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(Hi)stories of Honor in Ottoman Societies

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Honor, Reputation, and Reciprocity

Leslie Peirce

- 1 Honor in its usage today, in English at least, is typically defined by its constituent attributes: Dicionary.com defines it as “honesty, fairness, or integrity in one’s beliefs and actions”. Reputation on the other hand is a relational concept: “the estimation in which a person or thing is held, especially by the community or the public generally”. It takes the community to bestow or deny good reputation.
- 2 Explicit terms for honor do not often occur in Ottoman sources from the sixteenth and first half of the seventeenth century, the period I am interested in. When they do appear, it is the familiar terms *ırz* and *namus*.¹ It seems somewhat risky, therefore, to use the word “honor” in talking about sensibilities and motivations in this period, at least without working from the ground up to observe how honor was conceived and deployed. On the other hand, reputation was palpably present, if not so labeled, in the talk and action of Ottoman subjects—as was the effort to maintain it, or to damage that of another person. To put this another way, looking at reputation and how one gained a good or bad one is arguably the most productive avenue for understanding how people in early modern Ottoman times understood honor.
- 3 This essay nevertheless employs the terms “honor” and “dishonor”. The reader should be thinking of them, however, as embedded in a relational process where one person’s gain may spell another’s loss, or there may be an attempt to maintain equilibrium among individuals, that is, to recoup damaged reputations for all parties involved in a troubled situation. A person who has been dishonored by the action of another may or may not suffer diminished reputation, depending upon how he or she reacts to the insult. Studying honor as a relational phenomenon—the process of censuring or validating a person or group’s actions or inactions—allows us to appreciate the capacity of Ottoman subjects to talk to each other about honor, and also, importantly, of Ottoman authorities and subjects to employ the language of honor to communicate about broader problems.

The vocabulary and rhetoric of honor

- 4 Ordinary individuals thought and spoke about honor and dishonor in a variety of verbal registers. Let us examine some texts that suggest some of the ways they did so and some of the situations that propelled them to speak. The first set of examples is drawn from the court records of Aintab (today's Gaziantep) for the years 1540-1541 and of Harput (Elazığ) for 1630-1631. Ottoman courts acted as not only as judicial forums in which Islamic Sharia and Ottoman sultanic law (*kanun*) were enforced but also as resources for members of the community, who regularly used their local court to air personal problems or disputes on their own initiative.
- 5 When the little daughter of Muhsin threw stones at the house of Hacı Mansur, both residents of the provincial capital of Aintab, Mansur responded by attacking Muhsin both physically and verbally. He grabbed Muhsin's beard and yelled, "Aren't you a man? Why do you bother wearing a turban? Discipline your daughter!"² Mansur had invaded two bodily zones of male honor, the beard and the head covering. Muhsin found the insult unacceptable, it seems, since he took the trouble of having Mansur's words and deed recorded at court (it took two efforts to induce Mansur to make the complete statement above). In the end, each man made his point in a public manner.
- 6 Because what people said to and of one another could be actionable, court registers of this period are replete with the direct quotation of litigants' speech. Testimony was almost always recorded in the Turkish past tense employed for eye or ear witness—*dedi*, "he said (and I know because I was there)"—rather than in the past tense that implied second-hand knowledge—*demiş*, "he said (or that is what I am given to understand)". Litigants of course might mumble or verbally stumble in court, requiring judges and scribes to rephrase less than articulate speech. But in cases like that of Mansur, where what was said might have legal consequences, they strove when recording direct speech to remain as faithful as possible to the diction and word choice of the speaker. They needed to get it right, as there was always the possibility that a court record might be revisited for evidence in a future dispute.
- 7 The next case preserves the words of the most assertive young woman ever to emerge in the court registers I have read. The daughter of one Hacı Mustafa, Fatma was a resident of the eastern Anatolian city of Harput. The crux of the case is her engagement to a certain Mevlut. He has given her the required dower or part of it at least. But six years have passed and no marriage has taken place. Moreover, Mevlut has married someone else. What brings it all to a head in 1631 is unclear, although what is clear is the discord between Fatma and her father. Apparently he has confined her to the house, though whether he has physically tied her down is unclear (her reference below to her immobility may be metaphorical). In the courtyard of the dwelling, she has, in her father's words, been "moaning and crying out" (*feryad u efgan*) over her unwillingness to marry Mevlut.
- 8 As a consequence of her confinement, representatives of the court come to Fatma. They take her testimony as she speaks from the threshold of her house. This is what she says to them, or at least that part of her statement that the judge considered necessary to record:

My father has tied me to the courtyard by my skirt. I am my own agent [*başima vekilim*], and I will not marry Mevlut. I take comfort from my clan and my relatives, and I appoint Mehmed my agent in this matter [of marriage]. Whomever I consent

to marry, let that person make a contract of marriage for me. This Mevlut gave me a linen cap and a box, and not much more.³

- 9 It is hard to know how old Fatma is, but given the long engagement, she could be twenty or so—that is, an unmarried yet adult female, at risk of not being able to find another suitor, especially one she would find satisfactory. In other words, if Fatma's (dis)honor is at stake in this incident, it is the undesirable alternative between the socially isolating status of the spinster and settling for being a junior wife. Out of anger, worry, desperation or all of these, Fatma takes the daring step of asserting her legal autonomy. She also makes it clear what she thinks of Mevlut's paltry gifts.
- 10 Fatma's is an audacious break with a father's authority. To be sure, her refusal of Mevlut is legally permissible on the principle that a virgin who has reached majority (either signs of full puberty or the age of seventeen) can reject the fiancé chosen by her elders.⁴ Local knowledge of the law was widespread, and it was not uncommon for young women to use their court to object to matches made by fathers or other male relatives (see, for example, cases in Ongan 1974). But what is highly unusual in records of these centuries is Fatma's open and total rejection of her father's authority over her as her guardian under the law. Moreover, Hacı Mustafa's restraint of his daughter appears to have backfired, for her cries of abuse have presumably put the whole family's reputation in jeopardy.
- 11 Fatma may not have been alone in her complaints, for a sympathetic member of the household has apparently enabled her to communicate with her chosen proxy Mehmed. Could it be her mother? What she thought about her husband's actions or her daughter's willfulness or what her own stake might be in the troublesome situation is unknown—perhaps she sympathized with her daughter, or even supported her resistance. Indeed, the will of mothers is rarely evident in these records. Except in the case of orphans (children who had lost their father), a mother's guardianship of her children was increasingly discouraged by the Ottoman regime. The famed jurist Ebu Suud, working in the mid-sixteenth-century, ruled in his fatwas that marriage of a female by a guardian other than her father or grandfather had to be sanctioned by the local judge (Düzdağ 1983: 37-38). This was only one piece of legislation in the program to tighten up on marriage and sexual morality, a phenomenon that appears to have been near universal in this period (see, for example, Crawford 2007). In turn, honor and reputation (as well as the ability to resist the state's norms) adjusted to the shifts (Peirce 2010).
- 12 The last in our set of examples from court records concerns a slander case brought by Esma, daughter of Hoca Hamza, against her brother Hamza. Hamza had apparently cursed at his sister. "He slandered me by calling me a whore", Esma alleged before the judge of Aintab.⁵ Hamza's curse was actionable as an instance of false accusation of adultery. Curses hurled at others were often sexual in nature (calling someone a pimp/whore/sodomite/fornicator and so on). Should the target of the curse take action to defend his or her reputation, as Esma did, a potentially heavy penalty awaited the slanderer. This does not seem to have stopped people from loose talk, for cursing by both genders appears to have been a common social habit, at least in parts of early modern Anatolia. One reason for its ubiquity was that cursing and slander were a weapon of the weak, a way to get one's voice heard publicly. Sometimes, however, curses were simply spoken in the heat of anger or frustration, as Hamza's words appear to have been.

