that her value would increase. Besides there was a shortage of educated women, since the number of female instructors of the empire was highly under the number of female instructors of the Western countries. (Their number would going to increase under Abdülhamid II). Similar ideas to those of Namik Kemal were going to be taken up and developed both by the male and female writers during the reign of Abdülhamid II.

Another intellectual development concerning women was the publication of newspapers for women. These publications contributed to the question of women in two ways. First of all, they were a means of stating the problems and the expectations of women. Secondly, they aimed at rendering women becoming aware of their condition and at pushing them towards self-development.

The first to be published was the Terakki-i Muhadderat (The Progress of Muslim Women), the supplement of the newspaper Terakki (Progress), in 1869. It aimed mostly at showing women the importance of education and published articles and letters from the readers concerning this topic. In a letter sent by Leyla Hanım, the advantages of being educated and the discomfort of having been deprived of the right to receive schooling is pointed out very well:

Since I am of the women of the past I cannot read nor write but my daughters who are of this age and who are given the right to be educated are literate [...] In the past literacy was regarded as a shameful thing for women and those women who were desirous of an education were told that they would become sorcerers. If we were to receive a letter from our relatives abroad we had to take it either to the district imam [prayer leader] or to the hoça [Muslim teacher] and wait for them in case they were not at home and then beg for them to read it. We would then return home in despair not knowing whether to be happy or distressed of having received a letter because they would not read the entirety of the letter either because they would not be able to read certain parts if it or not understand other parts by saying that they were ceneraller, me'mürlar, ışimler, edibler heman eğişeriyet itibariyle zevcelerini anlardan intihab ederler.”
written in Arabic.  

Leyla Hanım is very pleased with the fact that her daughters can read even the most difficult things without being obliged to somebody else and she is very grateful to Sultan Abdülmecid for having given her daughters this chance. However, her comment on her deprivation from schooling is interesting:

I have now come to an understanding of the fact -- of men regarding the literacy of women in the past, that is to say in our youth -- as a disgrace, that it was nothing but to prevent us from attaining a human status and to make us remain at the level of bestiality. [...] I now look on like a beast while my daughters are reading something.

Several important things are to be drawn from this letter. First of all the antiquated contempt for female education and the superstitious reasons behind it, such as sorcery, are clearly visible. Secondly, it displays clearly the feelings of frustration of an illiterate woman in the year 1869. She uses the word ‘animal’ when talking about her inability to read and write, which indeed reflects her emotions well enough. Lastly, there is the awareness of the importance of being educated and that men are to be blamed for preventing women from receiving schooling.

Another letter from İsmet, a lady from the family of the Christian Maronite Libanese writer Ahmed Farisi al-Sidyaq who had converted to Islam, states:

66 Terakki-i Muhaddesat. 6. (22 Rebi‘ül- Ahir 1286 / 20 Temmuz 1285/1869), 3. The Ottoman text is as follows: “Kendim eski zaman kadınlarınmdan olduğum cihatıyle oümak bilmediğimden ve kerimlerimi bu ‘aşın müsadesi üzere okuyub yazdırmakda olduğumdan ... anacak vaktiyle kadınlar okuyub yazarı ‘istятия ‘ayıpu gibi olub heveskär olanlara büyücü olaçağın derlerdi. Gurbetde olanılmış ve akılabılarmızdan bir kağd gelse ister istemez mahalle imamına ve mekteb hocasına gider ve hcce efendi’yi evinde bulamaz iseke gelene kadar bekleyeb ve gönlünü edinceye kadar yavarub okudur idık. Bunların hallerinde mezkür gazetede yazılı hikayeye mutabık olduğundan mektubun kimi yeriği çıkaramaz ve ba’zısı da ‘arabicdar anlayamadığm deyub okuyamaz. Ne hal ise mektubda yazılmışdır tənəmiləyə öğrenemeyub me’yus ‘avdet ederiz ve başınızı anlayamadığımızdan mektub geldikde sevinmeli mi kahrolmalı mı bilemez idik”

Education grants the most sweet, pure and the best pleasure of all pleasures and the possessors of knowledge -- by pondering on the most important things of the universe, extract the most knowledge even from small things -- on the other hand ignorant people, like an animal, can only acquire what is perceived and cannot attain conceivable and comprehensible matters. [...] Women cannot be educated to be employed in the government because they do not have the opportunity neither to become ministers, judges nor superior officials. Yet they still need to be literate, and learn history, geography, poetry, mathematics and other similar things. Be it male or female one who is educated creates such a world for oneself that one can do whatever one likes and there is not one soul to oppose to that person. One creates for oneself such happiness that even the ignoramus will never be able to experience such ecstasy by achieving the willage stewardship.  

This letter is significant because it shows that women do acquire a number of positive things through education if not posts in the government. First of all, there is the development of personality where one gets stronger by being able to put up with opposition. Secondly, women who are educated are aware of belonging to an elite group. There is also the notion of an uneducated person being considered as an animal, a popular conviction of the period.

In short, there was confusion among the Muslim Ottomans related to the fact that on the one hand, the ancient traditional thinking and behaviour focusing on the privacy of women continued, while, on the other hand, ideas and incentives were introduced from the West towards, creating a place for women in society so that they

geçmeyub hayvan gibi kalmamız için olduğunuz şimdi anlamam ki kızlarımız güzel güzel okudukça ben hayvan gibi bakıyorum.”

68 Terakki-i Muhaddarat. 5. (15 Rebiyyül’Air 1286 / 13 Temmuz 1285/1869), 4. “‘ilm ve ma’rifet insana en haliş ve en țalli ve en a’la ve kimseye zararı olmayacak bir şurudde lizzet-baş olmakda olub aşhab-i ma’lumit kainatin en daţtik ve mühim şeyleriini tesekkür eylemekle en küçük bir şeyden pek büyük ‘ilm ve hüner istihrâce eyle erbab-i cehalet ise hayvan gibi yalnız ma’sunati derv edebilib makulata ‘a’kl ediremezler. ... Taife-i nisvan umur-i dürviyyede istihan olumak üzere terbiye edilemez çünkü bunlardan ne vezir olur ne de hak kim olur ne âmir olabiliyor ancak aşıl şûra’at ve kitâbeti ve tarih ve cografya ve ş’ir ve şesâb ve daha sı’ir bundan bunlarla mümäslî şeyleri öğrenmelidirler. Erkek olsun kadın olsun aşhab-i ‘ilm ve hüner kendisi için bir ‘âlem peyda eyle ki o ‘âlemde keyfi-i maysîh taşarruf eyleyeb kendisine muvâjemat edecek bir kuşvet bulamaz. Binaen aleyh kendi kendine ol derece kesh-i sürur eyle ki cähl olanlar köy kethûdasi olsalar bile bu hâli kendilerinde müşahade edemezler.”
could become active partners in life. Both the male and the female intellectuals and writers of the period of Tanzimat, as well as those of the Abdülhamidian period, aimed at finding a point of convergence between traditionalism and progressivism concerning the status of women and the relationship between the sexes.
CHAPTER II: ISSUES AND NOVELTIES RELATED TO WOMEN UNDER SULTAN ABDÜLHAMID II

Before discussing the various elements regarding the status of women during the reign of Sultan Abdülhamid II, it is necessary to take a brief look at the regulations, prohibitions and novelties regarding women during this period.

1. Regulations Concerning Attire and Grooming

The regulations concerning women, mentioned prior to this chapter, were still applied with fervour during the period of Sultan Abdülhamid II. Women were required to conceal themselves and to behave within the norms of Islam. However, the desire on the part of elite urban women to follow European fashion was strong. Hence, a conflict existed between these urban women who wished to be up to date, and the government who wished to maintain social order. In a [H.1306-M.1890] dated document it is stated as follows:

Some of the Islam women have been observed in yasnak and ferace in a state and shape that is improper to their devout appearance this holy month of Ramadan in spite of the fact that there had been orders to this end before and after this abuse of attire [...] ⁶⁹

The document further states that the Sultan had been informed of this issue and that he had ordered the required precautions to be taken in order to modify this unpleasant situation. Another document [H.1301-M.1888] states that there was dissatisfaction on the part of the Sultan due to the insufficiently dressed women promenading in Beyoğlu and going in to the houses with the pretext of visiting either

⁶⁹ BOA, İ.D., # 92005. See also Pars Tuğlaci, op. cit., 15.
the doctor or the dentist.70

Edmondo de Amicis, an Italian writer who had visited Istanbul during this period narrates how the women of Istanbul were still loyal to the ferace (the dustcoat) and the yaşmak (the veil):

Nevertheless, every part of their body but their faces is covered. Neither their breasts, nor their waists nor their arms are visible. All is carefully concealed beneath the ferace.71

However there was a novelty in the year 1892, namely, the introduction of the çarşaf (a sort of baggy outdoor garment of black colour). Nurettin Sevin states that the ferace that was suitable for the drooping sleeves of the dresses in the French Empire style up to that time became outmoded with the introduction of the Art Nouveau fashion dresses with the swollen sleeves. The elite urban women of Istanbul who wanted to follow the new fashion but who were at the same time restricted in their public appearance by being obliged to be concealed, came to the conclusion that nothing but the çarşaf would be most suitable over these new fashion dresses. As a result, there was the invention of a brand new outdoor garment by a modification, after the European fashion, of the black çarşaf worn by the Arab women in Baghdad.72

However, this did not continue for a very long time because the Sultan prohibited the wearing of this çarşaf the same year, on the grounds that it was not possible to understand who was under it. It could be worn in disguise by any one who wanted to

70 BOA, İ.D. # 77319. See also Tuğlaci, op. cit, 15.


harm the Sultan as a disguise making him the victim of a conspiracy against him.\textsuperscript{73} The çarşaf of any woman seen wearing it was to be cut into pieces. However women did not heed this prohibition. Nurettin Sevin states that her mother, who was twenty-two years of age at the time, had experienced her çarşaf being cut to shreds three times, by the police, within two years.\textsuperscript{74}

The elite women of Istanbul were also interested in Western products concerning their beauty. Hair was an element that was prone to fashion as well. Elite urban women who desired to follow European fashions were also fond of having their hair done in the latest fashion, as done in the West. However the state, never missing an opportunity to regulate all matters pertaining to women, checked matters related to hairdressing. In a [H.1304-M.1887] document it is stated that a special section existed for Muslim women at the shop of the hairdresser Loti situated at Beyoğlu, and that these women had their hair cut and done in this salon. The document asks for the ceasement of this improper situation according to Islam, by means of police force.\textsuperscript{75}

2. Magazine For Women

However there were also some positive developments that took place during this period. The first of these was the appearance of the magazine \textit{Hanımlara Mahsus Gazete} (Ladies’ Gazette) in the year 1895. This magazine was issued by Mehmet Tahir, the editorial writer of the newspaper \textit{Tarık} (Road) with the support of Sultan Abdülhamid II. It was first published twice a week -- Mondays and Thursdays -- and then later on only once a week, on Thursdays. This magazine was of great significance

\textsuperscript{73} Rukiye Bulut, “İstanbul Kadınlarının Kıyafetleri ve II Abdülhamid’in Çarşafı Yasaklaması,” Belgelerle Türk Tarihi Dergisi. 8. (1968), 34-36.

\textsuperscript{74} Sevin, op. cit., 131.

\textsuperscript{75} BOA, İ.Đ, # 80964. See also Pars Tuğlacı, Osmanlı..., 12.
for the women of the period because it became a means of communication between the intellectual women who wrote in this magazine and its female readers. The names of the writers, male as well as female, who wrote in this magazine were Ahmed Midhat, Hamide (the daughter of the Tanzimat writer Abdülhak Hamid), Ahmed Rasim, Fatma Aliye and her sister Emine Semiye, Nigar bint-i Osman, Fatma Fahrünnsa, Gülistan İsmet and M kabule Leman, etc. The magazine contained articles on women; literary articles; articles aimed at educating women about various issues ranging from marriage to religion; articles about the women of the West and articles related to fashion and make up. Another speciality of the magazine was that it was a pioneer in contributing to charity. Fifth per cent of the profit gained from six months of publication of the magazine would be given to orphan girls at the age of marriage to contribute to the preparation of their trousseaus. 76

3. Introduction of the Medal of Compassion (Şefakat Nişanı)

The second development related to women was the introduction of a medal entitled Şefakat Nişanı (The Medal of Compassion). This was described in the first article of the Şefakat Nişanı Nizamnamesi (The Regulation of the Medal of Compassion) as follows: "A significant medal under the name of Şefakat Nişanı reserved for women has been introduced."77 This medal had the shape of a pentagon. It was ranked in categories, from the first to the third degree, and was to be awarded for deeds by those women who would render service to the empire in times of

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extraordinary events such as war or calamity. There was no distinction regarding religion or creed; this medal could be granted to Muslim women as well as to non-Muslim women.

It was possible to come across this medal and its recipients in the Hanımlara Mahsur Gazete, on the page reserved for the “Şefakat-i Nisvan Cemiyyeti” (The Association for The Medal of Compassion). The names of those who had made certain donations to the newspaper were given on the first page of its every issue. A few examples of the recipients of the said medal are as follows: In the year 1893, a medal of the first degree was given to one of the ladies of the family of Abdulkerim Paşa, the governor of Manastır. 78 In the year 1897 Şefakat Nişanı of the second degree was granted to one of the ladies of the family of Raşid Paşa, the chief physician of the Yıldız hospital, 79 and to Fatma Hanım, the assistant instructor of the course of Embroidery at the Darı'ı-Muallimat. 80 In the year 1901, two daughters of the Admiral Beriloff, the previous military commander of the Russian fleet of the Mediterranean, were granted with the medal of the second degree. 81 The number of examples can be multiplied.

As can be observed, the elite Ottoman Muslim women, although they were strictly regulated by the state, did attempt to resist the restrictions imposed upon them and put up a fight to designate their public appearance themselves. The government,


on the other hand, issued continuous decrees in order to check the behaviour and the public appearance of women. Yet it should be noted that the Sultan had allowed, as well as supported, the issuing of a magazine for women where they could write and express their ideas.
CHAPTER III: EDUCATION OF WOMEN DURING THE REIGN OF SULTAN ABDÜLHAMID II

The developments related to the education of women was, as seen in the preceding chapter, an issue prone to controversy. Although the state had launched a policy of education which included women, it must be kept in mind that those who were able to receive one were mostly limited to the elite. The normative guidelines created by the intelligentsia on the education of women during the reign of Sultan Abdülhamid II was just as important as the actual situation related to this issue.

1. The Normative Guidelines (The Ideals) Concerning the Education of Women as Reflected in the Works of the Prominent Figures and Authors of the Period

The intelligentsia of the period of Abdülhamid II was in an unanimous agreement of the importance and the necessity of the instruction and education of women. Both the male and the female writers of the period displayed such ideas in their works, creating a body of followers and affecting changes in the status of women.

1. İ. Ahmet Midhat (1844-1912)

He was a prominent journalist and novelist who had established his own newspaper Tercüman-ı Hakikat (The Interpreter of Truth). He wrote on a wide variety of subjects including the education of women and their rights to have a profession. He believed in the equality of the sexes. According to him women were in the need of an education as just as much as their male counterparts:

In order to have to say ‘there is no need for the education of girls’ we need to have the courage to say ‘there is no need for the education of men’. It is claimed that women are not much in need of an education. The amount of education cannot be measured. Women, as long as they are regarded the members of the community in which they live, are in
need of an education just much as men. 82

He was in anticipation of that day when women were to hold prominent posts in society by becoming doctors, pharmacists, operators, writers, philosophers, teachers etc. and prove wrong those who were against the education of women. The education of women was necessary in order to create the perfect society where women would be regarded as equal to men and share equal opportunities. Ahmet Midhat was very broad-minded, defending the idea of the equality of the sexes in an age where women were kept away from all development regarding the public sphere.

1. 2. Fatma Aliye Hanım (1862-1939)

She was the most prominent female writer of the period of Sultan Abdülhamid II. Thus she will be treated in more detail than the other writers of the period. She was born in Istanbul to a highly refined family. Being the daughter of the Tanzimat reformer, historian and statesman Ahmet Cevdet Paşa, she was granted the privilege of receiving a good education which integrated the basic elements of the Western and Eastern education systems. When she was at the age of three her father was appointed as the governor to Aleppo. It was there that she first had instruction, from Hacı İbrahim Efendi, of Polish origin (more precisely, from Lowicz). She had a deep passion for books and by the age of seven she was able to read such books as Battal Gazi 83 and Thousand and One Nights. Seeing that Fatma Aliye was a fast learning student, another instructor, İbrahim Şevki Efendi taught her mathematics. In the following three


83 The story of the legendary hero who fought against the Byzantines in Asia Minor.
years she also received Ottoman grammar, astronomy and cosmology from Mustafa Efendi who widened her horizon. At the age of ten she fell into an irresistible desire to learn French. Even though her family was not so willing at first, they later on succumbed to her wishes. She started to take French lessons from the Lebanese Ilyas Matar Efendi, who also instructed her in Arabic. Mademoiselle Alpha, a young governess, as well as Monsieur Faber of French origin were also hired with the purpose of developing her French. Fatma Aliye also received instruction in history, literature, mathematics and philosophy from this governess. Nevertheless she was instructed in history and Eastern philosophy by her father and also in law by Ali Şehbaz Efendi.84

Fatma Aliye Hanım was not only a pioneer in the publishing world for women, but also a reformer of public education for women and a defender of the equality between the sexes. She had been influenced by three sources in her struggle for the emancipation of women. The first was the women’s movement and magazines that had started to emerge during the period of Tanzimat. The second source were the ideas and the broad-minded vision of her father, Ahmet Cevdet Paşa whose fame and status must have assisted Fatma Aliye in granting her the occasion to travel and meet the statesmen and dignitaries worldwide. The third factor of influence was the innovative ideas of Ahmet Mithat, her lifelong friend and mentor, on the equality of the sexes and the liberation of women.85

For Fatma Aliye education was a religious duty and an equal right granted by


God to both women and men. In one of her speeches, her views on the education of women is clearly stated: “God has declared that those who do not know cannot be at the same level as those who do know. Our ladies ought to adorn themselves with knowledge. We are charged with seeking science even if it is in China”⁸⁶ and “There are no verses in the Quran nor any hadith of the Prophet referring to the difference to be regarded in the education of men and women. On the contrary there are hadith and anecdotes about the fact that they are both under obligation”.⁸⁷ She advises women to try to have an education at all costs and states that there ought not to be any excuse for not having an education. She is totally against the opinion that Islam constitutes a barrier against the education of women. Likewise, she defends that there was no such notion among the Ottomans either. She blames the uneducated position of the Ottoman women to the past Iranian conquests of the Ottoman Empire. She points out that women were considered of a lower status and insignificant among the Iranians and were kept in a state of ignorance. The Ottomans, just as they adopted the literature of Iran, had also embraced the Iranian attitude pertaining to the education of women. It was because of these imported values that the Ottoman women, in the long run, found themselves in their present state of ignorance.⁸⁸ She is thankful to Sultan Abdülhamid II for his efforts in order to improve the educational level of Ottoman women.

⁸⁶ Unpublished speech of Fatma Aliye, Atatürk Kütüphanesi (hereafter A K), Fatma Aliye Hanım Evrakı, # 9/1. In this speech — of unknown date and place — Fatma Aliye Hanım talks about the fact that Ottoman women are not able to use those rights that were granted to them by Islam due to their ignorance of these rights, about the necessity of education of both parents in order to be of a good example to the children and that both Eastern and Western thought ought to be adopted in order to progress and to reach civilization.


She believes that Islam had allowed women certain rights but that they had been usurped by men: “The rights granted to women by Islam are sufficient to render them happy, if women succeed in regaining those rights that had been usurped centuries ago by various oppressors and tyrants, they would become the happiest women of all nations”. The Holy Quran and the Hadith of the Prophet [Mohammed] are our saviours.

The second road to salvation is in remaining faithful to the Ottoman-Turkish identity. According to Aliye, every nation ought to keep their own characteristics and qualities in order to achieve progress. All the countries of the West had attained their development through strictly following this principle. What had to be done in the Ottoman Empire was to follow this example and not turn their backs on their own cultural traits. Fatma Aliye is very much against the adoption of foreign elements, i.e., the Ottoman imitation of the West, considering it as the best means of achieving progress. She is of the opinion that those who choose to turn to the West, for the emancipation of women are definitely mistaken: “The ideas and efforts of those who invest all their hopes in the mode of progress achieved by European women -- by being

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89 The unpublished draft of a letter of Fatma Aliye, A K, Fatma Aliye Hanım Evraki, # 12/2. In this letter Fatma Aliye Hanım has stated that the women of Islam, since they were unaware of the rights granted by Islam in the past, saw their salvation in the development of Western women. The Ottoman text is as follows: “İslamiyetin kadınlarına bahş etmiş olduğu hüküm anları mesûd etmeye kâşфи, aşurlardan beri bir taqvim müteğallibe ve müstebiddenin şay edilmiş olduğu bir hükümünü kadınlar istirdiğinde mûvaşâ olurlarsa her milletin kadınlarından ziyade mesûd olacaklarına sübhe yokdur.”

ignorant of their own past -- are vain and the path taken by them is a blind alley." She urges the Ottomans to modify their society while remaining faithful to their origins: "Let us progress preserving our religion and our nation. [...] Come let us remain Islam and Turkish".

