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Dragana AMEDOSKI

BELGRADE WOMEN IN OTTOMAN SOCIETY: MUSLIM WOMEN FROM BELGRADE AT SHARIA COURT (17TH CENTURY)*

Abstract: This paper explores women's role in Ottoman society in the 17th century by focusing on the presence of Muslim females from Belgrade in the Belgrade Sharia court, as well as in other towns where they were active participants. We rely on newly compiled data from the Book of Complaints (*Şikâyet defterleri*) and court records (*Sicil*), with the support of contextual reading of other archival documents. Mentioned historical sources of Ottoman provenance, in spite of various restrictions, are the only source for studying the life of ordinary women, from an average and lower socioeconomic status, and show that these women were willing to turn a private matter into public one. With the help of the most typical examples, we will try to present how Belgrade women as mothers, daughters, wives, widows were fighting for their rights in Ottoman society and what were the familial and personal issues over which they found themselves in court.

Keywords: Ottoman women, Belgrade, Sharia court, 17th century, Ottoman Empire, Balkans.

Everyday life in the Ottoman Empire was regulated by Islamic religious law – Sharia, which was supplemented by new sultan regulations (*kânûn*) and customary law (*örf-i hukûk*).¹ Sultan's legal instrument to achieve rational implementation of Ottoman law, its legitimate executor and representative of the centuries-long Islamic

* This article is the result of the project No. 177030 of the Ministry of Education, Science and Technological Development of the Republic of Serbia.

¹ The 17th century was marked by legal changes. At the time, two eminent Sheikh ul-Islams Kemalpaşazade and Ebussuud endeavoured to harmonise Ottoman law – *kânûn* with Islamic law – Sharia. Their attempts, aimed at broadening the Sultan's jurisdiction, were gradually introduced into private and criminal law, including criminal offences against persons and property (R. Jennings, *Zimmis (non-Muslims) in Early Seventeenth Century Ottoman Judicial Records: Sharia Court of Anatolian Kayseri*, *Journal of the Economic and Social History of the*

moral-legal tradition was the *kadî*.² *Kadî*'s competences were more thoroughly defined by codes of law (*kânûn-nâme*), occasionally issued by sultans. These codes show that judicial activities were only a part of their duties.³

The *kadî* functioned within the institutional context of the Islamic court (*mahkeme*). More than ten people were in charge of assisting the *kadî* in implementing law. He was surrounded by assistants (*nâ'ibs*), scribes (*kâtibs*) headed by the chief scribe (*bâş kâtib*), an officer in charge of dividing inheritance (*kassâm*), court summoner (*muhzır*), treasurer and others. Permanent witnesses (*şuhûdü'l-hâl*) participated in court operation. They were reputable persons whose names in documents showed that contracts had been concluded and judgments made in the presence of expert and unbiased persons.⁴ There were also people usually selected from local communities and well-versed in local developments and affairs. It is highly probable that they influenced the *kadî*'s decisions as they had to be confirmed by local beliefs, customs and interests. In this sense, they preserved social memory, supplemented legal expertise of the judge and guaranteed the power of social norms on the legal plane.⁵

The *kadî* led civil disputes and criminal proceedings, and carried out other tasks in the domain of Sharia and *kânûn*. He executed wills, distributed inheritance, designated guardians and representatives of orphans, feeble-minded and underage persons, took care about their property, concluded and ended marriages.⁶

Court protocols (*sicils*) were regularly kept at the Sharia court, where the *kadî* entered the contents of received and issued documents in everyday court, notary and administrative activity. Those were documents of different kinds: transcribed *fermâns*, *buyuruldus* and other documents sent to the *kazâ*, inhabitants' petitions

Orient 213 (1973) 251, 271, 274; idem, *Christians and Muslims in Ottoman Cyprus and the Mediterranean World, 1571–1640*, New York 1993, 69, 133; S. Faroqhi, *Men of Modest Substance: House Owners and House Property in the Seventeenth Century Ankara and Kayseri*, Cambridge 1987, 154, 200–210; R. Gradeva, *Rumeli under the Ottomans, 15th–18th centuries: Institutions and Communities*, Istanbul 2004, 165–194.

² R. Jennings, *Kadı, Court, and Legal Procedure in 17th C. Ottoman Kayseri*, *Studia Islamica*, vol. 48 (1978) 133–172.