- 13 Esma lost her case. The court noted that she “was unable to supply the requisite number of witnesses” to Hamza’s utterance, and he cleared himself with an oath. Unlike Fatma’s case, where unknown complexities may lurk behind the pages of the Harput register, the Aintab register provide clues to family tension among the children of Hoca Hamza. Two weeks after her suit against her brother, Esma would come to court to use the hefty sum of money she inherited from her deceased father to purchase her brother Abdulkadir’s share in the house that had been left to him and Hamza.⁶
- 14 Perhaps it was his sister’s plan to acquire part of the family dwelling that caused Hamza to curse her. Esma was going against the Aintab norm of sisters yielding the inherited family dwelling to brothers. Moreover, immediately after acquiring her share of the house, the litigious Esma took her female neighbor to court to demand structural alterations in the latter’s house so as to protect her own domestic privacy. Esma, it seems, was a woman intent on taking care of herself and a legally savvy and active user of the court. All the more likely, then, that her case against Hamza was taken with full awareness of the price she might pay to make his slander public. Reputation could be worth more than money, and Esma apparently had the resources to afford it.
- 15 Only in the last of these three court cases has the judge’s task been to adjudicate a lawsuit. In the other two, the court and its personnel have recorded voices in dispute. Whether the court’s intervention was invited by the disputants or necessitated in the interest of communal order (we cannot be sure), it has apparently helped to restore some equilibrium among neighbors or families attacking each other’s integrity. When we turn to narrative mediums, however, it soon becomes evident that authors who engaged problems of honor and reputation could more easily endow them with tendentious or moralizing rhetoric than could the documentary medium of the court record.
- 16 The two incidents narrated below turn on the public dishonor of an entire community. One is drawn from the history of the seventeenth-century author and government servant Ibrahim Peçeви. The second is from the Register of Important Affairs (*Mühimme Defteri*), in which the sultan’s Imperial Council recorded petitions from across the empire and its responses to them. Both texts are indirect critiques of the weak or incompetent government that prevailed during the 1620s and the early 1630s (Fatma’s Harput was also experiencing disorder at the time). Both employ stories of the dishonoring of women to make the point about the sultanate’s inability to protect the honor of its subjects.
- 17 Peçeви related a story that took place in Tokat, winter headquarters of the Ottoman army during its eastern campaigns. The sorry tale, which he heard first hand, concerned the daughter of a poor peasant. The father had been forced to sell her to the village grandee in order to pay off debts incurred by the financial burdens imposed by the latter. The grandee then proceeded to auction the girl off in the streets of Tokat. Peçeви deplored the fact that this could happen at a time when the grand vizier, the Janissary commander, and the commanders of the imperial cavalry troops were all resident in Tokat. “Things had come to such a pass,” commented the historian, “that even with so many great men in the city supposedly keeping order, not a one prevented this or was capable even of speaking out against it.”⁷ Cities were thought to be entities with character, and any reputation Tokat may have had as a place where the sultan’s justice prevailed was tarnished.

- 18 The incident narrated in the Imperial Council's Register echoed Peçevi's implication that delegates of the sultan's authority were powerless because he was powerless—or, just as bad, negligent. As a consequence, local communities lacked resources to preserve the good reputation of their citizens. The first victim to be dishonored in this incident, which took place in 1630 in Göynük, a town near Bursa, was Emine, the wife of a judge, Mevlana Mustafa. The second was the judge himself. What had happened was that Mevlana Mustafa called in a loan of 50,000 silver coins from a certain Hüseyin. The latter responded by abducting Emine. He then handed her over to one of his followers "to use" (for sex).
- 19 The incident was relayed to the Imperial Council in Istanbul in a petition authored by the head judge of Göynük, Mevlana Abdulaziz. His purpose was to appeal to the government to send forces against the man he described as a bandit captain of a gang of forty. This was not a case of litigation where a judge had to remain neutral, but rather a complaint whose rhetoric was carefully crafted to chide the sultan's viziers, if implicitly, for the disorder then rampant in parts of Anatolia. Mevlana Abdulaziz pointedly noted that "not one of the leading men of the province was capable of rescuing her".⁸ The dishonor of Emine, the judge Mevlana Mustafa, and the hapless dignitaries of the province, like that of the Tokat protagonists, was the dishonor of the state. The sultanate had failed its subjects by its inability to uphold the unwritten constitution of the empire—royal protection in exchange for loyal allegiance. It was a dismal commentary on the times, for the essential contract of empire appeared to be broken.

Reciprocity and the social contract

- 20 I would like to borrow from the vocabulary of European thought to approach the question of reciprocity and the goal of equilibrium in the quest for honor and reputation. The idea to consider honor as a social contract was suggested by an NYU graduate student who linked the two phenomena in a paper responding to a set of readings on the theme "honor and the state"; it seemed a productive idea to think with.⁹ The term "social contract" of course has a long history in European thought. It is not my purpose to impose the term on Ottoman dynamics but rather to use it as an entrée into thinking about the contractual habits of early modern Ottoman communities.
- 21 The many Ottoman intellectuals interested in law and government would have found much to recognize in Hugo Grotius' *De Jure Belli ac Pacis* (*On the law/rights of war and peace*), or at least in its prolegomena. Here, the profoundly influential Dutch thinker lays out the foundation of his case for international law. I cite from this particular work because it appeared in the period considered here (1625), in advance of Enlightenment thinking, and because Grotius recognizes the power of "custom and tacit compact", so integral to the mentality of the subjects of the Ottoman empire. "The mother of right—that is of natural law [*jus*]—is human nature;" he says, "for this would lead us to desire mutual society, even if it were not required for the supply of other wants. And the mother of civil laws is obligation by mutual compact." Like the Ottomans, Grotius does not leave all up to humankind. He is concerned to reconcile natural law with "sacred history": it is God who authors *jus* in humans (Hugo Grotius 1902).
- 22 Contractual practices were embedded in the socio-legal culture of the early modern Ottoman world. In addition to the expected—property sale, purchase, rental and loan

contracts—were engagement and marriage (among Muslims not a sacrament but a formal contract), and one might add divorce, with its entailment of agreements regarding financial support and custody. In theory at least, the ideal of just exchange imbued contracts with more than an instrumental function. All contracts had witnesses, who, if necessary in the future, could supply the testimony that Islamic law regarded as the bedrock of the legal process.