She also complains about the present fact of having a number of education systems presented to the Ottoman elite girl of school age. What she meant by this was that during the period of Abdülhamid II, as well as in the periods preceding his reign, a number of elite urban girls had been educated by European tutors. This led to the fact that young girls would receive their education in accordance with the nationality of the tutors: A girl having an English tutor would receive an English education, and, similarly a French education if the instructor happened to be French etc. According to Aliye, this matter led to confusion linked to the fact that was no uniform schooling and the Ottoman-Turkish education was done away with. She would know this very well because it must be remembered that she herself had been brought up by various tutors of different nationalities. She was bitterly against Ottoman girls becoming alienated to their own culture. She gave the example that they knew European history far better than either the history of Islam or that of the Ottoman Empire. She stated that such an education could not be appreciated either by the Ottomans or by the foreigners when questions pertaining to Islam and the Ottoman Empire remained unanswered. She hoped that a uniform Ottoman-Turkish education would soon be created owing to the

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91 Aliye, ibid. "Mazilerinden bi- haber oluba bütün ümidä avrupa nissorünü suret-i terakkiayetinde aramak fikrinde bulunanları taşavvurât ve mesâliyeri pek beyhude ve anlara tuttukları yollar çıkmaz şokağılar."  

92 Speech of Fatma Aliye, Atatürk Kütüphanesi, Fatma Aliye Hanım Evrakı, # 9/1. "Gelin yine Türk ve İslam kalalım."  

93 Fatma 'Aliye, "Ta'lim ve Terbiye...", 2.
efforts of the Sultan Abdülhamid II. She was optimistic about the future of education for women in the empire.\textsuperscript{94}

Fatma Aliye was of the opinion that the achievements related to the education of women until that time were just a beginning. She considered males as a hindrance to the education of women and believed that men would always try to prevent women from achieving knowledge or success:

\textit{It is observed in civilized countries that it is first their men who acquire knowledge and science and that women follow in their footsteps. Men, from the beginning of their access to that treasure, get jealous of the women who follow them and want to keep these jewels away from women. [...] This is what men have done up to so far.}\textsuperscript{95}

In short she had strong and feminist convictions about the fact that the males were to be blamed if women were found to backward and uneducated. She implored Ottoman women not to not give up their fight for education and equal rights and to make their voices heard in society. She was very pleased with the amount of writing that took place in the contemporary newspapers for women. She wished that the number of such intellectual women could increase in number. She incited Ottoman women to imitate the example of the European ‘\textit{Bas Blues}’ (blue stockings)\textsuperscript{96} -- called as such because their male counterparts could not tolerate their education and accomplishments. She encouraged them to try to occupy such places in their own society, like their counterparts did in Western countries. However she was convinced that in order to achieve this the efforts of women were not enough. Men should also

\textsuperscript{94} Fatma Aliye, "Talim...", 2.

\textsuperscript{95} Fatma Aliye, Bablulardan...", 2. The Ottoman text is as follows: “Temeddün eden memleketlerin ‘ülüm ve fununda evveli erkekleri terakki ve kadınları anlara peyrev oldukları görüllüyor. Erkekler o hıziney giirdiklerinin ibidisinda kendilerini ta’kib eden kadınları karşınum o hızinenin cevherlerini anlordan şakunmak istiyorlar.”

\textsuperscript{96} A disparaging term for a learned woman. It originated circa 1750 in London with the literary gatherings of Mrs. Montagu, which were attended by Benjamin Stillingfleet, who wore unfashionable blue worsted stockings.
strive to this end and not prevent women from having a place in the intellectual world.

This was a joint struggle to be carried out for the honour of Ottoman Muslim women, as well as that of their male counterparts, against the rest of the world:

Let us hope, by the permission of God, that our men add -- to the enthusiasm and effort that they have shown concerning female writers -- to the education of our women, so that the extent to which Islam gives importance to women can be demonstrated to friend and foe.  

She was strongly opposed to women being trapped in a marriage for economic reasons, and she recommended allowing women to join the work force.

In a climate where the Ottoman Muslim women were supposed to remain invisible behind their veils, she wrote novels about the liberated Ottoman women with the intent to encourage and empower her female readers. She gave heated speeches in order to motivate women to break free from their chains. Her novels dealt with the restraints placed on Ottoman women in a patriarchal society. She portrayed how the female protagonist coped with problems and dilemmas posed by such a society. She was a woman who was strongly committed to the feminine cause and tried every means in order to inform and incite the women of her time to develop for the better and to break away from those traditional roles that were cut out for them.

It is, however, an irony that although Fatma Aliye fought determinedly for the emancipation of women she was nevertheless married off by her family at the age of seventeen to one of the aide-de-camps (yaşar) of Abdülhamid II, the adjutant major (kolağası) Faik Bey. He made her give up her reading because of his discontent for women who read. She would similarly be not able to speak French with him due to the

97 Fatma Aliye, “Babulardan İbret Alalım!” H. M. G. 2 (15 Rebiyül’Evel 1312 / 24 Ağustos 1313), 3. The Ottoman text is as follows: “İnsallah erkeklerimiz bir zamanından beri kadınlarınıza ta’lim ve terbiyesi hakkında göstermekte olduklarını hevâş ve himmetlerine kadınlarınıza erbab’ı kaalemi hakkında hümayunları de ‘ilâve ederlese ö emphasize-i nisvâniyeye mes’eleşine dön-i mübeşyen-i İslâmîyetde ne derecelerde ehemmîyet verildigini yâr ve âgyâra gösterirler.”
fact that Faik Bey did not possess enough French to converse with his wife. It was only after the birth of her two daughters that her husband changed his mind about her reading and she was able to pursue, once again, her intellectual life.

The life-story of Fatma Aliye makes us realize very clearly that women -- how well educated and cultivated they be -- in the patriarchal society of the period, did not have the freedom to do as they desired. They had, first, to obey the wishes of their fathers as maidens, and later, heed to those of their husbands once they were married. They could carry out, whatever it was that they wanted to do, only after the consent of the men in their lives.

1. 3. Şemsettin Sami (1850-1904)

Şemsettin Sami, a writer and a journalist, eager to defend the rights of women, had written a treatise entitled Kadinlar (Women), and issued a short lived magazine for women Aile, (Family), in 1789, where he published the totality of the articles. He was the editorial writer of the newspaper Sabah (Morning) where he had a column entitled “Kadınlara Malumat” (Information for Women), with the intention of informing his female readers on such subjects as marriage etc. He believed that women constituted half of society and that: “To be adorned with knowledge and to become exceedingly learned is for women, just as it is for men, maybe even more, a grace which embraces numerous merits”.98 He stated that there were a large number of men during this period who regarded the education of women as harmful, claiming that their education would be nothing but a means of increasing their intrigues and offenses. He himself was totally against this point of view. He was of the opinion that it was only being

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uneducated that lead to ill behaviour: "The defects and the offenses of women can only be related to their lack of education." Women would no longer behave as such once they were educated. It is interesting to note that the extent education is of significance to Şemsettin Sam. He considers it as a primary factor in the formation of personality and believes in its role in creating a uniform and balanced society.

1. 4. Mehmed Sa'iid

Mehmed Sa'iid, the instructor of Turkish at the School for Civil Servants (Mekteb-i Mülkiye-i Şahane) and instructor of Arabic at the Teacher’s Training Seminary (Darü'l-mu'allímün), also commented about the education of women in his book entitled Vezâifü'l-İnâs (The Duties of Women). In it, he responded to the question of whether the acquisition of knowledge of women would be a prohibition of Islam due to the fact that it would make them resemble men: “What is prohibited is that women resemble men in clothing and manners; their likeness in knowledge is not forbidden, but most likely praiseworthy”.

As can be understood there is a consensus among the authors of the period that education is necessary for women and that Islam is not against their education. Education is promoted because (1) by the education of women, who constitute half of the society, the whole of society would be educated and there would be the creation of a perfect society, and (2) because women are equal to men and they should benefit from the merits of an education as much as men.

However, the consensus among the intelligentsia of the period must not lead us

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99 Şemsettin Sami, kadınlar (İstanbul: Mihran Matbaası, 1292), 9. “Kadınlarda gördüğümüz çüsür ve kabahatleri de terbîyelerinin noksandan başka bir şeye haml edemeyiz.”

100 Mehmed Sa’iid, Vezâifü’l-İnâs. (İstanbul:1294), 107-108.
into thinking that the issue of female education was no longer a question. We must remember that education was mostly attained by the elite urban women. There were still a large number of people who were not comfortable with or used to the idea of women receiving an education. There were still a number of reasons preventing female education.

First of all, people were anxious whether religion would approve of the education of women. Lady Fanny Blunt, an English lady who was present in Istanbul during the reign of Abdülhamid II gives her observations on the subject as follows:

One of the great drawbacks to the progress of education meets with among the Turks is the insurmountable repulsion Mohammedans feel to freeing this movement from the fetters of religion. The most enlightened Turks will be found wanting in goodwill and assistance when the question is that of promoting the current of liberal ideas at the cost of the religious dogmas which regulate all social habits; and these retrograde notions cannot be openly repudiated even by those who profess no belief in the religion upon which they are supposed to be founded.\(^{101}\)

Another argument against the education of women was that women, being inferior to men, were not in need of schooling. Yet another one was that education would be a means of increasing the offences and intrigues, i.e., their ill-behaviour. Lady Blunt again comments on this point:

I have known Turkish girls speak foreign languages, but the number of such accomplished young ladies is limited, owing partly to the dislike which even the most enlightened Turks feel to allowing their daughters any rational independence; for the girls, they say are destined to a life of harem restraint with which they would hardly feel better satisfied if they had once tasted liberty; the life would only be less happy, instead of the happier; ignorance in their case being bliss, it would be folly to make them wise!\(^{102}\)

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\(^{102}\) ibid, 161.
The observations of Lady Blunt are very interesting because they reflect the psychology of the people of the period, as observed by a foreigner, concerning the education of women: It was believed that girls should be prevented from having an education in order to protect them from becoming unhappy. Parents felt strongly that showing their daughters the gate of independence through education would only lead to the increase of the feeling of imprisonment of their daughters’. Can this be considered as a fair statement or a pretext for not educating girls? In either case the impressions of Lady Blunt are a clear demonstration of the fact that people were not ready to liberate women. There can be no real development without a change in the norms of society. Change can only come about when the society is ready to accept it and it is a process that takes time. Therefore it will be during the succeeding period, i.e., the one known as the Second Constitutional period, that people will have a more flexible attitude to change because people will have become by then more accustomed to the idea of educated women who could be ready to face life.

1. 5. The Objectives and Functions of Education

Although women were given the rights to receive an education this right must not be taken as a liberty for women to do as they pleased. The objectives of education during this age was influenced by the traditional gender roles of women. The instruction of women was considered as necessary within the framework of marriage and motherhood. Thus, the primary function of education was, in fact, to allow women to become excellent wives and mothers and to take care of the family in a diligent manner.

According to Şemsettin Sami, a family would not mean anything without the presence of the woman: “The term family connotes a woman; the male is like an
exterior member of the family, its fundamental members are women". According to this author, the primary duties of a woman were the management of the family and the household. Sami lists her duties as follows: (1) to provide for the ease, the tranquility and the cleanliness of the home; (2) to receive the guests in a courteous and a kind manner; (3) to be in good relations with both her husband's and her own relatives and kin; (4) to preserve the good name of both her self and her family; (5) to raise and educate her children well; (6) to spend what is earned by her husband in a thrifty way; (7) to prevent the family members from becoming ill and to look after them when they do so and (8) to treat the servants well if there are any. In short, Şemsettin Sami required that women be mothers, wives, nurses, housekeepers and tutors, all at the same time. Women, in order to be able to carry out all of the above mentioned duties that were required of them, were in a need of a sound education. According to Şemsettin Sami, a woman needed a bit of knowledge on every subject in order to live up to the expectations of an industrious wife and mother. She was in need of some mathematics to tend to the economy of the house. Similarly, she was in need of some knowledge of chemistry to be able to preserve food and beverage, besides being able to provide for their cleanliness as well as that of the kitchen. Some knowledge of medicine and nursing was also required that she could take care of the health of the whole family etc.

Hamiyet Zehra, one of the female writers of the newspaper Hamamlara Mahsus Gazete (Ladies' Gazette) shared exactly the same ideas as Şemsettin Sami on the

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104 Sami, “Kadının...”,

105 ibid., 21.
duties of women. In her article “Kadinlarda Vazife” (The Duties of Women), she asserts that the education of Ottoman women were to be in accordance with the fact that they are, first of all, Muslims and then mothers. Thus they had to receive an education that encompassed primarily those matters pertaining to religion and then receive an education covering such subjects as mathematics, geography etc. She supported the education of women on condition that they were conscious of their duties as a mother and a wife. For her, education does not go beyond being a Muslim and a woman, i.e., that it should be totally within the limits of the traditional gender roles of women in a Muslim society.

In an anonymous article entitled “Opinion About the Education of Girls” (Kizlarin Tahsili Hakkinda Bir Mitalaa) the issue of female education is raised and the question of what sciences ought to be taught to girls is discussed. In the answer given to this question, the equality of the sexes is accepted in spite of the fact that women and men are created differently. However, since they had different roles in society, there was no point in teaching women the same sciences as men. Women were in need of an education in accordance with their feminine nature and their roles as mother and wife. They had to receive an education oriented to the welfare and happiness of the family, and of the society on a larger scale. Furthermore, their education was directed by whom they were to marry. If they were to marry into a modern family they should be learning how to play the piano or acquiring a foreign language, French for example. If they were to marry into a more modest family they


had to be satisfied with a more traditional upbringing.\textsuperscript{108} What is interesting to note here is that education varied according to class. Women were advised to receive an education that would be in accordance with the status of their future husbands. The article does not take into consideration that women should be consulted on their education. Similarly it does not discuss their right to study whatever they would like to. Rather, their education is predestined for them, by their sex and gender. The author believed that those women who did receive an education and consequently acquired an occupation in society -- by giving examples from various Western countries -- lost their interest in marriage. Even if they did not do so, they still found it hard to become a housewife, since the chores of home management became a burdensome business for such women. In short the article supported the notion that the orientation of female education ought to encourage women towards housekeeping and motherhood and to prepare girls for their inescapable future.

Mehmed Sa'\textsuperscript{id} was of the belief that education was necessary because: "Just as it is necessary for every Muslim woman to learn her religious matters, she also needed to know the principles of home management and how to refrain from being prodigal".\textsuperscript{109} He thinks that it is a very positive thing for girls to attend \textit{rüşdiyef} because these schools teach them all they need. Being thrifty is definitively to be among the merits that are to be possessed by a wife. The matter of the thriftiness of the spouse was most probably related to the fact that the Empire was going through hard times as a result of the nationalistic insurrections and the concomitant wars. It was very important not to squander what one had acquired. It may also be linked to the fact

\textsuperscript{108} "Kızların Tahsili Hakkında Bir Mütalaa - 4," \textit{H.M.G.} 23. (1 Cumadeu'ı Ahir 1313 / 6 Teşrin-i Sani 1311/1895), 2.

\textsuperscript{109} Mehmet Sa'\textsuperscript{id}, \textit{Vezaif\textsuperscript{u} 'l-İnas...}, 104-105.
stated in the work of Abdülaziz Bey which goes as follows:

Heretofore, the important people as well as the commoners would have in their homes at least one, and if necessary more than one in accordance with their financial situation, a textile loom and would weave all sorts of cloths suitable for the fabrication of shirts, underwear and bed sheets and these would be considered as the most important assignment of womanhood besides the quality of being a lady. The elite were almost obliged to produce these things at home because in the case of an attempt to buy something from the shops and it was heard of, it would be criticized and gossiped about a lot. These things would not even be considered as an important task nor would it be a source of boasting for those who had done it.\textsuperscript{110}

As can be understood there was a fair amount of pressure on women, especially the elite women to manufacture their cloth at home and not to have recourse to the shops. This must, without doubt, have been known by Mehmed Sa’id who did not hesitate to refer to it in order to encourage families to send their daughters to the \textit{rüşdiyes}.

The second function associated with the education of women was that it was considered as a means of facilitating marriage for women. An educated man would feel the need to have as a wife a woman that was educated as well. An educated girl would stand better chances of getting married than an uneducated one. For example, a young man having acquired a foreign language would require a spouse with the same qualification in order to be able to practice and develop his ability. This idea is repeated over and over again by Fatma Aliye,\textsuperscript{111} Mehmed Sa’id,\textsuperscript{112} Ahmet Mithad\textsuperscript{113} and Şemsettin Sami who puts it best to words as follows: “The need that has been shown

\textsuperscript{110} Abdülaziz Bey, \textit{Osmanlı Adet, Merasim ve Tabirleri}. (İstanbul: Tarih Vakfı Yurt Yayınları, 1995), 102.

\textsuperscript{111} Fatma Aliye, “Ta’lim ve Terbiye...”, 2.

\textsuperscript{112} Mehmet Sa’id, \textit{Vezaifü’l İnas...}, 104.

\textsuperscript{113} Ahmet Midhat, \textit{Peder Olmak Sanatı: Te’ehhâl Edeceğin Adamın Muhtac Olduğu Temalat}. (İstanbul: 1317), 36-37.
to the education of women is that, men can only be happy with the company of an educated woman". 114

In fact, his statement brings forth another dimension of the education of women in relation to marriage, namely the fact that it was essential for wives to be able to converse and exchange ideas with their cultivated husbands i.e. possess a fair amount of general knowledge. In other words, women had to be educated because men were in want of such women. If we were to analyze this situation in terms of economics it could be said that it was the men that created the demand and that the women had to adapt themselves in order to be able to supply that certain demand. Since this is a patriarchal market, the women have to follow a certain code of social rules and demands that are already defined and laid out for them by the menfolk.

The third function of the education of women was for women to be able to raise well educated children. The affect of a mother on her young children is undeniable because it is the mother that gives a child his/her first formation in life. This issue was of extreme importance amongst the writers of this period and they believed that a woman needed to be well educated in order to be able to fulfill this demand. There was the common notion that the first school of a child was “the lap of its mother” (ağuş-t mader).

Likewise, Şemsettin Sami in his famous treatise Kadınlar (Women) used a simile to explain the effect of the mother on the child: “A woman is like a fertile soil; knowledge, good manners, morals, whatever she possesses, she passes it on to her children”. In other words, the education a man received remained within his domain since he did not pass it on as a woman would. The level of knowledge that was desired

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114 Şemsettin Sami, Kadınlar..., 22. “Kadınların terbiyesine şimdiye kadar gösterdiğimiz ihtiyaç erkeklerin ancak terbiyeli kadınların mu’asretiyle mes’ud ve bağtıl氩 Yaşayabileceğinden
within society should be taught to its women. The education of women was very important for Sami because he saw it in the perspective of civilization and progress: Since society was made up of families, the complete happiness and the progress of the society was dependent upon the family that was in turn, dependent on the woman. Thus, the education of women would lead to the creation of educated children and consequently to the formation of a perfect society.

Whereas Şemsettin Sami considered the education of mothers at a societal level Ahmet Midhat considered it on an individual level. Midhat looked upon it as a means of assessment of the person and providing personal dignity in society. In his book entitled The Rights and Duties of Parents on Their Children (Ana ve Babannın Evlad Üzerindeki Hukuk ve Vezaiği) he points out that motherhood was a religious duty:

To look after children is a duty designed to mothers by the religious law. The education of sons until they reach the age of seven and of daughters until they reach the age of nine has been assigned to mothers.

Mothers were thus charged with looking after the children until the time of their formal education. Since a woman could only teach what she herself knew, she was in need of a sound education. He is further of the opinion that mothers by well educating their children would grant them the biggest favour of all. A child well educated by its mother would be considered as cultured even if he/she did not receive any further education. So it was the duty of every mother to provide for the

*iibaretdir.*

115 Sami, Kadınlar..., 22-24.


117 Midhat, Ana ve Babannın..., 133-134.
respectability of her children in a society where education was beginning to gain respect, at least among the urban elite, as an important asset to be possessed by both males and females and to increase their chances of acquiring status.

Fatma Aliye saw the matter from the point of view of women and was more sensitive to their feelings on this issue. She drew attention to the fact that a child who learnt at school, the truth lying behind the question of what created thunder -- which was formerly explained to him/her as ‘God cracking his whip’ by his mother -- would scorn the mother and make her explanations ridiculous in the eyes of her children.118 Since such a situation would be hard for a mother to tolerate, the education of women was important in so much as not to damage their self-esteem and to preserve their personal dignity, hence, beneficial to them.