³ G. K. Nagy, *Kadi (Ottoman Empire)*, *The Encyclopedia of Islam*, Vol. IV, Leiden 1997, 375.

⁴ H. İnalçık, *Mahkama (The Ottoman Empire)*, *The Encyclopedia of Islam*, Vol. VI, Leiden 1991, 3–5. The syntagm “case witnesses” (*şuhûdü'l-hâl*), regularly found in *sicils*, denotes persons who attended court proceedings or contract conclusion, and not eyewitnesses to a disputable case (M. Â Aydın, *Osmanlı'da hukuk*, *Osmanlı devleti ve medeniyeti tarihi*, I, E. İhsanoğlu (ed.), Istanbul 1994, 373–438).

⁵ B. A. Ergene, *Local court, provincial society and justice in the Ottoman Empire: Legal practice and dispute resolution in Çankırı and Kastamonu (1652–1744)*, Leiden 2003, 25.

⁶ His religious-administrative duties included supervision of the management of religious endowments, *vakfs*, and proclamation of the start of Islamic holidays. He also performed other administrative duties (R. Gradeva, *On Kadis of Sofia, 16th–17th centuries*, *Journal of Turkish Studies* 26/ I (Harvard University 2002) 265).

with the administrator or the sultan, minutes of civil disputes, transcriptions of contracts on purchase/sale, loans, probate documents, documents on freeing slaves etc.⁷ Given that *sicils* for the territory of Belgrade are lost, it is very hard to study segments of Belgrade's social history in the Ottoman period. However, as some of these documents have been preserved in other archival collections and series, it is, after all, possible to compile pieces of this mosaic to an extent.

The *kadî* court in Belgrade, as any court other across the Empire, was open for men and women of all confessions. The presence of women at the court does not testify only to the jeopardising of their rights, but also reflects their awareness of these rights, guaranteed by Sharia, and their determination to defend them. They addressed the *kadî* for different injustices they suffered, while at the same time being accountable before law for their actions. However, the sphere of female activity was defined not only by the boundaries determined by ideology and religion, but also by a number of social factors such as the social background, economic status, tradition, family relations and a woman's physical condition.

We can assume that the number of complaints filed with the court was conditioned by court taxes as well. In other words, the degree of the court's popularity among the major part of the population, particularly among members of lower social strata, was directly linked to the sum paid for different court services. For some women, this also constituted a hindrance to address the court.⁸

The cases that Muslim women of Belgrade presented before the *kadî* were highly versatile.⁹ They concerned the payment of debts and borrowings, collection of receivables, issues relating to inheritance, custody, divorce, material support – *nafaka*,¹⁰ marriage gift – *mehir*,¹¹ slaves.

* * *

In regard to property-related rights, Islamic jurisprudence recognised to a woman full legal rights which in some areas were not at all different from those exercised by

⁷ M. Handžić, *Pogled na sudstvo u Bosni i Hercegovini za vrijeme turske vlasti*, Sarajevo 1941, 12; B. A. Ergene, *Local court, provincial society and justice in the Ottoman Empire*, 25.

⁸ B. A. Ergene, *Local court, provincial society and justice in the Ottoman Empire*, 76.

⁹ Apart from Muslims, some Christians gave precedence to the Sharia court due to lower taxes or because they received a document ensuring them security with the Ottoman authorities or someone else who could refute ownership rights or the marital status. Those who were dissatisfied with church courts, sought justice with the *kadî*, whose judicial authority was supported by the state which could implement his decisions (R. Gradeva, *Orthodox Christians in the Kadi Courts: The Practice of the Sofia Sheriat Court, Seventeenth Century*, *Islamic Law and Society* 4/1 (1997) 68.)

¹⁰ M. Z. Pakalın, *Nafaka*, Osmanlı Tarih Deyimleri ve Terimleri Sözlüğü II, İstanbul 1993, 642.

