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Medicolegal evaluation of violence against women in the Ottoman Empire with the light of qadi registry records between the 17th and 20th centuries

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Abstract

Violence against women is still a widespread human rights violation and public health problem around the world. The aims of this study were to evaluate the violence against women between the 17th and 20th centuries in Ottoman Empire and discuss the findings with current literature in Türkiye and worldwide concerning violence against women. A total of 10 volumes of qadi registry records (QRR), covering the period between the 17th and 20th centuries (1659–1921), were examined. These records, published as part of the Metropolitan Municipality Cultural Publications and prepared under the editorship of Prof. Dr. I.S., were analyzed in detail. Sections pertaining to violence against women were identified within the QRR, and relevant data regarding their content were extracted for the study. Among the 5326 qadi registry records examined, 89 cases were related to cases regarding violence against women. It was determined that 36 (40.4%) of the 89 cases were victims of physical violence, 30 (33.7%) of them were victims of sexual violence, 13 (14.6%) of them were victims of verbal violence and 10 (11.2%) of them were victims of economic violence. The data on violence against women that we found in the qadi registry records of the Ottoman Empire between the 17th and 20th centuries will contribute to understanding the historical process of this issue, in a historical process where resources and information on this subject are quite limited.

Keywords: Forensic medicine, violence against women, gender-based violence, women, qadi registry, Ottoman Empire

Introduction

In Islamic law, a qadi is an individual appointed by the governing authorities to arbitrate legal cases and disputes among individuals based on Islamic principles. Within Islamic law, the qadi holds the authority to issue judgments and enforce laws in accordance with Islamic provisions. Qadis played a significant role as part of the administrative structure of the Ottoman Empire (1299–1922). The administrative unit in the Ottoman Empire, known as a county, typically comprised a major town or city along with numerous sub-districts and villages. Qadis were independently responsible for administering these counties, forming the fundamental basis of the Ottoman civil administration. Qadis were present across various administrative units, ranging from state centers to sanjaks (administrative divisions within provinces

governed by sanjakbeys). They held the prestigious position of being the highest judicial authority overseeing provincial administrative units [1,2].

In the early years of Islam, Prophet Muhammad himself served as a judge (qadi), arbitrating cases between individuals in the community. This established a precedent for the role of judges within Islamic jurisprudence. The Ottoman qadi institution indeed traces its origins to the Anatolian Seljuks and earlier principalities. The Ottoman Empire's kadi system can be seen as a continuation of this longstanding tradition. The Ottoman Empire inherited and adapted various administrative, legal, and cultural practices from prior Islamic and regional entities, including the system of qadis, shaping its own distinct version over time [3,4]. In our previously published study on examination of the dead

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in the Ottoman Empire, more detailed information about the authority and working principles of qadis was recorded [1].

Qadi Registry Books can be defined as the documents that were kept by the qadis in the courts and contain the judgments of the qadis regarding the cases, legal processes such as marriage, talak (divorce), confession, foundation, shopping, and various records notified to the qadis from their superior authorities (edict, collection of biographies, proceedings, letter of appointments etc.) [5].

Violence against women is a human rights violation based on gender discrimination. Violence against women is a foremost public health issue. These definitions and approaches are widely accepted in today's society [6-8]. Violence against women manifests itself throughout various stages of life. In the prenatal period, it includes gender selection and preference for male children, as well as the deliberate termination of pregnancies of female babies. During infancy, it involves the killing of infant girls and subjecting them to physical, sexual, and psychological violence, as well as baby trafficking. In childhood, it encompasses forced marriages, exchange marriages, female genital mutilation, forced labor, incest, the selling of girls, child pornography, and more. In adolescence and adulthood, it takes the form of violence perpetrated by boyfriends or spouses, incestuous relationships, commercial sexual exploitation, drug or alcohol addiction, workplace harassment, economic pressure within marriage, coercion to bear male children, humiliation for not bearing male offspring, mistreatment during pregnancy, and forced decisions about employment. These diverse forms of violence represent the continuum of violence against women throughout their lives [9,10].

For many years in history, violence against women was not given significant attention and was even legitimized. The form of violence against women, often persistent and brutal, characterized by intimidation and coercion, is directly linked to men's efforts to control and dominate women. Both historical studies and current research indicate that violence is frequently overlooked and left unpunished in the criminal justice system, within society, and in medical and social services [11-13].

This study aims to explore the types of violence against women, forms of injuries, relationships between perpetrators and victims, the time between violence and application to sharia court (qadi), and the decisions taken by qadi (male judges) in the Ottoman Empire during between 17th and 20th centuries. The goal is to compare these findings with current practices in Türkiye and worldwide concerning violence against women.

Material and Methods

Study Design and Ethical Considerations

As this study is archival research based on publicly available data, ethical approval was not required. The data used were

obtained from publicly accessible qadi registry records, ensuring compliance with ethical research standards. A total of 10 volumes of qadi registry records (QRR), covering the period between the 17th and 20th centuries (1659–1921), were examined. These records, published as part of the Metropolitan Municipality Cultural Publications and prepared under the editorship of Prof. Dr. I.S., were analyzed in detail. Sections pertaining to violence against women were identified within the QRR, and relevant data regarding their content were extracted for the study.

The qadi court records, which were published in book form by the Konya Metropolitan Municipality, are available in printed books. The cases included in our study have been individually scanned and incorporated into the research. Since the printed court records are open access, the names of the individuals and perpetrators included in the study are provided exactly as they appear in the court records.

