

GENDER ROLES AND WOMEN'S STATUS IN CENTRAL ASIA AND
ANATOLIA BETWEEN THE THIRTEENTH AND SIXTEENTH
CENTURIES

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ABSTRACT

GENDER ROLES AND WOMEN'S STATUS IN CENTRAL ASIA AND ANATOLIA BETWEEN THE THIRTEENTH AND SIXTEENTH CENTURIES

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This study examines changing gender roles and women's status under the light of *töre/yasa* and *sharī'a* among the Inner Asian Turkic and Mongolian societies and Ottomans in Anatolia especially between the thirteenth and the first half of the sixteenth centuries. In this frame, this study traces gender roles and women's status in Inner Asia before the influence of Islamic culture and civilizations by using oral and written sources as well as anthropological studies. It also focuses on the formation of *töre* and *yasa* among Inner Asian societies and *sharī'a* in the Muslim world. Finally, this study investigates gender roles and women's status in relation with customary (*yasa/töre and örf-i sultani*) and religious laws (*sharī'a*) among the Mongol Ilkhans, Timurids and Ottomans. Gender roles and women's status are examined according to political, social and cultural characteristics of these dynasties from a comparative perspective.

Keywords: Gender, Women's Studies, Muslim Women, Turkish Women, Islamic and pre-Islamic Dichotomy, Yasa, Töre, Örf-i Sultani, Marriage Patterns, Levirate, Hypergamy, Hypogamy, Hierogamy, Dowry, Bride Service, Bride Price, Mongols, Ilkhans, Timurids, Temür, Osman Beg, Ottomans, Tribal Societies in Inner Asia, Terken Khatun, Baghdad Khatun, Padshah Khatun, Delshad Khatun, Amir Chopan, Satı Bik, Khanzada, Saray Mulk Khanum, Gawharshad, Hürrem Sultan, Mal Khatun.

ÖZ

ONÜÇÜNCÜ VE ONALTINCI YÜZYILLAR ARASINDA ORTA ASYA VE ANADOLUDA KADIN-ERKEK ROLLERİ VE KADINLARIN STATÜSÜ

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Bu çalışma Türk ve Moğol toplumlarında değişen kadın erkek (toplumsal cinsiyet) rollerini ve kadının konumunu *töre/yasa* ve *şeriat* uygulamaları çerçevesinde incelemektedir. Bu amaçla, bu çalışmada İslam kültür ve medeniyetinin tesiri altına girmemiş olan Orta Asya Türk ve Moğol toplumları arasında değişen kadın ve erkek rolleri, sözlü ve yazılı kaynaklara dayanarak sosyolojik ve antropolojik veriler ışığında değerlendirmeye çalışılmıştır. Ayrıca, *töre* ve *Cengiz Han yasa'sının* oluşumu ve içeriği; daha sonra ise *şeriat*'ın oluşumu ve Türk ve Moğol topluluklarının İslam kültür ve medeniyetinin etkisi altına girmeleri incelenmiştir. Daha sonra, birbirlerinden sosyal ve siyasal ve kültürel bakımdan farklı İlhanlı, Timur ve Osmanlı hanedanlıkları içerisinde, kadın erkek rolleri ve kadınların konumu karşılaştırmalı bir açıdan çalışılmıştır.

Anahtar Kelimeler: Kadın Çalışmaları, Toplumsal Cinsiyet, Müslüman Kadın, Türk ve Moğol Kadınları, İslam Öncesi ve Sonrası İkilemi, Yasa, Töre, Örf-i Sultani, Evlenme Biçimleri, Kayın Alma Evliliği, Hipergami, Hipogami, Hiyerogami, Çeyiz, Güvey Hizmeti, Başlık Parası, Moğollar, İlhanlılar, Timurlular, Timur, Osmanlılar, Terken Hatun, Bağdat Hatun, Padişah Hatun, Dilşad Hatun, Emir Çoban, Satı Bik, Hanzade, Saray Mülk Hanım, Gevherşad, Mal Hatun

To My Parents

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A NOTE ON TRANSLITERATION, TRANSLATIONS AND DATES

For the transliteration of Arabic and Persian words the system of the Encyclopædia of Islam has been used, with the exception of the transliteration of the wāw as /v/ in Persian, and the transliteration of the letter *jīm*, which has been transliterated as *j* rather *ǰ*. Turkish words have been translated according to the contemporary Turkish. Transliterations of Original passages have been set into italic script.

Dates

Dates have been converted with the help of “Taqwim.” The main text will only refer to years of death, rule, or composition when they occur for the first time or are important to the investigation of a discussed detail. The dates of composition of primary sources are given in the bibliography and are only mentioned in the main text if they support a current argument.

ABBREVIATIONS OF JOURNALS AND REFERENCE WORKS

AEMA	Archivum Eurasiae Medii Aevi
AÜDTCFD	Ankara Üniversitesi Siyasal Bilgiler Fakültesi Dergisi.
BSOAS	Bulletin of the School of Oriental and African Studies.
DTCFY	Dil Tarih ve Coğra Fakültesi Yayınları
EAS	East Asian Studies
EI	Encyclopedia of Islam.
EIr	Encyclopedia Iranica
HJAS	Harvard Journal of Asiatic Studies.
İA	İslam Ansiklopedisi
IJMES	International Journal of Middle Eastern Studies
JAS	The Journal of Asian Studies
JTS	Journal of Turkic Studies
JESHO	Journal of the Economic and Social History of the Orient
MEB	Milli Eğitim Bakanlığı
RQ	Renaissance Quarterly
SI	Studia Islamica
TDK	Türk Dil Kurumu
TTK	Türk Tarih Kurumu

CHAPTER 1

INTRODUCTION

This study examines gender relations and changing women's status among the Turkic and Mongolian societies from a comparative perspective according to their social, political and cultural transformations. This examination will be made under the light of non-Islamic (customary law) as well as Islamic law (*sharī'a*). The basic question is that how customary law (*töre/yasa*) was used in gender relations before conversion, and how customary and religious laws were used together after conversion? I am asking firstly why Islamic and customary laws were used together after conversion in the Muslim Turkic and Mongolian societies, secondly to what extent these societies preferred Islamic law to customary law and finally how the social, political and cultural factors influenced the perception and application of these laws in gender relations and the status of women. Within this framework, different applications of these laws are examined as a part of different political and social transformations among the Turkic and Mongolian people in Inner Asia and Turkish people in Anatolia mainly during Fourteenth and Fifteenth centuries. The aim is to show that before conversion, Turkic and Mongolian societies in Inner Asia were not socially, politically and culturally monolithic. After their conversion to Islam they experienced different social, political and cultural transformations. Parallel to these differences, the status of women and gender relations among these societies also changed.

Women have been studied under different nation states, for instance as German, English, Japanese or Russian women; yet they are not so much studied under religious denominations such as Christian, Jewish or Buddhist women. Women

of different Muslim countries, however, are examined as “Muslim women.” This kind of approach undermines cultural, political, social and economic differences between Muslim countries and establishes close relations between the position of women in each society and Islamic rules. Moreover, within such an approach Islamic traditions are set against the background of pre-Islamic traditions presenting a dichotomy. In fact, Islamization had lasted until 17th and 18th centuries and it did not mean adopting an Islamic way of life and Islamic patterns completely.¹ According to DeWeese Islamization in Inner Asia was a dual process, there was both integration and assimilation.² Therefore, in this study an attempt is made to go beyond such dichotomies by expanding on the political, cultural and social factors in shaping the position of women in Central Asia and Anatolia during pre-modern periods. Before elaborating on the approaches and methods used in this study, basic approaches in women’s studies in the Islamic world and prevalent problematques are being discussed below.

1.1 Contemporary Developments in Women’s Studies in General

Women’s studies in the West started and developed as a reflection of feminist movements’ under the influence of social sciences that gained great impetus by the end of the nineteenth century. Historians, sociologists and anthropologists have worked on causes of women’s oppression in the formation of patriarchal societies. ‘Her-story’ studies became widespread to prove the power, ability and existence of women in the society. Many scholars also formulated and theorized “feminist approaches”. In other words, women expressed the need to show their

¹ İsenbike Togan, “In Search and Approach to the History of Women in Central Asia,” in *Rethinking Central Asia*, ed. Korkut E. Ertürk (Ithaca Pres, 1997), 163-193.

² Devin DeWeese, *Islamization and Native Religion in the Golden Horde; Baba Tukles and Conversion to Islam in Historical and Epic Tradition* (Pennsylvania: The Pennsylvania State University Press, 1994), 51.

role and importance in history.³ Many historical, sociological and anthropological studies were carried out by women especially on the Western women's life in history touching on their roles in the shaping society, civilization, and culture. Meanwhile, under the light of the contemporary social theories, new theories and approaches were produced. These mostly concentrated on the "origins of patriarchy."⁴ It seems that the anxiety of bringing a solution to women's oppression became influential in scholars' concentration on the origin and causes of 'patriarchy.' After the early 1970's "women's history was primarily concerned with the absence of women from history."⁵ According to Scott, these women's historians documented new facts related to existence of women in the past, but they did not necessarily change the importance (or lack of it) attributed to women's activities.⁶ Related to the changes in the social theories⁷, women's studies gained different dimensions. Instead of searching for

³ According to Gerda Lerner, "Women have made history, yet they have been kept from knowing their history and from interpreting history, either their own or that of men...The contradiction between women's centrality and active role in creating society and their marginality in the meaning -giving process of interpretation and explanation has been a dynamic force, causing women to struggle against their condition. When, in that process of struggle, at certain historic moments, the contradictions in their relationship to society and to historical process are brought into the consciousness of women, they are then correctly perceived and named as deprivations that women share as a group. This coming-into-consciousness of women becomes the dialectical force moving them into action to change their condition and to enter a new relationship to male-dominated society." Gerda Lerner, *The Creation of Patriarchy* (New York: Oxford Univ. Press, 1986), 5.

⁴ From Darwin's natural selection to human behavior, traditionalist's biological determinism, Freuds' sexual formulation (for the female "anatomy is destiny") to Marxist economic determinism, a wide range of theories brought explanation to "origins of patriarchy" in other words to "inevitable subordination of women". For more detailed information see Gerda Lerner 1986, 15-36; Sylvia Wallby *Theorizing Patriarchy* (Oxford : Blackwell Pub., 1992).

⁵ Mary Sponberg, *Writing Women's History since the Renaissance* (Palgrave: Macmillian, 2002), 3.

⁶ Scott, Joan Wallach, "A Useful Category of Historical Analysis," *Feminism and History*, ed. Joan Wallach Scott (Oxford: Oxford University Press, 1996), 3.

⁷ Developmentalist grand theories were questioned. Instead of macro history, micro historiographical works gained precedence. According to this new approach, history is not a grand narrative, a united process which has one center, but it consists of narratives with many

causes and origins of inevitable women's oppression, feminists developed new methodologies: Women and men, their changing roles (hierarchy) and interactions with each other etc. were examined in society and history. Within this frame work, some basic theories and approaches were questioned and some social sciences avoided using 'patriarchy.' Lerner describes patriarchy with the following words:

... in its wider definition [it] means the manifestation and institutionalization of male dominance over women and children in the family and the extension of male dominance over women in society in general. It implies that men hold power in all the important institutions of society and that women are deprived of access to such power.⁸

This description is widely accepted. Wallby brings a different approach to the description of patriarchy: It is a "system of social structures and practices in which men dominate, oppress and exploit women."⁹ Here, the writer emphasizes "social structure" by which she rejects biological determinism. She also says that "the concept and theory of patriarchy is essential to capture the depth, pervasiveness and the interconnectedness of different aspects of women's subordination and can be developed in such a way as to take account of different forms of gender inequality over time, class and ethnic group."¹⁰ By these words, she emphasizes different aspects of patriarchy which depends on various factors.

centers and different aspects. On the other side, basic theories like Marxism, subjectivity of scientific methods and idea of progress were also questioned. They took culture, value systems, literature, art, folklore and symbols into considerations. Later post modernist 'linguistics theories' widely used by the historians of 'New Cultural Historians' more detailed information. See George G. Iggers, 20. *Yüzyılda Tarih Yazımı, Bilimsel Nesnellikten Post-Modernizme*, tr. Gül Çağlı Güven (Tarih Vakfı Yurt Yayınları, 2000).

⁸ Lerner 1986, 39.

⁹ Wallby 1992, 20.

¹⁰ Wallby 1992, 2.

With this definition, Wallby is very close to the scholars who prefer to use “gender” in women’s studies, but her main concern is “women’s subordination.”

