

## SUMMARY

The work, presented here, is the first attempt of its kind to produce an all-round study of the status of women belonging to the two major confessional communities, Christian and Muslim, that inhabited the territory of present-day Bulgaria with its adjacent lands during the first three centuries of Ottoman domination. It is based on a variety of sources, including a considerable number of unpublished Ottoman-Turkish archive materials – above all documents from *kadi sicils* of the towns of Sofia, Ruse and Vidin, dating from the middle of the 16<sup>th</sup> to the end of the 17<sup>th</sup> C., as well as from some *waqf* and *şikâyet* registers, *fetva* collections, etc. Data from published Ottoman, Western and domestic documents have also been drawn upon. The quantitative analysis, characteristic of social and economic studies, is made here within the legal framework, or rather – frameworks, valid for that time – which shaped the status of women, such as *Sheria* (Islamic religious law), Ottoman secular and Christian canon law, Bulgarian and Turkish customary law. Besides, in most such studies till now emphasis was laid on the opposition by gender, while here it rests also on comparison by confession. For the first time considerable place is allotted to the status of both Christian women and women newly-converted to Islam.

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The Introduction starts with a brief overview of the **main stages in the history of women in the medieval Muslim world**, that is – women in early and “classical”, in Turco-Mongol and in early Ottoman Islam. Its aim was to position the history of Bulgarian and Balkan women during the 15<sup>th</sup>–17<sup>th</sup> centuries into a broader Islamic context. The Islam, imported into the Balkans by the Ottoman conquerors, was not a homogenous whole at all in its relation to women. It was an interlace of strict *sunni* prescriptions and *sufi* notions, of Arabo-Persian and Turco-Mongol traditions, of “high” and “popular” layers. All these components continued to cohabit and interact on each other in the “classical” and “postclassical” Ottoman times. That is why the history of Balkan women during the Ottoman period can be understood fully only if one takes into account this strange mixture of at times mutually exclusive, at others mutually benefiting tendencies.

The Introduction further traces **the most significant changes in the life of women during the century long Ottoman conquest of the region of the Central Balkans**, which were fully integrated into the Ottoman state as part of the province of Rumeli only in the middle of the 15<sup>th</sup> C. The most destructive period, an outgrowth of the early, semi-barbaric stage of the Ottoman state, were the first decades of conquest that produced dramatic demographic consequences for the indigenous population. They were

more or less the same for both the male and female portions of it, although our sources suggest that in accordance with the prescriptions of *Sheria* law “infidel” women, rather than being destroyed physically, were enslaved on a relatively massive scale. However, in spite of its extremely negative demographic effects on the female Christian population, to which contributed such factors as enslavement, mass deportations conducted by Ottoman authorities, forced marriages between Christian widows and Muslims, compulsory emigration to neighbouring countries and, last but not least – the atrocities, committed by foreign armies fighting the Ottomans, the conquest can be described not only as apocalyptic, but also as shaping a new order.

For the indigenous women of both the “common people” and the aristocracy, in as much as the latter was still in existence, the new epoch began about the middle of the 15<sup>th</sup> century with the final establishment of Ottoman power on the Balkans and the readjustment of life to peace-time conditions. The pacification of newly conquered territories brought relative stability and saved the fair sex from the extremes of war. Christians now acquired the status of “protected” subjects (*zimmi*) and although this imposed on them some duties and restrictions, at the same time it gave them some rights. As a result enslavement, in particular, was made illegal. Besides, the female section of society was gradually involved into the general process of “ottomanization”. For that early period this process can actually be traced through documents, related to women of the higher classes. Little by little subjecting themselves to alien Islamic institutions such as the *kadi* court, the *Sheria* law of inheritance, *waqf*, and even the Islamic marriage, Christian women tried to find a delicate *modus vivendi* in a new milieu, in which they had to survive for generations to come. On the other hand, women from the Christian elite gradually began to lose ground. In spite of the fact that a few of its members preserved their riches and titles for some time, the sphere of their political activity and influence was minimized dramatically. During the initial phase of the Ottoman penetration into South-Eastern Europe women belonging to Christian elites still played a significant political role and some of them even held the helm of power. Such an important channel of influence on political life, exerted by aristocratic women of this period, was conducted through a series of “mixed” dynastic marriages between Christian princesses and Ottoman sultans or princes. While the invaders saw in them a convenient means (sanctioned, by the way, to a full extent by *Sheria* law) for strengthening their own position in the region, Christians, on the contrary, hoped by such marriages to hold, at least temporarily, the Muslim wave of conquest. The drastic change in the matrimonial practices of Ottoman rulers after the fall of Constantinople and the establishment of concubinage for foreign slave women at the expense of legal marriage for indigenous Christian princesses meant only that the representatives of the fair sex of Balkan extraction were now denied any access whatsoever to political power.

In Ottoman society, as, in fact, in all pre-industrial societies the family provided the main arena for female realization, because women as a rule were denied access to all administrative positions. That is why the First Chapter is devoted to the position of women in family and in marriage as well as to the most important moments of the individual female life cycle.

The examination of **marriage life of Muslim and Christian women** included not only the “main matrimonial events” – conclusion and dissolution of marriage, which, one way or another, have attracted so far considerable scholarly attention, but also some less studied, though, undoubtedly, very important sides of the institution of marriage itself such as, for example, the financial dealings between husband and wife for the duration of marriage; the freedoms guaranteed for women and the limitations imposed on them by the “family codex”, characteristic of each religious community, as well as the degree, to which such freedoms and limitations were actually applied.

