


Marriage and Divorce in the Late Ottoman Empire: Social Upheaval, Women's Rights, and the Need for New Family Law

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Abstract

A revision of family law became necessary in the late Ottoman Empire for several reasons. The sociocultural and economic landscape was transformed; war forced poor Muslim women who had lost their husbands into destitution; and the Ottoman state led by the Committee of Union and Progress (CUP) was motivated by ideological concerns to push for new family and gender arrangements. Women's journals published in Istanbul along with official state documents in the late Ottoman Empire (1910–1917) are here explored for insights into this, afforded by the changing lives and perceptions of late Ottoman Istanbulites, leading to the conclusion that these combined with as well as reflected the various upheavals and movements of the time to prompt the legislative change.

Keywords

divorce, family law, late Ottoman Empire, marriage, modernization, polygamy

The reform movements after the Tanzimat¹ charter of 1856 ushered in a difficult period for the Ottoman Empire. Both state bureaucrats and the people had to contend with massive social change. People had to get used to the quickening pace of urbanization as well as absorb the cultural transformations that came with the reforms.² In major port cities like Istanbul, the social and cultural milieu was altered not only by the reforms but also by the increasing trade with Europeans, which included the contact with traders visiting and even settling there. Also, after the Crimean War (1853–1856), many Turks and other Muslims from the Balkans mostly flooded into Istanbul, much like the Europeanized Turks that had migrated from Egypt before them.³ Over time, the consumption styles of these people were emulated by the indigenous affluent and in various city quarters, a European-like urban culture developed.⁴

Gradually, during the reform period, the city of Istanbul lost its old identity. Urban planning, wars, fires, and financial crises and the gradual dissolution of the Ottoman Empire all transformed

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the city and its inhabitants.⁵ Three urban design schemes were drafted for Istanbul from the declaration of the Tanzimat Reforms to the Young Turk Revolution in 1908, for all of which foreign engineers and architects were commissioned.⁶ With the newly applied city plans and opening up of public places, the urban space of Istanbul was changed, and in certain districts, strikingly so.⁷ Also with the reforms, public transportation was made easier via the introduction of steamboats and tramways. The newly introduced transportation methods reduced the distances to public places such as promenades and parks and thus also the social distance between women and men, as these were spaces where the sexes could meet and mingle.⁸

The reform period also introduced to Ottoman society a number of popular newspapers, magazines, and novels modeled after those of Europe. Newspapers, books, and telegraphs were used by the Ottoman ruling class and intellectuals to disseminate their ideas.⁹ Issues related to Ottoman family life, marriage patterns, women's position in the society, and education were all explored in these publications.¹⁰ Besides, in the early twentieth century, a more liberal women's press emerged—including such journals as *Women's World (Kadınlar Dünyası)*¹¹ and *Turkish Woman (Türk Kadını)*¹²—discussing a broader range of issues, such as women's rights (*hukuk-u nisvan*), child care, the family, housework, and health.¹³ In these journals, women also wrote about the circumstances they wanted to change, demanding education and employment and the right to marry the man and wear the dress they desired.¹⁴

Dozens of women's organizations were founded during the Second Constitutional Period (1908–1919),¹⁵ for which the Balkan and First World Wars acted as a catalyst. Along with the proliferation of women's associations, the opening of universities to women and increasing incorporation of women into the labor force were also witnessed during this time.¹⁶ In the new urban spaces of Istanbul, meanwhile, at schools, banks, and post offices, as well as in theaters men and women increasingly worked and socialized together. Along with all this, the domestic worldview of the Ottomans changed also, with family life and marriage and divorce transformed, especially for the educated and well-off and those desirous to participate in social life.

Changes in the social and cultural lives of the elite Ottomans and the economic plight of Muslim women together led to the need for a revision of family law in the late Ottoman Empire. However, family law reform in the late Ottoman Empire was also related to the process of nation building, the creation of an Ottoman citizenry, and establishment of a new family structure. During the Second Constitutional Period (1908–1918), the Ottoman Empire was ruled by the Committee of Union and Progress (CUP), the political agenda of which required a nuclear family with nationalist inclinations.¹⁷ Hence, as the main political power during the final years of the Ottoman Empire, the CUP leaders came to extend their influence over the legal system and helped to shape late Ottoman society to their own political inclinations.

Istanbulites suffered a lot from the wars brought on by the nationalistic movements of the nineteenth century.¹⁸ With hunger and epidemics adding to the wartime population loss, Ottoman society and its economy was badly damaged.¹⁹ The wars that marked the last decades of the Ottoman Empire also changed the mood of the times, introducing social and economic difficulties to Ottomans in general, and to the lives of the economically less advantaged in particular. Thus, while the liberal ladies forming the elites of Istanbul were trying to ameliorate the position of women in Ottoman society and demanding rights in accordance with the new gender perspectives, war blighted the lives of most ordinary people.

Approximately three million Muslim men were killed, lost, or injured during the wars that overwhelmed the Ottoman Empire in its last days. This devastation of the male population meant that huge numbers of Muslim women previously supported by male relatives, according to the Islamic law, were left in the middle of starving cities without any means of subsistence.²⁰ Wartime inflation worsened the economic conditions, and women were forced to engage in economic activities.²¹ However, the Ottoman economy was not even able to provide work for the males, who themselves

were willing to work for lower wages, let alone offer employment to women.²² Hence, the hardship that women had been facing increased, forcing some Muslim women to resort to prostitution.²³

Having realized the economic plight of women, the Ottoman state took measures, such as establishing a Battalion of Workers for women in 1917, and providing job opportunities specifically for females.²⁴ Women were also given vocational training by the Istanbul municipality, so that they could be employed as housekeepers,²⁵ while in 1916, the Ministry of War established the Commission for the Employment of Ottoman Muslim Women (*Kadınları Çalıştırma Cemiyeti İslamiyyesi*), to prevent them having resort to prostitution to make ends meet.²⁶ In respect of the last initiative, however, the Society directors, knowing that it would only temporarily solve women's financial problems, encouraged its female employees to marry and initiated a marriage campaign—which, in fact, was a continuation of a national family campaign conducted on a larger scale by the CUP.²⁷