- 23 Trust in mediation was implicit in the Ottoman social contract. The widespread practice of *sulh*—settling disputes by the arbitration of neutral parties—could involve up to four parties to achieve the compact of reconciliation: the two disputant parties, the arbiters, and the judge, who oversaw and sanctioned the final agreement. In the court records I have studied, *sulh* cases are the sole locus of overt religious reference: they were sometimes recorded along with the hadith “*el-sulh hayırdır*” (“peacemaking is a benefaction”). Perhaps the hadith enshrined the Prophet Muhammad’s original communal function as an arbiter (*hakim*). Respect for *sulh* was further enshrined in the custom of calling arbiters *musalihun*, “peace-makers”, or “Muslims”, meaning morally upright men.¹⁰
- 24 “Contractualism” may not fit all habits that bound people together in this period, willingly or not. “Mutualities” may be a better way to think about some. The term *hak*—one’s share, right, or due justice—was not uncommonly asserted at the courts of judges, suggesting that individuals expected, ideally, to be treated fairly, by others, by the law, and by the state. Another common practice that drew people into a bonded relationship was *kefalet*, mutual guarantorship—that is, the act of appointing or acting as guarantor or surety for another’s whereabouts, debts, or crimes. The practice of *kefalet* has been attested for early modern Bulgarian towns, Istanbul, and Jerusalem (Ivanova 1990; Abou-El-Haj 2013¹¹).
- 25 Here is the record of the *kefalet* formed by six Armenian men of Aintab before the judge. They acted on behalf of the whole Armenian population of the city as well as Armenians in the general region:

If any harm or damage is done by any Armenian from our district, we collectively assume responsibility for it. And we assume responsibility for those [Armenians] who come among us, those from outside. Henceforth if anything contrary is done by any of our community, hold [the six of] us accountable.¹²
- 26 The specific impetus for this oath of unity was probably an investigation one week earlier by the local governor’s men into a crime allegedly committed within the Armenian community five years earlier (the murder of a convert to Islam whose corpse had just been exposed). It was time to unite defensively.
- 27 If *hak* could be an adversarial reciprocity, a claim to one’s own due, *kefalet* was a consolidating reciprocity. The pledge of mutual support was a resource often called upon in circumstances of threat or insecurity. Within the space of one week in June 1541 in the city of Aintab, the butchers, the bakers, and eight military pensioners came before the judge to register mutual guarantorships.¹³ For each group, the judge recorded the names of its members and stated that they were now “guarantors and responsible parties for one another”; for the butchers, he added, “in good times and bad”. The impetus for this spate of protective initiatives was the departure of a special agent sent from Istanbul to investigate market practices in Aintab. He had spent most of his month in the city arraigning several prominent men who were forced to pay back taxes due to the state. Ordinary individuals who lacked the financial wherewithal that

the errant city leaders could draw on—butchers, bakers, and retirees, for instance—protected themselves and their business reputations in mutual compact.