All the above mentioned authors write of what ought to be done concerning the education of women and try to encourage women of the period towards carrying out what was be considered as the ideal. However the actual situation, the reality concerning women was very different. The atmosphere of the period concerning their situation is conveyed clearly in the realistic novels written during that age. One may think that a literary piece of work or fiction is based on fantasy. However, many a time, it is an excellent means of reflecting the social reality of the period.

For example, Halid Ziya Uşakligil, one of the prominent writers of the period of Abdülhamid II, insisted that his novels depicted reality. He expressed this while writing his novel Aşk-i Memnu (Forbidden Love) by pointing out that there really did exist people like the Melih Bey set, a group of extravagant characters in the novel, in various districts of Istanbul, and that he had created the characters of his novels under
the influence of those people that he had actually observed.\textsuperscript{119}

One of the novels in which we see the situation of women, during the reign of Sultan Abdülhamid II, as contrasted to the situation of men, is \textit{Mai ve Siyah} \textsuperscript{120} (Azure and Black) written by Halid Ziya Uşaklıgil. The novel is about the disillusionment of the protagonist Ahmed Cemil, a student and the son of a clerk living in Istanbul. He aspires to become a great writer besides having as a spouse the sister, Lâmia, of his well-to-do friend Hüseyin Nazmi. While pursuing his studies he loses his father and has to work in order to support his family. He never gets to be the great writer he wishes to become and similarly is never able to marry Lamia.

Although Ahmed Cemil becomes a loser due to fate or providence or whatever we may choose to call it he was at least given a chance in life to become someone and to realize his ideals. In the novel it is the men who are sent to school in order to have a profession and to have a position in society. It is them who are the active partners of life. Women, on the other hand, are never given this chance. Let us take the case of Lamia for example. Although she is of a well-to-do elite family who has received a good Westernized education appropriate to the norms of the society of the period, the only future for her is in marriage. She is never asked whether she would like to become someone in life and similarly her opinion about her own marriage is never sought out. She does not possess either the right or the authority to utter a word on the important decisions concerning her own life. The same can be said of the sister of Ahmet Cemil,

\textsuperscript{118} Speech of Fatma Aliye, A K, Fatma Aliye Hanım Evrakı, 9/2. In this speech of unknown date and place, Fatma Aliye Hanım talks about the harms of polygamy, the necessity of the education of women and their need to work and to take part in the maintenance of the family.

\textsuperscript{119} Halid Ziya Uşaklıgil, "Suut Kemal Yetkin'e Mektup," Güzel Sanatlar Sayfasi, Ulus Gazetesi. (5 September 1943), 5-6.

\textsuperscript{120} Halid Ziya Uşaklıgil, \textit{Mai ve Siyah}. (Istanbul: 1313)
İkbal, who does not have such a high status as Lâmia. Her brother marries her off, for his own profit, to a rude man who later on turns out to be a tyrant.

In this novel, women are seen as passive partners in all aspects of life. They are married off in arranged marriages by their families to people they have never met before, and have to succumb to the roles destined for them by their gender. Men achieve a status by having a profession in society while women acquire status through the rank of their husbands and not by their own efforts. Throughout the whole novel women are portrayed as silent sufferers of their fate. Women do not seem to have any freedom, choice or hope. They have to and do obey the norms of a patriarchal society because rebellion does not bring anything but tragedy as can be seen in the example of Bihter, the female protagonist of the novel Aşk-1 Memnu\textsuperscript{121} written by the same author.

The protagonist of this novel Bihter, a young girl of poor standing, marries an elderly man having been lured by his wealth. Then realizing that she is in need of love, she has an extra-marital affair with the playboy nephew of her husband. However the latter is soon to leave her and Bihter, as a result, commits suicide. The rules and the destiny of women are set by men and there is no mention of transgressing them by trying to resist.

Abdülaziz Bey (1850-1918) lived through the reign of five sultans starting with Abdülmecid and ending with Mehmed Reşad. The period of his life between the ages of twenty-six and fifty-nine coincided with the reign of Sultan Abdülhamid II. Abdülaziz Bey compiled his observations on the social life of the Ottomans, comprising such topics as their beliefs, habits, customs and traditions, among many others, under the name of Adat-1 Merasim-i Kadime, Tabirat ve Muamelat-i Kavmiyye-i Osmaniyye

\textsuperscript{121} Halid Ziya Uşakligil, Aşk-1 Memnu. Istanbul: Alem Matbaası, 1317.
(The Ancient Customs, Terms and Ceremonies of the Ottomans). A passage from this work shows that the main duty of a woman was to become a diligent housewife and a mother:

For girls, after their having acquired a religious formation and learning how to read, the necessary preparations to make them good wives would begin. There would be the dedication of extreme attention to this matter. Since it was very important for a housewife to carry out her work on her own and be able to maintain the necessities of domestic life on her own, a girl would be raised to proceed to her husband’s house without needing to purchase any items and would be taught to prepare such things as underwear, complete set of beddings and table linen to be found in the *trousseau* which she was obliged to take with her to her husband’s house. Parents would grant the utmost importance to this education since these achievements were considered the main occupation of a young girl. There existed no distinction about this matter between the select, the dignitaries and the rest of the population in Istanbul.\(^{122}\)

As we can see from this lengthy quotation the most important thing for a young girl was to learn, in an excellent fashion, to manage her own house. This issue was of such an importance that it constituted the center of the education and training of females. Their duty was to get married and to become housewives and they were trained to carry out that obligation in the best possible way.

2. The Actual Situation (the Reality) Concerning the Education of Women

The actual situation, i.e. the type and nature of education, and the developments concerning the education of women during the reign of Sultan Abdülhamid II, was in keeping with these guidelines advocated by thinkers and authors of the period.

Take elementary education, for example. The curriculum of the *ibtidai* (preparatory) schools that had replaced *siyyan* schools was as follows: Quran, the Art

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\(^{122}\) Abdülaziz Bey, op.cit., 102.
of reciting the Quran with proper rhythm, Religious Education, Orthography, Mathematics, Geography, History, Reading in Turkish and Sültüs.\textsuperscript{123}

We do not have any information about the number of elementary schools for the beginning of the reign of Abdülhamid II but there is information on the years 1906-1907 of the \textit{ibtidai} schools both in Istanbul and the provinces: \textsuperscript{124}

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\textsuperscript{123} \textit{Salname-i Devlet-i Aliyye-i Osmaniyye} (1294/1877), no page

\textsuperscript{124} \textit{Salname-i Maarif-i Umumiyye}, (Hicri 1326 / Miladi 1328/1908), 336-398.
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<td>4</td>
</tr>
<tr>
<td>Üsküp</td>
<td>11</td>
</tr>
<tr>
<td>Ispıt</td>
<td>3</td>
</tr>
<tr>
<td>Senice</td>
<td>1</td>
</tr>
<tr>
<td>İpek</td>
<td>2</td>
</tr>
<tr>
<td>Taşlıca</td>
<td>2</td>
</tr>
<tr>
<td>Prizren</td>
<td>1</td>
</tr>
<tr>
<td>Harput</td>
<td>2</td>
</tr>
<tr>
<td>Dersim</td>
<td>1</td>
</tr>
<tr>
<td>Manastır (center)</td>
<td>10</td>
</tr>
<tr>
<td>Şerife</td>
<td>2</td>
</tr>
<tr>
<td>Dobroe</td>
<td>2</td>
</tr>
<tr>
<td>Göörce</td>
<td>2</td>
</tr>
<tr>
<td>Van (center)</td>
<td>2</td>
</tr>
<tr>
<td>Yanya (center)</td>
<td>1</td>
</tr>
<tr>
<td>Erkere</td>
<td>2</td>
</tr>
<tr>
<td>Provence</td>
<td>1</td>
</tr>
<tr>
<td>Beran</td>
<td>3</td>
</tr>
<tr>
<td>Bingazi</td>
<td>1</td>
</tr>
<tr>
<td>Çatalca</td>
<td>1</td>
</tr>
<tr>
<td>Zor</td>
<td>1</td>
</tr>
<tr>
<td>Kudüs-ı Şerif</td>
<td>2</td>
</tr>
<tr>
<td>Kala-ı Sultanıyeye</td>
<td>7</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>307</strong></td>
</tr>
<tr>
<td></td>
<td><strong>37</strong></td>
</tr>
</tbody>
</table>

In the year 1877, just one year after the beginning of the reign of Sultan Abdülhamid II, there were nine rüşdiyes for girls in İstanbul. Their names and the number of students in each school is as follows: Sultan Ahmed Girl's Rüşdiye (64), Şehzade Girl's Rüşdiye (30), Aksaray Girl's Rüşdiye (45), İbrahim Paşa Girl's Rüşdiye (18), Eski Ali Paşa Girl's Rüşdiye (36), Eyüp Girl's Rüşdiye (20), Üsküdar Girl's Rüşdiye (39), Gülşem Hatun Girl's Rüşdiye in Üsküdar (30) and At Pazarı Girl's Rüşdiye (27). They all had a total of 309 female students.\(^{125}\) The curriculum of these schools in the same year is given below:\(^{126}\)

(1) First year: Religious training, Moral training, Natural Sciences,\(^{127}\) Ottoman language, Mathematics, Sühüs and Ri’ka (styles of Arabic calligraphy).

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\(^{125}\) ibid, 394.

\(^{126}\) Salname...1294, 393.

\(^{127}\) The course is entitled Ma’lumat-ı Nafla (useful information) in Ottoman script. This course probably comprised such information as hygiene, first aid etc.
(2) **Second year:** Religious training, Arabic, Persian, Mathematics, History, Sülüs, Ri'ka, Sewing.

(3) **Third year:** Religious training, Arabic, Persian, Ottoman language, Mathematics, Sülüs, Ri'ka, Reading, Embroidery, Orthography and Geometry.

(4) **Fourth year:** Religious Training, Arabic, Persian, Ottoman Language, History, Ri'ka, Reading, Geography, Embroidery, Introduction to Law and Orthography.

As can be understood, there were courses that were appropriate to being a Muslim such as religious training, to being an Ottoman such as Ottoman language and History and being a female such as embroidery and sewing. There were also courses that had the intention of really educating women such as Mathematics, Arabic, Persian and Geography that had the objective of furnishing women with a sound education.

The statistics of the years [H.1323 /1324 - M.1906/1907] gives us the numbers of official as well as private rüşdiyes for females that had been inaugurated in the provinces.

The names of the provinces and the number of schools present in each province are as follows: 128

<table>
<thead>
<tr>
<th>The name of the province</th>
<th>Official girl's rüşdiye</th>
<th>Private girl's rüşdiye</th>
</tr>
</thead>
<tbody>
<tr>
<td>EDIRNE (center)</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Gömülcine</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Kırk Kilise</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Dede aşğın</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Tekfür Dağı</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Gelibolu</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>ERZURUM (center)</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>

128 "Maarif-i Umumiyeye İstatiği 1323-1324" in Salnane-i Devlet-i Aliyeye-i Osmaniyye (Hicri 1328 / Mali 1326/1908), 336-399. For a less detailed table see also Şefika Kurnaz, Cumhuriyet Öncesinde Türk Kadını (1839-1923). (Ankara: T.C. Başkanlik Aile Araştırma Kurumu, 1991), 16. Bayram Kodaman in Abdülhamit Devri Eğitim Süstemi. (Ankara:Türk Tarih Kurumu Yayınları, 1991) has also given the same table, but he has forgotten to give some of these schools and has made a deficient conclusion by stating that there were 74 girl's rüşdiye in the years 1906-1907.
| The name of the province | Official girl's rate
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>ISTANBUL (center)</td>
<td>9</td>
</tr>
<tr>
<td>Beyoğlu</td>
<td>3</td>
</tr>
<tr>
<td>Çakjadi (Scutari)</td>
<td>3</td>
</tr>
<tr>
<td>ADANA (center)</td>
<td>1</td>
</tr>
<tr>
<td>Mersin</td>
<td>1</td>
</tr>
<tr>
<td>ANKARA (center)</td>
<td>1</td>
</tr>
<tr>
<td>Kırşehir</td>
<td>2</td>
</tr>
<tr>
<td>BİTLİS (center)</td>
<td>1</td>
</tr>
<tr>
<td>BAGDAD (center)</td>
<td>1</td>
</tr>
<tr>
<td>BEİRUT (center)</td>
<td>1</td>
</tr>
<tr>
<td>Akka</td>
<td>1</td>
</tr>
<tr>
<td>Trablusgam</td>
<td>1</td>
</tr>
<tr>
<td>Lazkiye</td>
<td>1</td>
</tr>
<tr>
<td>CEZAİR-I BAHR-I SEFİD</td>
<td>1</td>
</tr>
<tr>
<td>Sakız (Chios)</td>
<td>1</td>
</tr>
<tr>
<td>Línnì</td>
<td>1</td>
</tr>
<tr>
<td>HALEP (Aleppo) (center)</td>
<td>2</td>
</tr>
<tr>
<td>Urfa</td>
<td>1</td>
</tr>
<tr>
<td>HÜDAVEN(DIAR (Bursa)</td>
<td>1</td>
</tr>
<tr>
<td>Kütahya</td>
<td>1</td>
</tr>
<tr>
<td>DIYARBEKİR</td>
<td>1</td>
</tr>
<tr>
<td>SURIYE</td>
<td>1</td>
</tr>
<tr>
<td>SİVAS</td>
<td>1</td>
</tr>
<tr>
<td>TRABULUSGARB</td>
<td></td>
</tr>
<tr>
<td>Hama</td>
<td>1</td>
</tr>
<tr>
<td>TRABZON</td>
<td>1</td>
</tr>
<tr>
<td>KASTAMONU</td>
<td>1</td>
</tr>
<tr>
<td>Sinop</td>
<td>1</td>
</tr>
<tr>
<td>KONYA</td>
<td>1</td>
</tr>
<tr>
<td>Nişde</td>
<td>1</td>
</tr>
<tr>
<td>KOSOYA</td>
<td>1</td>
</tr>
<tr>
<td>İştib</td>
<td>3</td>
</tr>
<tr>
<td>Şenice</td>
<td>3</td>
</tr>
<tr>
<td>İpıcak</td>
<td>2</td>
</tr>
<tr>
<td>Taşlıca</td>
<td>2</td>
</tr>
<tr>
<td>Prizren</td>
<td>2</td>
</tr>
<tr>
<td>MAMURATULAZİZ</td>
<td></td>
</tr>
<tr>
<td>Harput</td>
<td>1</td>
</tr>
<tr>
<td>MANASTİR</td>
<td>4</td>
</tr>
<tr>
<td>Serifçe</td>
<td>2</td>
</tr>
<tr>
<td>Elbasan</td>
<td>1</td>
</tr>
<tr>
<td>MUSUL</td>
<td>1</td>
</tr>
<tr>
<td>Kerkük</td>
<td>1</td>
</tr>
<tr>
<td>VAN</td>
<td>1</td>
</tr>
<tr>
<td>YANYA</td>
<td>1</td>
</tr>
<tr>
<td>Preveze</td>
<td>1</td>
</tr>
<tr>
<td>IZMİT</td>
<td>1</td>
</tr>
<tr>
<td>BİNGAZI</td>
<td>1</td>
</tr>
<tr>
<td>CANİK</td>
<td>2</td>
</tr>
<tr>
<td>KALA-I SULTANI</td>
<td>2</td>
</tr>
</tbody>
</table>

66
<table>
<thead>
<tr>
<th>The name of the province</th>
<th>Official girl’s rüşdiye</th>
<th>Private girl’s rüşdiye</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>79</td>
<td>6</td>
</tr>
</tbody>
</table>

In short, the total number of official *rüşdiyes* for girls was 79 and the number of private *rüşdiyes* for girls was 6. This would make a total of 85 *rüşdiyes* in the Ottoman Empire. If we are to think that the first *rüşdiye* for girls was inaugurated in Istanbul in the year 1858, and that there were nine of them in Istanbul only, at the beginning of the reign of Hamid II, we can see that during his reign of thirty three years 76 have been opened with 6 in Istanbul and 70 in the provinces. This is, without any doubt, an achievement.

There had also been developments concerning the *Darü’l-muallimat*. In the year 1877 the curriculum of this seminary was as follows:

1. **First year**: Religious sciences, Turkish Reading, Arabic, Persian, Ottoman Language and Spelling, Mathematics, Drawing, Sülüs, Ri’ka and Sewing.


When we take a look at this curriculum we see a program that is very similar to that of *rüşdiyes* for girls. There were no courses that ought to have been taught to women who were going to be teachers, like pedagogy for example. It was not until the year 1891, during the ministry of Münif Paşa, that changes took place concerning the program of the *Darü’l-muallimat*, with the efforts of Ayşe Süника Hanım, the first wife of the poet Riza Tevfik Bölükbasi.

Ayşe Süника Hanım was very interested in intellectual formation and she was
recommended to the Sultan who, on meeting her, appointed her as the instructor of the courses of Geography, Moral Instruction and Handicrafts in the *Darū’l-muallimat*. She, on seeing that there were no courses that were appropriate for those people who were to become teachers, defended the idea that there ought to be the instruction in such courses as pedagogy and philosophy, for example.

Being persevering in her ideas, she wrote a report to the Ministry of Education to include a course in pedagogy in the curriculum of the seminary. The Ministry accepted her proposal and this course was included under the name of Method of Teaching (*Usul-i Tedris*), with Ayşe Sidika as its instructor in the year 1889. Ayşe Sidika Hanım, feeling the need for a textbook to be used in this course, prepared one and the book was published in 1895 under the name of *Lessons in the Method of Instructing and Teaching* (*Usul-ı Ta’lim ve Terbiye Dersleri*). This book was both used in the *Darū’l-muallimin* as well as the *Darū’l-muallimat*\(^\text{129}\). When we come to think of the achievement of this lady, we cannot deny the fact that the Sultan was open to changes concerning the development of education. This course was detected in the *Salname* of the year [H.1316-M.1898]\(^\text{130}\) under the name of *Usul-i Tedris* (The Method of Teaching). There were also two other new courses in the program of the *Darū’l-muallimat*. These were the courses of Hygiene (*Hiez-i Sihhat*) and Home Economics (*İdare-i Beytiye*).

An anonymous article entitled “*İnas Mekteplerinde Bazı Islahat*” (Some Reforms in Girl’s Schools), published in the magazine intended for women *Hanımlara Mahsus Gazete* (Ladies’ Gazette), in the year 1895, argues that the education of this


\(^{130}\) *Salname-i Maarif-i Umumiyye*, (İstanbul: 1316/1898), 453.
seminary ought to be towards home management and the responsabilities of being a spouse. This was based primarily on the fact that the totality of girls who were to graduate from the Darü’l-muallimat would not be employed and secondly, to the fact that it was the religious duty of every Muslim to get married.\(^{131}\) Although positive changes did come about in the curriculum of this seminary, I believe that the curriculum was directed towards producing a well educated female who could take good care of the home and the family rather than to fulfill the needs of those who were intending to become instructors.

Fatma Fahirünnis - the granddaughter of the Tanzimat writer and administrator Ahmet Vefik Paşa and one of the prominent writers of the magazine intended for women Hanuniyara Mahsus Gazete -- in her article, “Darü’l-muallimat” published in 1896 in this magazine, has described her visit to this seminary, relating her observations and feelings after her visit. She has been very pleased with what she has come across and she has conveyed her sentiments, on being present during an examination of geometry at the seminary, as follows:

I am so proud that some of women -- who are the subjects of ridicule and scorn for finger counting -- are now passing examinations in geometry in such an excellent fashion as to have the appreciation and the praises of the delegation of the examiners, and prove that they genuinely do acquire knowledge by actually studying instead of wasting their time.\(^{132}\)

What is interesting to note here is the fact that finger counting was attributed to women and that women were degraded due to this fact. Fatma Hanım has stated


\(^{132}\) Fatma Fahirünnis, “Darü’l-muallimat,” H.M.G. 69. (27 Muharrem 1314 / 27 Haziran 1312/ 1896), 2. The Ottoman text goes as follows: "Naşıl iftihâr etmekteyim ki: malum olduğu üzere -- kadınların parmağın hesabı -- diyende nihâyete ve temessür olan nevi'-i nisvändan bir kaçış işte he'yet-i mümeyyizinin takdir ve sitâyasına ihrâz-i liyâkat eyleyecel derecede mükemmel hendese
further in her article that she would like to see the French language added on to the curriculum of this seminary. Defending the notion that if this course were to be taught accompanied with satisfactory amount of related exercises, young instructors possessing fluent French would emerge. She believed that if this practice was introduced, elite families desiring their daughters to receive a foreign language, from that time on, would no longer have to hire -- what she calls as “tutors of unknown origin” (“ne idiği belirsiz”) -- and hire these girls instead. With the employment of these girls, the daughters of elite families would be trained within the range of Islamic beliefs that Fatma Hanım believed was very much needed at the time.\textsuperscript{133}

As can be understood, Fatma Fahrunnisa did not recommend the hiring of foreign tutors. She was in favour of an education within the norms of the Ottoman society. This could be out of an anxiety on the part of Fatma Hanım that the elite girls, by being instructed by foreign governesses, were in danger of losing their Ottoman-Turkish identity. She wanted to prevent such a danger by having them being educated by Muslim teachers.