Statistical analysis

Descriptive analyzes were conducted to provide information about the general characteristics of the study groups. Data regarding categorical variables are given as n (%). Cross-tabulations and chi-square tests were used to evaluate whether there was a relationship between qualitative variables. P values were considered statistically significant when calculated to be less than 0.05. Ready-made statistical software was used in the calculations (SPSS 27.0 Chicago, IL, USA).

Results

In our study, a total of 5326 case records were examined in the qadi registry records (QRR), which were collected in 10 volumes. Among the 5326 qadi registry records examined, 89 cases were related to cases regarding violence against women. In terms of types of violence, it was determined that 36 (40.5%) of the 89 cases of violence against women were victims of physical violence, 30 (33.7%) of them were victims of sexual violence, 13 (14.6%) of them were victims of verbal violence and 10 (11.2%) of them were victims of economic violence. When the cases were evaluated in terms of the gender of the perpetrator, it was seen that 78 (87.6%) of the perpetrator were men and 11 (12.4%) were women. It was determined that 10 of the 11-women perpetrator used physical violence against another woman, and 1 used verbal violence. The distribution of qualitative variables is presented in Table 1.

36 of the 89 cases evaluated were victims of physical violence. It was observed that 6 of the male perpetrators who used physical violence were the victim's husbands, and 2 victims applied to the qadi because their husbands cut their hair. It was determined that one of the cases, who committed physical violence and was the husband of the victim, was ordered to be confined to Bimarhane (insane asylum) by the qadi due to the fact that the attacker had a mental illness (Figure 1).

It is also recorded that a committee was appointed by the qadi to deal with the victim, who was hit on the wrist with a knife handle by her husband, and this committee detected a dislocation of the victim's wrist. In another similar case, the victim was injured in her breast as a result of a knife attack by a male perpetrator, and it was recorded that the victim had a knife wound on her breast, which was examined and determined by the committee appointed by the qadi (Figure 2).

The characteristics of the 36 cases of physical violence and the qadi's decisions are given in detail in Table 2.

Of the 89 kadi registry records regarding violence against women, 30 (33.7%) were sexual violence cases. Of the sexual assault cases, 21 were physical harassment, 8 were aggravated sexual assault and 1 was verbal sexual harassment. It is recorded that among the aggravated sexual assault cases, the genital examination of 2 cases was performed by an all-female committee appointed by the qadi (Figure 3).

Additionally, it was stated in the records that 2 of these 8 cases had a 5-month pregnancy as a result of aggravated sexual assault.

Detailed data and qadi’s decisions of all cases of sexual violence victims were summarized in Table 3.

Of the remaining cases, 13 (14.6%) were cases of verbal violence and 10 (11.2%) were cases of economic violence. Except for one of the victims of economic violence, there were decisions about their husbands not paying dowry or alimony in cases of divorce or living in different places. In another case, it was decided that the victim's son should pay alimony to his mother, who lives alone, because he did not fulfill his care obligations. Detailed information and qadi’s decisions about victims of verbal violence and economic violence is summarized in Table 4.

When the cases were evaluated in terms of the time it took for the victims to apply to the qadi, no information was found in the registry records of 42 cases about the time between the incident and the application to the qadi. In the qadi registry records of the remaining 47 cases, it was determined that 6 of the victims applied to the qadi on the day the incident occurred, and 33 cases within 1 week (1-7 days) after the incident. All other data regarding the time it takes for victims to apply to the judge were given in summary in Tables 2, 3 and 4.

Table 1. Distribution of qualitative variables

		n	%
Type of violence	Physically	36	40.4
	Sexual	30	33.7
	Verbal	13	14.6
	Economic	10	11.2
Form of violence	Blunt trauma	31	34.8
	Stabbing	2	2.2
	Sexual harassment	22	24.7
	Aggravated sexual assault	8	9.0
	Insulting, swearing	13	14.6
	Failure to pay dowry or alimony	10	11.2
	Hair cutting	2	2.2
	Homicide (no information form of violence)	1	1.1
Gender of the perpetrator	Male	78	87.6
	Female	11	12.4
Place where violence occurs	Victim's house	39	48.8
	Other (street, field etc.)	26	32.5
	Unrecorded	15	18.8
The time between violence and applying to the qadi	The same day	6	6.7
	Less than 15 days	33	37.1
	Between 15-30 days	9	10.1
	More than a month	8	8.9
	Unrecorded	33	37.1