Only if they could remarry were those underprivileged Muslim women who had lost their husband able to find a livelihood, for most of them were not educated, could not earn a living and, in accordance with Islamic law, were used to having a male relative provide for them. Most of these women were not able to remarry, however, for they could not secure a divorce from their lost or missing husbands. Because of certain articles regarding divorce in the Hanafi School of Islamic law (*madhhab*), the system of jurisprudence that operated in the Ottoman Empire, there were hardly a ground on which a wife could free herself from an undesirable marriage.²⁸ In fact, Ottoman Muslim women had had to endure desertion and/or maltreatment by their husbands with almost no recourse through the law since the Hanafi had been made the official imperial school of law in the sixteenth century.²⁹

Thus, it was that the various social movements and upheavals and wars that afflicted the Ottoman Empire during the second half of the nineteenth century combined to bring matters to a head and cause the Ottoman jurists and statesmen to realize the plight their women faced. Both the jurists and the statesmen, in their own ways and domains, determined on employing the existent methods in Islamic law to solve this problem; and so it was by amalgamating the views of different juristic schools of Islamic law (Hanbali and Maliki), which the reformers thought to suit the temper of times, women's right to seek judicial dissolution of marriage was granted.³⁰ And the plight of Ottoman Muslim women was ameliorated to some extent.³¹

This article mainly uses primary sources—women's journals and state documents—in elaborating on this subject of why the family law reform was required in the late Ottoman Empire. Also employed are some earlier works on the history of Islamic family law in the Ottoman Empire,³² augmented by more recent works by John Esposito³³ and İlber Ortaylı,³⁴ together with studies by Deniz Kandiyoti³⁵ and Judith Tucker.³⁶ Essentially, the aim is to connect the dots among the various factors that led to the legal revision, namely, the CUP approach to the Ottoman family and the importance of education in the lives of the new Ottoman men and women, their newly developed lifestyles, entertainment habits, and marital expectations, along with the development of a nascent women's movement given the background of the plight that war brought to the lives of less wealthy and uneducated Muslim women in the Empire.

Having considered the sociocultural, political, and economic contexts of the marriage institution during the Second Constitutional Period in Istanbul from 1908 to 1917, this essay concludes that the mentality of the late Ottoman Istanbulites regarding family and marriage underwent a profound change. For the construction of the desired nuclear family of the CUP and its requirement of the new Ottoman woman/mother, a reformed legal structure was required. Hence, the revision and codification of Islamic family law with the 1917 promulgation of the Ottoman Law of Family Rights were introduced.³⁷

As a general principle, according to Zafer Toprak, the family is no longer considered as a private realm during fundamental transformation periods of history.³⁸ It becomes instead regarded as part of

the public sphere, and the state may intervene to reshape family practices and structures along with the more usual political and social spheres of activity. The Young Turk Revolution of 1908 of the Ottoman Empire, which marked the onset of the Second Constitutional Era in the late Ottoman Empire, was one such period. After the revolution of 1908, the ruling CUP attempted to extend state control and intervene into the previously private realm of the Ottoman family. It came to influence many areas of life, and its family politics and national family campaign had an important impact on the worldview of the late Ottoman youth and their ideas about marriage.

The CUP's new ideological project required the adoption of a new family model.³⁹ The establishment of the nuclear family based on monogamy involved the belief that only in this context could a balance of power (equality) between men and women be established and the new educated, working woman, so vital to the economic progress and nationalist project, be constructed.⁴⁰ And this required a new form and application of family law.⁴¹

The discourse of the CUP on the family can be traced from the women's journals of the period. The writers in these publications attempted to educate their female readership to serve both her family and the society.⁴² Articles in *Kadınlar Dünyası*, for example, focused on the importance of the family as the nucleus of the Turkish nation,⁴³ of women as mothers of future generations⁴⁴ of women being able to access a proper education, so that as mothers they could cultivate their sons with national pride,⁴⁵ of women as mothers of future soldiers of the Turkish nation and of free choice in marriage, so that men and women could find happiness in their marriages.⁴⁶

In the nuclear family of the CUP, a well-educated, preferably working mother would bring up the next generation with a consciousness of homeland and nation.⁴⁷ Actually, reformers and intellectuals had been concerned with women's education since the Tanzimat period, but it was during the CUP period that women were prioritized, given an unprecedented role in being made responsible for changing, developing and elevating the whole nation via their control of the family.⁴⁸ Through education, the CUP leadership believed, women could become "mothers" to the new Turkish nation; hence, they furthered the educational opportunities for women.⁴⁹ Many educational institutions and vocational schools were established during this period, secondary schools became accessible to girls in 1911, and the University of Istanbul opened its doors to women in 1916.⁵⁰ The CUP rulers, the Pashas Enver and Cemal, even supported the Christian missionary education activities and their creation of schools and school systems for the education of Muslim girls.⁵¹

During the Second Constitutional Period, the idea prevailed that uneducated Ottoman women were backward and retarding Ottoman society as a whole.⁵² The education of women was important for the reformers also because uneducated women had fallen behind in the marriage stakes, for the new Ottoman male elites were demanding their counterpart in wives with an appreciation of the world beyond their immediate experience of family and friends, who would, therefore, be good mothers to their children. It was believed that a lack of education created shallow partners, ignorant mothers, and thus unstable marital unions. In the women's journals, Fatma Zerrin Hanım⁵³ explained that the educated, Westernised Turkish men were beginning to despise the Muslim women and finding educated Christians more eligible.⁵⁴ Another writer, Hatice Hanım, also offered Muslim girls' education as a solution to overcome the drift to marry to Christian women.⁵⁵ However, as H. Vasif also noted, there were not enough educational institutions in the Ottoman Empire, so girls had to go to Europe (especially Lausanne) for their education.⁵⁶ Thus, Melihe Cenani and Nahide Asaf Süleyman, who opposed this female education in Europe, encouraged parents to work for the establishment of a university for females in Istanbul.⁵⁷

The new generation of Ottoman elites and intellectuals, who were trained in modern, secular Ottoman schools opened during the reform period, had gradually developed different lifestyles from those of the previous generations. Their new entertainment habits, such as partying, dancing, attending concerts, and going to the theater along with a consciousness of fashion had gradually changed their approach to marriage.