On the other hand, the graduates of this seminary according to certain years are as follows:\textsuperscript{134}

<table>
<thead>
<tr>
<th>Year</th>
<th>The number of graduates</th>
</tr>
</thead>
<tbody>
<tr>
<td>H. 1294 - M. 1877</td>
<td>6</td>
</tr>
<tr>
<td>H. 1299 - M. 1881</td>
<td>15</td>
</tr>
<tr>
<td>H. 1300 - M. 1882</td>
<td>11</td>
</tr>
<tr>
<td>H. 1301 - M. 1883</td>
<td>19</td>
</tr>
<tr>
<td>H. 1302 - M. 1884</td>
<td>22</td>
</tr>
<tr>
<td>H. 1303 - M. 1885</td>
<td>30</td>
</tr>
<tr>
<td>H. 1304 - M. 1886</td>
<td>23</td>
</tr>
</tbody>
</table>

\textsuperscript{133} ibid.

\textsuperscript{134} Salname-i Maarif-i Umumiyye (1318/1900), 771.
These girls were assigned to teaching posts both in the rüşdiyes and the Darü’l-muallimat in Istanbul and the rüşdiyes in the provinces, beginning from the year 1893. The appointments begin from this year related, to the fact that there were limited number of rüşdiyes in Istanbul and none in the provinces until that time, and the state had to wait for the inauguration of new ones both in Istanbul and the provinces. The appointments of some of the graduates of this seminary shows diversity: In the year 1892 Mabkule Hanım was appointed to the rüşdiye in Beirut, Fatma Hanım to the Darü’l-muallimat in Istanbul and Zekiye Hanım to the rüşdiye in Bursa; in 1893 Huriye Hanım was designated to the rüşdiye in Manastır, Hayriye, Feride and Naciye Hanıms to the Darü’l-muallimat in Istanbul; in 1984, Ayşe Hanım to the rüşdiye in Kayseri and Hamide Hanım to the boarding Kız Sanayi Mektebi in Istanbul, Nazmiye to the rüşdiye in Çanakkale and Hadice Hanım to the rüşdiye at Mirgün in Istanbul; in 1895 İkbal Hanım was nominated to the rüşdiye at Aksaray in İstanbul and Talat Hanım to the rüşdiye in Ankara, in 1896 Şevket Hanım was assigned to the rüşdiye in Baghdad, Şevkiye Hanım to the rüşdiye in Adana, Emine Hanım to the rüşdiye in Erzurum and Behice Hanım to the rüşdiye in Yanya; in 1897 Macide Hanım was appointed to the rüşdiye in Musul, Ayşe Seniye Hanım to the rüşdiye at Beşiktaş in
Istanbul and Servet Hanım to the rüşdiye in Mersin.\textsuperscript{135} As can be understood the graduates were appointed even to the most far away provinces of the empire, displaying the fact that it was under the reign of Sultan Abdülhamid II that women were given a chance to have profession as instructors.

There were also other developments during this period, namely the inauguration of three Kız Sanayi Mektebi (Industrial Schools for Women) in Istanbul in order to educate young girls and to make them acquire a skill enabling them to meet their own personal needs in clothing etc. The first of these schools was opened in 1878, in the district of Üsküdar by Ahmet Vefik Paşa. The second was opened in the district of Aksaray, and the third in the district of Çağaloğlu, both in the year 1879. The first two were day schools (non-boarding) and the third one was a boarding school. The Kız Sanayi Mektebi inaugurated in 1862 by Midhat Paşa at Yedikule, mentioned in the introductory part, was closed in 1884 and the students of this shutdown school were transferred to these newly founded schools. In the same year, a regulation consisting of twenty-three articles was published and it was decided that 75 boarding students and 125 day students were to be accepted to these schools. The opening of these schools supported the notion of the thriftiness of the woman. This meant that the state felt the need to open such schools in order to try to prevent wastefulness. The period of training was to be five years with a curriculum as follows:\textsuperscript{136}

(1) \textbf{First year}: Alphabet according to new method, Quran, Sewing, Knitting.

(2) \textbf{Second year}: Religious training, Ethics, Writing, Embroidery, Drawing, Crochet.

\textsuperscript{135} Salname-i Maarif... (1318), 771.
(3) **Third year**: Elementary grammar of Ottoman language, Drawing, Elementary Mathematics, Needlepoint Embroidery, Cutting.

(4) **Fourth year**: Elementary History and Geography, Natural Sciences, Writing and Literary Composition, Flower (pattern of a fabric showing flowers), Cutting and various kinds of sewing.

(5) **Fifth year**: Home economics, Hygiene, Sewing, Drawing, Various kinds of cutting.

According to the *Salname-i Maarif* (The Almanac of Education) of the year 1903, there were 86 boarding and 94 day students at the school at Cağaloğlu with a total of 180, and 156 day students in the school at Aksaray. The number of students of the school at Üsküdar has not been given. The *Salname* also shows us that there was the addition of the courses of Arabic, Persian and Calligraphy.

During and before the reign of Sultan Abdülhamid II, Muslim children were prohibited from going to the foreign schools belonging to the various Christian Catholic and Protestant sects in Istanbul. There were, nevertheless, a few girls from the upper class who were brave enough to come against the orders of the Sultan. Mary Mills Patrick, the president Emerita of Constantinople Woman's College, narrating her memoirs in her book *Under Five Sultans*, discloses that the first Muslim girl to enter the college in Scutari was Gülistan İsmet -- who was later on to become a secret member of the Committe of Union and Progress -- the daughter of a Circassian woman in the harem of Sultan Aziz, who after the death of the sultan had married a colonel in the army. Her graduation day is narrated by Mary Mills Patrick as follows:

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137 *Salname-i Maarif-i Umumiyye*. (1321/1903), 162-164.

138 BOA, Y.A. Res. # 122/88. [H. 17 Cumadeu'ı Ahir 1321 -M. 4 Mart 1903]
Gulistan had entered our school against the personal will of the sultan, and there was great excitement when she received her diploma some years later, not on the platform with her classmates, but handed down to her in the audience, where she sat with her mother, heavily veiled.\textsuperscript{139}

We ought to note her isolation from the rest of the students by receiving her diploma where she is seated with her mother, both of them almost invisible under their veils. It must, however, be noted that this achievement was not without a price. The father of Gülistan İsmet was banished and died in exile for having come against the Sultan.

There were also two other girls who had attended this college. One of them was Halide Edip (Adivar) the daughter of Edip Bey, an official at the palace. Halide was, later on to become a well-known writer, lecturer and an ardent defender of the women's movement. Her father never got the promotion he was due, as the price of not obeying the will of the Sultan. The other girl was Nazli Halid, the daughter of a rich and influential official under one of the preceding sultans. There is no information about what happened to her family. As we can see the number of such rebels is extremely low and there is a punishment following the act of rebellion.

An English Lady Fanny Blunt whom we mentioned earlier, comments on the issue of the education of women, as follows:

I am glad to say that, in this respect, a change for the better is taking place at Constantinople: the education of the girls among the higher classes is much improved; elementary teaching, besides instruction in music and needlework, is given to them; and a few are so highly favoured as to have European governesses, who find their pupils wanting neither in intelligence nor in good will to profit by their instruction.\textsuperscript{140}


\textsuperscript{140} Lady Fanny Blunt, \textit{The People of Turkey: Twenty Years Residence Among Bulgarians, Greeks, Armenians, Albanians, Turks, and Armenians. By a Consul's Daughter and Wife.} Vol II. ed.by. Stanley Lanc-Poole. (London:1878), 160.
Lady Blunt is positive about the developments related to the education of Ottoman elite urban women and is pleased with the fact that there are distinguished women among the elite in Istanbul. She, however, states that such women were still very few in number.

The writers of the period that were for the emancipation of women were very pleased with the progress taking place owing to the efforts of Sultan Abdülhamid II. We must however bear in mind that there was a masked censorship which weighed upon those who were writing during this period that they could not fully express their ideas and had more or less to stick to the norms of the period.

An article written by Refia Şükran and published in a magazine for women, Kadın (Woman), that was issued a very short time after the proclamation of the Second Constitution in 1908, entitled “Why Have We not been Able to Progress?” (Biz Ne İçün Terakki Edemedik?), looks for the causes behind the backward condition of Ottoman women of the period. She openly blames the reign of Sultan Abdülhamid II for this situation:

It is a natural thing that the cursed period of despotism, which had to go through bloody misfortunes and distress just at a time when it had even thrown men into a pit of ignorance and forgetfulness, could naturally not consider the development of women. The officials of the misfortunate tyranny, who saw the preservation and the permanency of the ill-omened despotism in the blindness and ignorance of the people, would unquestionably wish to prevent the spreading of education. Linked to this fact, we poor Turkish women [...] have been deprived even of orderly schools, we have neither seen elementary nor secondary schools that were sufficient for our needs, nor female instructors who were fully cognizant of training and education.¹⁴¹

The author further states that, with the proclamation of the Second Constitution, there was nothing left to prevent women from emancipating themselves and urges them to do so without losing time. What is interesting to note in this article is, first of all, its ironical and sentimental tone. The author uses the word despotism when she refers to the period of Sultan Abdülhamid II and uses the adjectives of “cursed”, “ill-omened” and “misfortunate” in her description of the period. Fatma Aliye Hanım, writing in 1896, would use such expressions as “the glorious age of his excellency Abdülhamid” (Asr-i Celil-i Hazret-i Abdülhamid Han Hazretleri) and consider his enthronement as “the bringer of fortune” (cülüs-i meymenet makrun), while talking about the Sultan. This difference in tone ought to be related to the fact that Fatma Aliye did not have any other choice but to write as such even if she had wished to do so, when we come to consider her social situation and the censorship present during that period. Besides, she did believe in the good will of the Sultan. Refia Şükran was writing with the fervour of being liberated from the period of Abdülhamid. Hence she had very intense feelings and was highly sentimental about this issue. She therefore seems to have exaggerated at some points concerning the education of women and in making the Sultan Abdülhamid II accountable for what the women had been deprived of.

If we were to make an evaluation of this age concerning the education of women, we could say that Sultan Abdülhamid II did make efforts to develop the education of women and did achieve considerable success. What we could reproach

Bundan ölayı biz zavallı Türk kadınları Arupa nisâ darü‘l-fünunlarından şarf-i nazâr -- ki onlara ‘arz-i ıhtiyaç daha zamanlara mütevâkdır -- muntazam ibtidât ve rüşûf mekteplerinden bile maḥrûm kaldı, ne ıhtiyaça kâfi bir mekteb, ne de ta'lim ve tedrîs birâkân vâkif mu'allîmeler gördük.”

142 Fatma Aliye, “Talim ve Terbiye-i Benat-i Osmaniye,”...
him of could perhaps be that these developments were limited when compared to the vastness of the empire. We ought to keep in mind, however, that the Sultan had to pursue a policy of restraint in order to keep his subjects from getting out of hand in their desires for social development in an age where everyone admired the West and wanted to adopt its way of living.
CHAPTER IV: MARRIAGE DURING THE REIGN OF SULTAN ABDÜLHAMID II

Before examining the normative aspects of marriage as well as the actual marital conditions of women during the reign of Sultan Abdülhamid II, it is necessary, first, to take a look at marriage in the law of Islam, and then refer to at the situation before the Tanzimat in order to consider the developments that have taken place after it.

1. Marriage in Islam

The Ottoman judiciary system takes as its basis, both in the fields of civil and private law, the religious law of Islam, the Sha’rīa. The sources of this religious law are various: The primary source of consultation in a judiciary matter is the Quran. The other sources are either consulted as a complement to the first or in the case of not finding an answer to the matter in question. The second source is is the Hadith (the Traditions), the truths later on attributed to the words or practices of the Prophet Muhammed by his Companions. The third source is Icma, endorsement by universal consensus of practices and beliefs not warranted by either the Quran or the Hadith, and the fourth source is Fikh (Islamic jurisprudence). There is also another basis, namely ictihad, which can be explained as a religious interpretation in order to establish a religious precedent. The principle of ictihad provided for the possibility for the adherents of the great jurisconsults to arrive at icma.

Although we do know that an Orfi law -- law based on the personal decree of the Sultan -- existed besides the religious law, in the Ottoman Empire, family law was directed within the rules of the Sha’rīa. The amount of intervention that the Sultans could carry out was limited. They did not possess the right of enacting laws, but had
the authority of being able to take the necessary precautions, within the religious law, in order to ensure the regular advance of the judiciary system as well as making sure that the precautions taken were appropriate to the circumstances of the period. The Sultan possessed the right of preferring one of the various interpretations present within the Hanefi school, one of the four schools of orthodox Islam -- the other three being the Malikite 143 school, The Hanbali 144 school and the Shafi'i 145 school — accepted by the Ottomans. He also had the authority to order the application of the interpretations of the other sects in court on the assumption of their being more suitable to the circumstances of the period. In this context, the Sultan worked in a close cooperation with the Şeyhi‘l-Islam, the dignitary responsible for all matters connected with the canon law, religious schools etc., and coming next to the Grand Vizier in precedence. It was the Şeyhi‘l-Islam who decided whether one interpretation was appropriate to the needs of the period in question and then presented it to the discretion of the Sultan. While Islamic law experienced further refinements in other areas, Sunni norms governing marriage, divorce and inheritance remained set and static for centuries due to the limited authority of the Sultan in this area.146

Marriage in Islam is not considered as a religious sacrament, as it is the case in Christianity and Hinduism, but rather as a legal contract between two equal partners. It is a highly encouraged institution by Islam due to the fact that family life not only ensures the survival of the human race but also guarantees social stability -- by putting

143 The religious school pertaining to the canonical law of Imam Malik.

144 The religious school pertaining to the canonical law of Ibn Hanbal.

145 The religious school pertaining to the canonical law of Imam Shafi'i.

the sexual act under control -- and provides a dignified existence for both of the sexes.\textsuperscript{147}

According to Islamic law, a valid contract of marriage requires no prior acts of a legal nature. Yet custom and tradition call for a marriage proposal to precede the actual marriage contract. From the point of view of the law, Islam attaches certain conditions to the proposal of marriage, the lack of satisfaction of which will result in a null and void contract of marriage.\textsuperscript{148}

In the case of the woman’s acceptance of the icação (marriage proposal), a relationship of engagement (hi̇ye) between the two sides is established. Engagement in Islam is not regarded as a legal contract and there are no judiciary consequences of engagement yet it does create a number of rights that are valid during and in the case of its annulment.\textsuperscript{149}

The primary result of the engagement is that the man gets the right to see the woman -- it ought to be noted that this is a right granted solely to the male -- where he has the right to see the face, the hands and the feet of the bride-to-be. She may look at him from a distance. This provision suggests that doctrine has taken into account the possibility that the woman may be totally cloistered or otherwise totally unknown to the man. The couple who is to get married are allowed to speak to each other in the presence of the close relatives of the woman.

In the case of the annulment of the engagement, the question of returning the material things presented to the woman arises. If the man proves capable of certifying

\textsuperscript{147} Asghar Ali Engineer, \textit{The Rights of Women in Islam}. (Lahore: Vanguard Books, 1992), 100.


that what he had given to his fiancée was a part of or the totality of the bridal dower (mehr) that he was supposed to give to her later on, during the contract of marriage, the woman is charged with returning it to him. In the case of presents given to her, their reimbursement depends upon an agreement between the two sides.  

There are a number of conditions that are necessary for a valid marriage contract. These can be stated as follows:

(1) The necessity that the two sides be of different sex. Homosexual marriage is absolutely forbidden in Islam

(2) The declaration of intention (ırade beyani).

This is a procedure of the declaration of the intention of marriage before a marriage council -- which need to be no more than two witnesses -- that comprises the icap (marriage proposal) and the kabul (acceptance of the marriage proposal). There is no need for a kadi or any other religious official to be present during this procedure. There is however a necessity for the immediate succession of the icap and the kabul because a prolongation of the period could lead to a misunderstanding. Further there is the necessity of the icap being done in such a manner in order not to lead to any confusion and let the other party entirely aware of the intention i.e., it ought to be clear and loud enough to be heard and not involve any fraud or threat.

(3) Guardianship of marriage.

Guardianship is the right granted by the law to certain people to carry out legal transaction on the behalf of their wards. In the family law of Islam, children who are incapable and women, according to the opinion of some of the religious schools, are in

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150 Cin, İslam ve Osmanlı Hukukunda..., 49-51.

151 The validity of the marriage contract and the following duties and rights of the husband/wife have been compiled, if not otherwise stated, from the following sources: Halil Cin op. cit. and, Akif Aydın, op. cit.
need of a guardian. Guardianship of marriage would mean that the guardian has the right to marry off those who are his wards. The guardianship of marriage is divided into two categories. The first category is called Obliging Guardianship (Velayet-i İcbar) where the guardian has the right to marry off his ward without his/her consent. This category comprises those who are semi-capable or incapable. The second category is called Non-obliging Guardianship (Velayet-i Nedb or İhtiyar). This comprises the right to marry off the ward only with his/her consent. Those who enter this category are girls who have physically reached puberty. According to the Hanefi school, girls who have reached puberty possess the right to get married on their own without having a guardian.

There is also a limitation brought to those who can become guardians. These are as follows: (i) paternal relatives of first degree i.e., fathers, grandfathers and great-grandfathers, (ii) paternal relatives of second degree meaning brothers of the same parents, brothers of the same father and their sons (iii) paternal relatives of the third degree meaning uncles of the same parents, uncles of the same father and their sons. In the Hanefi school women are also allowed to be guardians.

According to classical law, when a male or a female Muslim reaches puberty, under certain conditions, he/she is given the right to accept or reject a marriage that has been arranged for them. This right of selection is called (hýarû 'l-bülûğ). At the time the woman first receives news of the impending wedding ceremony, she must, in the presence of witnesses, ask for an annulment. In keeping with the more liberal interpretation of what constitutes legal capacity for the Hanefi school, if a woman reaches puberty and has already not been contracted in marriage by her father or other guardian, and even if she is still a virgin, she immediately assumes the right of selection and may no longer be married without her prior knowledge and consent, which she
communicates through her father or her guardian. For the man, upon reaching puberty, his right of selection continues, in effect, in perpetuity. As long as he does not, directly or indirectly, state that he accepts the marriage, he retains the right to annul it. Thus in accordance with the right of selection, the theoretical possibility of exciting an undesirable or inappropriate marriage is preserved for the spouses themselves.

In general, under no circumstances is a woman recognized, in classical Islamic law, to have the capacity to contract her own marriage. The Hanefi school however presents an exception to this rule. According to the Hanefis if a woman is competent, major, and has been married before, then she is considered to have capacity to contract on her possessions, including herself. Other than this, marriages are contracted by the fathers or guardians of the couple to be married. If the man has reached his majority his consent to an arranged marriage is mandatory. If the woman has reached physical puberty, then her consent is normally sought out.

As was the custom in pre-Islamic Arabia and in the old Turkish law, a father could marry off his son or daughter prior to their reaching majority. This right, called the right of compulsion (cebr hakkı), had alterior motives in its application among the Muslims. These can be stated as follows: It was used in order to seize the opportunity to contract an advantageous marriage precisely when such an opportunity presented itself; in a society and environment where the children, especially girls, reached puberty and maturity at an early age, to prevent sexual relations outside of marriage and a possible defamation of family names by marrying established couples at an early age; and legally to organize, as soon as possible, the expansion of the family. Given the patriarchal structure preferred by Arab and Turkish societies, and given the need to replace the population due to losses resulting from disease and war, such an institution, in addition to the purposes stated above, was functional.
However, there are obstacles to a valid contract of marriage. Theses can be divided into two groups: “the impediments of a permanent nature” and “the impediments of a temporary nature”. The first group, namely, “the impediments of a permanent nature” can be examined under three headings:

(1) Marriage Between Blood Relatives up to a Third Degree. (Kan Hisimliği)

This is divided into four categories. A man is prohibited from marrying (i) his biological daughters, (ii) his biological mother and his biological paternal and maternal grandmothers; (iii) his biological sisters and step sisters of the same father and their children, (iv) the biological children of his grandparents i.e., biological paternal and maternal aunts and paternal and maternal great aunts. However a man is allowed to marry the daughters of this fourth category i.e., the daughters of the maternal and paternal aunts and the daughters of the paternal and maternal uncles.\textsuperscript{152}

(2) Marriage Between in Laws (Sıhri Hisımlık)

In this impediment the spouses are forbidden from marrying the ascendant and descendant relatives of one another. According to this principle, the mothers and the grandmothers of the mother-in-law are prohibited to the groom, while the fathers and the grandfathers of the father-in-law are prohibited to the bride. In the same way the spouses are prohibited from marrying their step children. However a man can marry his step daughter provided that he has not consummated the marriage with his former wife. A man is not allowed to marry the sister of his wife unless he divorces his wife or in the case of the death of his wife.

(3) Marriage between Foster Kin (Süt Hisimliği).