Table 2. Summary of physical violence victims

Konya qadi registry no	Year	Forms of physical violence	Injured body region	Type of wound	Identity/gender of perpetrator	Decision of qadi	Time between attack and application
10/68-2	1660	Beating	Face	Laceration	Aslan Veled-i Bağçeli/male	Unrecorded	The same day of the attack
10/105-2	1660	Beating by stone	Unrecorded	Undescribed	Tuman bint-i Hasan/female	Conciliation	3 days
10/191-3	1660	Sharp injury	Breast	Sharp wound	Ömer nam kimesne (A person named Ömer)/male	Unrecorded	The same day of the attack
10/138-4	1660	Beating by fist	Face	Tooth fracture	Mustafa bin İbadullah/male	Unrecorded	5 days
10/169-2	1660	Beating	Unrecorded	Miscarriage of fetus	Halil ibn İbrahim/male	Restraining decision	Unrecorded
10/220-3	1660	Beating by stick	Face	Tooth fracture	Pir Ahmed bin Pir Bende (husband)/male	Unrecorded	The same day of the attack
11/020-3	1661	Beating by fist	Head	Undescribed	Ebrusiyah bint-i Mehmed/Female	Conciliation	Unrecorded
11/047-3	1661	Beating by fist	Unrecorded	Undescribed	Ramazan bin Himmet/male	Unrecorded	4 days
11/088-1	1661	Beating by stone	Unrecorded	Undescribed	Abdülcelil bin Mustafa/male	Unrecorded	Unrecorded
11/143-1	1661	Beating by fist	Unrecorded	Undescribed	Sayime nam hatun (a person named Sayime)/female	Unrecorded	2 days
14/004-2	1670	Beating by fist	Unrecorded	Undescribed	Döndü bint-i İvaz/female	Unrecorded	Unrecorded
14/009-4	1670	Sharp injury	Upper extremity	Sharp wound	Ali nam kimesne (a person named Ali)/male	Compensation (300 akçe/silver coin)	Unrecorded
14/038-1	1670	Beating by stick	Unrecorded	Miscarriage of fetus	Koçi Beg and İbrahim Beg/male	Exculpation	30 days
14/068-2	1670	Beating	Unrecorded	Undescribed	Abdülkerim Halife bin el-Hac (husband)/male	Exculpation	Unrecorded
14/128-1	1670	Beating by stone	Unrecorded	Undescribed	Ma'den bin Şa'ban/male	Unrecorded	Unrecorded
47/010-5	1716	Beating by stone	Upper and lower extremities	Blue-green colored ecchymoses (Gök bere)	Es-Seyyid Mahmud Çelebi/male	Imprisonment	1 year
47/048-4	1716	Hair cutting	Head	Hair loss	Mustafa bin Mehmed (husband)/male	Exculpation	4 days
47/059-2	1716	Beating by knife handle	Upper extremity	Wrist dislocation	Abdullah ibn Süleymen (husband)/male	Warrant of arrest	3 days
47/068-4	1716	Beating by fist	Face	Tooth fracture	Salihah bint-i el-Hac/female	Compensation (7 gurus/piastre)	20 days
47/129-3	1716	Hair cutting	Head	Hair loss	Ahmed bin Mehmed/male	Compensation (15 gurus/piastre)	Unrecorded

Table 2. Summary of physical violence victims

Konya qadi registry no	Year	Forms of physical violence	Injured body region	Type of wound	Identity/gender of perpetrator	Decision of qadi	Time between attack and application
47/146-5	1716	Beating by fist	Unrecorded	Undescribed	Ahmed bin Sefer/male	Compensation	1 day
47/148-2	1716	Beating	Unrecorded	Undescribed	Ömer nam kimesne (a person named Ömer)/male	Restraining decision	3 days
47/208-4	1717	Beating by fist	Unrecorded	Undescribed	Abdurrahman bin Mustafa/male	Conciliation/Compensation	The same day of the attack
47/228-2	1717	Beating	Unrecorded	Undescribed	Halil bin Kör Mehmed/male	Imprisonment	2 months
47/231-4	1717	Beating, hair pulling	Head	Hair loss	Fatma bint-i İvaz	Conciliation/Compensation	1 day
50/040-1	1726	Falling down by pushing	Unrecorded	Miscarriage of fetus	Agob veled-i Evedik/male	Restraining decision	2 years
50/060-3	1726	Beating by spade	Unrecorded	Undescribed	Stüleyman bin Eyub/male	Conciliation	1 day
50/098-2	1726	Beating by shoe and fist	Head and shoulder	Miscarriage of fetus	Rabi'a bint-i Hüsameddin/female	Compensation (10 gurus/piastre)	Unrecorded
50/131-1	1726	Beating and choking attempt	Neck	Undescribed	Halil bin Kara Mehmed (husband)/male	Imprisonment in a Bimarhane (insane asylum) and medical treatment decision	Unrecorded
50/150-3	1726	Beating and extorting	Unrecorded	Undescribed	Mehmed bin Ahmed/male	Warning punishment	1 day
50/184-1	1726	Beating by fist	Head and dorsal region	Miscarriage of fetus	Emine and Fatma/female	Restraining decision	21 days
50/213-4	1726	Beating by axe handle	Face	Tooth fracture	Ahmed bin Ali/male	Restraining decision	1 month
52/033-3	1730	Beating by fist	Face	Tooth fracture	Fatma bint-i Abdullah/female	Restraining decision	1 day
52/153-2	1731	Undescribed	Unrecorded	Death due to injury	Mustafa bin Hacı Ahmed/male	Warrant of arrest	Unrecorded
52/199-2	1731	Beating by elbow	Face	Tooth fracture	Hüseyin bin Muharrem/male	Conciliation	1 day
52/184-4	1731	Beating by stick	Upper and lower extremities	Dark colored ecchymoses (Kara bere)	Mustafa bin İbrahim (Husband)/male	Imprisonment	3 days
52/153-2	1731	Undescribed	Unrecorded	Death due to injury	Mustafa bin Hacı Ahmed/male	Warrant of arrest	Unrecorded
52/199-2	1731	Beating by elbow	Face	Tooth fracture	Hüseyin bin Muharrem/male	Conciliation	1 day
52/184-4	1731	Beating by stick	Upper and lower extremities	Dark colored ecchymoses (Kara bere)	Mustafa bin İbrahim (husband)/male	Imprisonment	3 days