Concentration only on patriarchy may prevent to analyze changing roles and status of men and women. However, using ‘gender’ does not mean rejecting the existence of patriarchal social structures, it ensures a wider perspective in analyzing the changing status and roles of women in the society. It seems that using patriarchy implies men and women are always separate and opposite. On the other hand, the world of women is part of the world of men, created in and by it.¹¹ Kandiyoti criticized feminists of different groups for bringing one causal explanation. Therefore, she says that the term ‘patriarchy’ often evokes an overly monolithic conception of male dominance, which is treated at the level of abstraction that obfuscates rather than reveals the intimate inner workings of culturally and historically distinct arrangements between genders.¹² Davis summarizes aims of gender studies as follows:

Our goal is to understand the significance of sexes of gender groups in the historical past and to discover range in sex roles and in sexual symbolism in different societies and periods, to find out what meaning they had and how they functioned to maintain the social order and to promote its change. Our goal is to explain why sex roles were sometimes tightly prescribed and sometimes fluid, sometimes markedly asymmetrical and sometimes more even.¹³

Studying gender, instead of “women” means focusing on changing relations between men and women, older and younger, mother and son (hierarchy) and evaluating both sexes in their own social, political, cultural and economic

¹¹ Scott 1988, 60.

¹² Deniz Kandiyoti, “Bargaining with Patriarchy,” in *Gender and Society* 3 (1988): 275.

¹³ Natalie, Z.Davis, “Women’s History in Transition,” *Feminism and History*, ed. Joan Wallach Scott (Oxford: Oxford University Press, 1996), 88.

environment. For this purpose scholars “deconstruct” and “re-evaluate” the basic paradigms, discourses, symbols etc. Davis says: “the study of the sexes should help promote a rethinking of some of the central issues faced by historians-power. Social structure, property, symbols, and periodization explore their meaning within the context of a given period”¹⁴

In this perspective, social institutions do not merely reflect some unitary patriarchal logic but are the site of power relations and political processes through which gender hierarchies are both created and contested. Joan Scott called this history of women a ‘new history.’¹⁵

... in order to study gender, not only a new history of women, but also a new history, which would both, include and account for women’s experience rested on the extent to which gender could be developed as a category of analysis. In this new history, firstly by making case studies in women’s history seems to call for some synthesizing perspective that can explain continuities and discontinuities and account for persisting inequalities as well as radically different social experiences. Secondly, it requires analysis not only of relationship between male and female experience in the past but also of the connection between past history and current historical process. How does gender work in human social relationship? How does gender give meaning to the organization and perception of historical knowledge? The answers depend on gender as an analytical category.¹⁶

Therefore, gender becomes a way of denoting ‘cultural’ construction’-the entirely social creation of ideas about appropriate roles for women and men because, gender is a social category imposed on the sexed body.¹⁷

¹⁴ Davis 1996, 89.

¹⁵ This “new women’s history” is deeply influenced from Derrida’s ‘deconstructionist theories. See Sponberg 2002, 4.

¹⁶ Scott 1996, 161.

¹⁷ Scott 1996, 163.

1.2 Basic Approaches to Muslim Women's Studies in General

In the East or in non-Western societies (women from the Middle East, Asia, Far East, Africa and so on) feminism and feminist studies were generally a part of modernization and westernization and started very much later at the beginning of 20th century. Unlike in the West where women's studies were a part of social movements, in the East these were mostly part of political developments under the influence of the West. Therefore, Muslim Women's studies especially historical ones were exposed to various ideological and political views, which will be discussed below. Western scholars and social scientists were forerunners of Muslim women's studies. Many historians and travelers published their works or memories about Eastern women. In general, these women were described by symbols of sex and charm; and as living in polygamy.¹⁸ These writings examined the 'Muslim women' with their own point of view looking from the outside. In other words, this was the orientalist perspective that dominated in every field of social sciences for a long time; historians, anthropologists, sociologists and orientalists continued to consider Muslim women as passive, as property of their husbands and fathers, and emphasized veiling, polygamy, concubinage, and the harem.¹⁹

¹⁸ Leila Ahmed, "Western Ethnocentrism and Perception of the Harem," *Feminist Studies* 8 (Autumn 1982), 521-534; Edward Said, *Oryantalizm (Doğubilim)*, tr. Nezih Uzel (İstanbul: İrfan Yayinevi, 1998).

¹⁹ Hambly, G.R.G., "Becoming Visible: Medieval Islamic Women in Historiography and History," in *Women in the Medieval Islamic World; Power, Patronage and Piety*, ed. G. Hambly (New York: St. Martin Press, 1999), 3. See also Jale Parla, "Hayali Doğu: Oryantalizm," *Atlas* 96 (March 2001): 51-71. This is not special to women's history. Generally in historiography, many historians from the East and especially West, write histories of Muslim societies according to their own ideologies or with their own prejudices. Here, especially "euro-centrist" approaches became very effective. For more information about this subject see Edward Said 1998; Nikkie Keddie, "Women in the Limelight: Some Recent Books on Middle Eastern Women's History," in *Int. J. Middle East Studies* 34 (2002), 553-573.

Meanwhile, some scholars with their valuable works became gradually influential in understanding the position and role of Muslim women in the society and changing ideas about them. For example, historical studies by Ignas Goldzieher (1880's), Margaret Smith (1928) Nabia Abbott (1897-1981), Anna Marie Schimmell (1970's), Spencer Trimingham (1970's) and Ann K.S. Lambton (1980's) showed that well-placed women in traditional Islamic societies always had opportunity to influence public affairs and played important roles in the history.²⁰

Although the above-mentioned works are about important female figures in history, they certainly became influential in diminishing prejudices against Muslim women. Muslim scholars made more comprehensive and detailed studies about Muslim women and feminism during the early decades of the 20th century as a continuation of political and social development in the Middle East. Therefore, development of feminism in the Middle East is different from that of the West. "It was evolved against a background of a highly politicized and emotionally charged reflection on key political events and turning points."²¹ Establishment of the nation states which formed after the collapse of the Ottoman Empire, westernization, secularization or attempts for recovering the original culture before Islam shaped the basic approaches to the women studies in these modernist Muslim countries like Turkey and Egypt.

"Islam and women" became the focal point of endless debates: Many people from different countries, nations, religions and classes with their own interpretations and approaches have been discussing and producing countless works on this

²⁰ Hambly 1999, 6-11.

²¹ Deniz Kandiyoti, "Contemporary Feminists Scholarship and Middle East Studies," in *Gendering the Middle East*, ed. D. Kandiyoti (London: I.B. Taurus Press, 1996), 10.

subject. People having different political ideas or historical understandings i.e. nationalists, Islamist, modernists, fundamentalists, socialist or feminists approached the “position of Muslim women” from their own point of view. In other words, the “position of women in Islam” became a part of these political and ideological debates. Therefore, it can be said that Muslim women’s studies have been exposed to the imposition of a wide range of ideas and theories from within the Islamic countries as well as from outside, the West.

The first wave of feminism in the Middle East is associated with movements for social reform and modernization during the era of postcolonial state formation during 19th and early decades of 20th century. Issues like Islam as a marker of cultural identity and the compatibility of Islam with women’s emancipation started to be discussed. Different strategies were developed but their main concern was women and Islam. In this first phase, two main opposite ideas became prevalent: On the one hand Islam is praised for its historically liberating role for women in Arabia and elsewhere. On the other hand, Islam and its practitioners are seen as giving women lower status and inferior legal rights than other part of the world. Other views are at different places between these two opposing positions.²²

1.2.1 Islam as Women’s Benefactor

Some scholars consider Islam as women’s benefactor. Therefore, they emphasize many Islamic rules that protect women’s rights in the society and recite verses about equality of men and women. For many Muslims especially in Turkey, the time just after Islam, is *asr-i Saadet* which means age of happiness and

²² Kazemi, F., “Gender, Islam and Politics,” *Social Search* 67 (Summer 2000), 1.

prosperity; the period before Islam is the age of *Jahiliyya*’ meaning age of ignorance. Scholars, defending positive aspects of Islam on women think that women’s position and social status became much better than what it was before Islam. Not only Muslim but also many non-Muslim scholars became defenders of these ideas. For example, according to Esposito, the socio economic reforms of the Quran are among its most striking features. Exploitation of the poor, weak, widows, women, orphans and slaves is vividly condemned.²³ He says, ” Islam put God’s law instead of man made tribal laws and customs.” He also responds to the critics about Mohammad’s polygamous marriages. According to him, it is important to remember several points. First, Semitic culture in general and Arab culture in particular permitted polygamy. Second, during the prime of his life, Mohammad was married to one woman, Khadija. Third, it was after her death that he took number of wives. As was customary among Arab chiefs, many were political alliances. Aisha was the only virgin that Muhammed married and found the closest relation.²⁴ Similarly Raga’ el-Nimr said that “the Qor’anic verse promulgates the doctrine of human equality, including sex equality and negates all inequalities due to sex, race, color, nationality, caste or tribe; because all human ultimately spring from a single source.”²⁵

Jane Smith is another important scholar who believes in the benefits of Islam for women in terms of marriage, divorce, and inheritance of property, “it is considered one of the great innovations of the Qor’an over earlier practices that

²³ Esposito, J.L., *Islam: The Straight Path* (Oxford: Oxford Univ. Press, 1996), 31.

²⁴ Esposito 1991, 8; Guity Nashat, “Women in Pre-Islamic and Early Islamic Iran,” in *Women in Iran from the Rise of Islam to 1800*, ed. Guity Nashat and Lois Beck (Urbana and Chicago: Univ. of Illinois Press, 2003), 36-41.

²⁵ Raga’ el-Nimr, “Women in Islamic Law,” in *Feminism and Islam*, ed. Mai Yamani (Ithaca Press, 1996), 91.

women are permitted to inherit and own property and maintain their dowry.”²⁶ She rejects the other group’s views about important women figures in pre-Islamic and early period of Islam as representative of matriarchal or matrilineal tradition of Arabia before Islam. “Several episodes recorded during and after the life of prophet point to a certain women having potential, and in some cases real, power. These seem to reflect the authority accorded women by virtue of their participation in, or association with religious or cultic practices that were hold over from earlier.”²⁷ Nikkie Keddie also questions claims about liberating role of non-Islamic values and says “...but we do not know how widespread these patterns (matrilineal and matrilineal) were.”²⁸

Generally, they emphasize the Qor’anic version of “men’s and women’s equality in front of God”, and they claim that Islamic laws improved women’s material and civil rights in many respects.

Opponent groups generally assume some Islamic exercises like veiling and segregation as symbols of subordination of Muslim women. The scholars who claim a liberating role for Muslim women reject these ideas. They do not accept segregation as Muslim women’s subordination, on the contrary, in their view Muslim women took a respectful place in religious life in a different way; they

²⁶ Jane I. Smith, “Islam in *Women in World Religions*, ed. A. Sharma (Albany: State Univ. of New York, 1987), 239; Guithy Nashat, *Women in the Middle East, 8000 BCE to 1700 CE*,” in *A Companion to Gender History*, ed. Teresa A. Meade and Merry E. Wieser-Hanks (Oxford: Blackwell Publishing, 2004), 232.

²⁷ Jane I. Smith, “Women, Religion and Social Change in Early Islam (chapter two),” in *Women, Religion and Social Change*, ed. Y. B. Findly (New York: State Univ. of New York Press, 1985), 23.

²⁸ Keddie, N.R.,” Introduction *Women in Middle Eastern History: Shifting Boundaries in Sex and Gender*,” by N.R. Keddie and B. Baron (New Haven: Yale Univ. Press, 1991), 3.

expressed themselves in *sufi* (unorthodox) circles of Islam.²⁹ They also think that at the early period of Islam there was no segregation but later it became increasingly the pattern in the more formal aspects of the Islamic faith and, women developed their own forms of religious response to orthodox Islam. These unorthodox practices served both to isolate women from the formal rituals of the Islamic community and to give them an arena in which they could feel comfortable and in control. Women have always been, and continue to be, primary agents in the relationship of humans of the world of spiritual powers.³⁰

These scholars see women's active participation in different religious sects and *tariqats* (order), as a sign of women's equality and freedom within Islam. In other words, Muslim women could create their own autonomous spiritual area, therefore they do not perceive isolation of women from the public areas as sign of women's oppression. Furthermore, these scholars claim that in the pre-Islamic Arabia, women lacked a secure position, but had no legal rights, but Qor'an gave women many legal rights to inherent form parents, spouse, children, and siblings, and the right to own and dispose of their own property without supervision of a husband, father, or brother.

²⁹ According to Leila Ahmed, segregation does not mean subordination. See Leila Ahmed, "Western Ethnocentrism and Perception of the Harem," *Feminist Studies* 8 (Autumn 1982), 521-534 .