In the late Ottoman Empire, the rich and elite women of the big port cities had developed an interest in European fashions. Many stores selling high-fashion items were opened in Istanbul and Izmir. In Istanbul, areas like *Direklerarası*, *Divanyolu*, *Aksaray*, and *Pera* developed into places where women showed off their social status via their attire.⁵⁸ Indeed, fashion and beauty issues became hotly debated topics in some the journals.

The contributors to *Türk Kadını* took up fashion as a serious issue. Perihan, for example, complained that what was accepted as high fashion in the Ottoman Empire comprised of items that grew out of fashion in Europe. Because the *Türk Kadını* readership could not follow the fashion journals of Paris or Vienna, moreover, they could not obtain up-to-date information about the latest trends. Hence, as the editors of *Türk Kadını*, they decided to write a regular column on fashion for their readers.⁵⁹ Some writers in this journal also suggested that there should be a ratio between a woman's height and weight, and advised women to do sports, and not to eat chocolate or drink coffee, for they would make her fat.⁶⁰

The growing concern over women's appearance also introduced veiling into the intellectual discussions in the late Ottoman Empire. This was a controversial issue, and intellectuals of the time were very much confused about it. Even if they were not confused, the style of veiling and need to cover the face were not clear to some, especially women. While some people took a fierce approach and rejected veiling as a restriction in a woman's lives, others remained convinced that it had nothing to do with a woman's personal development, education, or even work. Some of the writers in the journals claimed that veiling decreased a woman's marriage prospects, while others, such as Seniye Ata in *Kadınlar Dünyası*, asserted that proper veiling had no affect on this.⁶¹

In late Ottoman Empire Istanbul, education and other reforms had changed women's public profiles drastically. Some of the new Ottoman women in Istanbul were reported in *Türk Kadını* to be walking on the streets—even at midnight—attending (mass) meetings, jumping off trams, fighting with police, and speaking so loudly as to shock not only conservative men but also their fellow women.⁶² This was indeed a transition period for the women—and men—of the Empire.

In the journals, it was suggested that proper opportunities for work and entertainment should be prepared for women. Ethem Nejad (a male writer) in *Türk Kadını* described how women used to visit their neighbors for entertainment, whereas lately walking on the streets and flirting with men had become popular. In the case of upper-class women, the situation was more extreme since in their summer resorts at the Istanbul's Princess Islands they were drinking with men and gambling until the dawn. Ethem Nejad suggested preparing more appropriate entertainment forms and resorts for women, so that they could work and participate in public life in a more becoming manner.⁶³

İbrahim Hilmi, another late Ottoman intellectual, argued that modernization in respect of women was more related to their working than looking like their Western counterparts. For Hilmi, lounging in cafes, mixing with men and wearing obscene clothes did not make a woman modern. Hilmi stated that these were the ills of the European civilization, from which Ottomans should refrain. He gave the example of a twenty-year-old American woman traveller whom he had met during a visit to Aleppo. For Hilmi, she was exemplary because she was very well educated, had good manners and the courage to converse with a man, yet was able to protect her chastity. Every Ottoman woman, he opined, should aspire to become like her.⁶⁴

The lifestyles and habits of the enlightened intellectuals and elites like İbrahim Hilmi and the women writers in the late Ottoman Journals had changed gradually with the reforms. These groups of people had started to feel more comfortable in the nuclear family structure based on monogamous unions with a spouse freely chosen and egalitarian relationships among family members.⁶⁵ Clearly, the practice of arranged marriages had become quite unacceptable for the late Ottoman Istanbulites and its intellectuals—as well as the CUP leaders proposing the new family model.

The practice of arranged marriages and the custom that forbade bride and groom to see each other before the wedding became increasingly criticized in the late nineteenth century.⁶⁶ An English

traveller, Marmaduke Pickthall, who briefly stayed in Istanbul during the World War I, noted that Muslim girls were refusing to marry men they had not met. In fact, it became a fashion in Istanbul to briefly meet, face-to-face, before marriage.⁶⁷ Westernized Ottoman intellectuals and literary figures such as İbrahim Şinasi, Namık Kemal, and Celal Nuri also criticized arranged marriages.⁶⁸ Likewise, in novels, Turkish writers employed the themes of love and marriage of choice;⁶⁹ while writers like Ahmet Mithad Efendi strongly denounced the practices of arranged marriage, concubinage, and polygamy as social ills.⁷⁰ Seniye Ata, in *Kadınlar Dünyası*, similarly argued that a strong nation needed strong families, yet the youth were afraid of getting married because they might end up living with someone who they did not like as a result of arranged marriages.⁷¹

It is clear from the novels and journals of the late Ottoman Empire that people had a different mind-set from their parents and grandparents in that they knew what qualifications their life companions should have. For instance, readers of *Türk Kadını* were asked to respond to questions on their future husbands and wives. The first female said that she wanted a religious, pious husband; the second a classy, open-minded husband who would allow her to work; and the third a husband who, in his early youth, had tasted all the pleasures of life and even sinned, so that he could concentrate on her; the fourth woman wanted a well-educated, multilingual husband, who should not be presumptuous; the fifth a blonde, blue-eyed, smart, kind, and a rich husband with whom she could live in a mansion; and the sixth one of the most intelligent people of the country (it would be better if he had completed his education in Europe, and now would spend most of his time studying in his laboratory).⁷²