Table 3. Summary of sexual violence victims

Konya qadi registry no	Year	Forms of sexual violence	Physical evidence of sexual assault	Place of the sexual assault	Identity/gender of perpetrator	Decision of qadi	The time between attack and application
10/95-1	1660	Physical sexual harassment	No	The victim's own home	Şahverdi bin Aşır/male	Unrecorded	Unrecorded
10/107-3	1660	Physical sexual harassment	No (virginity examination performed by a master committee in the Eskibazar Turkish Bath)	Unrecorded	Unknown	Unrecorded	Unrecorded
10/118-3	1660	Physical sexual harassment		The field road	Şükrullah bin Ahmed/male	Unrecorded	2 days
10/136-2	1660	Physical sexual harassment		The street of neighborhood	Yusuf bin Hasan/male	Exculpation	Unrecorded
10/152-3	1660	Qualified sexual assault		Neighbor's house	Mahmud bin Mehmed Beşe/male	Unrecorded	5 months
10/166-4	1660	Verbal sexual harassment	Pregnancy	Unrecorded	Musa bin Hüseyin/male	Unrecorded	Unrecorded
10/184-4	1660	Physical sexual harassment	Sexually explicit letter	Unrecorded	Ömer Beşe bin Mehmed/female	Unrecorded	2 days
11/071-1	1661	Aggravated sexual assault	Determination of not being a virgin by hymen examination	The victim's own home	Ali bin Kurd/male	Unrecorded	Unrecorded
11/090-4	1661	Physical sexual harassment	No (Virginity examination performed by masters (ladies named Hacer and Altun) in the Havva Sungur Turkish Bath)	Unrecorded	Unknown	Unrecorded	Unrecorded
14/027-2	1670	Aggravated sexual assault	No	The victim's own home	Abdi bin Abdulvahhab/male	Unrecorded	6 days
14/078-2	1670	Physical sexual harassment	No	The victim's own home	Mustafa bin Koca/male	Unrecorded	7 days
14/162-4	1670	Aggravated sexual assault	Pregnancy	The perpetrator's home	Ramazan bin Receb/male	Imprisonment	3 months
47/082-3	1716	Physical sexual harassment	No	The victim's own home	Satılmış bin Sefer/male	Restraining decision	The same day of the assault
47/096-2	1716	Physical sexual harassment	No	The victim's own home	Ali bin Durmuş/male	Imprisonment	2 days
47/144-1	1716	Physical sexual harassment	No	The victim's own home	Abdullah bin Hasan/male	Conciliation	Unrecorded

Table 3. Summary of sexual violence victims

Konya qadi registry no	Year	Forms of sexual violence	Physical evidence of sexual assault	Place of the sexual assault	Identity/gender of perpetrator	Decision of qadi	The time between attack and application
47/164-1	1716	Physical sexual harassment	No	The victim's own home	Abdulkерim bin Hasan/male	Unrecorded	10 days
47/180-3	1716	Physical sexual harassment	No	The victim's own home	Ahmet Beşe bin Mehmed/male	Imprisonment	3 days
47/191-1	1717	Physical sexual harassment	No	The victim's own home	Mustafa bin Hasan/male	Imprisonment	8 days
47/221-3	1717	Aggravated sexual assault	No	The victim's own home	Veli bin Mehmed/male	Imprisonment	3 months
50/107-3	1726	Physical sexual harassment	No	Undescribed	Mustafa bin Mevlud/male	Restraining decision	1 year
50/141-2	1726	Physical sexual harassment	No	The victim's own field	Ahmed bin Abdullah/male	Imprisonment	3 days
50/151-3	1726	Aggravated sexual assault	No	The victim's own field	İsma'il bin Mehmed/male	Imprisonment	6 days
50/162-1	1726	Physical sexual harassment	No	The perpetrator's home	İbrahim bin Mahmud Beşe/male	Imprisonment	4 days
50/217-3	1726	Physical sexual harassment	No	The victim's own home	Mehmed bin Murad/male	Imprisonment	16 days
52/074-3	1731	Physical sexual harassment	No	The victim's own home	Mahmud bin İbrahim/male	Restraining decision	2 days
52/177-3	1731	Physical sexual harassment	No	The victim's own home	Mehmed nam kim esne (a person named Mehmed)/male	Punishment of exile from the neighborhood	Unrecorded
52/180-4	1731	Physical sexual harassment	No	The victim's own home	Hasan bin Ahmed/male	Conciliation	12 days
52/211-4	1731	Physical sexual harassment	No	The victim's own home	Ali bin Hasan/male	Restraining decision	7 days
140/80-125	1916	Aggravated sexual assault	No	Unrecorded	Hızır bin Hacı Ömer/male	Unrecorded	Unrecorded
150-151/19	1905	Aggravated sexual assault	No	Unrecorded	Gazi bin Veli/male	Unrecorded	1 year