³⁰ Smith 1987, 236-238. For the more detailed information about Muslim Women saints and place of women in sufism see also A. Schimmel, *Mystical Dimension of Islam* (Chapel Hill: University of North Caroline Press, 1975). From the earliest days onward, women have played an important role in the development of Sufism, which is classically understood to have begun with the Prophet Muhammad. Muhammad brought a message of integration of spirit and matter, of essence and everyday life, of recognition of the feminine as well as the masculine. Though cultural manifestations have covered over some of the original purity of intention, the words of Qor'an convey the equality of women and men before the eyes of God.....It tried to address the imbalances that had arisen, advising respect and honor for the feminine as well as for the graciousness and harmony of nature, see Helminski, C.A. 1997,"Women and Sufism", file:///C:/TEZ/sufiwom.htm.,1-3.

1.2.2 Pre-Islamic Traditions Evaluated in a Positive Light

A different approach idealizes pre-Islamic times as an era of women's freedom. Within this view, before Islam, there was matrilineality or matrilocality and women were active and had rights in social, economic and political life but Islam came and put women under veil and isolated them from the public arena. In fact, some of scholars base their claims on the social differentiation, formation of hierarchy, military, bureaucratic classes, slavery and formation of the monotheist religions which are seen basic reasons of the formation of the patriarchal societies.³¹

For example, Leila Ahmed claims that the early Islamic society went through important internal radical social, political and economic transformations during 8th and 9th centuries. At the same time external influences affected gender equality negatively, and Islamic reforms apparently consolidated a trend toward patrilineality.³² The fact that sexual/marital arrangements of pre-Islamic Arabia were very different from those of Islam cannot be disputed because about 80 percent of Qor'an's rulings are devoted to regulating marital relations and the conduct of women.³³ Leila Ahmad summarizes her views as follows about Islamic and pre-Islamic dichotomy:

To place Khadija at the beginning of the story of women in Islam - where she is regularly placed- is, however, misleading. She was after all for the most part of her life a Jahilia (pre-Islamic) woman, shaped by Jahilia –not Islamic-attitudes and practices: her

³¹Lerner 1986, 130-140; Fatma Gül Berktaş, *Tek Tanrılı Dinler Karşısında Kadın* (İstanbul: Metis Kadın Araştırmaları, 1995) especially pages 94-108.

³²Ahmed, Leila, *Women and Gender in Islam* (New Haven & London: Yale University Press, 1992), 45.

³³ Ahmed 1986, 667.

economic independence, her initiating of her own marriage, and not even needing, apparently, a male guardian to act as intermediary (as was to be required by Islam), her marriage to a man many years younger than herself, and her remaining with him in monogamous marriage (Mohamad had no other wife till after her death), all must reflect Jahilia, not Islamic, practice. Conspicuously, too, such features are distinctly not typical either of Mohamad's marriages after he became the established prophet and leader of Islam, nor of Muslim men's since. It is 'Aisha, surely-betrothed to the prophet when she was six, married at about ten, and, soon after, when the Qor'anic verses on veiling and seclusion were revealed, to become along with her co-wives the first Arab to observe the new Islamic customs of veiling and seclusion.³⁴

According to Ahmed, the subordination of women and establishment of patriarchy started to gain impetus during the time of Umar (634-44) and Uthman (644-56) and reached its peak at the time of the Abbasid Caliphate.³⁵

Fatima Mernissi is another defender of Islam's negative effect on women. She claims that "...There is no clergy in Islam as we were repeatedly told, but that does not mean that there is no male hierarchy controlling the understanding of Koran's meaning. These are the elite male interpreters of the sacred laws..."³⁶ And the ideal female beauty in Islam is obedience, silence and immobility and Muslim societies resist women's claim to changing their status because they fear individualism.³⁷ Although she has a negative attitude towards Islam she also emphasizes external factors. She says further that "When I finished writing this book I had come to understand one thing: If women's rights are a problem for

³⁴Ahmed 1986, 665-666.

³⁵Ahmed 1992, 60-63.

³⁶ Mernissi, Fatima, "Femininity as Subversion: Reflection on the Muslim Concept of Nushūz," in *Speaking on Faith: Global Perspectives on Women, Religion, and Social Change*, ed. Diana Eck and Devaki Jain (Philadelphia, PA: New Society Publishers, 1987), 99; see also Robetson 1985; W. Wiebke 1985; Nawal al- Saddavi 1982.

³⁷Mernissi 1987, 95.

some modern Muslim men, it is neither because of the Qor'an nor the prophet, nor Islamic tradition, but simply because those rights conflict with the interests of the male elite. The elite faction is trying to convince us that their egoistic, highly subjective and mediocre view of culture and society has a sacred basis."³⁸

Asma Barlas³⁹ and Amina Vedud⁴⁰ shared the same views with the scholars who think that the Islam as we know consist mostly of the views of men who read and interpret the Quran. They do not concentrate on these matters but only try to prove the egalitarian essence of Qor'an. According to them, so far Qor'an has been read and interpreted by men who had a patriarchal worldview. Thus, they deny the patriarchal structure of Qor'an and claiming the egalitarian nature of Qor'an which has been undermined by patriarchal minded religious scholars. Therefore, Barlas and Vedud are put into this group. They do not list the positive aspects of Islamic rules on women; instead they highlight that it is the responsibility of the readers of the Qor'an to uncover its meaning through the use of their intellects, using the tool of *ijtihad* rather than the blind acceptance of tradition.⁴¹ Barlas says that "it is imperative to challenge the authoritarian and patriarchal readings of Islam..."⁴² These scholars are opposing the misinterpretations and prejudices against Islam. They try to uncover the real meaning of Islam, in other words, they try to place Qor'an'nic verses in their own historical context. Furthermore, Asma Barlas questioned basic 'discourses'

³⁸ Fatma Mernissi, *The Veil and the Male Elite: Feminists Interpretations of Women's Rights in Islam*, trans. M.J. Lakeland (New York: Addison-Wesley Publishing Company, Inc., 1991), IX.

³⁹ Asma Barlas, *Believing Women in Islam: Unreading Patriarchal Interpretations of the Qor'an* (Austin: University of Texas Press, 2003).

⁴⁰ Amine Vedud-Muhsin, *Kur'an ve Kadın*, trans. Nâzife Şişman (İstanbul: İz Yayıncılık, 2000).

⁴¹ Vedud 2000; Barlas 2003.

⁴² Barlas 2003, 2.

such as sexual equality and says that “generally differences are seen as inequality and the Qor'an’s different treatment of women and men are not a manifest proof of its anti –equality and its patriarchal nature... there is no universally shared definition of sexual equality and treating women and men differently does not always amount to treating them unequally, nor does treating them identically necessarily mean treating them equally.”⁴³ The writer questioned some of the basic sociological and antropological theories about women and gender in this way. She evaluates the Qor’an in a largr context.

In short, although this group accepts external factors in shaping the application and understanding of Islamic rules in gender relations, they stress that Islam helped or legitimized the subordination of women.

Although the situation is different in each culture, pre-Islamic and Islamic dichotomies are widely used in ‘Muslim women's studies’ making it difficult to reach beyond the “Muslim women” paradigm. Within this paradigm, the scholarship in Turkey also sees Islam as a turning point in the ‘subordination’ or ‘liberation’ of Turkish women: One group sees gender equality in pre-Islamic Turkish societies ‘thanks to the liberating role of the tradition, and another group regards *shar’a* rules bringing equality among people, that is between men and women. This subject will be examined below.

1. 3 Studies Related to Women in Turkey and Central Asia

In Turkey, women’s studies share similar problems with the rest of the Muslim world: there is the problem of pre-Islamic and Islamic dichotomies, which

⁴³ Barlas 2003, 5.

emphasizes binary opposition between pre-Islamic and Islamic values and a search for patriarchy. Writers, scholars, historians, politicians and social scientist approach the position of Turkish women from ideological and theoretical perspectives through history. For example defending equality and freedom of pre-Islamic Turkish women is mostly identified with secularism and modernism and a person who puts forward positive effects of Islam on women is often identified as conservative and against secularism.

According to these approaches, after Islam, the position of Turkish women changed positively or negatively. However, the “before and after dichotomy” undermines many social, political and cultural factors and the defenders of this dichotomy approach the events in a monolithic way. Interest in Turkish women’s studies came into being with nationalism during the second half of the nineteenth and early decades of twentieth century. This is called ‘first wave feminism’ by Kandiyoti who claims that Turkey, Iran and Egypt showed striking similarities in either denying that Islamic practices are necessarily oppressive or asserting that oppressive practices are not necessarily Islamic.⁴⁴ Since that time onwards this duality has been continued and is shaped by various ideologies in Turkey.

Under the influence of nationalism and modernism, Ottoman intellectuals tried to define and understand Turkish identity and culture; they denied Ottoman culture, which was identified with Islam and conservatism. In order to unite all Turks under a roof and impose national consciousness, they had to discover the “real Turkish culture” which was assimilated by the Islamic culture throughout centuries. On the other hand, they categorized Turkish history after conversion to Islam as assimilation and adaptation of Arabic culture. Therefore, pre-Islamic Turkish history and pre-Islamic Turkish women as an important part of this

⁴⁴ Kandiyoti 1996, 8-9.

ideology and culture increased. Many scholars claimed that although the Turkish society was patriarchal, there was gender equality, and Turkish women before Islam had been very happy, almost equal with men, but Islam had come and women lost all their rights, and in this new Islamic patriarchal system they were subordinated to men. For the Turkish nationalists pre-Islamic values were seen as crucial for the formation of national identity and establishing national unity. Ziya Gökalp was the forerunner of this ideology and he gave great place to pre-Islamic Turkish social structure and women's position in that structure.⁴⁵ According to Gökalp, Turkish societies in Central Asia were both patrilineal and matrilineal and there was no patriarchy in any Turkish tribe or clan.⁴⁶

Mualla Türköne defends Islam as a benefactor for the Turkish women and says that the ideas of Ziya Gökalp or Mehmet İzzet were born because of the practical needs of their time. Gökalp tried to awaken national consciousness of the Turkish people during the establishment period of the Turkish Republic. After leaving Muslim Ottoman identity, the Turkish intellectuals had to create a new national identity, which had to depend on pre-Islamic traditions. During these times, there was an effort to create a modern, democratic, western type of Turkish family and therefore, Turkish intellectuals idealized pre-Islamic women and gender relations as a model.⁴⁷ After Ziya Gökalp, Mehmet Eröz (1998; 1990,1991), Fahri Ziyaeddin Fındıkoğlu (1991), Orhan Türkdoğan (1992), İbrahim Kafesoğlu (1987) and Abdülkadir Donuk (1992) and many other historians and social scientists, followed the same tradition. According to these scholars, Turkish

⁴⁵ Ziya Gökalp, *Türk Uygarlık Tarihi*, ed. Yusuf Çotuksöken (İstanbul: İnkilâp Kitabevi, İstanbul, 1991).

⁴⁶Ziya Gökalp 1991, 237.

⁴⁷Mualla Türköne, *Eski Türk Toplumunun Cinsiyet Kültürü* (Ankara: Ark Yayınevi, 1995), 3-4; Mehmet Eröz, "Türk Ailesi," in *Aile yazıları 1* (Ankara Atatürk Kültür Merkezi Başkanlığı Yayınları, 1998), 11.

women were originally equal to men. The adjective of ‘original’ is important, because it implies essence of Turkish nation, which was spoiled by Islam or became worse due to Islamic rules, which were a product of the Arab culture. From this perspective, pre-Islamic Central Asia is seen as homogeneous and timeless. They disregard political and social changes: where various Turkic and Turco-Mongol empires were established and collapsed, centralization and decentralization occurred. Therefore, social, political and cultural differentiation among these societies took place. In other words they mean that women of the Hun, Göktürk, or Seldjuks or even nomads of the present Southern Turkey are “essentially” the same. These societies, however, had different political experiences and interacted with different cultures during pre-Islamic times. Moreover, the concept of pre-Islamic is also very obscure because there was no demarcation line between Islamic and pre-Islamic periods because Islamization was a very long process, lasting several centuries. During this long period old and new values came together and shaped each other.⁴⁸

Mualla Türköne, criticizes scholars who evaluate pre-Islamic traditions in a positive light by analyzing patriarchal structure of Turkish societies. She claims that Islam is not a patriarchal religion and that it ensures equality of men and women. According to Mualla Türköne, Islam abolished patriarchal rules of pre-Islamic periods to a great degree. According to her, some scholars consider equality of men and women in pre-Islamic times at the level of khan and khatun; they accept existence of polygamy but claim ‘equality’. She gives convincing examples in order to criticize them.⁴⁹ Unfortunately, while she is emphasizing the liberating role of *sharī‘a*, she undermines other social, religious political and cultural factors which adversely affect status of women. If *shar ‘a* ensured

⁴⁸For more detailed information about this process see Devin DeWeese, 1994.

⁴⁹ Türköne 1995, 4-18.

gender equality by itself, position of Muslim women through world should be the same.