The collision of two civilizations – Orthodox Christian and Muslim – on the Balkans, meant also a conflict of two entirely different and often – irreconcilable, matrimonial models. In their most synthesized form these differences, (whose existence, finally, may be due to the different treatment of women), can be reduced to the following three points: first, the strict monogamic Christian model as opposed to the polygamic Muslim one, that permits a maximum of four lawful wives and an unlimited number of concubines; then, the Christian conception of marriage as a sacrament and of conjugal life as a sacred union, that can only be dissolved in exceptional cases, as opposed to the Muslim idea of marriage as a kind of civic contract, that can be terminated relatively easily; and finally, the “endogamic” Christian model that views marriages with persons of other confessions as undesirable and permissible only under exceptional circumstances, as opposed to the “exogamic” Muslim model (inasmuch as it refers to males), that tolerates marriages between Muslim men and monotheistic (Christian or Jewish) women. The coexistence of such conflicting models, however, was not so dramatic after all, because to a considerable extent they kept their autonomy, each being effective in its own religious community. At the same time, these two models were not hermetically sealed against mutual influences.

The limited polygyny among Rumeli Muslims, for example, which can be observed clearly in inheritance inventories, could be viewed as resulting, to some extent at least, from Christian influences, exerted by the constant influx of converts from Christianity, brought up in a monogamic tradition, into the Balkan Ottoman community. On the other hand, Muslim women by birth, too, appear not to have been very fond of polygamic unions. Perhaps, that is why the less prestigious role of second wives in polygamic marriages was given most often to the “daughters of Abdullah” (women, newly converted to Islam), whose status, obviously, was thought to be inferior. Besides, the average amount of *mahr* for new converts was much lesser than the *mahr* of Muslim

women by birth. Another case of deviation from the ideal Muslim model may be seen in the not-so-strict adherence to the *Sheria* principle demanding religious and social equality of marriage partners, known as *kafa'a*. As a proof of this one may adduce the number of marriages between Muslim women by birth and new male converts to Islam. Moreover, it appears that the complete adherence to harem rules of behaviour and the full “domestic imprisonment” of women were restricted to families of the most eminent members of the provincial top crust. There are also certain peculiarities in the field of divorce. Although Muslim men and women on the Balkans could get a divorce by every means allowed by *Sheria* law, not all available ways of divorce were utilised by Rumeli Muslim women. Such a type of divorce is the one on religious grounds, initiated against husbands by charges of breach of faith. The absence of such divorces until the end of the 17<sup>th</sup> century may be explained by the specificity of Balkan conditions, where local Muslim communities kept absorbing in large numbers new converts, who could not be expected to be well versed in Islam. In view of the further propagation of the “right” faith, it was not advisable to apply the law rigorously enough against such neophytes. “Divorces of honour” of the *li'an* type, too, are extremely rare, having been registered perhaps, in most cases, as *hul* divorces. In Rumeli as in other regions of the Empire divorces of the *hul* type are most common in *sicil* documents. This fact, however, is not indicative of the frequency of their occurrence, because *hul* divorces are the only type that by law had to be registered in written form. *Hul* required full disavowal of material compensation on the part of women and one might assume, that this type of divorce was sought either by women, whose marriage had become an inferno, or by those, who were not pressed by financial need.

The influence of Muslim marriage on its Christian counterpart can be traced even more distinctly. In spite of opposition by the Orthodox church, under whose jurisdiction were all family and matrimonial matters of Christians during the Ottoman domination, Christian women did not hesitate to use all advantages of the Islamic law system, that could help them evade matrimonial impediments, insurmountable by resorting to Christian canon law. Thus, introduced by interested women, some typically Muslim elements found their place in Christian marriages and one may speak of the “islamization” or “ottomanization” of marriage. For instance, there are cases, though rare, of Christian married couples that resorted to the *Kadi* court in order to register *mahr* (conjugal gift from the husband, that had to be paid to his wife in case of divorce or widowhood), or in order to get a *Sheria* divorce, sometimes on the initiative of the wife (*hul*). Moreover, a kind of ransom, paid by the husband to the parents of the bride (*agırlık, baba hakkı*), widespread in Bulgarian lands, was introduced into Christian family and marriage relations, certainly, not from Islam, but probably from Turkish “folk” practices. As a product of mutual influences one can regard also the so-called *kâbin*, defined by contemporary Christian sources either as a temporary marriage of Christian partners, contracted on a Muslim model for a strictly limited time and used mainly by traders, or as a mixed marriage of a Muslim husband to a Christian wife.

Since the Orthodox Church refused to bless nuptial unions between Christians and Muslims, they could exist, in fact, only as Muslim marriages in the only form sanctioned by *Sheria* law – that of a Muslim man to an “infidel” woman. In a number of cases a former Christian marriage transformed itself into a “mixed” one because the husband alone adopted Islam. There are cases of “new” marriages, however, in which preferences for Christian women were demonstrated both by men newly converted to Islam and by Muslims by birth. It is true that some of these marriages could have been compulsory, yet, at least a portion of them could be thought to have been voluntary. Thus the possibility of concluding a mixed marriage may be regarded as advantageous for Christian women under *Sheria* law. For while a Christian bride could live in wedlock with the Muslim groom of her choice, it was absolutely impermissible for a Muslim woman to bind herself to an “infidel”, unless he became a convert.