Male readers also responded to this questionnaire. One said that his wife should be an extreme beauty, so that everyone on the street or at a social gathering would look at her admiringly. He explained that he was not jealous and she should not be: he wanted his wife to meet all his friends and he hers and that she would better get used to smoking and drinking coffee after meals. The other respondent said that he should be the first love of his wife, that he would also prefer her to stay at home but if she had to leave her home, she should be accompanied by her mother. However, he also admitted that those days it was impossible for a young woman to stay at home. He also wanted his wife to be well educated, clever, and elegant, though she did not have to be very beautiful and should know how to handle housework and home economics.⁷³

In the late Ottoman Empire, it was deemed to be important that couples shared tastes, social backgrounds, and even ideas. For that reason, a couple should get to know each other in person before marriage.⁷⁴ By making marriage a free choice, it was believed that a couple could marry from love and be happy. The romantic ideal as a precondition for a happy marriage was certainly a different perspective to that held by the previous generations.

Despite the difference in the generational perspectives, Ottoman society still remained patriarchal and polygamy continued to exist in Istanbul.⁷⁵ However, polygamy was quite clearly disapproved of and became openly opposed by some.⁷⁶ Ottoman avoidance of polygamy can be observed in the Western travel books. Sir Edward Pears, a British traveller, wrote in his notes that even in the late nineteenth century, polygamy was decreasing among the Turks because it was too expensive.⁷⁷ Lucy Garnett, another British traveller, found polygamy to be practiced among the Turks, yet the men never met the limit of four wives and seemed to be content with having two wives, at most, at a time.⁷⁸ Marmaduke Pickthall also noted that polygamy was little practiced in the Ottoman Empire, and when it was there was a reason, such as a wife being unable to give birth or refusing to travel and settle down with her husband in another land.⁷⁹

Polygamy was not prevalent in the late Ottoman Empire.⁸⁰ However, the outcry against it reached high proportions in the ongoing ideological battle around Westernization and modernization among intellectuals.⁸¹ In the literary works of the time, the ills and disadvantages of polygamy were explicitly detailed. In his play *Eyyvah*, for instance, the Ottoman author and novelist Ahmet Mithad Efendi described the predicament of a man who loved both of his wives and could not select one over the

other. Polygamy meant suffering rather than enjoyment for the hero of this work.⁸² In the novel *Zehra*, Nabizade Nazım depicted jealousy and hatred between a man's two wives.⁸³ Likewise, in her memoir, *Mor Salkımlı Ev*, Halide Edip Adivar explained that her family had been dragged into a period of jealousy, hysteria, and continuous stress after her father married his second wife.⁸⁴

The women's journals of the late Ottoman Empire also told of the evils of polygamy and the need for the nuclear family. An article in *Kadınlar Dünyası*, for example, explained that in a marital union a woman should know her rights well and that only in nuclear families could a man and woman properly take care of themselves and their children.⁸⁵ Aliye Cevat Hanım in the same journal refuted the arguments for polygamy expressed by conservative intellectuals, arguing that it only lessened the physical and mental powers of men. Besides, a polygamous man had to work hard to maintain his family, which meant that he would not be able to enjoy his life, and if he died at an early age, his wives and children would not have the means to survive.⁸⁶

Many women worked in the nineteenth-century Ottoman countryside, in small-scale (family) agriculture, of course, but some also as paid laborers in cottage industries, in areas like textile production, shoemaking, and tobacco pressing.⁸⁷ Living under the economic protection of their male guardians, however, the women of Istanbul and other big cities had mostly not worked.⁸⁸ They had not been expected to bear the economic burden of their families: this was the husband's duty. Now, with the changing mood of the times, the CUP leaders were very much convinced of women's capacities to work, even hiring some women themselves as agents for intelligence services. In an official correspondence sent from the Police Headquarters of Istanbul to the Ministry of Interior, for example, it was stated that as long as it would benefit law and order, women could be employed as intelligence officers.⁸⁹ The CUP rulers were even thinking of sending educated women from Istanbul to teach in the provinces.⁹⁰ This project to provide job opportunities to women in the provinces failed, however, because of the social restrictions on women.

The articles in the *Türk Kadını* and *Kadınlar Dünyası*, which were ideologically affiliated with the CUP, are quite revealing of the state authorities' wish to have women work. In one article, Edhem Nejat related how in Turan, Asian homeland of the ancient Turks, women were quite used to working outside their homes.⁹¹ Likewise, İsmail Hakkı argued that the inclusion of women in social life meant that they received education and became doctors, teachers, scientists, and the like.⁹² In another article, Necmettin Sadık reasoned that humanity and civilization had reached its high point due to social life and division of labor: for women to progress, they should also contribute to society by working.⁹³

As the Ottoman women became more involved in public life, they also increasingly found expression in the public sphere, through the journals referred to and discussions on women's rights in the Ottoman press. The Ottoman Muslim advocates for women's emancipation, the women writers, teachers, and political activists of the late Empire originated mostly from urban upper-class backgrounds.⁹⁴ In fact, they were elite women, who tended not to have many problems with their situation, yet searched for ways to overcome women's problems within the boundaries of the social system to which they belonged.⁹⁵ They established women's associations, such as the Commission for the Defence of the Rights of Ottoman Women (*Osmanlı Müdâfa-i Hukuk-u Nisvan Cemiyeti*), and worked enthusiastically to promote education, further job opportunities, and personal freedom for women.⁹⁶