A woman who suckles a child becomes its “milk-mother”, creating a foster relationship with her family and this child. The marriage between the foster child and the foster mother and her blood relatives is prohibited. According to this principle, the marriage between a male foster child and his foster mother, foster grandmother and foster sisters, foster nephew, and foster aunts is prohibited. Similarly the marriage between a female foster child and her foster father, foster grand-father, foster brothers, foster nephews, and foster uncles is prohibited. There is no prohibition between the blood relatives of the foster child and the foster mother. According to this principle the biological siblings of the foster child can get married to his/her foster siblings. Similarly the biological father of the child can marry the foster mother of the child. All children who have been suckled by the same woman become foster-siblings and are not allowed to marry each other.\textsuperscript{153} The cause lying behind this impediment is explained as with the bond that arises between the foster mother and the foster child; this bond of a respectable nature does not coincide with the notion of marriage.

The second category of impediments to a valid contract of marriage are those of a temporary nature. These can be described as follows:

(1) Marriage with an Infidel.

A Muslim man or a Muslim woman cannot marry an idolatress or an idolater. A Muslim man can marry women of those religions that have a holy book, such as Christianity or Judaism for example, where as a Muslim woman is prohibited from marrying such a man. This distinction is based upon the rule that the husband is regarded as the head of the household and the family. Since it is considered that the

\textsuperscript{153} Aktan, ibid., 403. See also Halil Cin, op. cit. 103-105.
woman is dependent on the husband, it is assumed that the husband may be influent on
his wife to convert to Islam. Similarly the prohibition of the Muslim woman of
marrying a non-Muslim man is based on the same principle and a Muslim woman
married to an infidel man is considered as a lost case in the eyes of Islam.

(2) Terminal Divorce (Talak-1 Bain).

A man possesses the right of repudiating his wife twice and then taking her
back. A man who has terminally repudiated his wife by divorcing her three times
(talak-1 selase or talak-1 bain) cannot take her back. He can only take her back there is
the after carrying out hülle, the necessity of marrying of the ex-wife to another man
and divorce her divorce from him. This practice was enforced in order to protect
women from arbitrary divorce.

(3) Being Already Married.

A woman who is married cannot marry another man unless she gets divorced,
or her husband dies. She must however await a period of iddet before remarrying, in
both cases.

(4) Awaiting the Period of İddet.

İddet is the period that a woman must wait before remarrying in the case of the
marriage resulting in death or divorce. A widow must wait for a period of four months
and ten days after the death of her husband before she can accept a proposal of
marriage or conclude a valid marriage. If a woman happens to be terminally repudiated
(talak-1 selase and talak-1 bain) then she must wait for a period of three months before
a contract of marriage either with her ex-husband husband or another man. A woman
who has been temporarily repudiated by her husband (talak-1 rici -- a divorce where
the husband can go back to her without renewing the marriage contract), she may not
accept a marriage proposal or enter into a marriage with another man. If she does so, it
is legally null and void. She may be taken back without a new act of marriage by her husband, within the period of her iddet. The period of iddet is a measure taken to see whether there is a situation of pregnancy and that the woman does not remarry being pregnant.

Men are also subject to iddet. These are as follows: (i) a man is forbidden from marrying neither the sister nor his maternal nor paternal aunts of his ex-wife until her period of iddet is completed, (ii) a man having divorced one of his four wives (the number allowed by the Quran) cannot take a fifth wife until the period of iddet of the wife that he has repudiated has come to an end, (iii) a man, in order to remarry his ex-wife that he has terminally repudiated, has to wait for the woman to accomplish hülle and to wait for the appropriate period of iddet, and (iv) a man who has divorced a free woman cannot marry a slave until the period of iddet of his ex-wife ends

(5) Polygamy (Taaddüd-i Zevcat)

The religious limit of the number of wives that a man can marry is four. If a man has four wives, he is prohibited from marrying a fifth one. He can only take another wife if he repudiates one of them or if one of them happens to die.

(6) To be Married to Two Relatives at the Same Time.

To be married to two sisters at a time is forbidden and similarly one is prohibited from marrying the maternal and paternal aunts aunt of the wife as well as her nephews. One can only marry the other sire by divorcing the sister who has become his wife or when this woman has died. The causes lying behind this prohibition are of an ethical nature. To be wedded to two sisters or to an aunt and a nephew for example may lead to constant jealousy and competition between the two women. This is something that is sure to lead to a consistent uneasiness within the family which could result in a more serious trouble.
(7) Barriers Related to Ownership of Slaves.

It is prohibited for a person to marry the slaves that he/she possesses. The person can only marry the slave after she/he has been given her freedom.

(8) Marriage During Pilgrimage.

A man cannot get married while on a pilgrimage. This is accepted in all of the religious schools except for the Hanefi school.

(9) Obstacle related to a Terminal Illness.

On the other hand the contracting of the marriage leads to a number of duties and rights of the spouses towards each other. These may be divided into two, as the personal and the financial conditions.

A. Personal Conditions

The personal conditions that are further divided into the duties and rights of the husband concerning his wife and, in return, the duties and the rights of the wife concerning the husband. The details of these reciprocal obligations are given below:

(i) The Duties of the Husband Towards his Wife.

(ii) Equal Treatment of All Wives.

If a man has more than one wife then he is charged with treating them equally. This comprises the provision of their maintenance and distributing his rights equally among them.
(iii) Equal Distribution of Nights among Wives.

The objective of this is to be able to grant equal amount of time to all of the wives. If a man has two wives for example, he has to spend three nights of the week with one wife and three nights with the other. This procedure is however only valid for nights, the husband is free to spend his days with the wife of his choice.

(iv) Consummation of the Marriage.

The husband is charged with consummating his marriage. The impotence of the husband constitutes a valid reason on the part of the wife to annul the marriage.

(v) The Obligation to Live Together.

A husband is obliged to live together with his wife in the dwelling chosen by him. Once he has brought her home he is not to leave her alone for long periods of time. Repetition of the action of leaving the wife at home on her own for long periods of time may constitute a valid reason for her to annul the marriage.

(2) The Rights of the Husband over the Wife.

The husband gains a number of rights with the marriage contract that include the right of controlling her and of prohibiting her from certain things.

(i) The Right of Determining the Dwelling.

It is the husband who decides on the dwelling and asks his wife to move in to the dwelling of his choice. A woman may refuse to do so only if her bridal dower (mehr) has not been paid to her. A husband, however, has to fulfill a certain number of requirements in order to ask his wife to the dwelling that he has chosen. First of all, a man cannot force the woman to live together with his relatives. Secondly, the dwelling has to be suitable in terms of hygiene and furnished besides being suitable to the social standing of the woman as well as being situated in a safe district.
(ii) The Right of Controlling the Excursions of the Wife.

A husband may prohibit his wife from leaving the dwelling without his permission. However he cannot prohibit her from seeing her relatives. According to the Hanefi school, a woman possesses the right of visiting her parents once a week, and her other relatives and kin once a year, without the permission of her husband. However a woman is not allowed to spend a night out of her home without the permission of her husband except, in the situation of the illness of her parents.

(iii) The Right to Control the Visitors to the Dwelling.

Just as a woman cannot go out without the consent of her husband, she similarly cannot accept visitors without his permission. This is so because the *fakihs* (experts in the canon law of Islam) consider the house as the property of the male, and it is he who withholds the right of deciding who is to visit the house.

(iv) The Right to Take the Wife on a Trip with Him.

If a man is married to more than one woman he has the right to take the wife of his choice on a trip with him and the wife is obliged to obey his decision. Yet the wife may not accompany him under certain circumstances where his trip may possess danger to the health of the woman.

(v) The Right of Chastening the Wife.

Although the husband has the right to chasten his wife on her ill-behaviour, this right does give him the right of beating his wife severely or to be violent to her in any other way.

(3) The Duties of the Wife towards the Husband

(i) Obedience to the Husband.

The wife is obliged to show obedience in all legal and legitimate matters that are considered as the duty of a wife. If the husband requires something of her that is
against the law or ethical values, she is not obliged to show obedience to him. If the wife does not display obedience under normal circumstances, then the husband may use his right of chastening her.

(ii) To Live in the Dwelling Provided by the Husband and not to Leave the House Without His Permission.

A married woman has to live with her husband and the husband has the right to control her excursions. However, for these conditions to be valid the woman must have reached physical puberty enabling the consummation of the marriage and her bridal dower (mehr) must have been paid to her. On the other hand, the house chosen by the husband has to be suitable to live in, situated in a safe district, appropriate to the social standing of the woman and apart from the relatives of the husband. The wife cannot be made to live with the ascendant or descendant relatives of the husband. A man possessing more than one wife cannot force his wives to live together. Unless there is the fulfillment of these conditions the woman cannot be made to live together with the husband. If she happens to leave the house due to the lack of fulfillment of one of the above mentioned conditions she is not considered as disobedient.

(iii) Consummation of the Marriage.

The wife is charged with consuming the marriage unless there are no hindrances.

(iv) Loyalty to the Husband

This means that there should be no extramarital affairs on the part of the wife.

(v) Protection and Preservation of the Goods of the Husband

(4) The Rights of the Wife Towards the Husband.

These can be stated as follows: (i) the request of being well treated; (ii) equal distribution of nights among all the wives; (iii) to be able to visit her relatives and next
of kin.

B. The Financial Conditions of Marriage.

In the Muslim religious law, an adult female holds the right of possession of her own goods, and can carry out transactions without the permission or the consent of anyone else. Marriage does not change this right of the woman. After marriage she can do as she pleases with her own goods without asking for the permission of her husband and he does not have any rights of interference. This is a right given to the woman as a protection from divorce.

(i) The Wife is not Obliged to Take Part in the Maintenance of the Household.

The maintenance of the home belongs to the husband. Even if the wife happens to be rich she cannot be forced to take part in this act. The maintenance of the wife includes food, clothing and a dwelling. If both of the spouses are rich the maintenance has to be of luxurious quality, if one spouse is rich and the other is poor or if they both happen to be poor then the maintenance has to be according to what the husband can afford. A husband has to provide two sets of clothing to the wife, one during the winter season and one during the summer season. The dwelling to be provided ought to be in keeping with the income of the couple. A man is also charged with providing servants to her wife according to his financial situation.

2. The Institution of Mehr

The single most important institution, which lies at the very foundation of the marriage contract, is the bridal dower (mehr) -- a fixed amount of money or goods that the husband is obliged to give to the bride. Mehr is divided into two, mehr-i müsemma and mehr-i misl. Mehr-i müsemma is the bridal dower that has been set by the two parties involved in marriage. In the case of there being no designation of mehr the law
designates an amount of mehr by considering the amount of bridal dower paid for other women of similar social standing.

*Mehr* is usually paid in two installments. The first payment (*mehr-i muaccel*) is paid prior or at the marriage ceremony. The second payment, (*mehr-i müaccel*) is given at an agreed period in the future, but in any case, when either the husband unilaterally divorces (*talak-i bain*) his wife or upon his death.\(^{154}\)

It is known that some other amount of money besides mehr is paid by the husband in some parts of the empire under the name of *başlık* or *kalın*. This institution of *başlık/kalın* (bride wealth) is often confused with the institution of *mehr*. Thus it is necessary to establish a distinction between the two applications.

*Mehr* is the natural result of the contract of marriage. It is the property of the woman alone, she may use it as she desires, and she is not obliged in any way to prepare a trousseau (*cihaz* or *çeyiz*) in return. On the other hand, *başlık* (bridewealth or bride price) is the money that is payed by the husband to the family of the bride. It is always determined and paid before the marriage contract. The family of the bride usually spends some amount of the *başlık* to prepare the girl’s *trousseau* (*cihaz*). *Kalın*, dating back to the ancient laws of the Turks, was just like *başlık* determined prior to the marriage and paid either to the father or the guardian of the bride. She possesses no right to it in any way. Her father or guardian may spend some amount of it to prepare the girl’s *troussesau*. In this respect, *kalın* and *başlık* may be regarded as participation of the groom in the expenses of marriage or the money given to the family for having raised the daughter. Further the institution of *mehr* is a judicial one applied uniformly in the Ottoman Empire, where as *kalın* and *başlık* are rather social

\(^{154}\) Halil Cin, *İslam ve Osmanlı Hukukunda...*,

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institutions applied only in some areas of the empire.\(^{155}\)

The nature of the bridal dower has led to controversy among the specialists of this issue. Marcel Morand is of the opinion that *mehr* is the price of a sales transaction. According to him *mehr* is the price paid by the husband to profit from the woman.\(^{156}\).

Whereas M. Nicolas de Tornauw looks upon *mehr* a bit differently:

The mehr corresponds exactly to a buying price and is, just like it, governed by the same rules concerning its obligatory and redhibitory character. In general there exists in a marriage contract, as in a sales contract, the notion of alienation. In the sales contract the object of alienation is the object to be sold, in marriage it is *genitale arvum mulieris*, the genital organs of the woman, which forms the object of the contract.\(^{157}\)

As we can see Tornauw is of the opinion that *mehr* is the price of the womanhood of the bride paid by the husband.

Morand and Tornauw seem to limit their theories to the first payment of the bridal dower, *mehr-i muaccel*. We do not see the application of their theories to the second payment of the bridal dower, *mehr-i müeccel*. On the other hand, the idea of buying and selling contradicts the idea of marriage. In a sales contract there are three indispensable elements: the buyer, the seller and the object to be sold. Taking the theory of Marcel Morand, if we consider the marriage contract as a sales contract would not the status of the woman be reduced to a *carîye*, a female servant? There is surely a distinction between the status of a *carîye* and the spouse in a family.

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\(^{155}\) M. Akif Aydin, *İslam-Osmanlı Aile Hukuku...*,


Halil Cin -- as a defense to the above mentioned theories-- and M. Akif Aydin, both state that mehr is an institution with a double purpose. First, particularly in the case when the amount to be payed is sizeable, it may discourage the husband to use his right of divorce. Second, and following upon the first purpose, either in the case of unilateral divorce or upon the death of the husband, the woman will not be left without some means of economic support. Halil Cin and Akif Aydin seem to concentrate their explanation of the concept of mehr on the second payment, namely the mehr-i müeccel.

However, the institution of mehr could be said to be a combination of the theories of Tornauw, Halil Cin and Akif Aydin, when the judicial records of Istanbul (İstanbul Şeriyye Sicilleri) are taken into consideration. In the examination of these records, I came across cases of divorce where the spouse demanded her unpaid mehr-i müaccel, the part of the bridal dower paid by the husband upon marriage. Normally when a woman gets repudiated by her husband, she goes to court in order to demand her unpaid mehr-i müaccel, the part of the bridal dower that is paid by the husband in case of divorce or widowhood. In one case of an unpaid mehr-i müaccel there was an interesting declaration made by the woman at court which went as follows: "... He [the husband] consummated the marriage without having paid my mehr-i mu'accel..." In another case of the same nature, the husband, on being questioned why he had not paid his wife her mehr-i mu'accel, states that he had not felt the need to do so as he

158 Halil Cin, İslam ve Osmanlı..., and M. Akif Aydin, İslami-Osmanlı Aile Hukuku...

159 "...Mehr-i mu'accelini vermeden bana duşul edüb... İstanbul Şeriyye Sicilleri (hereafter İSS), İstanbul Mahkemesi, defter # 1/251, (24 Zil Kade 1298/1880), 16. For other cases of unpaid mehr-i mu'accel see also the following sicles: İstanbul Şeriyye Sicilleri, İstanbul Mahkemesi defter # 1/251, (24 Zil Kade 1298/1880), 16; (7 Safer 1299/1881), 31; (9 Safer 1299/1881), 31; (25 Safer 1299/1881), 38; (15 Rebiyyu'l-Evel 1299/1881), 40; (5 Cumadeu'l Ahir 1299/1881), 57; (18 Cumadeu'l Ula 1299/1881), 60 and Istanbul Mahkemesi, defter # 1/284 (2 Cumadeu'l Ahir
was not sure of the virginity of his wife. This statement on the part of the husband is a very important one as it seems to demonstrate the fact that the mehr-i muaccel is something which is paid, either for the virginity of the woman if she is a maiden, or for sexual intercourse with the woman, if she does not happen to be a virgin, due to another marriage prior to the marriage in question. After this exposition I am of the belief that the mehr-i muaccel could be said to be the the price of the womanhood of the bride -- the theory of Tornauw -- and that the mehr-i müeccel is paid as an economic security of the husband -- the statements of Cin and Aydın. The fact that mehr is an application which is paid in two installments supports this. If it were purely a means of financial security to protect the woman from suffering economically after a divorce or the death of her husband, there would not be the need of paying a mehr-i muaccel in the first place.

3. Regulations Related to Marriage in the Ottoman Empire Prior to the Reign of Sultan Abdülhamid II

Marriage in Islam is a civil contract necessitating the participation of the two parties who are to get married and the testimony of two witnesses. There is no obligation of an official or a man of religion to be present for the marriage contract to be valid. The kadi in the Ottoman Empire, just like in other Islamic countries, was charged with intervening in marriage only at certain times, related to his right to marry those who were orphans.

However, the tradition of the imam (prayer leader) being present during the

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160 "...mezbure Fatma Hanum’i bikr olmak üzere teyze eylediğim halde şeyb zuhur edüb bu vecihle mehr-i mu’acelı lüzum gelmeyeceğinden..." IŞS, İstanbul Mahkemesi defter # 1/284. (23 Şaban 1325/1907), 55-56.
marriage contract, in order to pray, was established among the early Turks. There have also been marriages contracted by obtaining a marriage licence from the local imam. This licence was based on a document written by either the kadi or his assistant. This was, in fact, the first intervention of the state to the institution of marriage. This licence would be necessary both to the couple who was to get married and to the kadi. The procedure of obtaining a licence from the kadi was fully established under the reign of Suleiman the Lawgiver.\textsuperscript{161} This can be seen from the fetvas of Ebussuud Efendi, the Şeyhül İslam of this Sultan. In one fetva it is stated that “When there has been an order on the part of the Sultan that no marriage is to be contracted without the means of a kadi, can there be the contracting of marriage without it?” The answer to this question is “no.”\textsuperscript{162}

This procedure non-existent in the religious law, is a practice introduced by Örfi law. The state, by the introduction of such a procedure, had aimed at investigating whether the parties involved in marriage had any existing barriers to marriage and to prevent possible disagreements between the two parties by an official recording of the marriage. This procedure does not have any influence on the validity of the marriage contract; it is an administrative formality. After having obtained the licence the man to marry would go to the imam and the imam would prepare a document (hüccet) which would prove it.

The efforts at Westernization that had gained an official character with the declaration of the Tanzimat had also brought novelties in the field of jurisdiction. Dualism prevailed in this field. Before the Tanzimat, the dominant law of the Empire

\textsuperscript{161} Halil Cin, \textit{İslam ve Osmanlı Hukukunda}...

was the religious law. Especially the civil law was interpreted along the lines of the Sha'ria. After 1839, Western law came into effect as well as the religious law of the empire which led to a chaos in this field.

There was, first of all, the need for a new Civil Law. The members of the commissions assigned to prepare it could not come to an agreement. The commission headed by Ali Paşa wanted the adoption of the French Civil law, whereas the commission headed by Cevdet Paşa defended the idea of creating a law based on the Hanefi school. Eventually the second idea was accepted, leading to a new Civil Code (Mecelle-i Ahkam Adliye). However, it was not a fully comprehensive civil law, since it did not comprise the laws of the the individual, the family and inheritance. Since the issues related to marriage and divorce were excluded from the Mecelle they were to be consulted from books of Islamic jurisprudence.

The first serious intervention of the state to the institution of marriage was taken in the year 1881, under the reign of Sultan Abdülhamid II with the Sicill-i Nifus Nizamnamesi (Regulations for Population Registration).\textsuperscript{163} The 23rd article of this document states that the Muslims who marry are to obtain a licence from the shari court and the non-Muslims from their religious leaders. The \textit{imam} or the religious leader who has contracted the marriage is charged with notifying the marriage to the registry office with a \textit{ilm ü haber} (receipt). The 26th article states that divorces are to be notified in the same way.

These were the developments concerning marriage prior to the reign of Sultan Abdülhamid II. However, there were also issues related to marriage, such as the age at

marriage and mate selection besides various customs and traditions related to marriage.

4. The Age at Marriage

In the religious law of Islam a fixed age for marriage does not exist. Girls and boys were eligible for marriage once they had reached physical puberty. This could lead to early marriages that could be harmful in many aspects. The age at marriage was an issue prone to controversy among the intelligentsia of the period. They tried to come up with an ideal age at marriage by pointing out the dangers of early marriage, in order to discourage it.

During this period the age at marriage of women was determined by their capability for motherhood and their duties towards their husband and family.

In an article entitled “Sinn-i Teyhîl” (The Age at Marriage), published in the newspaper Sabah (Morning), it is argued that although a girl of thirteen and a boy of fourteen do become physically ready for a marriage, it needs to be postponed both for physical and for social reasons. According to the article, a girl who marries too young will not be able to perform her duties as a mother and a wife in an diligent manner, as she herself is still a child. The article insists that the ideal age at marriage for girls ought to be between the ages of eighteen and twenty. This would be in keeping with the completion of girl’s physical as well as psychological development.  