Generally speaking, Rumeli women could not be declared defenceless victims of tyrannical husbands or of the administration of justice. Their relative economic independence guaranteed them a secure status. *Sicils* record a number of interconjugal transactions: sales, credit operations, donations, which indicate adherence to the principle of separation of conjugal property, valid for both confessional groups, but more so for Muslim women. One could conclude, that the position of spouses in each religious community had its specific advantages. It is very important to stress the fact here, that Christian wives could choose between the Christian and the Muslim system for administration of justice in order to solve their marriage problems to their own advantage – an option unavailable to Muslim women. Within the family, Christian women seem to have enjoyed a higher degree of emancipation. We see them, occasionally, as official proxies (*vekils*) or guarantors (*kefil bi'l-mal*) of their husbands. Muslim wives, on the other hand, enjoyed greater financial security. Muslim husbands, in contrast to their average Christian counterparts, had to provide for their wives fully for and beyond the duration of married life through the mandatory *mahr* as well as by means of such institutions as *waqf* and *hibe* (*Sheria* donation).

Beside marriage Chapter One deals with several other important stages of the individual female life cycle – **minority, motherhood, widowhood/grass widowhood.**

As far as one can judge from the documents studied, the real status of under-age girls mirrored to a large extent the norms established in *Sheria* and *kanun* (Ottoman secular) law. It is important to note here, that in contrast to grown-ups, gender differences for minors did not affect so much their position, except in inheritance cases, where *Sheria* law clearly favoured boys. Equal alimony, for example, was provided for sisters and brothers in case of divorce of their parents or death of the father; equal protection existed for the pecuniary rights of boys and girls; guardianship functioned irrespective of gender and this applied also to marriages of minors. By the way, the *kadi sicils* of several towns in central Rumeli record cases of under-age girls, married by their guardians, and even cases of divorces of minors. These, however, are extremely rare and affect only Muslim under-age girls. Having attained full age, girls could and did

renounce disadvantageous transactions with their own property, made by guardians. Curiously enough, minors attaining majority, who had been married by their guardians, registered no application for divorce. Such a possibility was provisioned for women by *Sheria* law and Muslim women in other regions of the Empire really availed themselves of it. It is difficult to know whether this local peculiarity stems from a more “patriarchal” model of relations between parents and children in Ottoman Rumeli. It might also be indicative of a relatively low percentage of Muslim marriages with under-age brides.

If childhood occupied the lowest position in the hierarchy of values for the different “ages of life”, motherhood was the peak point in the family “carrier” of women, a proof of their full socialization. Through motherhood free women could make full use of all rights given to their sex. According to our sources, divorced women, both Muslim and “infidel” from mixed marriages, as well as maternal grandmothers enjoyed the unrestricted right of *hadana* (that is, the right to bring up children till they reach seven or nine years of age respectively for boys and girls), the alimony being provided for by the father (or from his property, if deceased). Besides, women of both confessions often assumed the role of trustees (*vasi*) of their orphan children, and more rarely – the role of supervisors (*nazır*), seeing to it that guardians did not harm the interests of children. Widowed mothers could act also as marriage guardians (*vali*) for their children. Motherhood meant for the women of this period and more so – for the “infidel” women – not only rights, but also heavy responsibilities. One of the great challenges for Christian mothers was the janissary recruitment. Christian widows or divorcées, who had children from Muslim ex-husbands, could face quite a dramatic reverse in life. According to *Sheria* law the children of such a marriage had to be brought up in the faith of the father. And since belonging to another-than-Muslim religion made it absolutely impossible for an “infidel” mother to become a guardian of her child, women often faced serious moral dilemmas and were forced to compromise heavily in life and even to resort to confessional change. Motherhood with its demographic implications seems to be of no lesser interest than its social and legal aspects. The analysis of data from inheritance inventories shows that, when women of the two main confessional groups died, they left a lesser average number of children than men. This fact should be attributed to the greater frequency of *polygamia successiva* among men, who, unlike women, could become acceptable marriage partners even at an advanced age. As to the confessional differences, one observes a lower percentage of Muslim women with many children. This fact could be explained, to a certain extent, by the considerable attitudinal difference towards “family planning”, demonstrated by the two major religious communities – extremely negative, for Christians, and rather permissive, for Muslims.

Unlike nowadays, when widowhood is associated above all with old age, it was often the lot also for mature individuals in medieval times. The impressive number of widows in Ottoman Rumeli was determined not only by the period-specific high natural mortality rate, but also by some important socio-cultural factors, such as, higher

male mortality rate, due to the more mobile and precarious way of life, led by men. There was, also, a certain age “gap” between marriage partners, because women used to marry younger and became widowed earlier than men. Besides, with age women found it progressively more difficult to remarry, more so as to the true widows one should add also the army of the so-called grass widows as eventual marriage candidates. The social standing of widows was ambivalent. For women of well-to-do social groups widowhood provided opportunities for independent decisions in life, because with age some traditional behavioural restrictions ceased to apply. The future was never bright, however, for poorer women – for Christians, in particular, in spite of the partial tax-exemptions, provisioned by Ottoman law. In contrast to Muslim widows, who could draw support from many different sources, such as *mahr*, inheritance shares, income from a *waqf*, and so on, Christian widows usually possessed only their own dowry. They could neither rely on a certain share of the inheritance of the husband nor on serious assistance from Christian charity, which was channeled at that time above all towards the centres of Christian cult. The relatively negative, though non-prohibitive, attitude of the Orthodox Church towards *polygamia successiva* made it even more difficult for Christian women to support themselves and their families.