¹¹ M. Â. Aydın, *Mehir*, Türk Diyanet Vakfı İslam Ansiklopedisi, cilt: 28, İstanbul 2003, 389–391. In cases when Christians concluded marriages before the *kadî* court, they also had to agree on the *mehir*.

a man. According to Sharia, a woman could independently use her property that was protected for her even after the marriage. A marriage did not imply merging of the spouses' property, nor was the woman's property transferred to the husband. The husband, i.e. father had full material responsibility for providing for his wife, i.e. daughter.¹² Women could inherit from their male kinsmen, regardless of the type of property.¹³

The *kadî* fulfilled his duty by strictly implementing the inheritance law,¹⁴ but the problem arose after the official procedure. It happened that a woman's right was disputed by a stronger male successor or that dominant husbands deprived them of inheritance.¹⁵ In addition to people from immediate surroundings, distant relatives and civil servants could also pose an obstacle to using inheritance. Sometimes, Belgrade women waged a struggle over the disputed inheritance on their own, and sometimes their representatives would do that on their behalf. It is assumed that Muslim women who chose to represent themselves in court on their own belonged mainly to lower social strata and did not have strong family links, which is why they had limited possibilities, apart from paying the requested sum to the court and defending their interests. This was, however, by no means a rule.

The parties deeming the judgment unjust could address only the sultan, who would order that the procedure be repeated with the same *kadî*, that the case be conferred to the *kadî* in another, closest courtroom, or that the procedure be conducted before the imperial council – *Dîvân-ı Hümâyûn*.¹⁶ In 1691, a woman called Ayşe submitted a plea (*arzuhal*) to the Sublime Porte, in relation to her inheritance – immovable property in mahalle of Hasan-Bey in Belgrade. Other persons interfered and usurped her inheritance, not allowing her to use it in line with Sharia. She asked that a *fermân* be issued to her, confirming that the estate did not belong to anyone else. The situation was examined and it was determined that there was a Sharia basis for her to own the property. An order (*emirname*) was issued to the Belgrade *muhâfiz* to protect her inheritance from injustice.¹⁷ This shows that women were aware of the procedure and knew how to protect their interests.

¹² In line with the Hanafi school, a woman was equal to a man in terms of laws on property and contracts and torts (J. Schacht, *An Introduction to Islamic Law*, Oxford 1982, 134–150; D. Martykánová, *Matching Sharia and 'Governmentality': Muslim Marriage Legislation in the Late Ottoman Empire*, Institutional Change and Stability: Conflicts, Transitions, and Social Values, eds. Andreas Gémes, et al., Pisa 2009, 161).

¹³ J. Tucker, *Women, Family and Gender in Islamic Law*, Cambridge 2008, 135–139.

¹⁴ When distributing inheritance, the following taxes were collected: *resm-i kismet* (tax on inheritance division), *kâtîbiyye* (compensation for the scribe), *ihzâriye* (tax for inviting and detaining accused persons with the *kadî* and handing convicts to enforcement authorities) etc.

¹⁵ R. Jennings, *Women in early 17th Century Ottoman Judicial Records: The Shari'a Court of Anatolian Kayseri*, *Journal of Economic and Social History of the Orient* 18 (1975) 98.

¹⁶ H. İnalçık, *Mahkama (The Ottoman Empire)*, 3.

¹⁷ Türkiye Cumhurbaşkanlığı Devlet Arşivleri Başkanlığı Osmanlı Arşivi (BOA), İstanbul, *İbnülemin Dahiliye* (IE.DH) 8, 828.

A representative would be assigned to a women when, for instance, inheritance proceedings were conducted far from her residence and going to a distant and unknown place was hardly feasible. Thus, Fatma, the wife of Belgrader Hüseyin, who died in Istanbul in mahalle of Kâtip Şemsettin in 1618, was assigned a representative, while her daughter Rabia was given a guardian. The objects that deceased Hüseyin had with him when he died were entrusted with Ali, Abdullah's son. Following the court procedure, it was ascertained that his property would be inherited by his underage daughter Rabia and wife Fatma (*zevce-i metrûke* – a woman entitled to participate in inheritance). As the two of them were in Belgrade, their interests were represented by Mustafa, son of Abdülgani. Based on the powers he had, he took Hüseyin's items from Ali and made sure they were delivered to his legal female successors.¹⁸

Doubtless, women in Belgrade also obtained money through inheritance. In some cases, those were very large amounts and women in their possession played an important role in the town's social life. They could use such money in different ways – for instance, for *vakfs*, usury, investment in various activities. One of the ways in which they used their money was investing in real estate. For instance, Ismihan *Hatun*, a Belgrader, addressed in 1698 Belgrade vizier Mustafa Pasha as she had problems with property in which she invested considerable capital. When she was invited to explain the situation, she stated she had given 502,000 groschen for real estate. When the entire amount was given, the imperial order was issued that her entire estate be transferred. However, her will could in no way be fulfilled. This is why an *i'lâm* was sent from Belgrade to the Porte in relation to the problem. When the Sharia *sicils* and documents concerning this case were inspected, the factual state went in favour of what Ismihan requested. The Porte issued a *fermân* to the *kâim-makâm*, ordering that the property be transferred to her name and that justice be satisfied.¹⁹