In her lengthy article in *Türk Kadını*, Müfide Ferid started from the premise that if men and women were equal, society would be well founded and healthy. Introducing examples from ancient Indian, Egyptian, Jewish, Greek, Roman, Gallic, and Christian civilizations, Ferid argued that during the decay of a society, women were given the role of men's puppets and their rights severely restricted.⁹⁷ She explained women's rights in terms of equality of men and women in terms of civil, social, and political rights. Working women realized her economic and social rights—and they demanded them. Hence, Muslim women were no longer captives. Indeed, equality and emancipation were the main concerns of these elite Ottoman women. For instance, Nebile Akif in *Kadınlar*

Dünyası reported that in the French Declaration of Human Rights it was stated that human beings were born equal, that this article had been quoted in the Ottoman Constitution of 1876, yet that despite being a constitutional right, women were still held as captives in the Empire.⁹⁸

In *Kadınlar Dünyası*, women writers mostly deemed work to be a way to save them from captivity and become equal and powerful in society. Mükerrerem Belkıs Hanım argued that the reason why many women had to endure physical violence from their husbands was that they did not have means to earn their living.⁹⁹ She also argued against the view that women were not capable of becoming professionals because they were mentally incapacitated. Belkıs Hanım gave the examples of Marie Curie, who won the Nobel Prize of 1912, and of Strasburg, where women could even become police, and testified that in many European countries they even become attorneys.¹⁰⁰

Conclusion

In the late Ottoman Empire, there were “new women” who were well educated and working, or desiring to be so, and there were other women who were not educated, but had to work and even resort to prostitution to make ends meet. The first group had different marital expectations and prospects from their elders and demanded the right both to marry whom they chose and to sue for divorce if they were unhappy in their marriage. Together with the male educated urban elites, they comprised a sociocultural lobby for change. For the second group, on the other hand, securing a divorce from their lost husbands enabled them to remarry, and thus constituted a way to sustain themselves. Therefore, a reform of family law was required for two very different classes of late Ottoman women, both those with means and those without.

The ruling CUP ideological emphasis on Westernized modernization thus operated in the context of profound and ongoing developments in the lives and perceptions of the late Ottoman Istanbulites as well as being motivated by the plight of women made destitute by successive wars. Having employed the family law reform as a tool for social control, the CUP rulers accelerated the process toward the its revision during the First World War, so that first, the educated woman had the kind of legislative framework she preferred—justified by and supportive of the Turkish nationalist imperative and the male elites driving this forward—and second, women for whom remarrying was a solution in times of economic hardship could remarry.

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Notes

1. According to Stanford Shaw, Tanzimat is “a period of sustained legislation and reform that modernized Ottoman state and society.” For Shaw, “*Auspicious Reorderings*” of this period also “contributed to further centralization of administration, and brought increased state participation in Ottoman society between 1839 and 1876.” See Stanford J. Shaw and Ezel Kural Shaw, *History of the Ottoman Empire and Modern Turkey*, Vol. II (New York: Cambridge University Press, 2002), 55.
2. Şükrü Hanioglu, *A Brief History of the Ottoman Empire* (Princeton, NJ: Princeton University Press, 2008), 204.
3. Alen Duben and Cem Behar, *Istanbul Households Marriage, Family and Fertility 1880–1940* (Cambridge, UK: Cambridge University Press, 1991), 202.
4. Cem Emrence, “İstanbul Tramvayında Sınıf ve Toplumsal Kimlik (1871–1922),” *Toplumsal Tarih* 93 (2001): 6–13.