1.4 From Women's History to Gender History: Reflections on Muslim Women

Prior to 1980's, social scientists had accepted common oppression of women but after 1980's this understanding changed and affected studying Middle Eastern women positively and it gained momentum.⁵⁰ As it is mentioned above, consensus on 'difference' was broken. The policies of multiculturalism and identity policies in the West exerted significant influences on feminist theories. Grand narratives for the subordination of women were abandoned. About this matter Meriwether and Tucker say that:

We can only affirm only what we know, but we can't understand and learn these people really. Therefore, several historians have studied Islamic traditions by attempting to revisit the question of Islam and gender based on investigation of ways that tradition was understood in particular Muslim context.⁵¹

Studying women in a particular Muslim context or in their own cultural context and as Foucault suggested attacking big systems, theories and vital truths; giving importance and precedence to local and specific knowledge; being aware of possibilities and ruptures⁵² opened new horizons in Muslim women studies. For example R. Jennings' article on women in Kayseri and in 17th century Ottoman

⁵⁰ Kandiyoti 1996.

⁵¹ M.L. Meriwether and J.E. Tucker, Introduction to *Social History of Women and Gender in the Modern Middle East*, ed. Meritwether, M.L. and J.E. Tucker (Colorado: Westview Press, 1999), 7.

⁵² Michel Foucault, *The History of Sexuality. Volume I: An Introduction* (New York: Vintage Books, Division of Random house, 1978), 62.

Empire showed that women in Kayseri were active in political and social life and their rights were preserved by *sharī'a*; ⁵³ Leslie Peirce in her important work *Imperial Harem*⁵⁴ became influential in ending prejudices about *harem*; her book about Ottoman court of 'Aintab⁵⁵ showed that *sharī'a* had different applications according to cultural and social conditions of each society within the empire. Veronica Doubleday ⁵⁶in *Three Women of Herat*, examined three socially different Herati women in their own environment and she confirmed that there are distinct areas in which women still have power and responsibility. Many sociological, anthropological and historical works like these put studies on Muslim women on a different path.

1.4.1 Beyond the Dichotomy of pre- and after- Islam

How should we approach this matter? Should we try to combine these two approaches and make a synthesis and say both of them had liberating and subordinating roles on the position of Turkish women? In fact, both traditions together shaped women's position and roles in the society in many aspects, positively and negatively. Here the problem is not assuming one of these approaches or combining them, and taking into consideration only the rules in regard to Islamic and pre-Islamic traditions or discourses. Because, what these rules say is not too much important but understanding and learning how these

⁵³Ronald C. Jennings, "Women in Early 17th Century Ottoman Judicial Records-The Sharia Court of Anatolian Kayseri," *Journal of the Economic and Social History of the Orient* 18(1975): 53-114.

⁵⁴ Leslie Peirce, *The Imperial Harem: Women and Sovereignty in the Ottoman Empire* (New York, Oxford: Oxford University Press, 1993).

⁵⁵ Leslie, Peirce. *Morality Tales, Law and Gender in the Ottoman Court of Aintab* (Berkeley, Los Angeles, and London: Univ. of California Press, 2003).

⁵⁶ Veronica Doubleday, *Three Women of Herat* (Austin: University of Texas, 1990), 30.

rules were implemented and how people perceived them are very crucial in understanding the position of women in the society. As it is known “practice” is a focus on strategies, interests, and improvisations over the more static and homogenizing cultural tropes of rules, models and texts. On the other hand “discourse”, derives from Foucauldian “nations of discursive formations, apparatuses, and technologies...” as Leila Abu-Lughod says⁵⁷

...the Qor’an in ways a radical document in its time, and not the least in its provisions for the legal position of women. And it is also correct to say that the Middle Eastern women has historically appeared to be in a state of bondage from which she had no recourse and no escape.....*The truth obviously lies somewhere between the two contrasting poles* [italics added N.D]. This central paradox of Middle Eastern society may be best understood if one thinks of a straight line as representing that society. At one extreme end of the line stands the Qor’an, the codification of the God and the ideal touchstone to which all actions of life are to be conformed and related. At the other extreme end of the line lie the forces of tribal and family custom.⁵⁸

Muslim countries are not to be studied only according to Islamic precepts. In Elizabeth Fernea’s words in each culture there are “words of God” and “words of men”. Muslim cultures differ according to the words of men and women, which are usually conceptualized as pre-Islamic and Islamic. In this discourse of dichotomy, pre-Islamic Inner Asian women are regarded as free, Islamic as oppressed. The argument here is that there was not so much a dichotomy but that the “words” that is the two traditions had coexisted in the lives of women and men, that is in gender relations.

⁵⁷ Lila Abu- Lughod, *Veiled Sentiments, Honor and Poetry in a Bedouin Society* (London: Univ. Californai Press, 1992), 26; Lila Abu- Lughod, *Writing Women’s World: Bedouin Stories*, Berkeley: University of California, 1993. S. Yanagisako and C. Delaney, Introduction to *Naturalizing Power; Essays in Feminist Cultural Analysis*, ed. S.Yanagisako and C. Delaney (London, New York: Routledge, 1995), 15.

⁵⁸ Elizabeth Fernea and B.Q Bezirgan, *Middle Eastern Muslim Women Speak* (Texas: Univ. of Texas Press, 1994), xviii-xix.

This kind of a polarity can be observed in the lives of women of Central Asia in the 14th and 15th centuries. This polarity is between Islamic law, *sharī'a* and state law, *yasa (töre)*. In Central Asian societies, where the prevalence of politics over economic concerns can be observed throughout history politics are evaluated mostly in state terms. However, among these societies, which originally were living a nomadic life, and were organized as tribes, political practices -which we call pre-Islamic- continued to have a strong impact in the lives of people and therefore need to be perceived also on the micro level. Thus in terms of politics that is including state traditions, dynastic and tribal practices, the coexistence of two separate traditions can be observed. The issue here is not so much between pre-Islamic and Islamic traditions but the continuation and coexistence of prevalent political traditions that is in the organization of the society- both on the micro and macro level. Moreover as conversion to Islam has been an ongoing process in Central Asian history, it is not realistic to speak of period proceeding Islam. The continuities in politics mentioned above express certain breaking points, ruptures with the conversion of Islam. Again both the continuities and the ruptures vary from society to society, as words of God remain the same; words of men vary.

1.4.2 Tribal and State Traditions as a Tool of Analysis

Related to the political structure, gender relations and the position of women in a society constantly change. From tribalism to the Ottoman central bureaucratic empire, Turkic and Mongolian peoples had different political experiences.⁵⁹ Examining these different political formations will help to

⁵⁹Following works are important in order to understand different political formations of Turkic and Mongolian peoples. Hadgson, *Venture of Islam*. Vol.II (Chicago and London: The University of Chicago Press, 1974); Z. Velidi Togan, *Umumi Türk Tarihine Giriş* (İstanbul:

understand causes of different applications of religious law *sharī'a* and customary law *töre* and *yasa*, and thus the changing gender roles and status of women.

1.4.2.1 Customary Law (*yasa*, *töre*) and Islamic Law (*shar 'a*) in Inner Asian Tribal State Formations

In the period under study, that is in the 13th and 16th centuries' Central Asia we can observe these breaking points more clearly because this period is a follow up to the second wave of conversion to Islam in the 14th century.⁶⁰ Unlike the first wave of Islam in the 10th century, we possess rich sources for this second period. Although the sources were not written from a women's history perspective, a careful reading gives us an understanding of the breaking points. At a first glance it seems that during the 14th and 15th centuries in Central Asian politics state traditions called *yasa* prevailed over precepts in the *sharī'a*. John Woods illustrates social and political conditions of Central Asia and the tension between customary law and Islamic laws with the following words:

...Such conditions favored the emergence of powerful non-Chingizid warlords...who first made khans to legitimize their usurpations and on occasion later directly assumed the rule themselves. By the beginning of the 15th century only in Southern Russia, Western Siberia, Eastern Turkistan, and Mongolia did representatives of the imperial house continue to exercise nominal sovereignty and attenuated authority. Although the political power of the empire (Mongol Empire) had faded, its prestige remained vital and influential, particularly in the social and governmental institutions of later Mongol times. Even after declaring their independence from the Khans and their adherence to Islam, the

Enderun Kitabevi, 1981); İsenbike Togan, *Flexibility and Limitations in Steppe Formations: The Kerait Khanate and Chinggis Khan* (Brill: Leiden, 1998).

⁶⁰ İsenbike Togan, "Second Wave of Islam and Özbek Khan: Strategies for Conflict Resolution," in *Proceedings of the International Symposium on Islamic Civilization in the Volga-Ural Region* (Kazan, İstanbul: IRCICA, June 2004), 15-33.

warlords in Iran, Central Asia, and southern Russia nevertheless persisted in emphasizing their ties with the Chingizid family and the imperial dispensation. Likewise, Mongol customary law as applied under Chingiz Khan his successors continued to regulate many aspects of life in the 14th and 15th centuries. Despite number of efforts to Islamize various regional administrations. Consequently, even though the transition from Chingid to non-Chingizid rule amounted to a formal rupture with the imperial age of 13th and 14th centuries, many of the cultural patterns of the classical Mongol period survived well into the age of the warlords. The tensions produced during this transition are clearly reflected in late 14th and 15th century historical and political writings.⁶¹

As Woods points, 14th and 15th centuries are very crucial periods in terms of political formations in Central Asia and Anatolia with different political and social structures. Therefore comparison between these two regions in terms of gender relations will ensure to analyze this subject better and probably bring different approaches to the social, political and cultural histories of these two regions. Embodying India, which had very different political, social and cultural structure in this study would be very useful for examining events from wider perspective, but this would make our subject too large for a Ph.D thesis. But some examples about gender relations will be used in order to make an issue more clear.

1.4.2.2 Gender Roles in State and Tribal Formations

In this study, both the changing gender roles and the status of women are examined according to social, political and cultural factors. Many social scientists, like Viana Muller, Gerda Lerner and Anna Barstow emphasize a close relationship between gender roles, the status of women and social, economical and political factors. Inner Asian societies were mostly nomadic and semi-nomadic and they preserved this structure through centuries.

⁶¹Woods, John. *The Timurid Dynasty* (Bloomington Indiana: Indiana University Press, 1990), 6-7.

Nevertheless a nomadic way of life and pastoralism did not mean “equality” in the society and between men and women, because they changed their social and political structures, and established states and empires. But each society had different experience in these transformations. Especially the nomadic societies in the southern regions of Inner Asia established states and empires and had close political, economical, military and cultural relations with the Chinese dynasties.⁶² The nomadic societies in the North, however, did not establish significant long-lasting states. Neither did the empire have intensive trade with sedentary civilizations. Therefore, there were limited social and political class distinctions and social inequality.⁶³ Furthermore, various Muslim Mongol, Turco-Mongol and Turkish dynasties were established in the Near East and Anatolia. In this study only Ilkhān, Timurids and Ottomans are examined. These dynasties strengthened their central, bureaucratic and hierarchical structures with the adaptation of Irano-Islamic political traditions. In all these societies, there was no firm gender equality among people and between men and women but different degrees of patriarchy. As “patriarchy” implies men's subordination of women, this study makes use of different terminologies such as matrilineality, female values etc., which describe the changing status of men and women.

Within this framework, Chapter 2 examines gender relations in the Turkic and Mongolian societies who were non-Muslim or Muslim but had not gone under the influence of the Islamic civilization. In these societies, *töre/törö* was the only law by which all kinds of social, political and economical affairs were

⁶² For the relation between the nomadic societies and Chinese see Nicolo Di Cosmo, “Ancient Inner Asian Nomads: Their Economic Basis and Its Significance in Chinese History,” JAS 53 (November 1994):1092-1100.

⁶³ Nicolo Di Cosmo 1994, 1100-1109.

conducted. This chapter examines mainly the legends and creation myths of the various Turkic and Mongolian societies in a comparative perspective.

Comparison is made between the “northerly” societies like Hakas, Tuva, and various societies in the Altay region, who preserved their archaic cultures and social structures and did not establish states or empires. The “southerly” societies, like Hisung-nu (Huns), the Early Türks (Göktürks) and Uighurs established states and empires and as a result, they experienced important social, political and economic transformations. By examining the so called pre-Islamic Inner Asian society in two groups that is “the northerly and the southerly,” here, the study aims to show that “pre-Islamic” Inner Asia was not monolithic. Moreover, these societies had different political and social experiences and parallel to these experiences they developed different gender strategies which were in a mutual relationship with customary laws (*töre*).

Chapter 3 examines the formation of customary law (*töre /törö*) and the Chinggisid law *yasa/yasaq*. In this context, it is important to understand how and under which conditions customary law was shaped. Therefore, social, political and cultural transformations of these societies are examined in order to show the relation between the formation of customary law and the social and political structure. Additionally, Chinggid *yasa* is examined under the light of the Chinggid imperial ideology and state structure.