The final portion of Chapter One is devoted to the problem of **religious conversion as an element of the individual female life cycle**. Available source materials enable us to outline some forms, methods and reasons for female islamization. Also studied are both the complex process of adaptation of women recently converted to Islam to their new milieu and the apostasy from Islam with its heavy formal legal consequences and not so heavy actual effects.

Although we would hardly ever know whether the islamization of women was quantitatively commensurate with that of men, it was, beyond any doubt, rather serious in scale. In corroboration to this statement one finds numerous references to “daughters of Abdullah” in *kadi* registers. In folklore records, too, it is women that are seen as major objectives for assimilation attempts by Islam. “There is no compulsion in religion”, decrees the Koran itself. In spite of that, coercion, too, is not to be completely excluded as a means for the imposition of Islam on women. A milder form of forced islamization existed for under-age girls, resulting from that of their parents. Presumably “independent” decisions for conversion, made by “sensible minors”, who were bereft of families, were also taken *de facto* under pressure from their guardians, masters or patrons. Most cases of islamization of women, however, though non-violent, occurred out of necessity. While some motives for conversion are common to both sexes – economic reasons, considerations of “prestige”, desire for manumission or greater personal security, etc., others can be classified as typically female. It is important to emphasize, however, that for the fair sex family and marriage emerged as leading motives and vehicles for change of religion. Islamization, for example, was a drastic, but effective means of solving some intimate female problems. Every woman, newly converted to Islam, could automatically be divorced from her “infidel” husband; engagements to

unacceptable suitors, imposed by Christian parents, could also be annulled automatically. Mixed marriages were another way of islamization of the fair sex. In as much as they existed, they tended to be transformed into pure Muslim marriages through conversion of the wife at a later stage of nuptial cohabitation. This may be explained above all with the limitations, imposed by *Sheria* law, on non-Muslim wives in respect to inheritance and guardianship on their children in case of divorce or death of their Muslim husbands. It was due, to a certain extent, also to the policy – not particularly far-sighted – of the Church towards mixed marriages.

Converts to Islam found it difficult to adjust themselves to the rules, demanded by their new religion, such as segregation of sexes, veiling, home imprisonment, specifically Islamic dietary restrictions, prohibition to be in close touch with friends from before the conversion and others. As a proof one can adduce a number of *fetvas*, which deal with the halfway and superficial islamization of new converts – *fetvas*, whose main aim was to correct such mistakes in cases of negligence incompatible with *Sheria* law. Nevertheless, provided that islamization usually was a conscious and premeditated act, dictated by quite rational and serious considerations, and that often this act was performed not individually, but by married couples, apostasy among women was not a wide-spread phenomenon. In most cases it was inspired through propaganda by Christian priests or by ex-husbands of newly converted women. Though not as ruthlessly as men, in fact, women were severely persecuted in cases of religious apostasy. While the former faced death, women, thanks to their social “inferiority”, were punished with prison terms till they repented, or with slavery. According to several documents, however, local authorities were not always able to punish such women and some found ways to evade the justice of *Sheria* courts.

As a problem with grave societal implications women’s religious conversion drew the attention of both ecclesiastical and popular culture. However, in contrast to church literature, for which the islamization of women, for a variety of reasons, was a theme of marginal interest, in Bulgarian folklore it was really overexposed. This dominant folklore theme can be explained, first, by the “delicacy” of the question of religious apostasy of the male sex – a non-edifying and undesirable theme for the folklore author. Secondly, female conversion affected in a particularly sensitive way the most intimate texture of Christian society. Because, while the islamization of men broke only the confessional and not the actual integrity of existing marriages, in as much as *Sheria* law did not prevent converted husbands from cohabitating with their still “infidel” wives, the conversion of women to Islam made them completely unavailable to Christian marriage partners.

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Female life gravitated mostly into the orbit of family concerns and cares, yet, women were present, although more discretely, in various other segments of societal



experience. Chapter Two of this monograph is devoted to the place and ways for women's realization in the outside world.

The position of **women in the Ottoman social structure** is first dealt with in this chapter. *Sheria* law, as the main operative legal system in the whole medieval Muslim world, introduced three principal social dividing lines along the dichotomies Muslims/non-Muslims, free persons/slaves and men/women. Embedded firmly into Ottoman social theory and practice, these *Sheria* principles of social stratification were the foundations for another cardinal division of society in the Empire into privileged *askeri* (military) – that is, members of the Ottoman “nomenclature”, tax-exempt and maintained by the state – and *reaya*, that is, the rest of the productive and tax-paying population irrespective of religious affiliation. It is well known that those two “classes” were not monolithic at all, neither confessionally, nor in any other respect, and, moreover, transfusions from one into the other “class” were tolerated by the system. As a legal construct, the *askeri/reaya* distinction was not quite equivalent to the division between “faithful” and “infidel”, nor even between rich and poor subjects. Yet, this distinction was not devoid of real social implications. That is why it seems worthwhile to explain how women from the Central Balkans fitted into this official Ottoman hierarchy, although irrelevant, to a certain extent, to the actual position in life of most people.