5. Ahmet Hamdi Tanpınar, *Beş Şehir* (Ankara, Turkey: Milli Eğitim Yayınevi, 1989), 140–147.
6. Zeynep Çelik, *The Remaking of Istanbul Portrait of an Ottoman City in the 19th Century* (Seattle: University of Washington Press, 1986), 25; Duben and Behar, *Istanbul Households Marriage, Family and Fertility 1880–1940*, 25.
7. Çelik, *The Remaking of Istanbul Portrait of an Ottoman City in the 19th Century*, 25; Duben and Behar, *Istanbul Households Marriage, Family and Fertility 1880–1940*, 25.
8. Emrence, “İstanbul Tramvayında Sınıf ve Toplumsal Kimlik (1871–1922),” 6–13.
9. Şerif Mardin, “Tanzimat’tan Sonra Aşırı Batılılaşma,” in *Türk Modernleşmesi*, ed. Mümtaz’erTürköne and Tuncay Önder (İstanbul, Turkey: İletişim, 2006), 21–79.
10. Duben and Behar, *Istanbul Households Marriage, Family and Fertility 1880–1940*, 21.
11. *Kadınlar Dünyası* was published after the Balkan Wars in 1913 by the Society for the Defence of Women’s Rights (*Müdafaa-i Hukuk-u Nisvan*). The Journal was published until 1921, although three issues were prevented. The Journal is also known for its affinity to the Committee of Union and Progress (CUP). See Serpil Çakır, *Osmanlı Kadın Hareketi* (İstanbul, Turkey: Metis Yayınları, 1996), 80–5.
12. *Türk Kadını* was published bimonthly in 1918 and 1919 in İstanbul. Its readership was mainly middle- and upper-middle-class women. Like *Kadınlar Dünyası*, *Türk Kadını* was also known for its affinity to the CUP. See Birsal Talay Keşoğlu, “Son Dönem Osmanlı’da Türk Kimliği’nin Oluşturulmasında Kadınlara Biçilen Roller, Milliyetçilik ve Kadın,” *Tarih ve Toplum Yeni Yaklaşımlar* 11 (2010): 143–63.
13. Hanioglu, *A Brief History of the Ottoman Empire*, 183.
14. Aynur Demirdirek, “In Pursuit of the Ottoman Women’s Movement,” in *Deconstructing the Images of “The Turkish Woman,”* ed. Zehra Arat (New York: St. Martin’s Press, 1998), 66–71.
15. Zehra Arat, “Introduction: Politics of Representation and Identity,” in *Deconstructing the Images of “The Turkish Woman,”* ed. Zehra Arat (New York: St. Martin’s Press, 1998), 9.
16. Mervat Hatem, “Modernization, the State and the Family in Middle East Women’s Studies,” in *Social History of Women and Gender in the Modern Middle East*, ed. Margaret Meriwether and Judith Tucker (Boulder, CO: Westview Press, 1999), 69.
17. Deniz Kandiyoti, “End of Empire: Islam, Nationalism and Women in Turkey,” in *Women, Islam & the State*, ed. Deniz Kandiyoti (London, UK: Macmillan Press, 1991).
18. Duben and Behar, *Istanbul Households Marriage, Family and Fertility 1880–1940*, 13.
19. Yavuz Selim Karakışla, *Women, War and Work in the Ottoman Empire: Society for the Employment of Ottoman Muslim Women (1916–1923)* (İstanbul, Turkey: Ottoman Bank Archives and Research Centre, 2005), 39.
20. *Ibid.*, 167.
21. Ziyaettin Fahri Fındıkoğlu, *Essai sur La Transformation du Code Familial en Turquie* (Paris, France: Editions Berger-Levrault, 1936), 31; Bernard Lewis, *Modern Türkiye’nin Doğuşu* (Ankara, Turkey: Türk Tarih Kurumu, 2004), 230–8.
22. Karakışla, *Women, War and Work in the Ottoman Empire*, 166.
23. *Prime Ministry Ottoman Archives*, DH İ UM 19-9, 1-46, A4, October 23, 1919.
24. Meral Altındal, “Kadın Birinci İşçi Taburu Tarihçesi,” *Toplumsal Tarih* 41 (1997): 14–16; Zafer Toprak, “Osmanlı Kadınları Çalıştırma Cemiyeti: Kadın Askerler ve Milli Aile,” *Tarih ve Toplum* 51 (1988): 34–8; Yavuz Selim Karakışla, “Enver Paşa’nın Kurduğu Kadın Birinci İşçi Taburu: Osmanlı Ordusu’nda Kadın Askerler,” *Toplumsal Tarih* 66 (1999), 15–24.
25. *Prime Ministry Ottoman Archives* DH İD 161-1 6, August 18, 1913; *Prime Ministry Ottoman Archives* DH EUM VRK 20 106, September 25, 1912.
26. Karakışla, *Women, War and Work in the Ottoman Empire*, 50, 135.
27. *Ibid.*, 148.
28. In the Ottoman Empire, until the middle of the sixteenth century, no Muslim school of law’s jurisdiction was accepted universally to solve legal problems. Before the sixteenth century, a Muslim regent at a court could divorce Hanafi woman from her husband, who left her, by applying the provisions of the Shafi’i

- School of Islamic law. See Mehmet Akif Aydın, *Osmanlı Hukuku'nda Kazai Boşanma, Tefrik* (İstanbul, Turkey: Yaylı.y.i 1986), 34–6.
29. John Esposito, *Women in Muslim Family Law* (New York: Syracuse University Press, 1982), 53.
 30. İhsan Yılmaz, *Muslim Laws, Politics and Society in Modern Nation States Dynamic Legal Pluralism in England, Turkey and Pakistan* (Aldershot, UK: Ashgate, 2005), 42; Joseph Schacht, “Islamic Law in Contemporary States,” *The American Journal of Comparative Law* 8, no. 2 (1959): 106.
 31. Mehmet Akif Aydın, *Osmanlı Hukuku'nda Kazai Boşanma: Tefrik* (İstanbul, Turkey: Yaylı.y., 1986), 35.
 32. Mehmet Akif Aydın, *İslam-Osmanlı Aile Hukuku* (İstanbul, Turkey: Marmara Üniversitesi İlahiyat Fakültesi Vakfı Yayınları, 1985); Mehmet Akif Aydın, “Osmanlılarda Aile Hukukunun Tarihi Tekâmülü,” in *Sosyo-Kültürel Değişme Sürecinde Türk Ailesi*, vol. 2, ed. Hakkı Dursun Yıldız (Ankara, Turkey: Emek Gazete ve Matbaacılık Ltd., 1992); Mehmet Akif Aydın, *Türk Hukuk Tarihi* (İstanbul, Turkey: Hars Yayıncılık, 2005); Gülnihal Bozkurt, *Batı Hukukunun Türkiye’de Benimsenmesi Osmanlı Devleti’nden Türkiye Cumhuriyeti’ne Resepsiyon Süreci (1839–1939)* (Ankara, Turkey: Türk Tarih Kurumu, 1996); Halil Cin, *İslam ve Osmanlı Hukuku’nda Evlenme* (Konya, Turkey: Selçuk Üniversitesi Basımevi, 1988); Halil Cin, *Eski Hukukumuzda Boşanma* (Ankara, Turkey: Ankara Üniversitesi Basımevi, 1976); Ziyaettin Fahri Fındıkoğlu, *Aile Hukukunun Tedvini Meselesi, Ebul’ula Mardin’e Armağan* (İstanbul, Turkey: İstanbul Üniversitesi Hukuk Fakültesi Yayınları, 1944).
 33. In “Women in Muslim Family Law,” John Esposito explored the history of family law reform in the Middle East and how the ideas of Rifaah Badawi Rafi al Tahtawi, Muhammad Abduh, and Qasim Amin provided the intellectual background for the Ottoman intellectuals in the reform of the Islamic family law. See Esposito, *Women in Muslim Family Law*, 1982.
 34. İlber Ortaylı, “Osmanlı Aile Hukuku’nda Gelenek Şeriat ve Örf,” in *Sosyo-Kültürel Değişme Sürecinde Türk Ailesi*, vol. 2, ed. Hakkı Dursun Yıldız (Ankara, Turkey: Emek Gazete ve Matbaacılık Ltd., 1992); İlber Ortaylı, *Osmanlı Toplumunda Aile* (İstanbul, Turkey: Pan, 2000), 456–467.
 35. Deniz Kandiyoti contextualized the Islamic Family Law reform in Ottoman political and social history, and explained the CUP elites’ nationalistic fervour and vision of the new family and women in the late Empire. See Kandiyoti, “End of Empire,” 1991.
 36. Judith Tucker discussed the Ottoman Law of Family Rights in comparison to prior law with a gender-conscious approach. See Judith Tucker, “Legacies of Legal Reform: Muftis, the State, and Gendered Law in the Arab Lands in the Late Ottoman Empire,” *New Perspectives on Turkey* 24 (2001): 1–16; Judith Tucker, “Revisiting Reform: Women and the Ottoman Law of Family Rights, 1917,” *Arab Studies Journal* 4 (1996): 4–17.
 37. With the promulgation of the olfactory receptor (OLFR), a vast body of interpretations and opinions of Islamic family law issues were standardized to a code. Actually, it was the first codified Islamic family law; and despite its short live in the Ottoman Empire (abrogated in 1919) it was used in other Muslim countries for quite a while (see Judith Tucker, “Revisiting Reform,” 1996). This article raises as many questions as it answers, such as the legal and ideological reasons for the promulgation of the Ottoman Law of Family Rights in the middle of the World War I, and the realities of its application even as the Empire finally collapsed. However, the answers to these questions are beyond the scope of the current study.
 38. Zafer Toprak, “II Meşrutiyet Doneminde Devlet, Aile ve Feminizm,” in *Sosyo-Kültürel Değişme Sürecinde Türk Ailesi*, vol. 2, ed. Hakkı Dursun Yıldız (Ankara, Turkey: Emek Gazete ve Matbaacılık Ltd., 1992), 228–29.
 39. Kandiyoti, “End of Empire,” 36.
 40. Kate Fleming, “Women as Preservers of the Past: Ziya Gökalp and Women’s Reform,” in *Deconstructing Images of the Turkish Woman*, ed. Zehra Arat (New York: St. Martin’s Press, 1998), 137.
 41. Kandiyoti, “End of Empire,” 36–39.
 42. Names of some of these journals are *Şükûfezar* (Bloomed Garden, 1886), *Hanımlara Mahsus Gazete* (The Newspaper for Women, 1895), *Demet* (A Bunch, 1908), *Mehâsin* (Virtues, 1908–1909), *Kadın* (Woman 1911–1912), *Kadınlar Dünyası* (Women’s World, 1913–1914; 1918–1921), *Kadınlık* (Womanhood, 1914); for details, see Demirdirek, “In Pursuit of the Ottoman Women’s Movement,” 66–71.