Mehmet Hilmi in his article entitled “Sinn-i İzdivâcî”, (The Age at Marriage), published in Hammâlara Mahsûs Gazete, deals with the same topic and states that there are four kinds of marriage according to the age of the parties: (1) early marriage, (2) marriage on time, (3) late marriage and (4) imbalanced marriage. His view of the ideal

\[\text{Imam veya re'is-i ruhâni keşifîyyet-i izdivâcî muâaddâc sicill-i nüfus mc'mûriyyetine '"ilim ü 'haber i'îtâm etmekte mecburdur."} \]

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\text{"Kadînlara Ma'llumat: Sinn-i Teyhîl," Sabah. 1966. (3 Şaban 1312/1894), 3-4.}\]
age at marriage according to him is as follows:

The age that is most suitable healthwise, the one that gives best result in a marriage is between twenty-five to thirty-three, thirty-five for men and from twenty to twenty-five, twenty-six for women.\(^{165}\)

According to him a marriage before these ages would constitute an early marriage and one after those ages would be a late marriage. He states that many families have been destroyed in the Empire due to early marriages:

Unfortunately in our country families suffer mostly due to early marriages. We consider the marriages of innocent girls of ten, eleven years of age as an ordinary event! The result of this heart-rending, distressing hurry is an unforgivable defect in the name of compassion.\(^{166}\)

Thus, Mehmet Hilmi is against the practice of early marriages which he considers as an insensitive crime. He ponders on the number of physiological and psychological dangers related to an early marriage for women. These are, first of all, dangers related to pregnancy and childbirth. The first child of a woman who marries early is born in a poor condition due to the fact that a young girl who has not yet completed her physical development is not able to gain enough physical strength to carry out pregnancy and childbirth, the natural consequences of a marriage. Both the lives of the mother and the child become endangered during childbirth and such women get old before their time because their bodies are worn out as a result of the extenuating efforts. A second issue is the capability of performing the duties of a married woman that are listed by Mehmed Hilmi as: (1) looking after the husband and gaining his love;


\(^{166}\) Mehmet Hilmi, “Sinn-i İzdívac...”, 2. Tessûf olunur ki ziyade erken te’ehül yüzünden pek çok ‘a’iileler pertşân olmudur: on, on bir yaşındaki ma’âşmaları izdívâcalarını umur-ı ı’diyeden görüyoruz! Neticesi ekeriyya pek act, pek ciger suz olan bu isti’ celi şefkat nâmna ‘afv olunmaz bir kuşurdu [...].
(2) getting along well with the husband’s family; (3) maintaining the house and (4) caring for the children. A young girl would not be able to cope with these responsibilities.

Another article, “Kaç Yaşında İzdivac EtmeLi?” (What is the Proper Age for Marriage?), published in the same magazine, Hanımlara Mahsus Gazete, as the above mentioned article, discusses the ideal age at marriage in relation to physical development which is determined by climate:

In fact, up to now, the people that have made a lot of investigations and are specialists on this topic have stated in books of hygiene that the age at marriage differs according to climate and region, and the age at marriage of women and men were in accordance with mild and cold climates. Since a girl is not allowed to marry before the age of seventeen, eighteen in mild climates, a man is not permitted to marry before the age of twenty, twenty-two. The age of marriage falls in hot climates.  

This is quite appropriate since we know people in hot climates reach puberty earlier than those who live in a colder climates. The article argues that the climate and the region in which one lives are the determinants of the age at marriage.

Lady Fanny Blunt on narrating her observations concerning the marriages of the Turks, observes as follows:

The Turks generally marry early, from seventeen for the men, and eleven for the girls -- who all marry, so that an old maid, like many other European instutions, is absolutely unknown in Turkey. This custom of early marriage is encouraged by parents as a check upon their sons contracting wild habits. It may in this respect have the desired effect,

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but must be very injurious in every other.\textsuperscript{168}

Fanny Davis, in her book \textit{The Ottoman Lady} is also of the opinion that the Turks marry early:

The Ottoman girl began her adult life with marriage. This took place at so an early age, from 12 to 14, that she scarcely had time for growing up, which would have to come later under the tutelage of the mother-in-law.\textsuperscript{169}

Again, marriages are determined by the patriarchal order: Early marriages are done in order to provide a stable life for men. Considering the observations of Lady Fanny Blunt, marriages seem to be designed for the well-being of men. If men are to be protected from debauchery, they are to marry early, and women have no other choice than to marry early as well. Determining the age at marriage seems to lie in the hands of men and women have no say in this subject.

In short, all the above mentioned writers are of the opinion that the Ottomans marry early and some of them try to discourage this phenomenon by writing on the dangers of early marriages. I tried to find the marriage records of the period of Sultan Abdülhamid II in order to give at least some examples of at what age women of the period got married to. I did find marriage records at the \textit{Meşihat Arşivi} in Istanbul but they started from the year [H.1332-M.1918] and I was told both at the \textit{Şeriyye Sicilleri Arşivi} and the \textit{Meşihat Arşivi} at the Mütşülük in Istanbul\textsuperscript{170} that there were no

\textsuperscript{168} Lady Fanny Blunt, \textit{The People of Turkey: Twenty Years Residence Among Bulgarians, Greeks, Albanians, Turks, and Armenians}. Vol. I Ed. Stanley Lane Poole. (London: 1878), 79.

\textsuperscript{169} Fanny Davis, \textit{The Ottoman Lady: A Social history from 1718 to 1918}. (New York: Greenwood Press, 1986), 61.

\textsuperscript{170} This archive is not open to any investigation due to the fact that it is undergoing a study of classification and it has not been used in any prior research. I would like to thank Ismail Bey who was kind enough to show me this archive and allow me to study several records of marriage contracts of the year 1335 as well as a record of virgin marriage licences (\textit{Bikr İzinnamesine Mahsus Sicil}). I have, consequently, become the first one to have used this archive.
such records related to the period of Sultan Abdülhamid II. There were a few records
that had been found and used by Cem Behar and Alan Duben from a mosque, under
the name of Kasap İlyas Camii, in Istanbul. Since they had done a research
encompassing a period of sixty years and have drawn statistical results from their study
I saw it appropriate to use their findings concerning the age at marriage.

Cem Behar and Alan Duben are of a different opinion concerning the age at
marriage. They have demonstrated through statistics that the age at marriage was not
as early as it was believed. The state, for example, that the mean age at marriage of
women in the year 1885 was 19.1 and state as follows:

What is interesting is that while we know today that marriage practice
at the time quite closely reflected the recommendations put forth for
marriage age, people generally underestimated the age at which their
contemporaries actually got married. Ignorance of the actual marriage
age at the time led people to arrive at rather pessimistic conclusions.
They also most likely fell prey to the very common tendency that people
have to take extreme -- and therefore particularly striking -- cases of
very young marriage they have heard of and generalize from them the
population at large. This is still very often done today when discussing
what marriage was like in the past in Istanbul. Most people have little
sense of statistical accuracy.  

However care must be taken before coming to a conclusion about the age at
marriage during the reign of Sultan Abdülhamid II. It does not seem very realistic to
assume that all those who had written about early marriage were not conveying the
truth. There must have been some truth in what they were saying since they insisted so
much on the existence of early marriages and tried very hard to discourage this
practice. Since the findings of Cem Behar and Alan Duben show that the age at
marriage was higher than what the writers claimed to be, there has to be an another
explanation. I believe that it could somehow be inappropriate to take their findings as

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(Cambridge, Cambridge University Press, 1999), 141.
the final statement of the issue in question. What was for example the percentage of women getting married before the age of eighteen? Their findings may be related to the fact that the reign of Sultan Abdülhamid II was a very agitated period due to constant inner, as well as outer, disruptions with which the empire had to struggle severely. In such periods of turbulence, the economic and social order of the country is disrupted leading to a lack of male population due to their recruitment for the wars besides, inflation, irregular payment of salaries, scarcity of food products etc. All of these factors that could have lead people either to postpone marriage or to get married at a later age.

5. Mate Selection, Bethrothal and the Contraction of Marriage

The type of marriage during this period, as well as in the preceding periods, was the arranged marriage.\textsuperscript{172} When it had been decided that the time for the young man to marry had come, his mother, if she had not already chosen a bride for him, would make inquiries among her friends and from the old women go-betweens -- who acted as *kilavuz* (guide) between families in matrimonial matters -- as to who had pretty and marriageable daughters. This ascertained, the mother, the aunt or the elder sister of the young man would go to see the girl accompanied either by a *kahya kadın* or a female servant. This visit would be refrained from during the months of *Muhtarrem* and *Safer* (the first and the second months in the Arabic lunar calendar) since they were considered as unlucky.

\textsuperscript{172} The description of Ottoman marriage customs and traditions are taken from Abdülaziz Bey, *Osmanlı Adet, Tabir ve Merasimleri*. (Istanbul: Tarih Vakfı Yurt Yayınları, 1995). For a less detailed description of these traditions and ceremonies see also Lucy Garnett, *The Women of Turkey and Their Folklore* (London: 1891), and Lady Fanny Blunt, *The People of Turkey: Twenty Years Residence Among Bulgarians, Greeks, Albanians, Turks, and Armenians*). Vol I. Edited by Stanley Lane Poole (London: 1878).
Once arrived at the home of the girl ‘to be seen,’ the intention of the visit was declared. The women were welcomed in and offered Turkish coffees and long tobacco pipes (çubuk) while waiting for the girl to appear. Meanwhile, in the other room, the girl would be dressed and prepared for the guests and once ready she would come and stand in front of the door of the room in which the guests were present. This would signal that the time to serve coffee had come. The girl would then enter the room at the same time the coffees were served. She would sit on a chair right in front of the guests so that the guests could examine the girl while drinking their coffee. They were allowed to do so for about a quarter of an hour and they would chat with the girl in order to see whether she had a stammer or not. The girl was not to look fixedly at the visitors, nor to laugh, to fidget or pull at her skirt, or play with the rings on her fingers or to respond in an angry way, as all of these things were considered shameful. The visitors, on the other hand, were not to make inquiries about the girl such as asking her name, age or education. After a certain period of time they would ask for their leave. If they had liked the girl they would praise her by using such expressions as “Yaradana kurban olayım, maşallah ay parçası gibi bir kız” or “Allah anasına babasına bağışlasın aldığına değer”, praising the Creator or the parents for having produced such a pretty creature. If they had not liked the girl they would use such expressions as “Pek çığ yüzünde bad-i sabası yok” (There is no trace of the morning wind on her face).

Once the girl was decided upon, the attempts to ask for her hand would be made. All the necessary information about the girl would already have been acquired by this time. The procedure of demanding the hand of the girl would proceed as follows: One of the women who had been to see the girl would put down all the necessary information concerning the family and the profession of the suitor on a piece
of paper and take it to the family of the girl. After a short period of five or ten days the same woman would revisit the family of the girl. At that point the girl’s family, having supposedly discussed the situation in detail, would tell the woman of their decision. If their answer happened to be positive, the marriage arrangement would be concluded which was called betrothal (söz kesme). From this decision onwards, issues related to marriage such as nikahın miktarı (the amount of the marriage) and ağırlık (heft) would be discussed between the two families. Although these two terms seem like new notions they are nothing but the mehr itself. Ağırlık constituted the mehr-i muaccel and nikah bedeli (the price of the wedding) constituted the mehr-i müeccel.

For the marriage to take place the hoca (religious leader of the parish) in the mahalle (quarter) where the parents of the girl resided, was requested to give a document stating that the young lady was free to contract matrimony. This was taken to the kadi (judge) to obtain a marriage licence (izinnname), for which a small fee was paid. These licences were of two types: Those that were given to virgins (bakire izinnamesi) and those that were given to women who had been married before (seyyibe izinnamesi). An example of such a licence is an izinname dated [H. 1297-M. 1879] 174.

The custom in Istanbul was to contract marriages at the house of the bride.

173 Abdülayiz Bey, 109

174 Since this document was taken from a unclassified archive there is no standard labelling. I had to produce an appropriate labelling as: Mesihat Arşivi, “Bikr İzinnamesine Mahsus Sicildir”, covering the years [H.1297-1299-M. 1879-1881]. The dimensions of the register are 56 cm. in length and 41 cm. in width. The Ottoman text is as follows” Topkapı kurbunda Iskender Ağa mahallesinden vurud eden iil i haberdir. Maḥallemizde Küçük meyanda ondört nümerolu hanede säkîne Nadire bint-i Mehmed nâm birik-i bilîğânın temek hüne bir vechle mâni‘ olmayub tâlib bulunan kethûda maḥallesinde Yaklıca caddesinde altu nümerolu hanede säkîn Mehmed Ağanın mażbataya 'aḳd olunacağından izzîneğeniz i ila buyurılması için işbu iil i haber taqdim kıldı. Fi 19 Şaban 1297/1789. İzinnamesi 'i ila olunmusdur. Fi 20 Şaban 1297/1789.” The examples can be multiplied.
Two witnesses, who had obtained the consent of the bridegroom, had to be present during the marriage act. The official who was to conduct the marriage contract would sit on the floor taking the guardian of the bridegroom on his right and the guardian of the bride on his left. The hands of everyone present in this ceremony would be placed on their knees and everyone including the functionary would demand for repentance of their sins. The official, after having prayed for the soul of the prophet Mohammed would, after asking the guardian of the bride "...kurus mihr ile vekili oldugunuz ...hanum ...beye hasbe'l vekale akd ettiniz mi?. (Do you, as the guardian of the bride, accept the nikah?) and he would answer "evet, hasbe'l vekale tezvic ettim" (Yes, I have married her as her guardian). He would then turn to the guardian of the bridegroom and ask him the same question and after having received a similar answer from him, would utter "O halde iki tarafin riza ve muvafakati ve șahitlein şahadetiyle ben de akd ettim" (In this case I have contracted this marriage on the consent of the two sides and the testimony of the two witnesses). The ceremony would end with two people reading aloud of ten or fifteen ayats from the Quran.

As can be understood, right from the beginning of the whole procedure of marriage, from the choice of a spouse to the act itself, the bride to be does not seem to have any say at all. She is a passive party of the contract which is decided and arranged by her family. The choice of a husband seems mainly to be decided upon the suitor’s social status and his profession. This situation was highly criticized during this period by a number of different writers.

One such article criticizing the criteria used in the choice of husband was "Hukuk-ı Zevciyyet" (The Rights of Martimony) written by Hamiyet Zehra and published in Hammlara Mahsus Gazete. The author, being upset with the practice of choosing a husband according to his income or his looks complains as follows:
There is a widespread custom. Being a wife or a husband is considered as superficially. It must be in accordance with this notion that external conditions such as wealth and beauty etc. are considered in choice. Such things as the person’s seriousness or his belief in religion is never questioned. 175

She further states that such a superficial choice is bound to end with disaster and gives a description of the possible aftermath of such a marriage: The husband would, after a very short period of time start going out to nightclubs, womanizing and neglecting his wife. This situation would lead to a conflict between the wife and her mother-in-law with the latter defending her son. This would be a cause of constant distress for both of the women. This situation would go on for years and for years, even after the birth of a child, hence, the wife would be condemned to a life of unhappiness and misery. Her parents would not encourage divorce because being a divorced woman was something that was highly disapproved of during that period. The author is of the opinion that it is the parents who are responsible for such a situation because of, first of all, having had their priorities wrong, and secondly, by having made a made a decision in accordance with these superficial preferences.

Hakki Behiç, in his article “Hukuk ve Vezaif-i Nisvan” (The Rights and Duties of Women), published in the magazine Mehasin (Merits), states that the unhappiness of the Ottoman women should be linked to the fact that Ottoman men trangressed the rights of women. Women could become happy if these rights were to be respected. The author believes that there are three violations. The first one is a result of the attitude of men in their choice of a marriage partner. He points out that men, in their search of a perfect woman, which is impossible to find, grow intolerable to any

deficiency on the part of their wives and treat them in a way that they do not deserve. He is of the opinion that such a demand is unrealistic and unfair besides being highly damaging to the personal dignity of women.

The second violation is the manner of marriages in the empire. He argues that women are left without a word to say in the decision of their own future:

Every marriage that takes place in our country results with a right of choice practiced by the male side. It is usually decided upon the influence of a ‘match maker’ grandfather, between ignorant mothers and fathers who are incapable of considering the spiritual needs of both parties.\(^{176}\)

As can be seen young men have the opportunity to seek a suitable woman by telling their mothers of their desires and ideas, but young girls remain tied to the opinion of their mothers and fathers, and in general become the victims of this opinion. Although this passage is very pessimistic there must have been cases where the consent of the girl was sought for.

The third violation is the condition of the woman after marriage. There would usually be a lack of communication and harmony between the spouses since they had been married as total strangers to one another. This alienation eventually became a source of conflict between them which would end to the disadvantage of one of them who would be none other than the woman. She would have no other choice than of living according to the desires of her husband because “It is men who withhold the power. Women are obliged to match their own hearts and minds to the hearts and

\(^{176}\) Hakkı Behiç, “Hukuk ve Vezaiçi Nisvan” Mehasin. 6. (Şubat 1324), The Ottoman text goes as follows: “Binanın ‘nâleyh bizde vücut bulan her rabita-i ızdıvâr yalanız erkek tarafından istimâl edilen bir hâck-i intihâb ile neticeleniyor. Ve ekseriyetî cahlî vâlidelelerle ıkî tarafın da iştirâcî-i ma’neviyyesini düşüncemeyen perderler arasında, ‘qûb çatân’ dedenin ruhâniyetine istidaden karargâr oluyor.”
minds of their husbands and resemble them, thus, live and feel exactly like them”.\textsuperscript{177} This is a life of captivity where there is the imprisonment of the soul due to the wrong choice of the parents in a totally unsuitable husband, from the point of view of character, to their daughter.

The situation concerning mate selection in arranged marriages is also reflected in the realistic novels of the period. In the novel \textit{Muhadarat} (Debates), written by Fatma Aliye Hanım, the marriage of the protagonist Fazila with her husband Mukaddem -- which she later on was not able to marry due to a calumny regarding him -- was decided by the parents of both Fazila and Mukaddem while they were still children.\textsuperscript{178} In the novel \textit{Mürebbiye} (The Governess) written by Hüseyin Rahmi Gürpinar, Dehri Efendi, a-well-to do man, marries her daughter Melahat to a man that he himself has found.\textsuperscript{179} In the novel \textit{Mahur Beste} written by Ahmet Hamdi Tanpınar in 1972 -- dealing with with the lives of elite families of the period from the reign of Sultan Mahmud II until the beginning of the twentieth century -- Behçet Bey and Atiye Hanım get married with the order of the Sultan Abdülhamid II.\textsuperscript{180}

Although women did get married to people that they did not know, the marriages functioned well due to the fact that women were raised, and had an education that taught them to love and to respect their husbands. The feelings of Fazila in the novel \textit{Muhadarat} after her marriage to Remzi, a man with a low character, is a case in point:

\textsuperscript{177} Haki Behiç, ibid., “Çünkü kuvvet erkektedir. Çünkü kadınlar kocalarına uymağın kalbelerini onların kalbelerine uydurmanızı, dişâklarını anlarını dişâklarına benzetmeye, anlar gibi düşünmeye, onlar gibi yaşamaga mecburdur.”

\textsuperscript{178} Fatma Aliye. \textit{Muhadarat}. Edited by. Emel Aşa. (İstanbul: Enderun Yayınları, 1996).

\textsuperscript{179} Hüseyin Rahmi Gürpinar, \textit{Mürebbiye}. (İstanbul: Kütübhanc-ı Hılin, 1927).

\textsuperscript{180} Ahmet Hamdi Tanpınar, \textit{Mahur Beste}. (İstanbul: Dergah Yayınları, 1985).
Since she was oriented to have love and affection for the man who was to be her husband -- although the character of her husband did not undergo any changes -- she loved this person who had filled the position of a husband, with an increasing love that had already been established. ... Fazila had not given way to any love but that of the man who was to be her husband.  

There is also a very similar passage in the novel Mahur Beste, describing the behaviour of Atiye Hanım after her marriage with Behçet Bey:

Atiye identified herself quickly with her home. The education that she had been raised with had taught her to love the husband whom faith had introduced her with.  

Both of the passages refer to the fact that a woman during that period was taught to love her husband once she got married to him. These two women did not refrain from doing so. The insistence on the part of these authors in displaying their heroines as such is a strong indication that such a phenomenon existed. It also answers the question of how couples could get along in an arranged marriage. It was through nothing but psychological perseverance of women to preserve their love for their husbands-to-be.

There were also articles that were written during the period which laid down rules for a happy marriage. One such article is "İzdivaca Dair" (About Marriage) written by Fatma Pakize and published in 1904 in Hanımlara Maḥsûs Gazete. The article states a number of conditions that the author sees as necessary for a good marriage. The first and the most important condition is the compatibility of the spouses.

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181 Fatma Aliye Hanım, Muhadarat..., 165-166.