- 28 The dynamics of contractualism and mutuality can be attributed to the hundreds of Ottoman courts operating in the sixteenth and seventeenth centuries. Courts existed ostensibly for the purpose of implementing the law, that is, educating and inducing the subject population to conform to the legal regime of the Ottoman state. But they also served as a notarial bank. People regularly used the judge's office as a repository for statements they wanted to have registered, either to publicize things said and/or done to them or to preserve information for possible retrieval as evidence in the future. (The technical term for this practice was "anticipation of consequences".¹⁴) Muhsin may have had both purposes in mind when he induced Mansur to repeat what he had said and done in response to the stoning of his house.
- 29 The implicit contract between the court and its users comprised the services provided by the court for the public in exchange for the patronage of the court by the public as a venue for dispute resolution. It took inducement to make habitual users of the state's legal system out of people who before the *Pax Ottomanica* may have lacked a responsible court or indeed any court at all. A relevant Ottoman reform of the court system was to establish designated courthouses (often, as in Aintab, the residence of the judge), replacing the use of mosque courtyards, for example, where women and non-Muslims may have been reluctant—or even unable—to enter. Each of the three court cases cited above was, in some degree, an example of the judge's court not as a prosecutorial authority but as a resource for sorting out individuals in conflict or trouble.
- 30 All this is not to imply that the Ottoman empire was a self-regulating society or that the solutions to all problems were negotiated. Force and the sword of justice were liberally applied by the authorities (including self-appointed authorities such as tribal lords and the rebel pashas of the seventeenth century). But the *pax Ottomanica* was a recent experience for many communities whose history had more often been one of political decentralization and contested sovereignty than of sustained rule by a competent and effective sovereign power. Roy Mottahedeh has eloquently pointed out that some such communities yearned not to be free but to be ruled, especially the nobles and elders among them (Mottahedeh 1980: 175-6). In the sometimes long interstices between imperial overlordship, communities were left to their own devices, requiring them to devise mechanisms for self-regulation. Aintab and Harput were places with such a history.
- 31 Mottahedeh gives the example of Damascus in the late 10th century as a city in search of a ruler. The Fatimid governor had fled in the face of Buyid advance, and the *ahdath*, gangs of young men, had taken control of the city. The episode is eerily reminiscent of militias who have recently done the same in Syrian cities that have fallen bereft of any rational administration (Barnard 2013). My point here is that it did not take the Ottoman sultanate to introduce the mechanisms for regulating reputation and personal integrity discussed in this and the next section. The *pax Ottomanica*, with its power to enforce decisions and look out for those especially at risk, could of course enable such mechanisms to work more effectively. But in places like Tokat and Göynük in moments like the "time of troubles" of the 1620s and 30s, even the state's officials could prove powerless.

Finding equilibrium

- 32 Let us turn now to an incident that casts light on a community's efforts to avoid a rupture over damaged reputations. This case, from the court record of Aintab of 1540-1541, revolves around a situation in which two parties in opposition both suffer personal dishonor.¹⁵ It illustrates several dynamics relating to reputation and how it is constituted—among individuals, between the individual and the community, between the community and the authorities (here, the government-appointed judge and his court).
- 33 To our eyes, one party—the father-in-law, Mehmed, who has allegedly raped his young son's bride—may look suspiciously guilty. The other party—the child bride Ineh, whose marriage has not yet been consummated—appears to be an innocent victim. But the court, or rather the mechanisms of the local socio-legal culture, approach the case as one of double reputations at risk—his because Ineh publicly accuses him of rape, hers because it is now public knowledge, by her own admission, that she has been sexually defiled. The outcome of this case is an example of reputational equilibrium—in other words, the community and the court intervene to salvage some semblance of honor for all involved. Put another way, the goal is to limit damage to both parties' standing in the community. Neither Mehmed nor Ineh is the clear winner or loser in this affair.
- 34 How does equilibrium come about? There is no proof, no eye witness to the rape; Ineh's accusation is all that there is. To test the validity of her allegation, that is, the likelihood that Mehmed, who denies the rape before the judge, could have done such a thing, the court holds an official investigation into his reputation among the community. Their consensus is entered into the court record: "When the people of the village were questioned [about Mehmed], they said: 'Mehmed has been together with us from the time we were all children. We have never observed or heard of any wrongdoing on his part. We consider his people as friends'." They know him well, he is not a bad man, and his whole family are worthy of friendship. Here is a village's measure of reputation, in which the integrity of both the individual and the family count.¹⁶
- 35 It may seem that Ineh has lost. But reputation is a tricky business in Aintab. It appears to have been a basic assumption in Ottoman socio-legal culture that reputation was vital social insurance even for the most obscure person in the community, a little peasant girl in a remote village. Ineh's family is also at risk of dishonor, and it is perhaps they who have propelled their daughter to the province's only court (Ineh's step-father in fact is called upon during the exchange of testimony). Why the judge has allowed Ineh's testimony to be heard—he had the authority to refuse to hear a case—is presumably his recognition that damaged reputations in conflict are not good for the future tranquility of the community. The disposition of social equity, arguably the core tenet of Ottoman rhetoric on just rule, acknowledged that the most powerless of individuals was embedded a network of relationships that could permeate the local geography, and therefore disturb it.
- 36 Now for the tricky business. Ineh's accusation may not get Mehmed judged guilty, but at the same time it does not bode well for him in the long run. As we have seen, people of the time were charged with archiving memory of an individual's personal conduct. Being there, observing, noting, and remembering was apparently an ingrained habit. Mehmed has now acquired a *tö Ahmet*, a latent blot on his reputation. If he is accused or

suspected again, the community will cite this incident, no longer latent, and testify that “once he was accused of rape”. Going into the court hearing, Mehmed was presumably *töhmetsiz*, unblemished in reputation, but now he is *töhmaletli*, a man whose morals may become suspect in the future.