Through inheritance, Belgrade women came in possession of shops as well. They leased them and collected rent from them, or could do business with them, alone or with their close relatives. This was the case with Havva *Hatun* who, in 1630, together with her brother, had a shop which belonged to Rüstem Pasha's *vakf* in Belgrade. There was the same case with Rabia who, together with her brother Ibrahim, inherited from her father a *vakf*'s shop.²⁰ However, not all women were prepared for such type of engagement. Such women ceded their part of inheritance to their relatives, through courts, as it was the case with Fatma and Ayşe from Belgrade, who ceded their inheritance shares to their brother in 1640/41.²¹

¹⁸ *İstanbul Kadı Sicilleri İstanbul Mahkemesi 3 Numaralı Sicil (H. 1027 / M. 1618) / haz. Y. Karaca ... [ve ote]; Arapca metin M. Akman; kontrol eden F. Sarıcaoğlu; proje yönetmeni M. Akif Aydın; ed. C. Yılmaz. – İstanbul 2010, Hüküm no: 678 Orijinal metin no: [80a-3], 442–443.*

¹⁹ BOA, *İE.DH* 32, 2821.

²⁰ А. Фотић, *Турски документи о Рустем-пашином вакуфу и „двоструком закупу“ (icâreteyn) у Београду*, Мешовита грађа (Miscellanea) XXXI (2010) 90, 96, 104–105.

²¹ *Ibidem*, 93.

According to the Books of Complaints from the 17th century, there were several cases of widows who fought before the Belgrade Sharia court, as guardians of their children, for their inheritance that was seized or jeopardised.²² There were also daughters who came before the court, fighting for inheritance on behalf of their families.²³

Although an adult woman was a legal entity in theory, her legal identity was usually designated with the status “of a man’s wife” (*zevce-i menkûha* – married woman). Through the prenuptial agreement, a Muslim woman could negotiate and ensure appropriate marriage conditions (i.e. she could commit the husband not to take another wife, move out and separate her from her parents and relatives, be absent for work purposes for a long time etc.). A woman could negotiate conditions in a marital relationship where gender dynamics were rather patriarchal. The nature of her position was twofold. On the one hand, she was subordinated in the marriage relationship, while on the other hand, she defined conditions and was involved in legal processes.²⁴

Sometimes, as widows and inheritors, wives had to repay their late husbands’ debts, as it was the case with Belgraders Hürşah, Aliye and Fatko – the wives of Belgrader Kurdoğlu Mustafa Beşe, son of Mehmed, who died in 1686 as an inhabitant of Belgrade, and belonged to the 31st *bölük* of janissaries of the Sublime Porte. After his death, Mehmed, the son of Mehmed from mahalle of Oruç Gazi, came before the Sharia court in Istanbul, stating that the deceased owed him 400 kuruş. While still alive, he had paid first 100 kuruş and then 90 kuruş, partly in cash, partly in fur. Mustafa Beşe sent him the remaining 210 kuruş through Armenian Agja, son of Sefer, who was known as Kilidçi Sefer and lived in *Kilid Hanı*. However, according to the claimant, he had cheated on them both. Mustafa Beşe died before suing him. Armenian Agja, who was also in court, negated this. This is why the court requested the testimony of merchants living in the han of the sultana mother. They said the Armenian was poor and had nothing on him apart from old clothes. Based on all evidence presented and witnesses’ statements, the *kadî* ordered that the specified sum be earmarked from the inheritance to repay the debt.²⁵

Women from Belgrade resolved various marital issues at the *kadî* court as well. For instance, some of them tried to collect their *mehir* from the property of their late husbands. The female right to *mehir* was highly important. When a husband died and

²² For instance: BOA, *Bab-ı Asaflı, Divan-i Hümayun Sicilleri, Rumeli Ahkam Defterleri* (A. DVNS. ŞKT. d.) 33, 15.

²³ BOA, *İbnülemin Askeriye* (İE. AS) 26/ 2369; BOA, A. DVNS. ŞKT. d. 33, 346.

²⁴ B. Tug, *Ottoman women as legal and marital subjects*, The Ottoman World, ed. by Ch. Woodhead, London and New York 2012, 365.