Under certain conditions, defined by *kanun*, some women were given the right to become members of *askeri*. As a matter of fact, this happened mostly to Muslim women, although, at least literally, non-Muslim women, too, were given access to the *askeri*-class. But in contrast to male members of the military class, most of whom were real “people of the sword”, the award of the prestigious military status to women did not necessarily entail true military service or conditional (*timar*) landholding. In any case, one could count on the fingers of one's hand the cases of women, who held *timar* or *zeamet*. The prestigious status of most female *askeri* was due, in fact, only to their husbands and fathers, who belonged to the military class. What were the actual responsibilities and benefits derived from this status by its women holders – this is still an open question. It is clear, however, that belonging to the military could not provide a female with any state office, because even the most insignificant positions in the central and local state administration were absolutely inaccessible for members of the fair sex.

Women, mainly Christian, who emerged in records of the *reaya* with special duties to the state (*voynuks*, *martolos*, *derbendcis*, etc), held the buffer positions between privileged *askeri* and ordinary *reaya*. Many such women were “reservist” widows, who, one may assume, did not perform their duties effectively, but kept the jobs for their minor sons till they reached majority.

By far, the most numerous stratum of female Rumeli society was composed of wives and daughters of the ordinary *reaya* as well as of city-dwellers. But only widowed women, who were heads of families, were treated as subjects of taxation, enjoying, however, significant tax concessions. At the same time, there are indications that even in the earliest Ottoman tax registrations widows, if Muslim, were eligible for

exemption from *reaya* taxes. As to Christian women, their tax-burden was gradually eased and about the end of the 16<sup>th</sup> and the beginning of the 17<sup>th</sup> C. the poll tax (*cizye*) was no longer levied on them. Only a systematic future study of the *avariz*-registers could show in a definitive way whether widows everywhere were exempt from these taxes, which from the 17<sup>th</sup> C. on became a major source of income for the treasury. In any case, the tendency over the centuries to alleviate the tax-burden for women is easily traceable and indisputable. What necessitated such positive changes in the status of ordinary women is so far unknown. One notices, indeed, that, generally speaking, these changes happened in the time with the so-called “women’s sultanate” (end of the 16<sup>th</sup> and first half of the 17<sup>th</sup> C.), when the sultans’ mothers and concubines grew exceptionally influential in the state. It would be precarious to assume, however, that these positive changes in the position of lower class women were the result of female solidarity, demonstrated from above, because no concrete evidence exists to support such a hypothesis.

Slaves stood lowest on the social scale of Rumeli women. From the second half of the 15<sup>th</sup> C. on slave women came to the Central Balkans mainly as spoils of war from abroad (from Hungary, Wallachia, Russia, Poland, etc.). Enslavement of indigenous women, however, was characteristic for this region till the very end of the 17<sup>th</sup> C. Along with the punitive enslavements – more or less legitimate from a *Sheria* point of view – of Christian women in operations against local insurgencies, the history of the Central Balkans witnessed also peacetime enslavements of *zimmis* and *zimmiyes*, which were now to a full extent against the norms of *Sheria* law. In exceptional cases *sicils* tell us about unjustified enslavement even of free-borne Muslim women, carried out not only by Muslims, but also – though less frequently – by members of the Christian population.

The actual position of slave men and women was affected by the normative duality in the *Sheria* law itself. On one hand, as *res*, slaves were sold, bought, pledged, inherited, exploited sexually, etc. On the other hand, however, they were treated occasionally as *personae* with limited rights and almost as members of the family of their master. As to the owners of slave women, most of them were Muslim and predominantly men, rather than women. The Muslims of this region seem to have preferred polygyny with slave concubines rather than cohabitation with more than one lawful wife as permitted by the Koran.

Life-long slavery on the Balkans was rare as a result of the Islamic view of manumission as pleasing to God. In the course of just a few years of their lives a non-negligible percent of slave women went through all the stages in a slave “carrier” – from the lowest status of concubines or ordinary maidservants, through the more privileged position of slaves, who were promised conditional (*tedbir*) or contractual (*mukataba*) manumission, as well as through the position of *umm-i veled* (slave women who bore children to their masters), till the full manumission. There were even more slave women who jumped directly from the lowest steps of the slave hierarchy into the world of free people through *uq* (unconditional manumission with immediate effect).

Conversion to Islam often accompanied manumission but it was not a *sine qua non*. Besides, it is erroneous to affirm that islamization led almost automatically to a termination of the slave status.

After manumission the former master-slave relationship transformed itself into a patron-client relationship (*mevlâ*), advantageous to both parties. Manumitted slave women contributed significantly to the formation of *clientela* circles. At the same time, according to the Islamic law of inheritance, former masters and their descendants could, in certain circumstances, inherit their deceased manumitted slaves. In their turn patrons ensured a good start for their former slave women, arranging for their marriages, indulging them through gifts and donations in wills or even making them *mütevellis* of their *waqfs*. The inheritance registers of manumitted slave women show, however, that few of them were able, after manumission, to climb up the social ladder.

Thus, provincial women formed a social structure, which was parallel to the one of men but rather more amorphous. One should note also the striking asymmetry in the principles that determined the social status of both sexes. The status of women depended on the position of both their fathers and their husbands. The status of wives, however, at least formally, did not quite affect positively or negatively the status of their husbands. It is obvious also, that while men could rise in the social hierarchy and could transform themselves from former *reaya* members, and even from slaves, into *askeri* thanks above all to their own personal and professional qualities, such a rise was impossible for women. Their sex, in other words – advantageous marriage – was and remained the most effective weapon for women in their fight for social recategorization. That is why the actual social mobility, one could think, in the “camp” of women was relatively low, or at least rather lower than the mobility of men.