Table 4. Summary of verbal and economic violence victims

Konya qadi registry no	Year	Type of violence	Identity/gender of perpetrator	Decision of qadi	Time between attack and application
11/075-3	1661	Verbal (perpetrator said To victim; bitch, prostitute)	Mustafa Beg ibn Abdi Beg/male	Unrecorded	1 day
11/116-4	1661	Verbal (perpetrator said To victim; bitch, prostitute)	Mehmed nam kimesne (A person named Mehmed)/male	Unrecorded	Unrecorded
14/015-2	1670	Verbal (perpetrator said To victim; bitch, prostitute)	Veled bin Mehmed/male	Unrecorded	Unrecorded
47/174-4	1716	Economic (husband who goes Elsewhere leaves his wife without alimony)	Murad bin Abdulkadir (husband)/male	Payment of alimony to victim (4 cecid akça -seasonal currency- per day)	19 months
47/196-2	1717	Verbal (insulting word)	Nisa bint-i Hasan Beşe/female	Conciliation	1 day
47/206-2	1717	Verbal (threatening)	Ahmed Beşe ibn Hasan Beg/male	Unrecorded	The same day of the assault
50/086-3	1726	Verbal (perpetrator said to victim; immoral)	Atike bint-i Halil/female	Conciliation	Unrecorded
50/089-3	1726	Verbal (threatening)	Hasan bin Halil/male	Imprisonment	1 day
50/135-2	1726	Verbal (perpetrator said To victim; bitch, prostitute)	Abdussamed ibn Hızır Efendi/male	Restraining decision	8 days
50/150-4	1726	Verbal (insulting word)	Seyyid Mehmed/male	Restraining decision	1 day
50/160-4	1726	Verbal (threatening, insulting word)	Mehmed bin Hasan/male	Imprisonment	4 days
52/223-1	1731	Verbal (blasphemy)	Receb ibn Şa'ban Beşe/male	Unrecorded	2 days
52/193-2	1731	Verbal (blasphemy)	Ali bin Abdullah/male	Warrant of arrest	1 day
52/242-4	1731	Verbal (insulting swear)	Mustafa bin Süleyman/male	Restraining decision	4 days
1916-1921/97	1918	Economic (husband Who does not pay dowry)	İsmail bin Mevlüd (husband)/male	Payment of dowry to victim (300 gold coin and 101 piastre)	Unrecorded
1916-1921/92	1918	Economic (son who pays little alimony)	Vasil bin Kebir (son)/male	Payment of alimony to victim (300 piastre)	Unrecorded
1916-1921/85	1918	Economic (husband Who does not pay alimony)	Mehmed bin Ahmed (husband)/male	Payment of alimony to victim (500 piastre per month)	Unrecorded
1916-1921/80	1918	Economic (husband Who does not pay alimony)	Hamza bin Salim (husband)/male	Payment of alimony to victim (400 piastre per month)	Unrecorded
1916-1921/91	1918	Economic (husband Who does not pay alimony and dowry)	Mehmed Çavuş ibn Veli (husband)/male	Payment of alimony and dowry to victim (3000 piastre)	Unrecorded
1916-1921/94	1918	Economic (husband Who does not pay alimony and dowry)	Hüseyin ibn Receb (husband)/male	Payment of alimony and dowry to victim (1000 piastre per month)	Unrecorded
1916-1921 96	1916	Economic (husband Who does not pay alimony and dowry)	Ali bin Reşid (husband)/male	Payment of alimony and dowry to victim (500 piastre per month)	Unrecorded
1916-1921 100	1916	Economic (husband Who does not pay alimony)	Koykun-zade Ali Efendi (husband)/male	Payment of alimony to victim (380 piastre per month)	Unrecorded
1916-1921 101	1916	Economic (husband Who does not pay alimony and dowry)	Kemaleddin ibn Salih (husband)/male	Payment of alimony and dowry to victim (1200 piastre per month)	Unrecorded

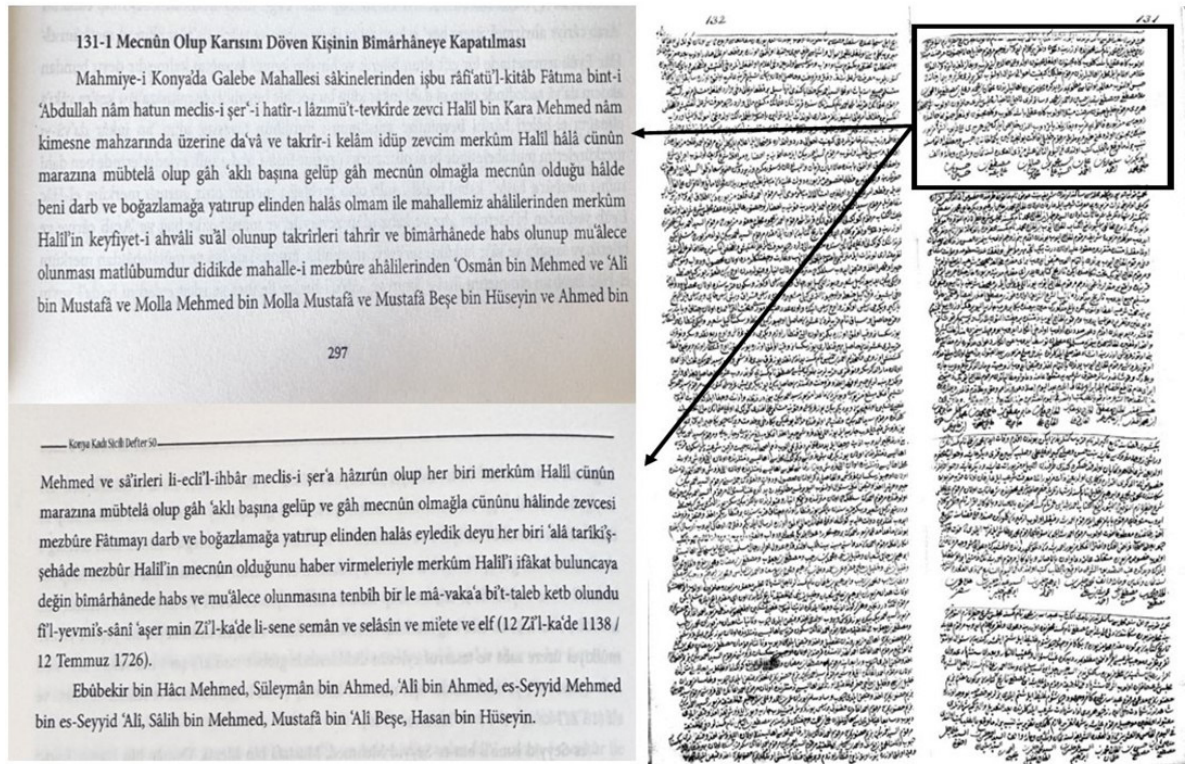


Figure 1. Imprisonment of an insane person who beats his wife in an insane asylum (Qadi registration number: 131-1, Vol:50); the original document written in Ottoman Turkish is on the right side of the figure, and its translated version into modern Turkish is on the left