²⁵ *İstanbul Kadı Sicilleri Bâb Mahkemesi 46 Numaralı Sicil (H. 1096–1097 / M. 1685–1686)* / haz. S. Atay ... [ve öte]; Arapça metin M. Akman; kontrol eden F. Sarıcaoğlu; proje yönetmeni M. Âkif Aydın; ed. C. Yılmaz. – İstanbul 2011, Hüküm no: 759 Orijinal metin no: [135a-1], 613–614.

after covering the costs of funeral and his debts, the widow would first be paid the second part of the *mehir* from the inheritance, and only then was the property distributed among successors.²⁶

A frequent reason for addressing the *kadî* was the right to sustenance (*nafaka*). According to Islam, a woman was entitled to being sustained, both she and their offspring, by her husband, even if he was of a weaker property status and even if this was not determined by the marital agreement. Sustenance implied an apartment, clothes, food, beverages and all other life needs.²⁷

Practice was such that the *kadî* was expected to grant a sustenance sum to a woman whose husband was unable to pay it to her due to his absence or otherwise. A woman could lend this sum, while the husband was obliged to return it to her.²⁸ Given frequent wars and migrations, there were many missing husbands and women waiting for them. This is why Belgrade women, as well as many women across the Empire, addressed *kadîs*.²⁹ Some husbands did not fulfil this obligation on purpose. For instance, Belgrader Fatma launched proceedings before the *kadî* court, stating that her husband Ibrahim, Salih's son, lived in Niš and gave her no money for sustenance. Fatma was issued a *hüccet* for *nafaka*, to which she was entitled by law. The *hüccet* was sent to her husband. However, Ibrahim refused such enforced collection and answered ten days later, through a messenger, that Fatma would be free (*iradeti elinde olsun*). Fatma wanted this to be confirmed. Her request was met by inviting two Muslims. Divorce conditions were entered and the divorce took place.³⁰

In case of a divorce, a Muslim woman was entitled to an alimony lasting for three months – the Sharia deadline for determining whether she was pregnant with her former husband (*iddet*). She would also be given underage children for custody.³¹

Female slaves from Belgrade also frequently appeared before the Sharia court as Belgrade was – in addition to Istanbul, Bagdad, Erzurum, Konya, Medina, Aleppo,

²⁶ G. S. Akyılmaz, *Osmanlı Hukukunda Kadının Statüsü*, Gazi Üniversitesi Hukuk Fakültesi Dergisi XI (1–2) (2007) 483. For instance, a case from the document: *İstanbul Kadı Sicilleri İstanbul Mahkemesi 12 Numaralı Sicil (H. 1073 –1074 / M. 1663–1664)* / haz. R. Erol ... [ve öte]; Arapça metin M. Akman; kontrol eden F. Sarıcaoğlu; proje yönetmeni M. Âkif Aydın; ed. C. Yılmaz. – İstanbul 2010, Hüküm no: 1133 Orijinal metin no: [116b-3], 829.

²⁷ Sura El-Bekare, ayet 233 (*Kur'an s prijevodom Besima Korkuta*, Sarajevo 2001, 36).

²⁸ J. Tucker, *The Fullness of Affection: Mothering in the Islamic Law of Ottoman Syria and Palestine*, Women in the Early Modern Middle East: Women in the Ottoman Lands, 1650–1850, M. Zilfi, ed., Leiden 1997, 42–43, 74–75; J. Tucker, *Women, Family and Gender in Islamic Law*, Cambridge 2008, 50–53.

²⁹ B. Tug, *Ottoman women as legal and marital subjects*, 364.

³⁰ S. Ivanova, *Hristijan Rumeli Kadınları, Evlilik Sorunları ve Kadı Sicilleri (17. ve 18. yüzyıllar)*, Osmanlı döneminde Balkan kadınları. Toplumsal cinsiyet, kültür, tarih, ed. A. Buturović ve I. C. Schick İstanbul, 2009, 172–173. This case dates to the early 18th century (1720).

³¹ T. Катић, „Сироте кудельнице” и баштинице: два типа хришћанских удовичких домаћинства у Османском царству – на примеру Призренског санџака у 16. веку, Историјски часопис 58 (2009) 210.