In Chapter 4, Islamic law *sharī‘a* is examined. Formation of *sharī‘a* is evaluated under the light of the social and political conditions of the early Muslim community. In this part, influence of various local customs and laws in the formation of *sharī‘a*, the use of *sharī‘a* with customary law and non-Islamic

regulation or laws in the early Muslim states or empires are evaluated. Later, conversion and formation of states and empires of the Turkic and Mongolian societies in the Islamic world are also examined. What kind of relation and interaction were between these various Inner Asian societies and Muslim world and Islamic civilizations? How did Islamic civilization affect these societies' political and social structure? How did they use *sharī'a* in their social and political lives?

Chapters 5, 6 and 7 consist of case studies where gender relations in three different state formations (13th and 15th centuries) are examined from a comparative perspective. These are the Ilkhans (1256-1336), and the Timurids (1370-1506). Gender relations in the Ottoman Empire, on the other hand, are examined within a contemporaneous time with Central Asia that is between the 14th and 16th centuries. While among the Ilkhans *yasa* and *shar 'a* had a relationship of tension, among the Timurids they had more peaceful relations and symbiosis was created between them. It was under the Ottoman rule that *yasa* and *shar 'a* were integrated with each other and created a synthesis.

The Ilkhanid dynasty was established by a branch of the Chinggid house and it acknowledged the superiority of the great Chinggisid Yuan dynasty in China. They came to the Muslim world as non-Muslims and ruled the state according to *yasa*. After the conversion, *sharī'a* was accepted but *yasa* preserved its domination over *sharī'a*. *Yasa* and *shar 'a* remained as two different and opposite entities among the Ilkhans.

The Timurid Empire was established by a non-Chinggisid Temür who claimed himself to be an heir of Chinggis Khan. Temür as a Muslim, recognized *shar 'a* and remained loyal to *yasa* as an heir of Chinggis. Thus under Timurid rule *yasa* and *shar 'a* were in a symbiosis.

The Ottomans in Anatolia established a monarchy with a centralized and complex state structure. The Ottomans gave precedence neither to customary law nor to *shar 'a* but *örf-i Sul ānī* and *örf ü ādāt*. The Ottoman contribution was the creation of a synthesis between two; this synthesis came into emergence under the absolute power of the Sul ān and the central authority.⁶⁴

These three different approaches stem from these dynasties' political and social structures and ideologies. In each realm, there were different kinds of interpretation and application of customary and religious laws. As a result, there were also different gender relations in these dynasties. Various succession and reproduction policies; marriage relations, different statuses of the imperial women, all were arranged mostly by customary laws *töre, yasa* or *el'āpī āānī*).

The comparison of these three political formations shows us that the Islamic pasts of the Turks and Mongols were not monolithic. This statement on the macro level is being illustrated by micro studies in three chapters following the threads of the so-called Pre-Islamic and Islamic past. It is hoped that a careful examination will throw light on overgeneralizations.

⁶⁴ Halil İnalçık, "Osmanlı Hukukuna Giriş, Örfi-Sultani Hukuk ve Fatih'in Kanunları," Ankara Üniversitesi Siyasal Bilgiler Fakültesi Dergisi XIII (1958): 102

CHAPTER 2

GENDER RELATIONS REGULATED BY CUSTOMARY LAW: AS REFLECTED THROUGH LEGENDS AND HISTORICAL RECORDS

INTRODUCTION

This chapter explores gender relations in several (selected) Turkic and Mongolian societies as they are found in contemporary (oral) and historical sources. These sources carry traces of pre-Islamic values among Turkic and Mongolian societies. With the use of these sources, we can analyze how gender relations were regulated by customary law (*törö/töre*) before the onset of Islamic law (*shari'a*). Furthermore, various Turkic and Mongolian societies from different historical periods are examined in order to show that Asia “before Islam” was not homogeneous, but rather culturally, socially and, politically diverse; by extension, the nature of gender relations was also diverse both through time and across spaces.

While examining gender relations among the Turkic and Mongolian societies before Islam, our sources are legends or myths⁶⁵ of the Inner and Northern

⁶⁵ Legend is defined as a story coming down from the past; *especially* one popularly regarded as historical although not verifiably. So myth is usually a traditional story of ostensibly historical events that serves to unfold part of the world view of a people or explain a practice, belief, or natural phenomenon. See *Meriem Webster Dictionary*. And in the *Compact edition of the Oxford English Dictionary* myth is described as a purely fictitious narrative usually involving supernatural persons, actions, or events, an embodying some popular idea concerning natural or historical phenomena. And *legend* is defined as unauthentic or non-historical story, especially one handed down by tradition from early times and popularly regarded as historical. No certain distinction between legend and myth is made. Here in these legends and myths we are interested how women are mentioned, how gender relations are narrated. The Turkish equivalent for legend/myth is “efsane.”

Asian⁶⁶ societies, and the inscriptions of the ancient Türks as well as Chinese historical records. They were mostly documented by travelers and others who were outsiders to these societies. Some of the sources used here, were translated into Turkish by Bahaeddin Ögel⁶⁷ and Abdülkadir İnan.⁶⁸ Arabic and Persian historical travelogues describing the social life of the various Central Asian societies were translated into Turkish by Ramazan Şeşen.⁶⁹ Additionally, some early Türk inscriptions give important information about the women of the ruling elite among the early Türk (6-8th c.) and the Uighurs (8-9th c.).

Furthermore, oral literature is being used as a primary tool for the analysis of the position of women especially in the northern parts of Inner Asia. Situated far away from sedentary civilizations, these societies have kept their ancient ways of life to a great extent but unfortunately left no written sources related to their past. Nevertheless, these oral sources- legends, myths and stories- created among the northern Asian societies were passed down over many centuries; this process of production and reproduction of oral histories carries with it traces of the past. It is indeed very difficult to figure out the exact position of the pre-Islamic women in Asia by using these legends as they have been reshaped by many cultural, social and political events through the centuries. Each society was affected from these outside impacts to a different degree. Yet these sources can be utilized to provide us with insight and information that is not available elsewhere.

⁶⁶ L. Ligetti divides Asia into five regions according to social, cultural, political and geographical which was effective in formation of civilizations. These are South Asia, East Asia, West Asia, Inner Asia and North Asia. Here I am only dealing with later. See Ligetti, *Bilinmeyen iç Asya*, trans. Sadreddin Karatay (Ankara: TTK, 1998), 14-16.

⁶⁷ Bahaeddin Ögel, *Türk Mitolojisi 2 vols* (Ankara: TTK, 2003).

⁶⁸ Abdülkadir İnan, *Makaleler ve İncelemeler 2 vols.* (Ankara: TTK, 1998).

2.1. Definition

Legends or myths belonging to several Turkic and Mongolian societies from different parts of Inner Asia are examined from a comparative perspective and in association with their political, social and cultural features, as they relate to gender relations. For our purposes here, these societies of nomadic and semi nomadic tribes are analyzed mainly in two groups.

The first group consists of the peoples of Siberia and Altay; their territories expanded from the north of the Altai Mountains to the Ural Mountains. The farthest North-eastern corner of Siberia is inhabited by Yakuts (Sahas) whose north western part is being inhabited by the Tuva people. Altai region is on the southwestern edge of Siberia.⁷⁰ All these people are similar to each other culturally, socially, economically and politically. These people represent different Turkic groups that were living within a clan or a tribal organization.⁷¹

The second group consists of societies who had undergone some kind of reorganization due to difficult political experiences. These were mostly located along the southern side of the Altai Mountains extending from east to west. Taking the lead from Esther Jacobsen's definition of northern clan societies and southern tribal societies,⁷² in this study, the term 'northerly' is used for the first group consisting of clan and tribal societies located along the northern belt or zone, while the second group that is confederative groups or state societies

⁷⁰ Map 1

⁷¹ Y.A. Pustogaçev, "Altay ve Sibirya Türk Halklarının Etnik Kökeni ve Etnik Tarihlerinin Başlangıcı ile İlgili Bazı Görüşler," in *Sibirya Ara tırmaları*, ed., Emine Gürsoy Naskali (İstanbul: Simurg, 1997b), 299-302.

⁷² E. Jacobson 1993, 180.

along the southern belt are referred to by ‘southerly.’ These definitions are not based on geographical conditions, but on cultural characteristics, and the terms ‘northerly’ and ‘southerly’ are used for the sake of analytical convenience. One basic difference between them is that the ‘northerly’ societies have kept their ancient nomadic way of life, social, religious and cultural values to a great extent,⁷³ while the ‘southerly’ societies experienced radical, political, social and cultural transformations. The societies of the first group, around south Siberia and today’s Mongolia were not hierarchical; therefore gender relations were more or less on equal terms. By contrast, the second ‘southerly’ group formed hierarchical societies, participated in political activities leading to state formation and had close cultural and social interaction and relations with the sedentary civilizations. In these later societies patrilineal and masculine values appear to be dominant.

2.1.1 Women in the Northerly Group

The women in the northerly societies were more active, and occupied high and prestigious positions. These societies were patrilineal but matrilineal descent was also very important. As it is known, sexual division of labor is very important for differentiation of gender.⁷⁴ Yet among these societies, there was no certain division of labor showing gender hierarchy. Furthermore, there were

⁷³ About this matter Jacobson states that “the nomads living in proximity to the Pamir, Tyan-Shan, Altay, and Sayan mountain ranges probably lived as a people today in those regions. During the winter months they inhabited relatively stable settlements in protected valleys. They may well have lived in solid log and plank structures...In spring, the nomads would begin to move their animals up to the slopes to alpine pastures where they would stay until the beginning of fall. During that period of the year, they almost certainly lived in portable yurt-like structures. In this respect, the lives of the early nomads of the Sakas may have closely resembled those described for modern pastoralists of the Altay, Tuva, and Mongols.” Esther Jacobson, *The Deer Goddess of Ancient Siberia: A Study in the Ecology of Belief* (Leiden, New York, Köln: E.J. Brill, 1993) 7-8

⁷⁴ Arthur Brittan, *Masculinity and Power* (Oxford: Basil Blackwell, 1989), 20.

also no special (bad or good) attributes for men and women. High personal assets, like power, right of ruling, bravery were not special to men or women. Ability and individual traits were more important than gender. When the term “equality” or gender equality is used in this study, the above mentioned values are used as criteria in gender relations. Anthropologist Patricia Draper in her research among the *!Kung* Tribe who are hunters and gatherers, used similar criteria in order to describe the egalitarian structure of that society. According to Draper, first female subsistence role is essential to group survival and satisfying to the women; secondly women’s influence and power on marital relations, access to the extramarital relations, the influence of young women in determining the selection of their first husband, changes women’s influence over their life cycles; finally worth of women’s work being equal to men’s.⁷⁵ Here it can be said that from these perspectives “equality” does not mean certain equality between men and women in every field of the society. Throughout history, social differentiations and political formations, even if they are very limited, changed gender equality in favor of men.⁷⁶ Additionally, it should be noted that these northerly societies were not homogeneous. Because of their social and political experiences, groups had undergone differing experiences in terms of social and political formations. For example, the Hakas

⁷⁵ Draper Patricia, “!Kung Women: Contrast in Sexual Egalitarianism in Foraging and Sedentary Context,” in *Toward Anthropology of Women*, ed. Rayna R. Reiter (New York London: Monthly Review Press, 1975), 94-95, 96.

⁷⁶ For example, Ruby Rohrlich-Leavitt, Barbara Skyes, and Elizabeth Weatherfold said that “Men and women living together in equal partnership, the rights, self-respect, and dignity of the membership of both sexes being guaranteed. Although men play a more important political role in intergroup relationships, political institutions ... Australian women are shown to have complete control over reproductive functions and they are not regarded, either by men or by themselves, as contaminating, polluting, unclean, evil or dangerous. The women gain same benefits as the men from the ritual experiences: emotional security during the life crises, and opportunities for drama, recreation, and display.” Ruby Rohrlich-Leavitt, Barbara Skyes, and Elizabeth Weatherfold, “Aboriginal Woman: Male and Female Anthropological Perspective,” in *Toward Anthropology of Women*, ed. Ligetti Rayna R. Reiter (New York, London: Monthly Review Press, 1975), 124.

and Yakut who lived in South Siberia did not experience great social, economic and political transformations. They did not established empires or state, they did not made conquest through which they gained great wealth and power and they also had quite limited very limited interaction with the outside world. Therefore they could keep their ancient culture and way of life to a great extent. There was a not important class distinction, social and economical differentiations within their societies. Therefore, gender relations among them were more egalitarian than among other northerly tribes. As it is mentioned above, formation of state, class distinctions, trade, war and alliances empower patriarchy or domination of men and masculine values in the societies. In this frame, legends of the north will also be divided into two groups according to their gender relations.