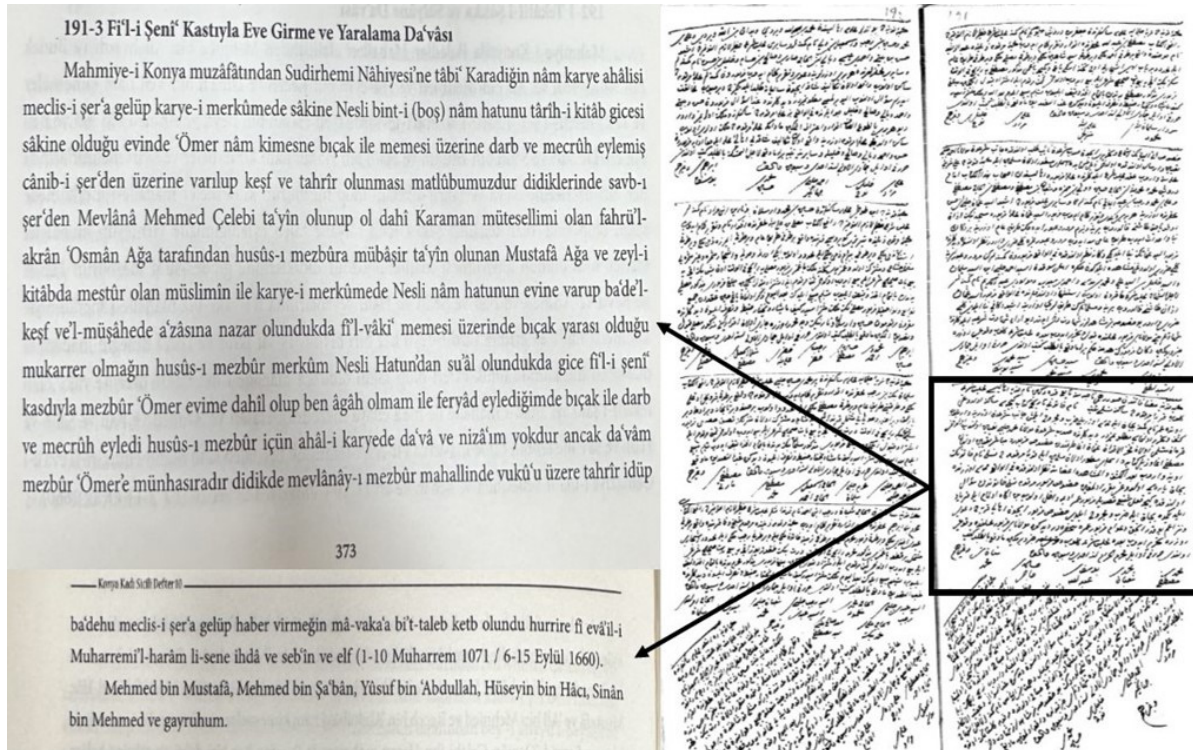


Figure 2. Entering a house without permission with the intention of committing rape and injury lawsuit; the victim was injured in her breast as a result of a knife attack by a male perpetrator, and it was recorded that the victim had a knife wound on her breast, which was examined and determined by the committee appointed by the qadi (Qadi registration number: 191-3, Vol: 10); the original document written in Ottoman Turkish is on the right side of the figure, and its translated version into modern Turkish is on the left