37 Testimony like that of the villagers regarding Mehmed’s good reputation is not infrequent in the court records. At least in the Aintab region, there appears to be regular reliance on the character record of an individual kept by neighbors and acquaintances. It is more like a pre-criminal record than the criminal record we are familiar with today. In Aintab, surveillance is not merely a universal habit, it seems, but a quasi-legal responsibility. Here are two examples of “*töhmalet-ing*” at work:

- When Canpaşa, a married peasant woman, accuses Hamza of breaking into her house at night, climbing into her bed, and assaulting her, Hamza denies the accusation. Investigation among the people of the village shows that he has been similarly accused with regard to another woman in the village and therefore has a *töhmalet*. Hamza is sentenced to punishment by the judge.¹⁷
- Mezid brings a case against Hüsnüye, wife of şeyhi, saying that when he was staying at their house, Hüsnüye came to him in bed after şeyhi had fallen asleep. Hüsnüye’s character is investigated, and three men of the city neighborhood testify that “we have never known any ill conduct on her part, and we cannot say she is prone to bad behavior.”¹⁸ (Note that a woman could be guilty of sexual aggression. Note also that Mezid is now guilty of slander, defined as unsubstantiated accusation of sexual misconduct.)

38 The *töhmalet* system, if we can call it that, was most likely a popular response to the strict evidentiary rules of Sharia. As scholars commonly recognize, sexual crime (*zina*)—adultery, fornication, rape, and sodomy—was hard to prosecute because of the Sharia requirement of four witnesses who had been close-up observers of the deed. Governments and communities, however, found ways to compensate for the strictness of Sharia. Ottoman practice tolerated hearsay evidence of adultery and rape, at least in this period. Slander was another means of airing a sexual offence. People used slander as a compensatory weapon of censure, for they were hauled into court for making accusations that they clearly could not substantiate. When they did so, it was apparently because they could alter their target’s reputational standing and hopefully rehabilitate their own. Presumably, they found it worth risking the heavy penalty for slander (a fine and/or up to eighty strokes of the bastinado).

39 Losers could also win, in other words. One might have to break the law, but one might successfully assert one’s own moral innocence and rectitude by exposing one’s antagonist. The woman Hadice is an example. Hadice travelled from Aleppo to Aintab to accuse one Abdulkadir, scion of an Aintab merchant family, of entering her house in Aleppo at night and raping her. She was unable to provide witnesses, or at least she brought none with her on the journey to the Aintab court. Hadice lost her suit when Abdulkadir took an oath of innocence.¹⁹

40 Why make the trek only to lose the case and presumably pay a hefty fine for sexual slander? the answer: to accuse Abdulkadir in his own social environment. Hadice’s is another case involving double reputations at risk. She followed the same strategy as Ineh did: create a *töhmalet* against the alleged rapist and repair one’s own honor by publicizing to kin, neighbors, community that one had resisted the illicit sexual act. Hadice could presumably purchase a copy of the case record from the Aintab court and have it inscribed in the register of her neighborhood court in Aleppo (the technical

term was “transfer of testimony”). Perhaps predictably, women had to work harder to protect their honor, exposing sordid events to keep their reputations as intact as possible. Hadice of Aleppo may have been more successful than she suspected, for Abdulkadir, as it turns out, was the brother of Esma and Hamza. Siblings in an apparently quarrelsome family, they may already have acquired a dubious reputation in their community.

- 41 At least in the regions studied here, popular practice made reputation a measurable phenomenon. The *töhm* system allowed local individuals to insert themselves into the process of adjudicating morals. It allowed females, more often victims than perpetrators of humiliating acts, to find a way to tell their side of the story, although recouping even a shred of their tarnished honor might come at a literal cost. For chronic abusers, on the other hand, it had the advantage of gradual criminalization: *töhm* was an admonitory as well as a punitive pressure, somewhat akin to the “three strikes and you’re out” laws that began to proliferate in the U.S. in the 1990s.²⁰ Without more work in the Ottoman court records and cognate sources, it is hard to say how many *töhm*s it took to get one convicted, or whether this mechanism was practiced across the empire.