2.1.2 Women in the Southerly Group

The societies of the south, on the other hand consisted of composite tribes most of which had migrated from the eastern part of Altay Mountains⁷⁷ to the hearth of Inner Asia (south of Altai Mountains). They established political formations such as states, and empires known as Huns, early Türk and Uighurs. The core unit of these formations were all nomadic and semi nomadic. These people were able to establish militaristic, hierarchical and bureaucratic political formations and empires. Within this process, they experienced various social, political and economical transformations. State formation, wars, trade, alliances led to radical transformations in their social and cultural structures and understandings.⁷⁸ In general they showed inclinations towards sedentary life.

⁷⁷ Ligeti 1998, 16-17.

⁷⁸ Many sociologists and anthropologists see a close relation between class formation, state formation and oppression of women. We can see domination of masculine values and matrilineality from the sources but there is no enough information for saying complete

Moreover, in very early stages they adopted patrilineal and patriarchal traits; close commercial and cultural relations with the sedentary cultures, imbued with Confucianism, Buddhism and Manichaeism probably became effective in this adaptation to patriarchy. As a result, the position of women became more passive, more symbolic, and women became more invisible in the public sphere that is, the political arena. These societies attributed less significance to women and to matrilineal descent. The women in these societies became less active in the political sphere and their presence became more symbolic. Patrilineality and superiority of masculine power was accepted to a greater degree among these groups.⁷⁹ Although these societies from the Xiongnu (Xiongnu) to the Uighurs (3rd B.C- to 840), established individual dynasties in the hearth of the Inner Asia, yet they experienced similar political, social, economical and cultural transformations. Therefore, because of similarities in their gender relations, they are called “southerly” due to their location south of Altai Mountains.

Furthermore, both of these societies, the northerly and the southerly are seen exhibiting traits that indicate a change of emphasis from matrilineality to patrilineality or from feminine values to masculine values. Given the foregoing contextual understanding, we will concentrate on basic anthropological and sociological theories dealing with gender relations in the next part of this study.

subordination of women in these societies. Viana Muller, “The Formation of the State and the Oppression of Women: Some Theoretical A Case Study in England and Wales,” *Review of Radical Political Economics*, Vol. 9 3(1977), 7-21; Sherry Ortner, “The Virgin and the State,” in *Feminist Studies* 4 (1978): , 19-35; Lerner 1986.

⁷⁹ Goody Jack, “Bridewealth and Dowry in Africa and Eurasia,” in *Bridewealth and Dowry*, ed. Jack Goody and S.J. Tambiah (Cambridge: Cambridge University Press,) 3-5.

2. 2. Gender Relations in a Historical Perspective

The terms matriarchy and patriarchy are two opposite poles of gender relations and they are best understood as the subordination of male and female counterparts, not subordination of one group to another. Gender relations in human societies show great variations and there is no evidence to support an evolution from matriarchy to patriarchy. Gender relations were not in a continuous evolution towards patriarchy. As Arthur Brittan states, since gender does not exist outside history and culture, this means that both masculinity and femininity are continuously subject to a process of reinterpretation.⁸⁰ Inner Asian societies were also continuously changing social, political and cultural structures while living in different times and places. In a parallel manner, gender relations, masculinity and femininity were re-shaped under these powers.

So far neither patriarchal nor matriarchal society has been found in the historical sources mentioned above; in other words there was no certain authority of one group over the other. In fact, some social scientists do not see any existence of matriarchy and have completely refused the use of the concept. For example, Stella Georgoudi who sees matriarchy as a myth describes it as follows:

Matriarchy is the superiority of women over men in the family as well as in the society; and exclusive recognition of maternal kinship, or, in the jargon of anthropology, matrilineal filiations, which meant that only daughters could legally inherit property.⁸¹

⁸⁰ Arthur Brittan, *Masculinity and Power* (Oxford: Basil Blackwell, 1989), 1.

⁸¹ Stella Georgoudi, "Creating Myth of Matriarchy," in *A History of Women from Ancient Goddesses to Christian Saints* (London: The Belkna Press of Harvard University Press, 2000), 451.

Anne Borstow also acknowledged that matriarchy was a myth by taking a lead from Mellaart's archeological findings in Çatal Höyük.⁸² Mellaart's archeological findings refuted the existence of a matriarchal Neolithic society and showed that a mode of community control in which women and men lived more interdependently, with more sharing of power than we know of in later societies.⁸³

Therefore, many social scientists preferred to use matrilineality and patrilineality by which they do not make certain judgments about constantly changing gender roles in the societies. For example, Jack Goody describes matrilineal descent as eligibility acquired through female for both males and females, and patrilineal when it is obtained through males.⁸⁴ So it can be said that generally social scientists see close relations between gender equality and matrilineality,⁸⁵ matriarchy is seen as a myth but there have been many patrilineal and patriarchal societies in which matrilineal descent was respected and high values were attributed to women. It might be said that matrilineality and feminine values easily melted away in patrilineal societies. According to Robert H. Lowie matrilineal residence and matrimonial property interests tended to produce a matrilineal descent, but this is not valid for every society. Some matrilineal societies can be patrilineal. A full-fledged matrilineal or patrilineal

⁸² Anne Borstow, "The Uses of Archeology for Women's History: James Mellaart's Work on The Neolithic Goddess at Çatal Hüyük," *Feminist Studies* (1978): 8.

⁸³ Borstow 1978, 9; Gerda Lerner, 1986, 31.

⁸⁴ Jack Goody, *Comparative Studies in Kinship* (California: Stanford University Press, 1969), 50.

⁸⁵ About the relation between matrilineality and patrilineality Igor Kopytoff said that the matrilineage can be defined structurally as a shared group that produces itself through its female members, that is, through the sisters of its men. The number of patrilineage that, given polygyny, can rapidly increase its membership in one prosperous generation by acquiring many wives and begetting many children. See Igor Kopytoff, "Matrilineality, Residence, and Residential Zones," *American Ethnologist* 4 (Aug., 1977): 543.

system does not evolve into its opposite. The two have a distinct history.⁸⁶ In this connection Gerda Lerner summarizes her assumptions as follows: (1) Most of the evidence for female equality in societies draws from matrilineal, matrilineal societies, which are historically transitional and currently vanishing. (2) While matrilineality and matrilocality confer certain rights and privileges on women, decision-making power within the kinship group nevertheless rests with elder males. (3) Patrilineal descent does not imply subjugation of women nor does matrilineal descent indicate matriarchy. (4) Matrilineal societies have been unable to adapt to competitive, exploitive, techno-economic systems and gave way to patrilineal societies over time.⁸⁷

Under the light of these anthropological insights, it can be said that there was no matriarchy among the Turkic and Mongolian societies during the ancient times as we see in the following. Therefore, instead of using matriarchy or patriarchy, various terms which do not imply complete obedience of one group to another group are used here. These are terms such as female/man centered, female/masculine values, and matrilineality/patrilineality and so on. By using these terms, we may try to analyze changing gender roles and the degree of tension or coherence between them without going into categorizations. Categories put boundaries on that which we are trying to understand and impose limitations on our heuristic endeavor. Better to let go of such categorical constructs and employ the proposed terminology so that we can better understand the nature of gender relations in the societies under study.

⁸⁶ Robert H. Lowie, "Unilateral Descent Groups," in *Kinship and Family: An Anthropological Reader*, ed. Robert Parkin and Linda Stone (Malden, M.A.: Blackwell Publishing, 2004), 53-68. See also David Aberle, "Matrilineal Descent in Cross-Cultural Perspective," in *Matrilineal Kinship*, ed. David M. Scheinoder and Kathleen Gough (Berkeley, Losangeles: University of California Press), 1962, 658.

⁸⁷ Lerner 1986, 30-31.

And let us do so without committing them to broad kinship classifications that frustrate the reality of their gender relations.

2.2.1 The “Northerly” Group as Reflected in Legends

The “northerly” group consists of the societies of Siberia and the Altay regions. Their common features are that they did not experience radical social, political, social and cultural transformations in comparison to the “southerly” societies. As they did not produce written records, their strong oral traditions are the main tool for learning about their social and cultural structures. They seem to have preserved their archaic values, ways of life, rituals, social and economic values to a great extent.⁸⁸ Therefore, their legends are the only main reliable sources, and provide a window into their past. The folklorist Karl Reichl divides Turkic oral epic tradition mainly into four groups:

...there are the oral narratives of the Yakuts in northern Siberia, which are characterized by their archaic nature and their close connection to the world of shaman. Very similar to the epic poetry of the Yakuts are the epic traditions of the various Turkic-speaking peoples of Altai (Altaians, Tuvaian, and others). These two groups of traditions, <which> might be termed “Siberian ...” The third group consists of the epic tradition of the Turkic people of Central Asia proper, i.e., of the Kirghiz, the Kazaks, the Karakalpaks, the Uzbeks, and the Uighurs. ...The central traditions find their continuation in a fourth group, the epic poetry of the southwestern Turkic peoples, the Turkmens, Azerbaijanis, and Anatolian Turks. For the sake of completeness two further, smaller groups should be mentioned, the oral epic poetry of Bashkirs southwest of Ural Mountains, which shows connections both to Siberian and to the central traditions of Turkic epic; and that of the Turkic peoples of the northern Caucasus, in particular the

⁸⁸ For the detailed information, see G.V. Kubarev, “Eski Altay Türklerinin Kültürü,” in *Sibirya Araştırmaları*, ed. Emine Gürsoy Naskali (İstanbul: Simurg, 1997), 239-246; Y. A. Pustogaçev, “Altay ve Altaylılar,” in *Sibirya Araştırmaları*, ed. Emine Gürsoy Naskali (İstanbul: Simurg, 1997a), 283-306.

Karachays and Balkars, which has many links to the Nart tales of the Ossetes and other Caucasian people.⁸⁹

In this study, our main concern is societies which are termed by Reichl as “Siberian.”

2.2.1.1 Hakas’ *Altın Arıĝ* Legend⁹⁰

The Hakas and Yakut people among the “northerly” societies are examined firstly because they were able to preserve their tribal/clan traditions and their ancient way of life and culture more than the other northerly societies, such as the Altai group. Because they have not been transformed into a state society; they did not experience important social, economic and politic transformations and had very restricted contact with the sedentary civilizations. For example, even in the 20th century, Hakas had no written literature.⁹¹ Hakas and Yakut societies are still keeping their archaic traditions; their oral epic literature (legends) reflects their past to a great extent. In the Hakas and Yakut legends, we encounter matrilineality, a strong female cult, and see that female assets were valued. Among these are the creation legends, *Altın Arıĝ*⁹² and Yakut’s *Er-Sogotoh* stand out.

⁸⁹ Karl Reichl, *Singing the Past: Turkic and Medieval Heroic Poetry* (Ithaca, New York: Cornell University Press, 2000), 19-20.

⁹⁰ Appendix 1.

⁹¹ They have a very rich oral literature, the Hakas epic legends were formed before the time of the early Türks. *Altın Arıĝ* is probably older; it should have been formed before circa. Fatma Özkan, ed., *Altın Arıĝ Destanı* (Ankara: Bilig Yay. Ahmet Yesevi Üniversitesi Yardım Vakfı, 1997), 3, 9-10.

⁹² Fatma Özkan 1997. Özkan claimed that are a few legends at the center of which women are the heroins and main characters. *Altın Arıĝ* is one of them. The others are Uighurs’ *Nözügüm*, Başkurt’s *Zaya Tülek* and Su Suluz, Hakas’ *Altın Çüs*. According to writer these legends belong to the matriarchal [writer uses this term] ancient times. Özkan 1997, 9-11.

In the *Altın Arıĝ* legend, the leading figures are women rather than men. High values are attributed to women who enjoy great freedom and play important roles in the society. As this legend is too long, only some important events will be mentioned here.

Marriages in this legend represent different values of the society about gender relations. Therefore, they show to us the changing views, or changing traditions in gender relations of the past. The first marriage is between Picen Arıĝ⁹³ who is a she-ruler (*hakan*) and Alp-Saaday who is ruler of the neighboring country; she makes a marriage offer to Alp-Saaday, but he refuses to marry her. But when he sees that Picen Arıĝ is a very beautiful girl, he changes his mind. Then he asks why do you want to marry me? Picen Arıĝ replies that in my homeland (*yurt*) there is no hero (*yiĝit*). We need a person who protects and defends us. This ruler, called Alp-Saaday refuses to stay in her homeland (*yurt*) and says “A heroic person (Al insan) does not stay at the *yurt* of someone else.” Picen Arıĝ accepts to live in his *yurt* and forces her people to migrate to her husband’s *yurt*. We see that the term *hakan* which we usually use only for men, is used here both in the masculine and feminine sense. Yet the she-ruler needs protection of a male hero *yiĝit* and accepts to stay at her husband’s *yurt*. According to these legends, both men and women can have leading roles but patrilocality appears to have the upper hand.