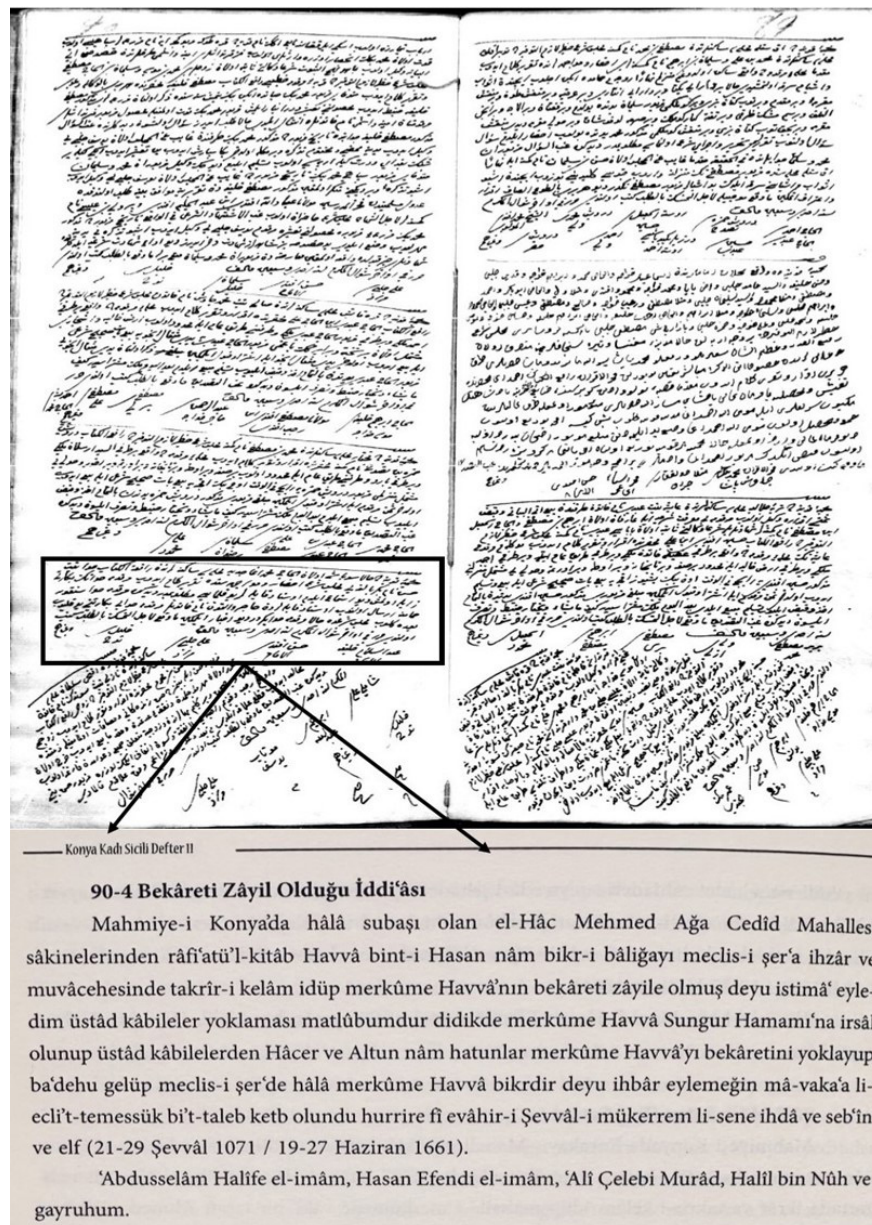


Figure 3. Allegation of losing virginity; the genital examination of victim was performed by an all-female committee appointed by the qadi in a Turkish bath (Qadi registration number:90-4, Vol:11); at the top of the figure is the original document written in Ottoman Turkish, and at the bottom is the version translated into modern Turkish

Discussion

In our study, physical violence ranked first among the types of violence against women with 36 (40.5%) cases. It was determined that 6 of these cases (16.7%) were subjected to violence by their partners, and 30 of them (83.7%) were subjected to violence by a non-partner perpetrator. In the "Multi-Country Study on Women's Health and Domestic Violence Against Women" published by WHO in 2005 and conducted on 24,000 women in 10 countries, the lifetime rate of exposure to physical violence by perpetrators who are non-partners or partners was found to be between 13-62% [14]. In a study conducted by Gencer MZ et al. in Istanbul, Türkiye, it was reported that 36.28% of the women participating

in the study had been exposed to physical violence at least once in their lives [15]. In the "Research on Domestic Violence against Women in Türkiye" published by Republic of Türkiye Ministry of Family and Social Policies and Hacettepe University in 2015 and conducted with women between the ages of 15 and 59 in 15,072 households representing 12 statistical regions and urban and rural settlements throughout Türkiye, the proportion of women who have reported lifetime physical violence is 36% [16,17]. As can be seen, very different rates of physical violence have been reported in large-scale studies and other publications conducted around the world and in Türkiye. The rate of women victims of physical violence detected in our study was found to

be compatible with the literature. However, it is seen that the studies are mostly conducted with cases of victims of domestic violence. From this perspective, in our study, the rate of women who were victims of domestic physical violence constituted only 6.7% (n=6) of all cases (n=89), and this rate seems to be quite low compared to the rates reported in the literature. One of the most important reasons for this is that the perception of violence against women varies in different periods of history, in different societies and sociocultural environments. In the same period, as in many societies in the world, the male-dominated family understanding was accepted by the society of Ottoman Empire. With this perspective, the low rate of domestic physical violence in our study can be explained by the fact that husband's perceive physical violence against women as a natural situation, even a right, within certain limits within the framework of accepted rules based on culture and belief. Therefore, we think that the cases exposed to family violence do not generally perceive it as violence and the majority of these cases were not recorded in the qadi registry records.

In our study, the rate of cases who were victims of sexual violence was 33.7% (n=30). Among the victims of sexual violence in the qadi registry records, all of the perpetrators were men who did not partner of victim. Partner and non-partner sexual violence are defined separately by WHO. Non-partner sexual violence is defined as "when aged 15 years or over, being forced to perform any sexual act that you did not want to by someone other than your husband/partner" [18]. The general perception in many societies is that women will be exposed to sexual violence by strangers rather than their partners. One of the reasons for this situation is that due to the influence of culture and religion on women's sexual experiences and practices, the majority of women believe that sexuality is a religious duty and that they do not have the right to reject or rebel against their husbands. It has been reported that this situation prevents the reporting of marital sexual abuse due to social tolerance towards sexual pressure and violence in marriage and women's acceptance of this as 'normal' [19].

The prevalence of sexual violence varies according to environments and societies. Reasons may include how sexual violence is perceived by the victim and society, myths about sexual violence, the relationship of the perpetrators with victim, terminology used to describe sexual violence, concerns about stigma and shame associated with the act, the extent to which disclosure of abuse and assault is encouraged, cultural beliefs and the role of women in society and family. In the study conducted by Gencer MZ et al. in Istanbul, the rate of women who declared that they were exposed to sexual violence among 350 cases was determined as 24.28% [15]. In a study conducted by Machisa M. Et al. reported that, estimates of prevalence of non-partner completed rape victimization from South Africa is 12.2% of adult women living in Gauteng province and 1.8% had experienced an attempted rape [20]. In our study, it was determined that 73.3% (n=22) of the victims of sexual violence were experienced attempted rape, and 23.3% (n=8) of the victims were exposed

to completed rape. One of our victims went on record alleging that she was subjected to verbal sexual harassment. We think that the reason why the rates in our study are different may be related to the local government system of the Ottoman Empire of the period. In the Ottoman Empire's understanding of local government, if people living in the same neighborhood did not report a crime to be committed in that neighborhood to the qadi or did not take any action to prevent the crime even if they had the means, all residents of the neighborhood were held responsible. It can be thought that this situation ensures that attacks are largely prevented at the attempt stage when the victim calls for help, due to the responsibility of individuals living in the same neighborhood to report and assist.