Property and the possibilities for its acquisition and disposal are most important indicators for the actual position of an individual or group in society. Thus, in Chapter Two substantial attention is devoted to the treatment of **women as economic subjects**.

The first point in need of clarification relates to the sources of women’s wealth. Regardless of their confession, social or family status, free adult women were guaranteed by *Sheria* law the right to own fully both movable and immovable property, and to dispose of it without restrictions. Women could acquire property by inheritance, by purchase as well as by donation and testamentary disposition. The *kanun* permitted women, under certain circumstances, to inherit or purchase state-owned land. Finally, women had the right to be hired as laborers. Yet, not all sources mentioned above, contributed to an equal extent to the actual “portfolios” of Rumeli women. *Kadi* registers show that inherited property contributed the lion’s share to what was owned by women.

The great difficulties, facing the researcher dealing with inheritance matters, are due to the fact, that during the period under consideration there were several systems of inheritance, functioning simultaneously in Ottoman Rumeli. It is true that the *kanun* regulated fully the inheritance of *miri* lands for both confessional communities. The situation with *mülk* properties, however, was more complicated. While Muslims could

inherit only according to the prescriptions of *Sheria* law, Christians could choose from among the norms of *Sheria* law, of Christian canon law, or of customary law. Of the three legal systems, regulating Christian hereditary relations, it was Church law, which offered the most advantageous hereditary regime for women with its equal partitioning between sons and daughters. Customary law, on the contrary, was most disadvantageous – in some of its local applications it excluded women completely from inheriting immovable property. Regrettably enough, the absence of reliable and abundant domestic records, including ecclesiastical records, narrows the possibilities to present in an adequate way Christian women as inheritors and owners of property. Yet, if we assume, that it was exactly the hereditary norms of customary law that were resorted to and practiced by most Bulgarians, it would follow, that a great number of Christian women from the region studied were destined to remain landless. Such a state of affairs, rather than attempts at concealment, could have determined the small number of female Christian inheritances registered in *kadi* books. As to the *Sheria*, as, undoubtedly, the most authoritative and widely applied law of inheritance in the period and region under study, a legitimate question would be whether women always inherited the nominal hereditary shares due to them, and whether they could have been disregarded in partitioning the most attractive hereditary share of immovable properties. The extreme skepticism in this respect, however, seems to be out of place here. In any case, *kadi* documents show that women often won inheritance disputes, initiated by or against them. And some inheritance registers list expressly actual real estate as well as objects of greater value, which were to pass into the hands of inheritresses.

As one might expect, the documents studied (inheritance inventories and *hücets* for sales and purchases) point to a great preponderance of men over women as property owners from both confessional groups. As a matter of fact, the absolute superiority of men over women as property owners should be attributed above all to the discriminatory *Sheria* law of inheritance, which decreed that men of the same degree should inherit twice as big shares as women. The comparison by confession shows that rich women were overwhelmingly Muslim. Wealthiest as a rule were the female members of the military elite, but there were exceptions. On the other hand, as a whole, Christian women were in possession of far lesser financial means. There are, indeed, isolated cases of relatively rich Christian women. Almost none of them, however, could rise to the group of the most affluent.

Among the different types of property, real estate appears to have been the most attractive for the fair sex. Calculations show that an average of 30 % of Rumeli women owned such property. Commercial, industrial and agrarian properties were objects of lesser interest. There existed, however, a certain percentage of women, who were not entirely passive in this respect. Some owned cornfields, vineyards and even big farms (*çiftlik*s), others acquired *miri* land, paying *tapu*-tax. Not a few women owned *dükân*s, and from the sixties of the 16<sup>th</sup> C. on members of the fair sex were allowed to inherit also *waqf* shops, which were in lifelong possession of their fathers. At the same time,

few women practiced money lending on a professional level and as a whole the participation of women in credit operations – both as lenders and borrowers – was insignificant. It is noteworthy that there are almost no cases of “posthumous bankruptcy” of women – a phenomenon that was not so rare among men. Women played a greater role in the area of intra-familial credit mainly as lenders to their husbands. The way, in which women instituted their wills and *waqfs*, is also indicative of how they dealt with property. As far as one can judge from women’s *waqf-name*, kept in *kadi* registers, women provided lesser benefits for their relatives (husbands, children, etc.). Similarly, a great number of female inheritance protocols containing shares for charity were in fact inventories of the possessions of childless women. All this probably means, that women as wives and mothers were not seriously considered as factors that could secure prosperity to the family.

As a whole, in spite of the impressive economic freedom, given by Islamic law to women, their economically “timid” behaviour may be characterised as follows: they acquired property mostly by inheriting it or by donations rather than on their own initiative; most often they were sellers rather than buyers of real estate; even rich women preferred to invest their capital in household articles, expensive objects, clothes and jewelry rather than indulge in risky financial transactions or acquisition of real estate demanding care and attention. The reasons for such a risk-free model of economic behaviour should be sought in the undoubtedly worse starting positions, from which they had to enter the economic arena. Such disadvantages were, first, the discriminatory treatment of the fair sex not only by the Islamic hereditary law but also by Bulgarian customary law, and then – the typically female passive stereotype, formed by centuries long development and strengthened by the moral and ethical norms of the medieval Islamic civilization.