182 Ahmet Hamdi Tanpinar, Mahur Beste..., 72.

183 Fatma Pakize, "İzdivaca Dair", Hanımlara Maḥsûs Gazete. 8. (9 Safer 1321 / 24 Nisan 1319 / 1903), 175-176. Fanny Davis in her book The Ottoman Lady: A Social History from 1718 to 1918 seems to have confused the author of this article with Fatma Aliye Hanım.
which can only be achieved through mutual respect, loyalty, confidence and devotion. Then the husband has to show affection to his wife and she, on her part, should show obedience to him and be modest in her management of the house.

The bride and the bridegroom were not allowed to see each other until the wedding. Lady Blunt states that the length of this period could be from a few weeks to a few years.\textsuperscript{184} This practice is also mentioned in the novel \textit{Zehra}: “Since it was not customary in Istanbul for a couple who had contracted a marriage to see each other before the wedding they remained apart from each other until the wedding”.\textsuperscript{185} However there is no mention of the length of this period.

**6. Customs Related to Marriage**

There were also various customs related to the marriage and to the wedding ceremony itself. There was, first of all the preparation, and the sending of the \textit{trousseau} to the girl's new home. Abdülaziz Bey states that grand men (\textit{kübera}) and the high officials (\textit{rical}), being fully aware of the fact that their wealth would reflect itself through the \textit{trousseau} of their daughters, would place the utmost importance in its preparation. It would usually be exaggerated by the spending of too much money in order to be able to show off.\textsuperscript{186}

This attitude was subject to criticism. Rana Bint-i Safvet, in her article “\textit{İzdivac}” (Marriage) published in \textit{Hanımlara Mahsus Gazete}, writes about the difficulties of getting married if one does not have the means to fulfill the conditions

\textsuperscript{184} Lady Fanny Blunt, \textit{The People of Turkey...}, 87.

\textsuperscript{185} Nabizade Nazım, \textit{Zehra...}, 21.

\textsuperscript{186} Abdülaziz Bey, \textit{Osmanlı Adet...}, 114. For a detailed list of the items found in the \textit{trousseau} of a well-to-do girl in Istanbul see pages 115-119 of this book.
related to marriage. She shows that all these customs do nothing but make marriage difficult for poor people by giving examples from both parties involved in a marriage: For example the young man who is to get married was bound to, based on the obligation that “A man must maintain his wife with his own money and should neither be dependent on his father nor his father-in-law”, 187 have a job which would enable him to look after his family. Owing to this obligation the author poses the following: What was a man without money to do? Was he is to become an uxorilocal son-in-law (ic guveyst)? Likewise, take another young man who did not dare to get married, although he did have the means to maintain a household, due to the fact that he lived with his mother -- his father being dead -- who wanted to continue living as it was when her husband was alive. What about a young man who had to marry off his sister first and prepare her trousseau? The same things were more or less valid for the woman. A woman who was poor did not stand a very high chance of getting married because people would avoid accepting poor women by thinking “If I am to pay money for a woman I might as well take a girl with a higher status” referring to the payment of the mehr-i muaccel. What was a woman living with her mother and not possessing a trousseau to do, related to the fact that no one would want such a woman without a trousseau.

This practice had also caught the attention of the state and was put under control by a law known as “Düğünlerde Men’i Israfat Kanunu” (Law Against Wastefulness in Marriage Ceremonies) in the year 1918. 188

If the woman was to go to her husband’s house, a room would be allocated to the couple to be furnished with the bride’s trousseau. In fact her trousseau would be

ready for display the day of the wedding ceremony.

The wedding dress of the bride would vary according to her wealth. The wedding dress of an affluent bride would have sleeves widening at the wrist and the upper part of the dress would have a low neckline for the jewelery to be seen. The collar of the dress would become higher at the back, encircling the neck. The dress would be either of embroidered silk decorated with sequins or of velvet containing elaborate silver threaded embroidery. The bride would wear flat embroidered slippers overlaid with pearls. She would also have a gold/silver belt with a jeweled buckle.\textsuperscript{189}

In short women were restricted both in their choice of a husband and, later in their married life, with the obligation to obey their husbands. For women in an Islamic patriarchal society, marriage was a primary duty and its fulfillment was of major importance. In the Ottoman Empire, women gained status through their husbands. They were not given the chance of building up a life of their own or to become someone through their own efforts. They had to have the consent of the males in their family be it their fathers, brothers or husbands in order to be able to do something. Control of their life was not within their own hands but within the hands of the male members of the society in question.

\textsuperscript{188} Ceride-i Resmiyye. 8 (18 Receb 1339 / 26 Mart 1337/1919), 3.

\textsuperscript{189} Abdülaziz Bey, \textit{Osmanlı Adet...}, 124-125.
CHAPTER V: DIVORCE DURING THE REIGN OF SULTAN ABDÜLHAMID II

Before taking a look at divorce and the status of women related to divorce during the reign of Sultan Abdülhamid II, it would be appropriate to explain divorce in the religious law of Islam and to discuss the various kinds of divorce that exist in this law, in order to understand better the various applications related to the institution of divorce. 190

1. Divorce in Islam

Three kinds of divorce exist in Islamic law. These are: (1) divorce by unilateral repudiation (talak), (2) divorce by mutual consent (hul' or muhala) and (3) divorce by adjudication (tefrik or kazai bozanma). As divorce has traditionally been considered an exclusive male right in practice, the other two forms of divorce, especially the judicial one, remained on paper and largely unused.

The first category, talak or repudiation is that form of divorce by which a man may arbitrarily dissolve his marriage. A declaration of intent on the part of the husband is sufficient to repudiate his wife. His motives for doing so are not subject to any judicial inquiry.

Repudiation falls into two categories. The first category is revocable divorce (talak-i rici). After this is pronounced by the husband, the waiting period (iddet) runs for three months, during which time the husband may reconsider and take back his wife

without renewing the marriage contract. For a divorce to be revocable the marriage should have been consummated and the husband ought to have used such mild expressions as “Seni boşadım” (I have divorced you), “Sen benden boş ol” (You be divorced from me), “Boşsun” (You are repudiated) or “Sen itidad et” (You wait iddet) etc. The second category is irrevocable divorce (talak-i bain) where the husband has to renew the marriage contract in order to take back his wife. For a talak to be irrevocable the marriage must have been consummated and severe expressions of repudiation or comparasion have to be used on the part of the husband such as “Seni şedid bir talak ile boşadım” (I have repudiated you with a severe divorce), “Seni pek fahis bir talak ile boşadım” (I have divorced you with an exorbitant divorce) or “Seni şu dağ gibi bir talak ile boşadım” (I have repudiated you with a divorce like that mountain). Three repudiations uttered in one sitting (talak-i selase) fall into the category of irrevocable divorce. 191

A man withholds the right to divorce his wife three times and this right may be used, as follows: (1) he may utter repudiation in one sitting, (talak-i selase) such as “Seni üç talak ile boşadım” (I have repudiated you with three divorces) or “Seni talak-ı selase ile boşadım” (I have repudiated you with a talak-i selase); (2) he may pronounce two repudiations at once and may pronounce another one within her period of iddet; (3) he may first pronounce divorce once and then pronounce one or two talaks within her period of iddet; (4) he may either pronounce divorce once or twice and then pronounce a third one following the renewal of the marriage contract; (5) he may first pronounce repudiation once and then utter divorce twice following the renewal of the marriage contract and (6) he may repudiate his wife by uttering divorce

191 Bilmen, op. cit.
three times consecutively by using such expressions as: “Seni boşadım, seni boşadım, seni boşadım” (I have repudiated you, I have repudiated you, I have repudiated you). My study of the judicial records has shown that divorce can also take place by sending a letter of divorce (talakname). In this procedure the husband can send his wife a letter saying that he has repudiated her, mentioning with what kind of divorce he has repudiated her with.

The declaration of the intent of the husband, as it can be without any stipulation or restriction, can also be bound to a suspending condition or a fixed term/date. If the pronounciation of repudiation is not bound to any condition or restriction it is called münecezez talak, if it is bound to a suspending condition it is called muallak talak, and it is called muzaf talak if it is bound to a fixed term or date. In the case of the divorce being bound to a suspending condition it takes place at the fulfillment of this condition. In the case of it being bound to a fixed date it takes place when the time in question is up.

Let us take a look at some examples from the judicial records of Istanbul of divorce bound to a condition or on a fixed term or date. In an Istanbul Şeriyeye Sicili [H. 8 Cumadeu’l Ula 1299 M. 1881], Mehmet Tevfik Efendi, clerk at the Imperial office of the regisry of landed property (Defterhane-i Hakani ketebesinden) told his wife, Ayşe Feride Hanım, that he would divorce her if she were to do his laundry. She did so and was repudiated. In this case, the repudiation is based on a rather idiosyncratic condition of prohibiting the wife from washing her husband’s clothes. The laundry has to be done sometime or another and consequently the woman does not

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192 Ibid, 203.

193 Istanbul Şeriyeye Sicilleri Arşivi (hereafter İŞS), Istanbul Mahkemesi, defter # 1/251, (8 Cumadeu’l Ula 1299/1881), 53.
stand a chance of escaping from the divorce. Another example of a divorce bound to a condition can be seen in another [H.10 Muharrem 1326-M. 1908] record. In this record colonel Hüseyin Hüsnü Bey, had ordered his wife, İffet Hanım, in a talakname that he had sent to her, to return to his house and that he would divorce her if she were to act otherwise. The divorce took place as İffet Hanım did not do as she was told.\footnote{İSS, İstanbul Mahkemesi, defter #1/284. (10 Muharrem 1326/1908), 71-73.}

The second category of divorce, divorce by mutual consent, is the divorce of the woman from her husband in return of renunciation of her mehr-i müeccel. If the husband accepts her offer, the divorce takes place. As we can see the divorce lies again in the hands of the husband, because it does not take place until he accepts the offer of his wife. The woman gives up her mehr-i müeccel in order to provide a convenient divorce for her husband since she is the one who requests a divorce.\footnote{Aydın, op. cit.} We can see a divorce of this kind in a 1880 dated record.\footnote{İSS, İstanbul Mahkemesi, defter #1/251 (27 Cumadeu’l Evvel 1299/1881), 57.}

In the third category of divorce, divorce by adjudication, one of the spouses, usually the wife, in the presence of valid causes, applies to the court and requests repudiation from the judge. The divorce takes place in the case of the causes being found satisfactory. This type of divorce happens not on the will of the husband, but on the decision of the judge.\footnote{Aydın, op.cit. See also M. Akif Aydın, “Osmanlı Hukukunda Kazai Boşanma ‘Tefrik’” Osmanlı Araştırmaları. 6. (1986).}

In fact, divorce in Islam is an institution that does not grant equal rights to both of the sexes. Divorce is left to the mercy of the husband. A husband may divorce his wife without giving any explanation at all and may or may not decide to take her back.
after a divorce. The situation of the woman is depends on the decision of her husband. She could, at times, be manipulated just like a puppet.

2. The Causes of Divorce

Rana Bint-i Safvet, in an article entitled “Talak Hakkında” (About Divorce) and published in 1900 in Hanımlara Mahsus Gazete, gives two reasons lying behind the abundant cases of divorce in the Ottoman Empire. These are as follows:

Two things influence greatly the abundance of the divorces in our country. These are the inability of the brides and their mother and sister-in-laws to live in harmony and the lack of similarity in backgrounds.\textsuperscript{198}

According to Safvet, seventy-five per cent of the divorces that take place in Istanbul are caused by the first reason:

The greater part of the divorces that are seen in our country take place in an unjust manner. A bride gets to be divorced because she cannot get along with her mother-in-law; the sister-in-law makes the bride get divorced -- on seeing that the sphere of influence of the bride increases -- by planting out the seeds of discord between the spouses.\textsuperscript{199}

She describes the causes lying between this discord between the bride and the mother: Before marriage there is a bond between the mother and the son that weakens once the son gets married. The mother gets jealous of the relation between her son and his wife and tries to restore her influence on her son once again. The wife's resistance leads to conflict between the two women which may often lead to a divorce if the husband is not strong enough to handle and overcome this delicate situation. The


\textsuperscript{199} Rana Bint-i Safvet, ibid., 3. Bizde görülenṭalaṣaların kısmı-1 ı’tзамu ṭaṣṣız olarağ vuču’s gelir. Bir gelin kä’in anasıyla geçinmemesinden dolayı taṭılık ettirili, görürmce hanım gelinin nüfuzunun ilerledigini görüncce zeve, zeve arasına tohm-ı nifāk serperek gelini boşatdırır [...]

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conflict between the bride and her sister-in-law is again of the same sort. Safvet further states that frictions of these kinds were quite common among the Ottomans:

The discord between the brides and their mothers and sister-in-laws have taken the form of a habit, to the extent that, in the case of such a quarrel everybody considers it as a natural event, by calling it a squabble between the bride and the mother-in-law, and do not reproach it.²⁰⁰

The author also narrates that a friend of hers from the island of Chios, noticing the great number of divorces in Istanbul had investigated the causes lying behind this event, and had come to the conclusion that they were caused because of the fact that the newly wed couple was not provided with a dwelling apart from the rest of the family. Since this practice of living apart was followed closely on Chios, there were no divorces to be found on the island. Safvet, supporting this finding, argues that the major cause of the divorces in Istanbul were caused by conflicts between the bride and the mother in law living together in the same house.

According to Safvet, the second major cause lying behind the abundance of divorces in Istanbul is the lack of similarity in background or social affinity between the spouses:

The sacred law of Islam has put down as a condition that a man must be of similar standing to a woman for a healthy marriage. This is so in order to provide for the continuation of order and of the harmony between the spouses after marriage. What is sought in a marriage is social affinity, income and property. That is to say that since the social affinity sought for in marriage is not the one of the woman to the man but rather that of the man to the woman, the man should not have a lower standing than the woman in wealth and social standing.²⁰¹

²⁰⁰ Safvet, ibid., “Kaın ana ve görümce hanımların gelinleriyle geçenememeleri ‘adet hükümüne girmiştir, şatta o derece ki: böyle bir gavga çıkar aherkes: Ha! Gelin ka’ in ana gavgasıdır, diyerek amı tabii’ bir şey gibi ‘add eder de te’ yan bile etmez.”

The author regrets the fact that this condition of importance is not paid attention to by the Ottomans and that people choose to marry without giving little consideration to this issue:

Unfortunately the matter of similarity in background is not taken into consideration in our marriages. A man, driven by the love of wealth, marries a woman much above himself in social affinity and wealth. [...] Let us consider the situation where the woman is rich and the man is poor, or where the woman is noble and the man is not. [...] A disagreement takes place. Then the matter gets more serious and a divorce takes place. 262

She also comments that such divorces would have never taken place if men were to marry without being driven by an impulse of love of wealth or status.

What is interesting to note in this article is that, in both of the two causes of divorce discussed, the reasons lying behind them is, in general, considered as independent of the bride. In the first case, it is either the mother or the sister-in-law who create the disagreement, and in the second case the cause is the avarice of men. In both of the cases the bride is portrayed more or less as a victim. Although we do know that women in the Islamic law stand more or less at a disfavourable position vis-a-vis divorce, we cannot know for sure to what degree the observations of Rana Bint-i Safvet are true.

There are, however, traces of this discord between the bride and mother-in-law to be found in the novel Muhadarat written by Fatma Aliye Hanım. Fazila, the protagonist of the novel, after having married her husband Remzi, is disillusioned with

262 ibid., 2.“ Lakin ma’t-te’essūf bizdeki nikahlarda bu kefalet mes’el esasi aşla nazari-i tibbete alınmuyor. Servetperestlik sahiasına bir erkek malen nasebin kendisinin evkinde bulunan bir kadına ’aksı-i nikâli ediyor. Mesela kadın zengin, erkek zügür yâlûd kadın âstî erkek değil. [...] Bir tatsuşlık meydana çıkıyor. Derken is büyüyor bit talaq vu’ka geliyor.”
the hostility she receives from her mother-in-law, due to the jealousy of the elder woman. This delicate situation is best expressed in the following passage:

Fazila did not show any fault in the respect and obedience to her mother and sister-in-law and did not refrain from such services as putting the ashtray in front of her and serving her coffee. Yet, in return, she did not even receive a smile and was treated as if she was obliged to do these things. Fazila, who was an orphan, wanted to regard her mother-in-law as her mother. Yet her-mother-in-law, as well as not showing any signs of such a disposition, did not display any conduct which would encourage her towards acting in that manner.\textsuperscript{203}

The atmosphere of tension which reigns over this passage is undeniable. However, the fact that there is such a friction in the novel does not necessarily prove the theory of Rana Bint-i Safvet on the disharmony between the woman and her in-laws leading to a divorce. It does not constitute a cause of divorce in this novel. However the following question by Fatma Aliye Hanım, "Are the novels that we read with the outmost amazement and enjoyment anything else than the events which take place in front of our eyes?"\textsuperscript{204} does prove that she reflected the reality in her novel \textit{Muhadarat}. There is a strong possibility of the existence of such a phenomenon that, without doubt, must have created an atmosphere of anxiety and pressure and could be a catalyst in the disturbance of the balance of matrimony.

In the records that I have studied, I came upon rather a restricted number of causes of divorce. They were either "\textit{hüsni muasəret olmamasi}"\textsuperscript{205} (the spouses not

\textsuperscript{203} Fatma Aliye Hanım, \textit{Muhadarat}. Edited by. Emel Ağa. (İstanbul: Enderun Kitabevi, 1996), 171.

\textsuperscript{204} ibid., 1.

\textsuperscript{205} İŞS, İstanbul Mahkemesi, Defter # 1/251: (9 Şaban 1298/1880), 8-9; (11 Zil Kade 1298/1880), 12; (18 Safer 1299/1881), 36-37; (21 Safer 1299/1881), 41 and 63; (1 Rebiyi’l’ Evvel 1299/1881), 42; (10 Rebiyi’l’ Evvel 1299/1881), 45; (27 Cumhade’1 Evvel 1299/1881), 57. And İstanbul Mahkemesi defter # 1/284 : (13 Safer 1325/1907), 43; (22 Recep 1325/1907), 54; (7 Ramazan 1325/1907), 57; (the last day of Zil Kade 1325/1907), 68; (3 Safer 1326/1908), 81.
getting on well with each other) or “adem-i intizam”\textsuperscript{206} (lack of harmony) or “bana itaat ve inkiyad ve hukuk-i zevciyyete müraat etmemek”\textsuperscript{207} (lack of obedience and disregarding the requirements of matrimony as a wife). The expressions of ‘lack of harmony’ and ‘not getting on well with each other are not explicit and may contain in them a myriad of causes. The other cause however, the lack of obedience is something that could be prone to controversy. The duties that were expected of a wife toward her husband had been stated previously. Women could be repudiated on not having fulfilling those conditions required by the law of Islam. There is, however, the possibility that they may have been repudiated on not having fulfilled idiosyncratic demands on the part of their husbands. A man could arbitrarily divorce his wife. It would not be possible to learn what it was that she had not obeyed to or whether it was a fair demand on the part of her husband. However, a woman not regarding the requirements of matrimony, that is to say, refraining from the sexual act is a just cause on the part of the husband to repudiate her wife, in spite of the fact that the causes of this unwillingness ought to be investigated. There could always be the possibility of some physical illness or some other incapability on the part of the wife, just as it is possible for her husband to have done something to cause her to avoid the sexual act or from being close to him.

In order to highlight the limited information concerning the causes of divorce during the reign of Sultan Abdülhamid II that could be extracted from the records, the realistic novels written during that period were also taken into consideration.

\textsuperscript{206} İŞS, İstanbul Mahkemesi defter \#1/284: (6 Cumadeu’l Ula 1326/1908), 71.

\textsuperscript{207} İŞS, İstanbul Mahkemesi defter \# 1/251: (22 Zil Hicce 1298/1880), 19. and (5 Cumadeu’l Ahir 1299/1881), 57 and Istanbul Mahkemesi defter \#1/284: (12 Cumadeu’l Ula 1325/1907), 50.
In the novel *Zehra* written by Nabizade Nazım, Zehra, the protagonist of the novel and the daughter of a wealthy merchant in Istanbul, gets divorced due to a female slave, Sırıncemal, brought to the household by the mother-in-law of the protagonist, with whom her husband Suphi falls in love with. Suphi, after having impregnated Sırıncemal, falls in love with another woman Ürani and abandons Sırıncemal. Sırıncemal, as she is a slave girl without any economic or social security, commits suicide as a result of her abandonment. Suphi, while out promenading one day, sees Ürani with her lover and kills them both and gets exiled to Trabulusgarp.

There are a number of important things that can be extracted from the events taking place in this novel. First of all, the cause of divorce is a female slave brought to the household by the mother-in-law. This is a new element causing divorce which was neither mentioned by Rana Bint-i Safvet nor in the records. Second, the theory of Rana Bint-i Safvet, finds justification to a certain extent because it is the mother-in-law who brings the female slave; she is partly responsible for the disruption of order and the dissolution of her son’s marriage. Third, we see that the reckless actions of men, in this case the impulsive nature of Suphi who falls in and out of love, leading to the destruction of all the women around him. He leaves Zehra as a widow, brings about the suicide of Sırıncemal and kills Ürani. His mother dies in misery. All the women in the novel become the victims of the irresponsible behaviour of Suphi and find themselves in a situation of suffering. Since a woman is dependant either on her father, her husband or her son, she falls into a miserable situation as soon as the support of the males in her life is taken away. The situation of a slave is even worse. She is insignificant; she does not even have an identity of her own.