In our study, the rate of victims recorded as being exposed to verbal violence was 14.6% (n=13). In cases of verbal violence related to the information obtained from the records, all but one of the perpetrators were men who were not the partner of the victim. Verbal violence may include verbal threats (insults, shouting, swearing, speaking in angry tones, humiliating, etc.). Studies on verbal violence against women in Türkiye and around the world have obtained different results regarding the prevalence of verbal violence [21-25]. When we look at the studies in general, it can be seen that the rates of verbal violence cases evaluated under the heading of psychological or emotional violence are quite high compared to our study. However, since these studies are conducted on today's societies, this is due to the fact that women are more involved in social life and take their place as a more visible figure in society, compared to the time period we evaluate within the scope of our study. We think that this situation increases the risk of exposure to non-partner verbal violence. However, in the studies conducted, the rates of verbal violence committed by the partner are also higher compared to our study. Considering the social characteristics of the period we evaluated in our study, we believe that women's participation in social life was more limited than today, and accordingly, due to the strong perception of family privacy, cases of domestic verbal violence were not reported or women did not see domestic verbal violence as a phenomenon of violence.

The rate of our cases that we evaluated as being exposed to economic violence was 11.2% (n=10). It was determined that all but one of our victims applied to the judge because their husbands did not provide alimony to them in cases of leaving or divorcing, or because they did not pay the dowry amounts promised by the man to the woman during the marriage contract. At least 40% of women participating in studies conducted in Istanbul declared that they were exposed to economic violence, and in another study conducted on 300 married women, the rate of exposure to economic violence was found to be 32% [26,27]. In another study conducted in Çanakkale province, the frequency of primary school graduate women being exposed to economic violence was found to be 67% [28]. Considering that women had almost no economic freedom during the period we examined in our study, we see that the number of cases is quite

low. In particular, the perception of emotional and economic violence may vary in different sociocultural regions. Therefore, one of the reasons for the low rates may be that women did not see this situation as a type of violence at that time. Another reason why the rate of victims of economic violence is lower compared to today may be due to the fact that the provisions regarding women's right to alimony in Islamic law are very strict. Islamic law states that the man is responsible for the livelihood and care of the family [29]. One of these obligations is alimony. A family is established with a marriage contract in accordance with Islamic law and the law of alimony begins between husband and wife. If the family institution ends through divorce, the right to alimony continues [30]. On the other hand, dowry is the amount of money or goods that the man gives or promises to give to the woman when she gets married [31]. According to Islamic law scholars, dowry is a sanction to protect a woman's rights during marriage or in case of divorce [32].

The Charter of Fundamental Principles on Access to Justice for Women Victims of Violence was adopted as a joint text by the Women's Committee of the International Union of Lawyers and the French National Bar Association on March 8, 2022. According to this charter, women victims of violence have the right to access justice easily and without any obstacle and to seek effective legal remedies against the damage they suffer. Women have the right to access competent and high-quality legal services and legal representation in the legal process if they do not have sufficient financial means [33,34]. Today, it is known that many women victims of violence in Türkiye face obstacles in accessing justice for different reasons such as institutional, socioeconomic and cultural reasons [35,36]. These include many reasons such as social pressure, death threat, threat to their children, economic constraints, and security concerns after the application. In a study performed in Nicaragua on this subject, found that 80% of abused women had never sought help from anyone, only 14% had ever reported the violence to the police [37]. The Canadian Violence against Women Survey found that only 26% of abused women reported the violence to the police [38]. Based on the data available in our study, it is not possible to draw conclusions about the rate of women subjected to violence applying to the kadi, which represents the official legal system of the period. However, it is seen that 53.9% of the victims evaluated in our study applied to the kadi within the first month after being exposed to violence. Although the available data prevents us from making general comments about the functioning of the justice system of the period in terms of preventing violence against women, considering the conditions of the period, we see that the time for victims to access the justice system was quite short.

Limitations

The limitations of this study include the limited number of cases compared to other study groups conducted in our country and abroad and the retrospective design.

Conclusion

Today, the issue of violence against women and gender-based violence in our country and around the world still appears as a significant human rights violation and public health problem. Although there are no specific written sources on violence against women in history, it is possible to find clues about this issue between the lines of various written sources and historical documents from the past period. In this sense, we think that the data on violence against women that we found in the qadi registry records of the Ottoman Empire between the 17th and 20th centuries will contribute to understanding the historical process of this issue, in a historical process where resources and information on this subject are quite limited.

Conflict of Interests

The authors declare that there is no conflict of interest in the study.

Financial Disclosure

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Ethical Approval

As this study is archival research based on publicly available data, ethical approval was not required. The data used were obtained from publicly accessible qadi registry records, ensuring compliance with ethical research standards. A total of 10 volumes of qadi registry records (QRR), covering the period between the 17th and 20th centuries (1659–1921), were examined. These records, published as part of the Metropolitan Municipality Cultural Publications and prepared under the editorship of Prof. Dr. I.S., were analyzed in detail. Sections pertaining to violence against women were identified within the QRR, and relevant data regarding their content were extracted for the study.

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