In spite of its strong archaic characteristics, the society in this legend is patrilineal. This duality is seen in the following part of the legend and in other

⁹³In this legend, Picen Arıĝ who was charged with the rise of Çibetey who was the son of the Alp who was the real Hakan of this yurt and his wife Ak Çeken Arıĝ. Picen Arıĝ and her sister İcen Arıĝ thought that this child will probably not show respect to them when he grows up and their effort will be in vain. Therefore, they killed this child and Altın Arıĝ and her horse *altın yeleli Ak Boz At* who was protector of this boy and yurt. After that, Picen Arıĝ wore the dress of khans and took golden baton special to khans and became han/bey of that yurt.

legends which are examined in this chapter. The old and new values were mixed but as it is seen below, these values can create tensions. This is explained by Karl Reichl by “formation of layers” in the cultural and social values of these societies. Karl Reichl thinks that these legends or heroic epic poetries have shaped cultural values which have been transformed.⁹⁴ Furthermore their oral character made them more open to adaptation of different elements. Reichl’s states that “[...] the heroic epic, will be seen standing in a network of oral genres with which it interacts both synchronically and diachronically [...] This cultural context of the heroic epic entails a particular view of one's own past and the relationship of oneself to his past, both in a "genealogical" and "identificational" sense.⁹⁵ Similarly, Bruce Lincoln thinks that social identities are continually (re-)established and social formations (re-) constructed from the past.⁹⁶ So these layers are useful for us to analyze gender relations and social and political formations. These layers also may show that even among societies like Hakas and Yakut who had very limited social, political and cultural transformations, some changes took place in gender relations and that these old and new elements composed layers.

We continue to examine the legend after keeping formation of layers in mind: One of the important figures of the Altın Arıĝ legend is Huu İney⁹⁷ a woman who has supernatural powers and has important roles in this legend. Another

⁹⁴ Reichl 2000, 177-178.

⁹⁵ Reichl 2000, 3. For example, in the Hakas’ *Huban Arıĝ* Legend which is a heroic legend of a woman, there is a sentence “it is said that always woman person (kadın kiři)’s hair is long and intelligence is short” which reflects the layers which Reichl describes. See *Huban Arıĝ, Hakas Türklerinin Kadın Yüĝütlik Destanı*, tr. Timur B. Davletov (Ankara: Türksoy, 2006), 6.

⁹⁶ Bruce Lincoln, *Myth, Cosmos and Society; Indo-European Themes of Creation and Destruction* (Cambridge, Mass.: Harvard Univ. Press, 1986), 22.

⁹⁷ Huu İney is originally wolf, but she lived as a woman and she also turned into any creatures.

point of importance is Huu İney's character. She married sixty times and she has a son, Hulatay. After sixty years, Huu İney returns to her country. She makes Çibetey and Altın Arıĝ come to life again. Çibetey is the son of Alp Khan who was ruler of this land, and Ak Ölen Arıĝ. They (his mother and father) died young and charged Pıcen Arıĝ to nurture and protect Çibetey until he becomes old enough to look after himself.⁹⁸ Pıcen Arıĝ is a warrior girl who protects the people of the land.

The other marriage is between Çibetey and Alp Khan Kız whose nickname is Ulu Alp Kız (great warrior girl). She subordinates ninety khans (men rulers) and makes them pay tribute to herself. As she is so powerful, she refuses to marry Çibetey, but Altın Arıĝ who is the heroine of this legend and also protector of Çibetey, defeats this (Alp Khan Kız) in a fight and forces her to marry Çibetey. Here we see a woman who is a ruler defeating ninety khans (male rulers) and making them to pay tribute. She is not overcome by a man but by a woman, Altın Arıĝ. Here again, ruling or fighting etc. are not activities preserved only for men. In these legends patrilocality seems to be the forerunner of patrilineality. In other words, patrilocality is a kind of accepting men's superiority. It seems that men or women are equal as far as they are in their own places. But when they come together, one of them has to subordinate to the other. Patrilocality puts men to a superior position. Ulu Alp Kız is not keen to marry Çibetey, because this means accepting superiority of her husband. Probably she has to leave her land and live with her husband. In other words, she has to share her power and authority with her husband Çibetey and put herself on a lower status after her husband.

⁹⁸ Fatma Özkan 1997, 7.

It might be said that in these legends there is a close relation between marriage and patrilocality and women had to accept patrilineality and patriloclity, when they got married. Probably because of this, Altın Arıĝ refuses to marry Hulatay who is the son of Huu İney, a woman of supernatural powers. When Hulatay makes a marriage offer to Altın Arıĝ, the *Yiĝit* (Çibetey) warns Altın Arıĝ against getting married. He says that ‘if you marry Hulatay, they will count your sixty hair braids and make them into two thick braids; you cannot be a girl any more but will become the woman of Hulatay, and you will sleep with Hulatay in one bed.’⁹⁹ Altın Arıĝ refuses to be the woman of Hulatay and she dedicates herself to the safety and happiness of her people. In the first case, the woman (Picen Arıĝ) accepts the superiority of masculine power by marrying; in the second case, on the other hand, the woman (Ulu Alp Khan Kız) refuses to marry, but she is forced to marry by Altın Arıĝ, a girl. But Altın Arıĝ herself does not agree to marry and dedicates herself to her country’s people’s security and happiness.

These cases indicate that there was tension between the female and male authorities or between female and masculine values and in these cases matrilocality and patrilocality were points of tension or balance.

⁹⁹ “Altmış saç örgünü sayıp, iki ayrı kalın örgü yaparlar. Kız olamazsın, Hulatay’ın kadını olursun, Hulatay ile bir yastıkta bir dōşekte beraber yatıp, beraber uyursun.” Özkan 1997, 111

2.2.1.2 Yakut's Er-Sogotoh Legend

Because of their early withdrawal out of South Siberia to the north the Yakuts have preserved more archaic cultural elements than the other Turkic groups.¹⁰⁰ At the center of their legend called *Er-Sogotoh* there is an ancient Mother Goddess who creates the world and is the source of life. There are four versions of the Yakut creation legend where roles and presence of Mother Goddess show variations between each one of them.

In the A. Th. Von Middendorf version, although Er-Sogotoh is accepted as the ancestor of mankind, “Tree Mother, Life Tree, She-Ruler Tree (Agaç Hakan)” is seen as the mother of everything. Existence depends on her. Sky and earth are her residence.¹⁰¹ In fact, this tree is in normal height, but when the Ana-Tanrı (Mother Goddess) comes, it starts to grow.¹⁰² Here Mother Goddess and Tree Mother (Life Tree) Goddess are the same or the Tree Mother is the worldly existence of the Mother Goddess.

This legend is very interesting as there are many names and duties which are attributed to the Mother Goddess. These are the creator (Mother God; Life Tree), mother (Tree Mother), ruler (hakan). But this woman did not create Er-Sogotoh who has a father and mother.¹⁰³ He (Er-Sogotoh) is a powerful person and the ancestor of mankind. It shows that the society recognizes patrilineal

¹⁰⁰ Jacobson 1993, 228

¹⁰¹ *Büyükü, herşeyin anası idi. Varlık ona bağlıydı gökler yer binasıydı.*

¹⁰² Ögel 2003, 98-99.

¹⁰³ Ögel 2003, 99.

descent and gives importance to masculinity but they believed in the power of women and feminine values.

The other version was compiled by I. A. Hudyakov. Er-Sogotoh is not mentioned in this version; “The Life Tree” is essence of this legend. Yakuts believed that World had eight corners and in the middle there was a big tree which reached until the pole star. They called this tree Demir-Kazık,¹⁰⁴ it is a genderless tree.

Another version of the Yakut legend was compiled by Godohov.¹⁰⁵ This legend shows some contradictions. Roles of God and Goddess are unclear: The God Ürüng-Ayığ-Toyon created the first man Ak Oğlan (White Boy) who is seen as the ancestor of mankind. The “Tree Mother” protects Ak Oğlan and provides for his needs. Here there is clear distinction between duties of the God and Goddess but Ak Oğlan addresses her as “my worthy of respect and beautiful Goddeess”¹⁰⁶ or “I have no other God, I see you!”¹⁰⁷ Here God, not Goddess, created first man (Ak Oğlan) who is the ancestor of mankind, but he recognizes “Tree Mother” (Goddess) as his only God and Ayığ-Toyon is not mentioned. Here, it might be said that the belief of God as creator of first man was recognized by the Yakut people but they did not forget their ancient Mother Goddess figure and in the legend she gains more importance than the God.

¹⁰⁴ Ögel 2003, 100.

¹⁰⁵ Ögel 2003, 101-103.

¹⁰⁶ Ögel 2003, 103

¹⁰⁷ *Başkaca tanrım yoktur ben seni görüyorum.* Ögel 2003, 103

The fourth version of the legend¹⁰⁸ was compiled by Böhling who was a German philologist. In this legend, Er-Toyon and Kübey-Hatun are the parents of Er-Sogotoh who is the ancestor of the Yakuts. There is a gray haired Mother Goddess to whom an order comes from the third layer of the sky to protect and provide for Er-Sogotoh.¹⁰⁹ Here, the Goddess' role is certain as a provider and protector, and she obeys orders which come from the third layer of the sky. This legend mentions many things which are not mentioned in the other versions. These are bad shaman women, and sacred beech tree of the Turks in the south and Er-Sogotoh's struggle with Kara-Khan which is similar to Oğuz Khan Legend¹¹⁰ in which masculine power and superiority of men is recognized. In this legend also, the main subject is Er-Sogotoh's struggle with Kara-Khan in order to marry his daughter. During this struggle the hero (Er-Sogotoh) proves the superiority of masculine power as a super man. Er-Sogotoh's power, supernatural strength and his handsomeness are described in a great detail like the hero Oğuz in the Oğuz Khan Legend.¹¹¹ It might be said that this version of the Er-Sogotoh Legend was influenced more from the outside cultures. If there is no "Mother Goddess" figure, it would become a kind of an heroic legend in which male values are dominant completely. But the hero addresses the "Life Tree" as "my Tree ruler (benim Ağaç Hakanım), Ey(?)

¹⁰⁸ Ögel 2003, 103-107

¹⁰⁹ Ögel 2003, 106.

¹¹⁰ According to Pelliot, The Oğuz Khan legend was written during 1st century. See Paul Pelliot, *Uygur Yazısı ile Yazılmış Uğuz Han Destanı Üzerine*, trans. Vedat Köken (Ankara: TDK, 1995), 5. Ögel claimed that this legend was written after the time of Chinggis Khan but there are no traces of Islam but it seems that Iranian literature and culture were influential among the Turks. Ögel 2003, 128.

¹¹¹ Er-Sogotoh struggled against Kara Khan like Oğuz Khan. Er-Sogotoh is described as follows: *Boyu on geniş Karış, eni dört geniş karış, bir omzundan bir omzuna kadar beş karış tutarmış... Kolları tıpkı kurumuş başı kayın ağacı gibi.* Similarly Oğuz Khan is described as *öküz ayağı gibi idi sanki ayağı, Kurdun Bileği gibi idi sanki bileği, Benzer idi omuzu tıpkı samurinkine/ Gögsüde yakın idi, koca ayınkine.* Ögel 2003, 104, 115.

Sacred soul! Ey great Khatun! Soul of my yurt (land)” and her doings as a mother are emphasized. In other words, the ancient Goddess figure which symbolizes feminine values, keeps her existence in this new version of the legend. In this respect, the Hakas legend shows similarities with Yakut legends in which many layers create dualities. These variations in the different versions of these legends show that these societies experienced restricted social and political transformations and they influenced from the outside patriarchal cultures. Therefore, gender relations went through some modifications. Ester Jacobson explains this transformation as follows:

Shamanistic societies within which survive to greater or lesser degree pre-shamanistic cults of the hearth, of the deity-protectress of children and of the herd and even bear and mountain cults. Among the Turkic peoples of the Altay or the Mongol peoples of Mongolia and south Siberia, these cults have frequently been obscured by the overlay of Shamanism and Lamaism. They tend to be more clearly preserved in their archaic forms among more northern peoples, such as the Ket and the reindeer-dependent Evenk... In many cases, and particularly among the *south Siberian* peoples closer to the Eurasian Steppe zone, pre-shamanic as well as shamanic cults reveal complex intertwining of elements suggestive of sexual and social tension. This sexual tension unquestionably reflects slowly changing political structures dependent on an ancient *shift of political power away from female-centered clan structure, and reintegration of that power within male tribal elite*. [Italics added N.D] These cults also reveal tensions between pre-shamanistic belief systems and the later shamanic cults into which they were ultimately integrated.¹¹²

In short, these legends have strong archaic traditions according to which the directions of life and death and the major celestial markers of the universe retained in whole or in part a female character.¹¹³ However, these legends carry strong male values and societies are patrilineal.

¹¹² Jacobson 1993, 180.

¹¹³ Jacobson 1993, 184.