43. Mukadder İrfan, "Bizde Aile Teşkili," *Kadınlar Dünyası* 65 (June 20, 1913).
44. Nesrin Salih, "Bizde Aile Hayatı Niçin Yok?," *Kadınlar Dünyası* 75 (June 20, 1913).
45. Mehpare Osman, "Hukûk-u Nisvân Cemiyeti," *Kadınlar Dünyası* 76 (July 1, 1913).
46. Feride, "Kadınlar Dünyasına," *Kadınlar Dünyası* 4 (April 20, 1913).
47. Toprak, "II Meşrutiyet Doneminde Devlet, Aile ve Feminizm," 228–9.
48. Hikmet Y. Celkan, "Türk Ailesinin Yeni Dönemlerde Ele Alınışı," in *Sosyo-Kültürel Değişme Sürecinde Türk Ailesi*, vol. 2, ed. Hakkı Dursun Yıldız (Ankara, Turkey: Emek Gazete ve Matbaacılık Ltd., 1992), 255.
49. Fanny Davis, *The Ottoman Lady a Social History from 1718 to 1918* (Westport, CT: Greenwood Press, 1986), 55.
50. Lewis, *Modern Türkiye'nin Doğuşu*, 225.
51. Pelin Başçı, "Shadows in the Missionary Garden of Roses: Women of Turkey in American Missionary Texts," in "Deconstructing the Images of The Turkish Woman," ed. Zehra Arat (New York: St. Martin's Press, 1998), 111.
52. Ellen L. Fleishmann, "The Other Awakening: The Emergence of Women's Movements in the Modern Middle East, 1900-1940," in *Social History of Women and Gender in the Modern Middle East*, ed. Margaret Meriwether and Judith Tucker (Boulder, CO: Westview Press, 1999), 100.
53. I hereby use "hanım" for the Ottoman lady.
54. Fatma Zerrin, "Tehlikenin Büyüğü," *Kadınlar Dünyası* 63, June 19, 1913.
55. Hatice, "Kadının Lüzûmu Tahsili," *Kadınlar Dünyası* 88, June 13, 1913.
56. H. Vasif, "Avrupa'da Tahsili Nisvan," *Kadınlar Dünyası* 89, July 14, 1913.
57. Melihe Cenan, "Avrupa'ya Gitmek Meselesi," *Kadınlar Dünyası* 93, July 18, 1913.
58. Nancy Micklewright, *Women's Dress in Nineteenth Century Istanbul: Mirror of a Changing Society* (PhD diss., University of Pennsylvania, 1986), 1–3; Ebubekir Sofluoğlu, "Osmanlılar'da İsrâf ve Kadın," *Tarih ve Toplum* 207 (2001): 20.
59. Perihan, "Moda," *Türk Kadını* 2, June 6, 1918.
60. Ahmet Edip, "Çirkinlik," *Türk Kadını* 2, June 6, 1918.
61. Seniye Ata, "Türk Kadınları ve Aile," *Kadınlar Dünyası* 78, July 3, 1913.
62. Neziha Rikkat, "Erkekleşme," *Türk Kadını* 13, November 28, 1918.
63. Ethem Nejad, "Kadın Erkek Eğlencede de Birlikte," *Türk Kadını* 9, September 12, 1918.
64. İbrahim Hilmi, "Aile Hayatımızda Avrupalılaştırmanın Tesiri," in *Sosyo-Kültürel Değişme Sürecinde Türk Ailesi*, vol. 3, ed. Hakkı Dursun Yıldız (Ankara, Turkey: Emek Gazete ve Matbaacılık Ltd., 1992), 1077–79.
65. Kandiyoti, "Introduction," 10.
66. Davis, *The Ottoman Lady a Social History from 1718 to 1918*, 77–78.
67. Marmaduke Pickthall, *Harpte Türklerle Birlikte* (İstanbul, Turkey: Yeditepe Yayınevi, 2009).
68. See İbrahim Şinasi's "The Poet's Marriage" (Şair Evlenmesi, 1860) parodying arranged marriages. Also, Namık Kemal in his play "The Poor Child" (*Zavallı Çocuk*, 1873–1874) depicted the tragedy of arranged marriages. Celal Nuri, in his book "Our Women" (*Kadınlarımız*, 1915) argued for the need for men and women to meet each other before marrying. See Davis, *The Ottoman Lady a Social History from 1718 to 1918*, 77–78.
69. Berna Moran, 'Tanzimat'tan Cumhuriyet'e Roman', *Tanzimat'tan Cumhuriyet'e Türkiye Ansiklopedisi*, vol. 1 (İstanbul, Turkey: İletişim, 1985), 11; Duben and Behar, *Istanbul Households Marriage, Family and Fertility 1880–1940*, 88.
70. Kandiyoti, "End of Empire," 26.
71. Seniye Ata, "Türk Kadınında Aile," *Kadınlar Dünyası* 78, June 25, 1913.
72. "Müşabaka: Zevcinizin, Zevcenizin Nasıl Olmasını İstersiniz?," *Türk Kadını* 17, January 30, 1919.
73. "Müşabaka: Zevcinizin, Zevcenizin Nasıl Olmasını İstersiniz?," *Türk Kadını* 18 (Şubat 20, 1919).
74. Nükhet Esen, "Türk Ailesindeki Değişmenin Romanımıza Yansıması," in *Sosyo-Kültürel Değişme Sürecinde Türk Ailesi*, vol. 2, ed. Hakkı Dursun Yıldız (Emek Gazete ve Matbaacılık Ltd., 1992), 662.