The next section of Chapter Two is focused upon **women in public space**, on how the Islamic norms modeled women’s behavior. The principle of strict gender segregation, so basic for Muslim religious law, affected greatly the freedom of movement and action in the public sphere especially of Muslim women. The authorities were only partially successful, however, in their attempts to deny women access to some places considered highly detrimental to morals, such as markets, shops, wine stores and so on. And, as a matter of fact, the direct tabooing of public space for women was a measure of relatively modest proportions and most public spaces remained open for both men and women, but in such a way as to ensure effective gender isolation. As to Christian women, formally, they were not bound by the rulings of Islam. Yet, gender segregation was not an exclusively Muslim phenomenon. In spite of their differences, the two models of “gender discipline”, Islamic and Christian, cut across each other. This overlapping facilitated the “islamization” of Christian morals under Ottoman rule, including the norms for female behavior in public space.

Factors other than gender segregation played a significant role in the organization of public space. Fundamental for the world of Islam, the dichotomy “faithful”/“infidel”, for example, had an impact on the requirement of separate access for women of differ-

ent confessions to certain public places, as well as on the confession-based strict regimentation of women's clothing for non-domestic use. It is important to note, too, that both the physical limits of permissible spaces and the rules, governing the female appearance and behavior outside the household, were rather elastic, depending, to a very great extent, on class and age. As a whole, the freedom of movement and action in public space proved to be in direct proportion to the age of the representatives of the fair sex, and inversely proportional to their social position.

The serious restrictions, imposed by morals, delimited further the rather narrow scope of women's employment and the female list of professional occupations. Women from the provincial elites were not directly involved in any economic activity. Besides, the more affluent Muslim women probably did not administer their property themselves but delegated it to male relatives. Women's involvement in commerce was not frowned upon by Islam, and, because of that, female representatives of the upper-class did not hesitate at all to indulge in real estate speculation and money-lending. Productive labour, on the other hand, was a domain kept for lower-class women. In any case, Christian women were heavily involved in agricultural production and in the "industry" at home, the former being not typical of Muslim women. However, there is no evidence till now in the *sicils* from towns in the Central Balkans throughout the 15<sup>th</sup> –17<sup>th</sup> centuries, of women professionally active as members of guilds. Confessional specificity was particularly strong in the trades and in public utility services. For obvious reasons, rooted in the Muslim conception of morals, "faithful" women were not to be employed in the services. In contrast, some Christian women, owners of *dükân*, seem to have run their property themselves. There are only few cases of women, who were hired labourers. In any case, however, most hired women sold their services also to women. In accordance with the principles of Islamic chastity, only women of advanced age were permitted to work with a mixture of male and female customers. Intellectual and educational activities were almost never undertaken professionally by women to earn them income. There is rather sporadic evidence for the existence of Muslim girls' or "mixed" primary schools, where women taught. Rarely attested are also women performing minor duties in religious rituals as well as women highly placed in the hierarchy of heterodox Muslim orders. Christian women did not enjoy a better lot. Due to the specific conditions in the Ottoman Empire, female Christian monasticism in the Central Balkans was on the decline, thus reducing the growth potential for a Christian cultural elite. At the same time, women with marginal professions, including prostitutes, are attested far more often. The contingent of those, practising the "most ancient trade", included women of both religions. These were "rootless" persons belonging to the poorest strata, among them – nomadic gipsies, slave women, maidservants. Their clientele was very broad and variegated. That is why the authorities could tolerate prostitution, aware of its function as a social outlet. It was to be penalized to some extent, but not eliminated altogether, in spite of the fact that the strict postulates of religious morality marginalized prostitutes to the groups of persons, whose trade was

considered taboo and whose way of life was deemed parasitic and harmful. Realising also the “income potential” of this trade, the Ottoman administration imposed a special tax on it. Though prostitution was never openly institutionalised, state policy towards prostitution may be indicative of an attitude, more tolerant than repressive.

Naturally, the public activity of women was not confined only to their work and professional performance. It covered also various other spheres such as cult, charity and even politics. Female toponymy from the region under study provides indirect evidence for the importance of such female public roles. In any case, it points to women, who left a mark on regional history and contributed substantially to its development. In harmony with the postulates of Islamic law, however, most Muslim women played their public roles “behind the veil”. It is significant, for instance, that although provincial Muslim women regularly devoted some resources for maintenance of the local infrastructure, for alleviation of local tax burdens or for support of nearby cult centers, yet, such charity usually manifested itself as sponsorship of religious and civil facilities, built by others, and as contributions to already existing *waqfs*. Independent female patronage over major provincial projects was a rarity. Of course, this was due in part to the more limited funds at the disposal of the fair sex. But at the same time one is tempted to talk of a certain shortage of self-reliance, which prevented provincial women from venturing large-scale initiatives of their own. Muslim women seem to have acted in a “veiled” manner and in the relatively few cases, in which they were made administrators (*mütevelli*) of *waqfs*, they delegated their powers to male proxies. Provincial women, too, took part in political decision making from “behind the scenes”, mostly by the informal influence they could exert on their husbands, fathers and other close relatives.

Unlike female Muslims, Christian women entered openly the public arena, participating in all forms of collective life, established in their religious communities, including some church events, which had a pronounced “opposition” (anti-Islamic) aftertaste. Donations to the Church were among the most prestigious forms of Christian female public activity. There is no evidence, however, for the involvement of women in the preparation and progress of the early anti-Ottoman uprisings. While popular lore has sung the praise of dozens of female *haydut* leaders, according to the original documentation, women seldom joined *haydut* bands. Such a poor performance of the fair sex in the political movements of the time seems to have been caused by the complete isolation of Christian women from Ottoman state and political life, which, in turn, repatriarchalized the public evaluation of the “women-and-politics” theme among Christian subjects of the sultan.