Afterthought

- 42 In writing about Hadice and Ineh, I cannot help but be reminded of the allegation of rape in 1991 against William Kennedy Smith, nephew of John, Robert and Edward Kennedy. Smith was tried and acquitted on a charge of rape in a trial that was national news. Here are the facts, as relayed by Wikipedia:

The incident began on the evening of Good Friday, March 29, 1991, when Smith, 30 years old, was in a bar in Palm Beach, Florida, with his uncle, Senator Ted Kennedy, and his cousin Patrick Kennedy. Smith met a 29-year-old woman, Patricia Bowman, and another young woman at the bar. The four²¹ then went to a nearby house owned by the Kennedy family. Smith and the 29-year-old Bowman walked along the beach. Bowman alleged that Smith raped her; Smith testified that the sex was consensual. Although three women were willing to testify that Smith had sexually assaulted them in incidents in the 1980s not reported to the police, their testimony was excluded. Smith was acquitted of all charges.²²

- 43 A friend who was then an editor on the national desk at the Washington Post, points out that “this was a time when the media and the country were just starting to talk about political leaders' private lives.” Before the Bill Clinton-Monica Lewinsky affair, she notes, the media generally ignored or repressed reporting that would damage the reputations of the powerful. The exception was when misconduct “was flaunted-- Wilbur Mills driving into the Tidal Basin, Gary Hart being photographed with [Donna Rice] in his lap aboard a boat named Monkey Business. Then it was the men whose honor was stained: the women were presumed to be prostitutes.”²³
- 44 Thinking about Ineh, Hadice, and the three American women who had not spoken publicly about their alleged rape before the Smith trial prompts some questions. How many females in the early modern Ottoman empire kept silent about their violation, or were forced to keep silent? And how many females were punished by vigilante justice for their sullied state? The Imperial Statute Book (*Kanunnameh-i Osmani*) issued by Suleyman I around 1540 admitted that government authorities were not able to suppress the custom of honor killing; it could only attempt to curtail the number of

scenarios that it would tolerate (Heyd 1973: 59, 98). On the other side of the balance, something like the *tö Ahmet* system might have enabled the three U.S. women to have their testimony count at the 1991 trial.

- 45 The William Kennedy Smith trial offers another lesson, namely, that a *tö Ahmet* may stick merely as a result of the publicity potential of trials. The Ottoman introduction of courthouses probably enabled more and different kinds of spectators to watch trials and other court proceedings (and then go home and gossip about them). Readers of this essay might now remember the Smith trial, not only because its author remembers and has cited it here, but also because websites like Wikipedia rake up detritus from the past, enabling old stories to become fresh fodder for moralizing commentary. On other hand, the recent career of Bill Clinton has been noteworthy for its exculpatory public service and appears to have largely rehabilitated his reputation. We can only speculate whether their blemished reputations dogged Ineh, Mehmed, and others after their court appearances or whether scrupulous post-trial conduct helped to restore their honor.

BIBLIOGRAPHY

- Abou-El-Haj, Rifa'at A. (2013) 'A Probe into the Social: Ottoman Jerusalem in the Sixteenth Century', *Journal of Turkish Studies* 39: *Deftology – Festschrift in Honor of Heath Lowry I*, pp. 83-93.
- Barnard, Anne (2013) 'Syria Military Shows Strain in a War It Wasn't Built to Fight', *New York Times*, March 12, 2013.
- Crawford, Katherine (2007) *European Sexualities, 1400-1800*, Cambridge, Cambridge University Press.
- Düzdağ, Mehmet Ertuğrul (1983) *şeyhülislâm Ebussuud Efendi Fetvaları Işığında 16. Asır Türk Hayatı*, Istanbul, Enderun Kitabevi.
- Hallaq, Wael (1998) 'The qadi's divan (sijill) before the Ottomans', *Bulletin of the School of Oriental and African Studies* 61, pp. 416-436.
- Heyd, Uriel (Ménage, Victor Louis, ed.) (1973) *Studies in Old Ottoman Criminal Law*, Oxford, Clarendon Press.
- Hugo Grotius (1902) *The Rights of War and Peace*, Boston, 1902, V:1-24, URL: <http://catalog.hathitrust.org/Record/010430054>.
- Ivanova, Svetlana (1990) 'Institute of Collective Duty in the Bulgarian Towns of the XV-XVIII Centuries', *ИСТОРИЧЕСКИ ПРЕГЛЕД* 46 (1), pp. 33-44.
- Meninski, Franciszek (1680) *Thesaurus linguarum orientalium turcicae, arabicae, persicae*, 6 vol., Vienna.
- Mottahedeh, Roy P. (1980) *Loyalty and Leadership in an Early Islamic Society*, Princeton NJ, Princeton University Press.

Ongan, Halit (1974) *Ankara'nın İki Numaralı şer'iye Sicili, 1 Muharrem 997 – 8 Ramazan 998 (20 Kasım 1588-11 Temmuz 1590)*, Ankara, Türk Tarih Kurumu.

Peirce, Leslie (2003a) *Morality Tales: Law and Gender in the Ottoman Court of Aintab*, Berkeley, University of California Press.

Peirce, Leslie (2003b) 'İne's Story: A Child Marriage in Trouble', in Peirce, Leslie, *Morality Tales: Law and Gender in the Ottoman Court of Aintab*, Berkeley, University of California Press.