75. Ortaylı, *Osmanlı Toplumunda Aile*, 9.
76. Duben Behar, *Istanbul Households Marriage, Family and Fertility 1880–1940*, 149.
77. Sir Edward Pears, *Turkey and Its People* (London, UK: Methuen & Co.Ltd., 1911), 68.
78. Lucy Garnett, *Home Life in Turkey* (New York, 1909) quoted in Davis, *The Ottoman Lady a Social History from 1718 to 1918*, 1986.
79. Pickthall, *Harpte Türklerle Birlikte*, 91.
80. Duben and Behar, *Istanbul Households Marriage, Family and Fertility 1880–1940*, 158.
81. According to İlber Ortaylı, polygamy was mentioned far more than it deserved in the late Ottoman period media and literary works. See Ortaylı, *Osmanlı Toplumunda Aile*, 2000.
82. İnci Eningün, *Ahmet Mithat Efendi Bütün Oyunları* (Istanbul, Turkey: Dergâh, 1998).
83. Nabizade Nazım, *Zehra* (Ankara, Turkey: Akçağ, 2005).
84. Halide Edip Adıvar, *Mor Salkımlı Ev* (İstanbul, Turkey: Özgür, 2005).
85. “Aile,” *Kadınlar Dünyası* 46, June 1, 1913.
86. Aliye Cevat, “Aile-3,” *Kadınlar Dünyası* 43, May 29, 1913.
87. Donald Quataert, *Ottoman Manufacturing in the Age of Industrial Revolution* (Cambridge, UK: Cambridge University Press, 2002), 170–75.
88. Yavuz Selim Karakışla, “Dersaadet Telefon Anonim Şirket-i Osmaniyesi ve Osmanlı Kadın Telefon Memureleri,” *Tarih ve Toplum* 212 (2001): 29–37.
89. *Prime Ministry Ottoman Archives*, DH İD 65 16, February 26, 1912.
90. Davis, *The Ottoman Lady a Social History from 1718 to 1918*, 56.
91. Edhem Nejat, “Türkiye’de Kız Mektepleri ve Terbiyesi,” *Türk Kadını* 10, September 26, 1918.
92. İsmail Hakkı, “Kadın ve İçtimai Muhtitler,” *Türk Kadını* 9, September 12, 1918.
93. Necmettin Sadık, “Kadınlığın Terakki Yolları,” *Türk Kadını* 4, July 4, 1918.
94. Arat, “Introduction,” 8.
95. Nicole A. N. M. van Os, “Osmanlı Müslümanlarında Feminizm,” in *Modern Türkiye’de Siyasi Düşünce: Tanzimat ve Meşrutiyet’in Birikimi*, ed. Tanıl Bora and Murat Gültekingil (İstanbul, Turkey: İletişim Yayınları, 2001), 339.
96. Davis, *The Ottoman Lady a Social History from 1718 to 1918*, 56.
97. Müfide Ferid, “Feminizm,” *Türk Kadını* 20, April 17, 1919.
98. Nebile Akif, “Hikmeti İçtimaiyye ve Nisvan,” *Kadınlar Dünyası* 93, July 17, 1913.
99. Mükerrerrem Belkıs, “Kadınlıkta Esaretin Müvellidi,” *Kadınlar Dünyası* 96, July 21, 1913.
100. Mükerrerrem Belkıs, “Şiddetle Red, Kadınlar Nakısat’ül Akl İmiş,” *Kadınlar Dünyası* 85, July 10, 1913.

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