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We also come across divorce in the novel *Muhadarat*. In this novel the protagonist Fazila gets divorced because her husband wants to take a second wife and writes in a letter to her brother Şefik, on the eve of her decision to commit suicide:

Brother! My husband expelled me out of his house!... My father did not accept me to his house. ...What can be done hereafter would be to sell the few goods and the jewelery that I own, and to take refuge in a small house and then start working when this money finishes or to become a servant somewhere. None of this is suitable for me. What I have said is far from seeing work as shameful or from my annoyance at having to work but it comes from the opinion in which the society holds of a woman who has been expelled from her husband’s house and unaccepted by her father...I want to die by preserving my honour and value.\(^{209}\)

Although Fazila does not commit suicide at the last minute on the grounds that it would constitute a sin, this passage of significance states clearly the situation and the feelings of a divorced woman and the social pressure such a woman faced. It is obvious from the above cited passage that the society was critical of divorced women and tended to regard divorced women in a disrespectful manner. Divorced women were more or less excluded from the society. They did not stand much of a chance of building a life of their own because working was regarded as a shameful matter for the upper class elite women. Actually the dilemma of Fazila lies in the refusal of her father to take her back. If he had been willing to do so she would not have been in such a desperate situation. We could say that women -- who are helpless and left to the mercy of their husbands with repudiation when married -- are once again helpless concerning what is going to happen to them after divorce that is mainly up to their fathers. Fazila who has decided to get divorced by not wanting to share her husband with another woman pays the cost of her own decision. Fevkiye, a friend of Fazila, also gets

\(^{209}\)Aliye, *Muhadarat...*, 209.
divorced but her father welcomes her back. In short a woman can only hope to 'survive' after a divorce if she can rely on her father. The fate of a woman lies in the hands of first her father -- concerning his choice of a husband, then her husband, concerning repudiating her in an arbitrary manner -- and again her father -- concerning the whether he has the benevolence of taking her back. This situation seems more like a vicious cycle in which women find themselves trapped. Women are more or less forced to submit to their marriages even if they are not happy with it, because a woman who asks for her own divorce may very well find herself in the situation of Fazila which is highly disapproved by the society.

3. Situation of Elite Women in Istanbul Concerning Divorce

The situation of women in Istanbul concerning divorce in the light of the information provided by the şeriyye sicilleri is much different.

The first thing to be noticed is that women were helpless in face of divorce and that the only judiciary right they had was to apply to the court in order to demand their unpaid mehr-i mūeccel and naftaka. They did not escape divorce even if they happened to be pregnant at the time of the divorce. In some of the records pregnancies proved to be false. This situation led me to think that women claimed to be pregnant, when they were not, as a protection from divorce, thinking that their husbands would not divorce them if they were with child. This proved however to be ineffective.

The second thing to be noted is the amount of mehr that a woman received according to the different social classes. The mehr could be as high as 50 French golden coins for mehr-i muaccel and 10,000 piasters for mehr-i mūeccel,\(^{210}\) or as 50 Ottoman golden coins, each worth one hundred liras, as mehr-i muaccel and 60 similar

\(^{210}\) İŞS, Istanbul Malikemesi, defter # 1/251 (7 Cumadeu’l Ula 1299/1881), 63-64.
golden coins as mehr-i müecdel with a total of 110 Ottoman golden coins,\(^{211}\) or 7,500 piasters for mehr-i muaccel and 10,000 piasters for mehr-i müecdel with a total of 17,500 piasters\(^{212}\). The regular amount of mehr payed by a clerk or an official employed at one of the governmental offices would approximately be around 2,000/2,500 to 3,000 piasters for mehr-i muaccel and 2,000/2,500 to 3,001 piasters for mehr-i müecdel with a total of 5,500 to 6,001 piasters\(^{213}\) and the mehr payed by the more modest classes such as the class of tradesmen for example, would be around 600 to 1,000 piasters in total.\(^{214}\)

The third thing observed is the painful and the degrading situation that a woman would quite often find herself in. A man, in the Islamic law of divorce, does posses the right of arbitrarily divorcing his wife and then to take her back. This right could and did lead, at times, to the husband to use it in a careless manner which could damage the dignity and the social situation of the wife. In a record [H. 18 Cumadeu'l Evvel 1299 - M. 1881 ] Ahmed Efendi, the previous administrator of Üsküdar put a conditional talak to his wife Fatma Zehra Hanım that he was to divorce her if he were to drink again. He did not refrain from drinking and repudiated her as a consequence.

He took her back and then, while in a state of intoxication, opened the window and shouted saying that he had repudiated his wife and that he wanted the neighbours to witness this divorce. He again took his wife back and divorced her once again in a state

\(^{211}\) İSS, İstanbul Mahkemesi, defter # 1/284 (12 Rebiyyu'l Evvel 1326/1908), 110.

\(^{212}\) İSS, İstanbul Mahkemesi, defter # 1/251 (18 Cumadeu'l Ahir 1299/1881), 60.

\(^{213}\) İSS, İstanbul Mahkemesi, defter # 1/251: (24 Ramazan 1298/1880), 5; (12 Şaban 1298/1880), 5; (26 Şevval 1298/1880), 8; (12 Zil Kade 1298/1880), 12; (14 Zilhicce 1298/1880), 18; (27 Zilhicce 1298/1880), 26; (6 Zilhicce 1298/1880), 26-27; (14 Zil Kade 1298/1880), 27; (3 Safer 1299/1881), 30; (25 Safer 1299/1881), 38; (21 Safer 1299/1881), 41. The examples can be multiplied if desired. We have decided to list these records as to give a brief example of the tendency of the amount of payment of mehr during this period.
of intoxication. The allowed number of divorces -- three times-- being complete Fatma Zehra Hanım had no option but to apply to the court in order to ask for her mehr-i müeccel. As we can see the situation of the woman in this case is a sad one. She has to put up with a man who has a drinking problem and becomes the toy of his instability by divorcing her and then remarrying her again. Further, her personal dignity suffers from her husband's attitude of shouting out of the window and involving other people in the divorce. She probably went back to her husband every time after a divorce, due to the reasons stated by Fazila in her letter, and had nothing else to do but ask for her mehr müeccel when the right of her husband to take her back ended. There are other cases of divorce and remarriage but the reasons behind them are not stated. As we can see, women remained unprotected from divorce because their husbands could divorce when they desired to do so. This situation of living with the constant danger of the possibility of being repudiated must have been very hard on women and must most probably have led them to pay the utmost attention to not do anything in order not to upset their husbands.

An article entitled “Hukuk ve Vezaif-i Nisvan” (The Rights and the Duties of Women), written by Hakkı Behiç and published in 1907 in the magazine for women Mehasin (Merits), discusses the behaviour of Ottoman men towards Ottoman women. The author points out that the inconsiderate behaviour of men is a source of unhappiness in many families and demands a solution:

Up to now, without stating it in an explicit manner, the indifference that we have shown in our relationship with women in our family life demonstrates that we do not consider the rights and the duties of women at the same level as our rights and duties. Those who study the part reserved for women in social life know very well that Ottoman

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215 İstanbul Mahkemesi defter 1/251. (7 Cumadu’l Evvel 1299/1881), 65.
women are considered as a simple toy, as a provider of needs in the hands of men — how should I put it — as an intimate and a sincere servant. Our abhorred egotism takes no notice of our women, whom we keep reminding of our superiority without compassion, and who lead lives of abasement and slavery born out of their incapacity to resist power. While we talk about our nobility of heart, elevated manner and our fashion of justice, we continue to render our mothers, sisters and wives from being incapable of preventing misbehaviour of our private lives and misconceived personal tyranny.  

This passage is important because it is the statement of the situation of Ottoman women expressed by a male writer. The women, who were excluded from the world outside the home, were even prevented from making decisions in their family lives as well. Their existence seems to be under a total control directed by men. Hakkı Behiç wants this situation to change and proposes the following: If women had an education that fully recognized their duties and if they were able to make men respect them, the men would behave more compassionately to the women in their lives and there would be no unhappiness among the family members. The author wants the happiness of women for two major reasons: (1) the men, by rendering happy the women in their lives, would be able to lead happier lives because an unhappy woman in a family would influence the happiness of the whole family and (2) the happiness of women would lead to progress in the Ottoman Empire because ‘if women were miserable humanity would be humiliated’ 217. The Ottoman Empire had not been able to


217 Behiç, ibid., “Elbet sefil olursa kadın, ahlâr better.”
progress because it had rendered its women miserable. Paying attention to the rights of women would create happy individuals and, thus, to a happy society which would lead to the development of the Ottoman Empire.

Although the information from the records and the works of the authors seem to portray women as victims, we must not not forget that it is dangerous to generalize too much. We have to consider that there must have been cases where women were repudiated due to fault on their part as well. One such example can be seen in a record [H.1299-M.1880] that shows that Mehmed Said, a clerk at the office of land registers, divorced his wife because of the bad reputation of his wife, Fatma Zekiye Hanım.\(^ {218}\) There is also a case where the woman was divorced due to her incapability to have children.\(^ {219}\)

In conclusion, we could say that women during this age remained unprotected from divorce and were left to the mercy of both their husbands and their fathers. They did not stand much of a choice other than obeying the men in their lives because a life after divorce would be a hard one. This was due to the fact that society regarded being divorced as an unacceptable thing for women and regarded such women as outsiders. We ought to remember that a divorced woman lost her status in society as well, because they acquired it in society either by being the daughter or the wife of someone. A woman, on her own without, the protection of a man was considered as unimportant and was to be slighted.

\(^ {218}\) İstanbul Mahkemesi, defter # 1/251: (9 Rebiyyü'l Ahir 1299/1881), 54.

\(^ {219}\) İstanbul Mahkemesi, defter # 1/251: (29 Zil Kade 1298/1880), 17.
CONCLUSION

Having taken a look at the issues related to education, marriage and divorce vis-a-vis women during the reign of Sultan Abdülhamid II, we need to ascertain one point before making any evaluation of the period at all. What was written about the time of Sultan Abdülhamid II were written in an atmosphere of pressure and censure. Those that were written after him were mainly written in an atmosphere of fervour created by the declaration of the Second Constitution and, thus are often written with hard feelings against the Sultan. None of these can constitute a healthy source for making a judgement of the period. Therefore, an evaluation has to be made by looking at the events rather than looking at the various writings.

First of all, it could be said that women, during this period, were still subject to the ancient religious regulations concerning their public appearance and behaviour. They were required to cover themselves in public and behave in a modest manner and not to intermingle with men. However, urban elite women did not refrain from putting up a fight against the government to determine their public appearance themselves. Furthermore, women were confined to the traditional gender roles of the mother and the wife prevailing in an Islamic patriarchal society.

Secondly, the role of women vis-a-vis marriage was a limited one. The type of marriage practiced in the Empire was an arranged one. Women were restricted in their choice of a husband, and later, in their married life, to obey their husbands. It was the family who decided whom the girl was to marry and the girl had no say at all in this choice. Marriage, in the Ottoman Empire, was considered as the primary duty of women and its fulfillment was of highest importance. Furthermore, women gained status and a place in society through marriage.
Although the writers of the period insisted on the phenomenon of early marriage, the statistical findings of Alan Duben and Cem Behar suggest that this was a misconception. They state, foreexample, that the mean age at marriage of women in the year 1895 was 19.1. However care must be taken before coming to a conclusion about the age at marriage during this period. It does not seem very realistic to assume that all those who had written about early marriage were not conveying the truth. The findings related to late marriages may be linked to the fact that the reign of Sultan Abdulhamid II was a very agitated one due to constant inner, as well as outer, disruptions with which the empire had to put up with. In such periods of turbulence, the economic and social order of the country becomes disrupted leading to a lack of male population due to their recruitment for the concumbant wars in combination with inflation, irregular payment of salaries, scarcity of food products etc. All of these mentioned factors could have led people either to postpone marriage or to marry at a later age.

Thirdly, the situation of women regarding divorce was not an optimistic one. Women remained unprotected from divorce during this period and, at times, they could just be manipulated like a puppet. They were helpless and left to the mercy of their husbands concerning repudiation, due to the fact that a man could arbitrarily divorce his wife, a situation sanctioned by the religious law. Women were once again helpless concerning what was going to happen to them after a divorce. It was mainly up to their fathers to welcome them back or not. A divorced woman in the Ottoman Empire was considered as having lost her status and significance in society and, thus was regarded as an “outsider”. For these reasons, life after a divorce was a very hard one for an Ottoman woman.

Although the status of women vis-a-vis marriage and divorce was constrained due to problems related to the newly created Code Law (Mecelle-i Ahkam-i Adliye) --
family law was not included in this law code and hence this law was still applied 
according to the Sharia -- it was to undergo change with the new Family Law created 
in 1917 (Hukuk-ı Aile Karanamesi) that brought more egalitarian rights for women 
concerning marriage and divorce.

However it must not be thought that the period was without its developments. 
The novelties related to women took place at a slack pace due to the fact that the reign 
of Abdülhamid II witnessed a gradual increase in the novelties commenced by the 
Tanzimat.

There were, first of all, developments in the field of education. There was an 
increase in the number of schools namely, ibtidais and rüşdiyes both in Istanbul and the 
provinces. Whereas there were only 9 official rüşdiyes for girls in the year 1877 in 
Istanbul, that is to say one year after the beginning of the reign of this Sultan, their 
number increased to 79 in 1907, approximately the end of the reign of this Sultan. The 
number of private rüşdiyes for girls was 6 in 1907. This increase meant that there were 
85 rüşdiyes for girls in the Ottoman Empire in 1907. If we consider that the first 
rüşdiye for girls was inaugurated in Istanbul in the year 1858, we can see that during 
Abdülhamid’s reign of thirty-three years 76 have been opened with 6 in Istanbul and 70 
in the provinces. This is without doubt an achievement. Furthermore, the Sultan had 
made attempts to increase the quality of education. It was during the reign of this 
Sultan that a course pertaining to the profession of teaching was added to the 
curriculum of the Darül-muallimat under the name of The Method of Teaching (Usul-i 
Tedris) by Ayşe Sıdika Hanım, the first wife of the poet Rıza Tevfik Bülükbaşi. She 
also wrote a textbook for this course and thus became the first Turkish woman to write 
a textbook which was used in the Darü’l-muallimat as well as at the Darü’l-
muallimin. There was also the inauguration of three Kız Sanayi Mektebi (Industrial
School for Girls) in Istanbul with the first one in the year 1879, and the other two in 1979. It was also during the reign of Abdülhamid II that the graduates of the Darü’l-muallimat were appointed as instructors to the rüşdiyes and ibtidais present in the different areas of the empire. Thus, it was under Abdülhamid II that women were given a chance to have a real profession as instructors.

The education of women during this age was directed by the traditional gender roles of women living in an Islamic patriarchal society. Since the primary duty of women was to become a wife and a mother, their education was oriented towards this aim. Women were expected to become excellent housewives and to take care of their homes by being able to manufacture their needs at home without having recourse to the shops.

There were also other developments related to women. Women, during this period were granted a medal known as the name of the Medal of Compassion (Şefakat Nişanı). This medal was given to women who had done deeds in extraordinary circumstances such as war etc. or contributed immensely to charity. The Sultan had also allowed and encouraged the appearance of a magazine for women, Hanımlara Mahsus Gazete. Women were given the right to express their ideas concerning a variety of topics in this magazine. The magazine became a means of communication between women who wrote in this magazine and women who read it.

As a conclusion it can be said that the status of the elite Muslim women during the reign of Sultan Abdülhamid II, was in the process of undergoing change. It was to gain speed during the period of the Second Constitution and reach its final stage during the Republican period with the granting of the right of suffrage to women in 1934.
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فارسی

(BOA) H.H. # 9273

خطی اینترنتی سیده وکیما معاونان

لری انگیز برای جریان هفته الامام

فیخی از امکان تهران که در اینجا به گزارش کننده از لحاظ

تقیت انجام ماهور و نوین خطرناکی را برای ملت

و و شعبه‌های آموزشی و توجه به همکار

او و ایام سوژه موضوع مطرح شده در بخش‌های مختلف

ریکی وزارت و ایران وارد کرده‌اند.

او و و. از جمله ایستادگی‌های این مطالعه در

سیاست‌نامه‌های مرکز از جمله مصداق

کلمه‌های زیر نشان می‌دهد که سیاست‌های


سیاست‌های جدید‌ترین‌ها که در این دو سال مورد بحث و بررسی قرار گرفته‌اند، شامل موضوعاتی مانند توسعه صنعتی و تکنولوژیکی، اقتصاد و سازش در زمینه‌های مختلف، می‌باشد. در این جریان، اشاره و خصوصاً اشاره به نیازهای آینده و تغییرات جدیدی که در زمینه‌های مختلفی، مانند بیان‌های اقتصادی و سیاسی، مورد بحث و بررسی قرار گرفته‌اند.

منبع: نیمایشگاه تخصصی نیروی انتظامی، تهران، ۱۳۹۵.
بعد خروج مخلوقات تتميز بمشاهده سایه در منطقه نزدیک که در لحظه ویژه واقع گردید.

با توجه به عدم ایجاد زمینه برای تحقیق عامل‌های موثر در این مورد، کاربرد ویژه این مشاهده نبود.

وقتی که مأموران مشاهده‌ای از نظریه‌ها و امکان‌ها محقق شدند، این موضوع نسبت به مشاهده‌ای دیگر مبنای علمی می‌شود.

علم در حال حاضر املاء طبیعی و فرهنگ عالی، سه‌به‌سه با مطالعه و نظر به پاسخ‌گویی‌ها و تصمیمات علمی می‌شود.

(BOA) I.D. # 77319

ب. هزار رفسنجان

با پاسخ داده

(BOA) I.D. # 80964

به ارقام چنین سخن‌هایی بود که لوزیک در نمایشگاه گل نمایان می‌گردد.

به‌طوری‌که مسئولان روشن کنند، در زمینه مربوط به این موضوع، گفتگوی این موضوع با مجموعه کمی شناخته شود.

از طرف دیگر، هیچ موردی به نظر نمی‌رسد که مطالعه طبیعی با توجه به مشاهده‌ای از این موضوع، اساسی‌تباری کند.

(BOA) I.D. # 80964

ب. هزار رفسنجان

با پاسخ داده
لا يمكن قراءة النص على الصفحة المقدمة.
دانشجویان، ردیابی سرنوشت‌های نظامی کارآمد‌تر کشور را داشته باشند. مسئولیت‌های این نظامیان شامل کنترل و نظارت بر سیاست‌های نظامی کشور، انجام عملیات نظامی و کمک نظامی به ارتش و نیروهای مسلح است. همچنین، مسئولیت‌های دیگر شامل دریافت و پژوهش اطلاعات نظامی، تهیه اوراق و کتاب‌های نظامی و کمک به صنایع نظامی است.

(A.K) فاطمه الهانم اورکا # 12/2

وضع قزاق

 tekst معنی دارد.

مطالعه و بررسی مدل‌سازی سازمانی

مقدمه

در این پژوهش، مدل‌سازی سازمانی در محیط عملکردی با استفاده از روش‌های ریاضی به‌کار می‌رود. در این راستا، تلاش می‌شود به‌وسیله مدل‌سازی سازمانی، عملکرد بانک‌های خاصی را به‌دست آورد. هدف اصلی این پژوهش، به‌وجود آوردن یک مدل علمی برای بررسی عملکرد بانک‌ها می‌باشد. در این مدل، تغییرات مدل‌سازی سازمانی حاصل از تغییرات در محیط عملکرد کلیه بانک‌ها را تأثیر می‌دهد.

روش‌شناسی

در این پژوهش، روش‌های ریاضی به‌کار می‌رود تا مدل‌سازی سازمانی به‌دست آید. در این راستا، مدل‌سازی سازمانی به‌وسیله روش‌های ریاضی به‌کار می‌رود. به‌منظور بررسی عملکرد بانک‌ها، تغییرات مدل‌سازی سازمانی حاصل از تغییرات در محیط عملکرد کلیه بانک‌ها را تأثیر می‌دهد.

نتایج

نتایج این پژوهش نشان داد که تغییرات مدل‌سازی سازمانی حاصل از تغییرات در محیط عملکرد کلیه بانک‌ها را تأثیر می‌دهد. در این راستا، مدل‌سازی سازمانی به‌وسیله روش‌های ریاضی به‌کار می‌رود. به‌منظور بررسی عملکرد بانک‌ها، تغییرات مدل‌سازی سازمانی حاصل از تغییرات در محیط عملکرد کلیه بانک‌ها را تأثیر می‌دهد.
(A.K) Fatma Aliye Hanum Evrakı, # 12/37

[Text content in Turkish]

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