Cairo and Sofia – one of the slaves trading centres.³² Among Ottomans, there was a widespread rule that slaves be freed after seven years of service.³³ However, there were also other means for liberation, such as voluntary liberation, purchase, agreement between a slave and master (*mükatebe* – liberation agreement), mandatory and legal liberation, liberation in relation to death – if a female slave bore a child to her master, she was freed after her master's death.³⁴ However, female slaves were sometimes not liberated, even when conditions were met, and had to achieve their freedom through the court.

On 24 June 1676, Gülistan, Abdullah's daughter, of medium height, blond, with brown eyes, Hungarian by origin, came to the Sharia council in Belgrade. In the presence of Hacı Murat, Ibrahim's son, she stated that, though she was a slave of Belgrader Fatma from the Old Horse Market (*Eski At Pazarı*), Murat bought her from Fatma for 100 kuruş, as attested by the receipt signed by both parties. After her purchase and delivery, she was promised to live freely in a village near Belgrade. However, as she was still Murat's slave, she requested from the court to enable her to live as she wanted.³⁵

As we could see on the example above, there were also female slave owners in Belgrade. Their slaves usually assisted with house chores. Female slave owners could appear before a court on their own in the event of problems with their slaves or could liberate them. They sometimes authorised their husbands or other persons to do that.

A Belgrade woman called Hatice, Abdulah's daughter, travelled to Tophane, Galata *kazâ*. She came before the Sharia court in Istanbul and stated, in the presence of Ebübekir's son Osman, that he had taken from her a three-year old male slave (*gulâm*) and an eight-year old female slave, both of Austrian origin, who were worth 250 kuruş. As Osman refuted her claims, witnesses living in the mahalle of Firuz Ağa in Istanbul were summoned. They said that Hatice had given to Osman her male and female slaves in their presence and that they were Osman's slaves. As they gave such testimony, after the factual situation was ascertained, Hatice was disputed her right and ordered not to have any further such requests.³⁶

³² N. Engin, *Köle-Osmanlılarda Kölelik*, Diyanet İslam Ansiklopedisi (DİA), XXVI, Ankara, 2002, 246–247.

³³ H. Y. Erdem, *Osmanlıda Köleliğin sonu 1800-1919*, İstanbul 2004, 76.

³⁴ H. T. Fendioğlu, *İslâm ve Osmanlı Hukukunda Kölelik ve Cârîyelik-Kamu Hukuku Açısından Mukayeseli Bir İnceleme*, İstanbul 1996, 195–133; M. A. Aydın – M. Hamidullah, *Köle*, DİA, C. XXVI, Ankara 2002, 241. In Islamic legal literature, the cessation of slavery is usually denoted with the term *itk* (liberation, freedom). The document issued by the slave owner, stating physical characteristics of the male and female slave who were liberated, their ethnic origin, date and liberation terms was called *itknâme* (liberation certificate) (M. A. Aydın – M. Hamidullah, *Köle*, 42).

³⁵ *İstanbul Kadı Sicilleri İstanbul Mahkemesi 18 numaralı sicil (H. 1086-1087 / M. 1675-1676)* / haz. S. Kahrıman ... [ve öte]; Arapça metin M. Akman; kontrol eden F. Sarıcaoğlu; proje yönetmeni M. Âkif Aydın; ed. C. Yılmaz. – İstanbul 2010, Hüküm no: 528 Orijinal metin no: [145b-1], 494.

³⁶ *İstanbul Kadı Sicilleri Bâb Mahkemesi 54 numaralı sicil (H. 1102 / M. 1691)* / haz. H. Kılıç ... [ve öte]; Arapça metin M. Akman; kontrol eden F. Sarıcaoğlu; proje yönetmeni M. Âkif Aydın; ed. C. Yılmaz. – İstanbul 2011, Hüküm no: 133 Orijinal metin no: [21a-3], 141–142.

It also happened that free women became slaves and came before the *kadî*. This was the case with Ayşe, from the environs of Belgrade. She was free, but trader Ali Çelebi, the son of Abdullah who lived in *Acem Han*, sold her by deception in Belgrade for 85 *akçes*, which is how she fell into slavery. Four years later, the entire case was revealed in Istanbul. On 25 March 1691, Seyyid Ahmed Çelebi, son of Seyyid Abdülhalik and inhabitant of mahalle of Emin-Bey in Istanbul, who had bought Ayşe, came to the Sharia council and sued the inhabitant of the same mahalle Solak Süleyman Çelebi, Hüseyin's son, who had sold him the slave. He then sold Ayşe. However, after some time, he found out from the *re'âyâ* who knew Ayşe that she was not a slave. This was proven with the help of witnesses and the *kadî* ordered that entire money used in this transaction be returned and that the woman be liberated.³⁷