Peirce, Leslie (2010) 'Domesticating Sexuality: Harem Culture in Ottoman Imperial Law', in Booth, Marilyn (ed.), *Harem Histories: Envisioning Places and Living Spaces*, Durham, Duke University Press, pp. 104-135.

White, James Boyd (1985) *Heracles' Bow: Essays on the Rhetoric and Poetics of the Law*, Madison, University of Wisconsin Press.

'William Kennedy Smith', *Wikipedia*, URL: http://en.wikipedia.org/wiki/William_Kennedy_Smith (as of June 6, 2014).

NOTES

1. Late 17th-century definitions in several vernacular languages as well as Latin are found in Meninski 1680: 'ırz: reputazione, honore, fama, stima (Italian); réputation, honneur, renommée, estime (French); Ruhm, Ehr, Nam (German); in reference to women, 'ırz connotes chastity in Turkish; nâmûs: reputazione, honore, fama, dignità, legge & vergogna (Italian); réputation, honneur, renommée, dignité, & honte (French); Ehr, Ruhm, Nam (German).
2. Gaziantep şer'iyye Sicili 2: 132b, c. The Gaziantep and Harput court records (*şer'iyye sicilleri*) are housed in the Milli Kütüphane (National Library) in Ankara. I thank the İslam Araştırma Merkezi (Center for Research on Islam) in Istanbul for making a Xerox copy of the Harput court records available to me.
3. Harput şer'iyye Sicili 181: 4a, b. I thank Hasan Karataş for his help in deciphering this record.
4. In Hanafi jurisprudence, males and females were traditionally considered to arrive at legal majority (*buluğ*) when signs of physical maturation were observable; in their absence, *buluğ* was the age of fifteen. However, in some 16th-century Ottoman interpretations of Sharia, the age of maturity was deemed seventeen for females and eighteen for males (for Ebu Suud's view, see Düzdağ 1983: 33).
5. Gaziantep şer'iyye Sicili 2: 74b.
6. *Ibid.*, 2: 138b.
7. İbrahim Peçevi, *Tarih-i Peçevi*, (Istanbul, 1281-1284/1864-67), 2:402.
8. 85 Numaralı Mühimme Defteri (1040-1041/1630-1631) [Register of Important Affairs No. 85, 1630-1631] (Ankara, 2002), Order #381c (3 June 1631), pp. 232-233.
9. I am grateful to Laura Garland for permitting me to adopt her use of social contract.
10. *Sulh* is discussed further in Chapter 5 of my *Morality Tales* (2003); *kefalet*, below, is discussed in Chapter 7.
11. I thank Rifa'at Abou-El-Hajj for allowing me to cite his essay.
12. Gaziantep şer'iyye Sicili 161: 173a ("bizim mahallemizden Aramēniyâ taifesinden zarar ve ziyan olursa külliye kefil olduk diyüb ve bizim aramız[a] gelüb hariçden gelenlere dahi kefil olduk. Ba'd el-yevm aramızdan bir muhalef iş olursa, bizden bilin...").
13. Gaziantep şer'iyye Sicili 2: 50b, 55a, 59c.
14. See Hallaq 1998: 424-425, on the importance of "anticipation of consequences" as a *raison d'être* for keeping judicial records.

15. This episode is discussed at greater length in Peirce 2003b.
 16. Note that the villagers do not say we “know” of no harm, but rather employ verbs of primary (sight) and secondary (hearsay) knowledge, echoing the two past tenses in Turkish.
 17. Gaziantep şeriiyye Sicili 161: 28a.
 18. *Ibid.*: 164a.
 19. Gaziantep şeriiyye Sicili 2: 231b.
 20. On the purposes of criminal law, see White 1985: 192-203.
 21. Apparently excluding Senator Kennedy.
 22. ‘William Kennedy Smith’ (as of June 6, 2014). I have made minor edits in the Wikipedia text.
 23. Personal communication from Joanne Omang, March 14, 2013.
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ABSTRACTS

The essay argues that looking at reputation and how one gained a good or bad one is the most productive avenue for understanding how people in early modern Ottoman times understood honor. It explores honor and dishonor as relational processes whereby one person’s gain may spell another’s loss, or there may be an attempt to maintain equilibrium among individuals, that is, to recoup damaged reputations for all parties involved in a troubled situation. The role of individuals acting as mediators, witnesses, and guarantors are explored for the ways in which the community figured in the making or breaking of reputation. Sources drawn upon for the essay consist primarily of court cases but also include historical writings and petitions submitted to the sultanate.

INDEX

Keywords: honor, dishonor, reputation, reciprocity, mediation

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