For the final section of Chapter Two the theme **women and the institutions of the Ottoman judiciary** was chosen, in the conviction that women-related data coming from court registers should be regarded as a kind of *summa summarum* for everything, which characterized the position of women in society.

As early as the 16<sup>th</sup> C. one may observe a high degree of adaptation of indigenous women to the norms and institutions, such as the *kadi* (*Sharia*) courts established by the

conqueror. Although both rural and non-Muslim women, the latter having alternative authorities to apply to (church courts and informal customary law courts), approached a *kadi* on rarer occasions than Muslim women and female city dwellers, yet, they did not undervalue completely the possibilities, opened by the *kadi* court with its system of justice.

It is very well known that, if we exclude certain restrictions on the appearance of women as witnesses, the *Sheria* court procedure itself did not discriminate so much the representatives of the fair sex. Indeed, lawsuits involving women were smaller in number. One notices, too, that although allowed by the *Sheria*, women – and above all Muslim women – seldom accepted the role of proxies (*vekils*). In spite of that, however, the fact should be stressed, that women of both confessions appeared in *kadi* courts both as claimants and as defendants (on their own or represented by *vekils*) in various cases of private litigation. It is worth noting also, that proxies acted mostly for Muslim women, a fact that mirrors the influence of specific Islamic views on female chastity, while Christian women usually appeared in court personally.

The analysis of *kadi* documents, focusing only on court disputes *par excellence* in which women had to “fight” for their interests, and excluding uncontested procedures involving women, demonstrates amply that courts observed strictly in their proceedings the rulings of *Sheria* and *kanun* law and that they could not be suspected of anti-feminine bias. If a court judged against a female litigant, its grounds were purely legal and never misogynous. *Kadi* court partiality, in respect to women at least, based on religion, class or state interests, was not detected in *sicil* records. The absence of a pronounced class bias in the legal rulings of *kadi* courts is evident from the fact that their verdicts were often in favour of female ex-slaves suing their former masters or heirs of their masters. Women – some of them Christian – won cases against the *emin* of the *beyt-ül mal*, a state treasury functionary in charge of confiscation of property for which no inheritor was found.

Claims by women may relate to a wide spectrum of problems, although property, inheritance, divorce and alimony cases seem to predominate. On the other hand, in serious criminal suits women appeared in court more as claimants than as defendants. But unlike the demands by women of ‘blood-money’ (*diet*), which are to be found regularly in *sicils*, claims for sexual violence are rare. Discouraged, apparently, by the very complex and not very effective procedure required to corroborate a crime of the *zina* type (illicit sexual intercourse), few representatives of the fair sex took the risk to approach the court and to publicize thus their uneasy situation. Finally, cases of sexual violence were usually filed not by the female victims of rape themselves, but by their closest kinsmen – fathers or husbands.

If, as was often the case, the *kadi* court was unable to enforce its decision, and if some subjects of the empire, who sought its services, were dissatisfied with what was pronounced by the *Sheria meclis* judiciary, they could appeal to another agency. At least until the end of the 17<sup>th</sup> C., the dispute-mediating institutions, standing between the



local *kadi* courts and the central authorities, such as the *Divan* of the Rumeli *beylerbey*, for instance, were approached very seldom by the populace, including women. Far more popular was the central judiciary. As seen in the “Registers of Important Affairs” (*mühimme defterleri*) and in the “Books of Complaints” (*şikâyet defterleri*), Balkan women approached the central authorities above all in order to find solutions to complicated property, inheritance and marriage disputes. There are female complaints against local lords, as when, for example, the *sahib-i arz* refused to allow the possession of land, paid by *tapu* tax. Women approached the imperial *Divan* also for criminal cases. It should be noted, however, that female victims of sexual violence seldom appealed to the court of the Sultan themselves. Their appeals were filed for them usually by their male relatives.

Direct dispensation of justice from the Sultan was sought mainly by those living not far from the capital. As dictated by economic logic and the relatively expensive procedure, individual plaintiffs in their majority seem to have belonged to the “middle class”. This supposition may explain why Christian women in general, and those living far from Istanbul, in particular, approached the capital relatively seldom.

After all, one has to admit, that the *Kadi* court and the imperial *Divan* proved to be quite “open” and tolerant towards the fair sex. Nominally as well as in practice, these institutions were accessible for appeals from representatives of all classes and religions in Ottoman society. But this did not mean at all equal treatment for both men and women or full equality of female Christians and Muslims. For even in those cases, where equal rights existed on paper, women, on the strength of established tradition, could not actually exercise such rights to an equal extent. The fact that the representatives of the fair sex appeared relatively seldom in front of the judiciary as well as their avoidance of certain types of claims seem to point to the wide gap between what was allowed by law and what women allowed themselves, or rather, what their families and public opinion allowed them. By analogy, although *Sheria* and *kanun* law gave, in many respects, to both “faithful” and “infidel” women an equal standing, in reality Christian women did not equally enjoy benefits from the Ottoman justice. Some formal features of *Sheria* court procedure could also be responsible for it. The mere fact, for example, that in order to win an intra-confessional suit, a Christian woman was required to produce two Muslim witnesses, could discourage automatically most Christian women from seeking their rights in court.