Another reason why Belgrade women were brought before the *kadî* was prostitution. On 20 June 1662, three women and one young man from Belgrade called Ahmed, Mahmud's son, ended up in the Sharia court in Istanbul. They were brought by subashi Seyfullah-gha and chorbaji Mehmed Çavuş. They were probably deported from Belgrade because of their activity and found their new shelter in Istanbul. They all gave their statements. It turned out that Ahmet lived with the three depraved women in Istanbul, in İsfahancı *vakf*, near a Muslim cemetery, acting as their pimp. When asked about this, Ahmed answered that one of the women was his mother Ayşe, that the other woman was called Saliha and was from his native place, while the third woman came from his mother's native place and was called Fatma. As the accused gave contradictory statements, the *kadî* called the witnesses Seyyid Mehmed Çelebi, Seyyid Ebubekir's son, and Yusuf, Dur Bali's son, who said that Ahmed really lived with those women, as stated. They were then all arrested for the purpose of further procedure.³⁸

According to Islamic law, dealing with prostitution was included in the *zina* category (illegal sexual relationship with or without consent). Prostitution was considered an offense of God and was subject to a penalty (*hadd*), which could include stoning of a married Muslim man, up to 100 whips of a single Muslim man (or 50 whips for a slave).³⁹ Organising prostitution (*püzavinklik*) was considered a criminal offence graver than prostitution.⁴⁰ Descriptive terms and euphemisms were usually used to describe such wanton actions and offenders. For instance, a woman could be described as immoral (*f'jira*). Prostitutes were brought before the court usually by mahalle representatives. They would sign the petition to remove the woman from

³⁷ *İstanbul Kadı Sicilleri Bâb Mahkemesi 54 numaralı sicil (H. 1102 / M. 1691)*, Hüküm no: 453 Orijinal metin no: [79b-1], 373–374.

³⁸ *İstanbul Kadı Sicilleri Eyüb (Havass-ı Refia) Mahkemesi 74 numaralı sicil (H. 1072–1073 / M. 1661–1662)* / haz. H. Kılıç ... [ve öte]; Arapça metin M. Akman; kontrol eden F. Sarıcaoğlu; proje yönetmeni M. Âkif Aydın; ed. C. Yılmaz. – İstanbul 2011, Hüküm no: 297 Orijinal metin no: [65b-2], 291–292.

³⁹ C. Imber, *Zina in Ottoman Law*, Collection Turcica III, Contribution a l'Histoire Economique at Sociale de l'Empire Ottoman, Leuven 1983, 60.

⁴⁰ *Ibidem*, 81.

the mahalle. If there were witnesses whose statements confirmed accusations, the court accepted the requests of mahalle's inhabitants.⁴¹

Conclusion

In towns such as Belgrade, Muslim women were present on the urban social scene. They could easily seek judicial protection, using their rights in the struggle against those who disputed them. Regardless of their social status and faith, they lived freely, enjoying the protection of society and the state judicial system. They could own their own movable and immovable property that they freely used, to work and earn.

The picture offered by sources is highly versatile. As most information concerns problematic persons, it may be concluded that problems occurred every day, in all aspects – from prostitution, debts to malversations. It should be noted that mainly problematic situations were recorded as it was hoped that the Porte would stand behind its subjects. At the same time, we know almost nothing about female subjects who led peaceful lives and who were far more numerous.

⁴¹ E. Semerdjian, *Sinfull professions: illegal occupations of women in Ottoman Aleppo, Syria*, HAWWA 1, 1 (2003) 71. The question is asked who were those prostitutes? How did a woman become a prostitute? It seems that a larger number of them were raped when they were young and unmarried, which was sufficient for them to be marked as prostitutes. The fact that they were raped placed them on the society margins. Without another choice, they consciously turned to prostitution as the only way to survive, as they were excluded from any honest way of life such as work or marriage.

Dragana AMEDOSKI

XVII. YÜZYILDA BELGRATLI KADINLARIN ŞERİ ' MAHKEMELERİ KULLANMA DENEYİMLERİ

Özet

Osmanlı toplumunda gündelik yaşam örf-i hukuk ve şer'î hukuk kurallarına bağlı olarak devam ettirilmekteydi. Bu yasal kaidelere göre kadınlar, ev içi yaşamda oldukça aktif yer alırken özel yaşamın dışındaki alanlarda kocaları ya da ailenin yaşlı erkek üyeleri tarafından hayata geçirilen bir otoriteye tabi idiler.

Kadınların eylem alanları salt dini ideolojik kaidelerin kısıtlamaları ile tanımlanmış değildir. Bu eylem alanları içerisinde toplumsal arka plan, ekonomik durum, gelenekler, ailevi ilişkiler ve diğer toplumsal koşullar da belirleyici rol oynamaktadırlar. Şeriat kanunlarına göre kadınların toplumdaki tek görevi aile içi sorumlulukları değil, kadın aynı zamanda yasal haklara sahip bir bireydir. Bunun bilincinde olan Osmanlı kadınları, mahkemeler aracılığıyla şeriatın kendilerine tanıdıkları bu hakkı rahatlıkla kullanabilmişlerdir.

Bu çalışma, Belgradlı kadınların XVII. yüzyılda kadı mahkemelerini kullanma pratiklerine odaklı olarak hazırlanmıştır. Çalışmanın ana kaynaklarını Başbakanlık Osmanlı Arşivi'nde bulunan Şikayet Defterleri ve bazı koleksiyonlarda bulunan Sicil kayıtları oluşturmaktadır. Bu kayıtlar kullanılarak Belgrad'da yaşayan Osmanlı kadınlarının evlenme, boşanma, miras, nafaka talepleri, vasi-nasb tayini, alacak-verecek, alım-satım ve vakıf işleri gibi çeşitli konularda şer'îyye mahkemelerini kullanma pratiklerine örnekler verilerek, özelde Belgrad'da genelde ise Osmanlı toplumundaki kadınların konumları ortaya konulmaya çalışılmıştır.

Burada bütün kadınların şeriat kurallarının kendilerine verdiği hakların farkında olmadığını bazılarının toplumda süre gelen gelenek ve örfere göre hayatlarını devam ettirmiş olduklarını da hatırlatmak gerekmektedir.

Anahtar Kelimeler: Osmanlı Kadını, Belgrad, Şer'iat Mahkemesi, 17.yy, Osmanlı İmparatorluğu, Balkanlar.

Драгана АМЕДОСКИ

БЕОГРАЂАНКЕ У ОСМАНСКОМ ДРУШТВУ: МУСЛИМАНКЕ ИЗ БЕОГРАДА НА ШЕРИЈАТСКОМ СУДУ (17. ВЕК)

Резиме

Свакодневни живот у Османском царству био је регулисан исламским верским правом – шеријатом, које је допуњавано султанским законским прописима (*kânûn*) и обичајним правом (*örf-i hukûk*). Према тим правним нормама, жене су стварале живот у приватној сфери, док су у јавном животу морале да поштују ауторитет оличен у мужу или старијим мушким члановима породице, будући да је постојала дужност да им обезбеде сигурну и пријатну породичну атмосферу.

Област деловања жена није била ни у ком случају дефинисана само границама успостављеним религијским идеолошким нормама, већ и низом фактора, као што су друштвено порекло, економски статус, традиција, породични односи и друге околности. Међутим, са становишта шеријата, ангажованост жене у породици није била једина улога жене као члана заједнице. Према шеријатском праву, жена представља правни субјекат. Стога су жене могле да се успешно бране на суду и биле су упознате с процедуром.

У раду се анализира улога муслиманки у османском друштву, са акцентом на присуство жена на шеријатском суду у Београду у 17. веку. Коришћени су новоприкупљени подаци из Књиге жалби (*Şikâyet defterleri*) и судских протокола – сиџила (*Sicil*), уз контекстуално читање других архивских докумената. Поменути историјски извори османске провенијенције одражавају на посебно сликовит начин учешће муслиманки у свакодневном животу у Београду у 17. веку, и то кроз кадијски суд – приказани су начини на које су се бориле за права у вези с наследством, браком, венчаним даром – мехром, наплатом потраживања, куповином, продајом и проблемима с којима су се најчешће суочавале.

Наравно, нису све жене биле свесне својих права, нити су биле у стању да их користе. Већина их је пратила традицију и обичаје окружења.

Кључне речи: Османске жене, Београд, шеријатски суд, 17. век, Османско царство, Балкан.