2.2.2 The First Group of Altai Legends

The epic traditions of Altai Turks, Yakuts, Tuvinians are defined as “Siberian” by Karl Reichl because of their archaic features with links to the world of the shaman.¹¹⁴ This “archaic nature” provides us with an important knowledge about gender relations among the Altai People in ancient times. They have been living in the Abaqan, Ob and Yenisey river-basins and Altai, Sayan, Tangru-la Mountains;¹¹⁵ they were divided into many tribes which are divided into small sections called *oymak* by İnan.¹¹⁶ They did not come under the hegemony of any important political formations until the time of the Mongols. Geographically, the Altai Turks (or Altay Yenisey Turks) have been close to both sedentary monotheistic civilizations and shamanistic “northerly” civilizations. They were both close to Turkic and Chinese civilizations in the South and South Siberian and Mongolian societies in the North. In history, the Altai societies came under the hegemony of the Southerly societies and had close cultural interactions with them. Their earlier legends carry more archaic and egalitarian values, but the later were influenced from the southerly societies, and are less egalitarian and more men dominated.¹¹⁷ Therefore, their legends show variations in respect to gender roles and women’s status.

¹¹⁴ Reichl 200, 184.

¹¹⁵ Map 2.

¹¹⁶ According to İnan these Turks were nomads and semi nomads, they established their own *khanates*, *begliks* in Mogholistan, Turkistan and Siberia after the decline of the Chinggissid Jochi and Chagatahay Khanates after the 15th Century. Abdulkadir İnan, *İncelemeler ve Makaleler* vol.1 (Ankara: TTK, 1998), 33-38.

¹¹⁷ Dilek 2002, 21. For the history and civilization of Altai region see G.V. Kubarev 1997, 239-244 and Y.A. Pustogaçev, 1997b, 299-305.

There are a lot of legends but here only some of the Altai legends are examined and as these legends are lengthy, important parts are highlighted briefly. There are variations in the different versions of creation legends of the Altai Turks. These variations show how the old (ancient) and new elements were mixed or how feminine and masculine values have been competing with each other since archaic times. According to many Altai creation legends, God Ülgen created the world with the help of Goddess White Mother called “Ak-ene” or Ak-Ana.”¹¹⁸ On the other hand, in a different version, God Ülgen created first man and then the woman from the ribs of the man.¹¹⁹ Here we see the influence of monotheistic religions, i.e., Christianity, Islam. On the other hand at present the Mundus¹²⁰ and *Tölös*¹²¹ tribes, and the Buryat Mongols, believe that their ancestor is a piece of ice dropped from the sky. Their God is the deity of rain, thunder and hail called Toyon Payan.¹²² There are the myths of Altai societies and their beliefs show a wide range of variations. This shows that the Altai societies were also not homogenous within them and had different social and political experiences which caused differences in their gender relations.

Subsequently, the Altai legends show differences with respect to gender relations. Some of the later legends display a more patrilineal and men centered understanding. They also exhibit more “feminine values” than the earlier

¹¹⁸ Ögel 2003, 444.

¹¹⁹ Ögel 2003, 451-465.

¹²⁰ According to Pustogaçev, Mundus is a Mongolian tribe that was effective in Altai’s culture and civilizations. Y.A. Pustogaçev 1997b, 301.

¹²¹ Tölös tribe is living in the southern Altai. Gülsüm Killi, “Kuzey ve Güneydoğu Sibirya Türklüğünün (Saha, Tuva, Hakas, Altay) Diline Fonolojik Bir Bakış,” in *Sibirya Araştırmaları* ed., Emine Gürsoy Naskali (İstanbul: Simurg, 1997), 62.

¹²² According to the legend after eating one hail drop, a girl became pregnant. Afterwards, she bore two boys. Today Mundus and Tölös tribes believe that these boys are their ancestors.

legends. In all these legends, there is no domination or certain authority of men over women or vice-versa. But all of them show patrilineal traits. Esther Jacobson evaluated this duality as tension and says that “This sexual tension unquestionably reflects slowly changing political structures dependent on an ancient shift of political power away from female-centered clan structure, and reintegration of that power within male tribal elite...”¹²³ Within this understanding these legends are divided in two groups in order to analyze gender relations during the ancient times.

The first groups of legends are older than the second group.¹²⁴ The societies in the first group show matrilineal traits; furthermore women are active and there is no certain division of labor between men and women. These are *Altay Maaday Kara*,¹²⁵ *Er Samır*, *Ak Tayçı* and *Kökin Erkey* which are analyzed below. According to İbrahim Dilek, the legends in the second group have come into existence in later periods.¹²⁶ These are *Altay Buuçay*, *Kozın Erkeş* and *Közüyke legends*.¹²⁷ Generally, in the legends where men and male values are dominant; men are superior to women physically and ethically. On the other hand, the ancient Mother Goddess figure and matrilineality and some other feminine values persist and do not disappear.

¹²³ E.Jacobson 1993, 184; İnan 1998, 223.

¹²⁴ Dilek 2002, 20.

¹²⁵ Emine Gürsoy Naskali, *Altay Destanı Maaday Kara*, İstanbul:YKY, Mart 1999.

¹²⁶ Dilek 2002, 21.

¹²⁷ İbrahim Dilek, ed., *Altay Destanları I* (Ankara:TDK, 2002).

2.2.2.1 *Maaday Kara* Legend¹²⁸

The *Maaday Kara* legend in the first group shows strong archaic values; here men and women are evaluated in equal terms. In this legend, the hero Maaday Kara's father and mother ascend the sky in order to protect their people; an old lady who is the owner of Altai Mountain, protects Maaday Kara and provides for his needs; he becomes a hero in a very short time. The old lady makes him wear clothes of warriors and gives him a dark horse with a cotton mane (*pamuk yeveli gök boz at*). Throughout the legend, the hero's struggle is with Erlik Khan's daughter who makes a marriage proposal to him. He refuses her and fights with her. During his struggle "Forest Mother" or "Tree Mother" helps him; after defeating the daughter of the Erlik Khan who is the god of evil, he marries Altın Kuskü who is the daughter of Ay Han (Moon Khan). Then he flies into sky with his wife to protect his people.

This legend is a good example of a patrilineal society in which matrilineality and feminine values are very important. Maaday Kara is the hero but his mother, his wife, and other women are acting as protectors and providers. They are also the enemy. Women's role is not restricted to a mother and wife role. The Hero proves his power against a girl, the daughter of Erlik Khan. Persons are praised or slandered according to their character not to their gender. Moreover, in this legend and in the others, the hero is always mentioned alongside with his wife. In other words, masculine values (power of men) and patrilineality are praised but matrilineality and feminine values are not undermined. Matrilineality and patrilineality with masculine and feminine

¹²⁸ Appendix 2

values complete each other. In this sense, this legend shows great similarity with *Er-Samır* and *Ak Tayçı* Legend.

2.2.2.2 *Er-Samır*¹²⁹ and *Ak Tayçı*¹³⁰ Legends

Er-Samır legend starts with these verses which imply that men and women are mentioned together and complete each other.

Ak Bökö a brave person (*AK Bökö bahadır kişi*)
With his wife Ermen Çeçen Hatun (*Ermen Çeçen Hatunuyla*)
Lived in calm, comfort (*huzurlu, rahat yaşadı*)
The son he raised (*Büyüttüğü oğlu ise*)
With a wife Altın Tana Hatun (*Altın Tana hatunlu*)
He rides on a white-yellow horse (*Ak Sarı ata binen*)
was a young man named Er Samır (*Er SAMİR adlı delikanlı idi*).¹³¹

The most striking aspect of this legend is that the right of ruling is seen not only in men but also in women. Personal assets rather than gender are regarded important characteristics for a ruler. Through the legend, Er SAMİR struggles to rescue his wife from the hands of Kara (black) Bökö; on his way, he meets two *kağan* (ruler) girls who are more courageous and wiser than their brothers and who help *Er-Samır* in his struggle. In return, he defeats their brothers, makes

¹²⁹ Appendix 3

¹³⁰ Appendix 4

¹³¹ Dilek 2002, 33

them rulers of their countries and marries them to brave young men who are equals of them.¹³²

The other aspect of the legend is emphasizing monogamy. The hero's struggle is for rescuing his only wife. In the second part of the legend, polygamy is discouraged openly. The hero forces his brother to leave his second wife and return to his former wife.¹³³ It can be said that although there was polygamy, monogamy was preferred and practiced by those societies.

Ak Tayçı Legend is similar to the previous two legends in giving great attention to monogamy, mutual love and respect among the couples. For example, Ak Tayçı who is the hero of the legend, before setting out a long journey, says to his wife:

If we die, our breath will be one (*ölsek nefesimiz bir*)

If we survive our lives will be one (*Yaşasak, ömrümüz bir*)

My dear Altın Tana (*Kurban olduğum Altın Tanam*)

If everything goes well, we will unite (*Herşey yolunda giderse kavuşuruz*).¹³⁴

¹³² On his way, he meets Altın (golden) Topçı Kız and her brothers, who are living in their own palaces; this girl helps Er Samır while her brothers are attacking him; at the end, he defeats her brothers and makes this girl the ruler (Kağan) of her people. When the hero (Er Samır) needs help again, this time Altın (golden) Sanar Kız (girl) helps but her brothers does not. Er Samır defeats her brothers and makes this girl ruler of her people; at the end Er Samır with the help of these girls arrives to the palace of Kara (black) Bökö and he meets him there. Before defeating Kara (black) Bökö, the hero says that "you tied my one and only wife to a horse pole." The hero Er Samır and his wife returns to their country safely and his people make him and his wife Altın Tana sit on the white (ak) throne.

¹³³ The hero's brother's wife Bayan Suli complains about her husband Katan Mergen to Er Samır as he marries the daughter of Kün Kağan and he does not come to his home and home land (*evine yurduna uğramaz oldu*); Er Samır punishes his brother and forces him to return his former wife, and led his second wife (daughter of Kun Han) to go; the two brothers returns to their country with their wives. We see that the hero Er-Samır forces his brother to forsake a khan's daughter and to return to his first wife, thus enforcing monogamy.

¹³⁴ "Ölsek nefesimiz bir, yaşasak ömrümüz bir, kurban olduğum Altın Tamam, herşey yolunda giderse kavuşuruz." Dilek 2002, 144.

Since the events and discourses are similar to the previous two legends, Ak Tayçı legend is mentioned shortly here.

2.2.2.3 Kökin Erkey Legend

The *Kökin Erkey* legend is different from the others; here we have the adventures of a brother and a sister. Kökin Erkey and his sister like each other and they did everything together. Kökin Erkey does not want to get married and does not let his sister marry. One day his sister is kidnapped and he fights in a great struggle to rescue her. Here, there is gender equality not as wife and husband but as brother and sister. The hero, addresses his sister as “my sun my moon”; and in the legend many girls on his (Kökin Erkey) way say openly how they like him and would like to marry him. So it can be deduced that all of these legends of the first group reflect gender equality where masculine and feminine values are praised and personal assets are placed beyond gender.

These four legends of the Altai Turks are similar to the Hakas *Altın Arıĝ* and Yakut’s *Er-Sogotoh* legends in respect to gender relations. Therefore, they are mentioned as “first group” legends from now on in the following part of this chapter.

2.2.3 The Second Group of Altai Legends

As was mentioned above, Altai region is a wide geographical area and forms a kind of a barrier between South Siberia and Central Asia. Therefore, the Altai societies were more heterogeneous. They had social, political and cultural relations with their southerly Turkic and Chinese states or empires. They lived between the Siberian societies and the Sotherly societies. The former did not established states or empires and preserved their archaic egalitarian structure

and the latter transformed from kinship based clan societies to monarchic states and empires in which there were strict class distinctions and hierarchy among the rulers and subject and between men and women. In a parallel manner, the societies in their legends show variations from being egalitarian to male dominated. This second group of Altai legends shows inclination towards a male dominated and patrilineal character. In these legends, patrilineality and masculine values occupy greater place than matrilineality and feminine values. They are *Altay Buuçay*, *Malçı Mergen*, *Kozın Erkeş* and *Közüyke* legends. In many parts of these legends, women are placed in a lower position; here we see more male-centered societies and women can be seen as a symbol of weakness by comparison to men. Men are regarded more powerful mentally and physically.¹³⁵

2.2.3.1 Altay Buuçay Legend¹³⁶

In the Altay Buuçay legend, the hero Altay Buuçay leaves his family (his wife Ermen Çeçen, his daughter Caraa Çeçen and his small son Erkemel) for hunting. These women folk left behind by the hero ask for protection from the neighboring rulers (*kağan*), Aranay and Şaranay who are brothers. In their message to these neighboring rulers, they say that “there are properties without owner and land without men. He should come and take us” (*sahipsiz mal kaldı, ersiz yurt kaldı bizi gelsin alsın*). Later, these two rulers accept the women’s offer and came to their land. One day while they are making fun, Altan Buuçay returns and joins them. As he drinks a lot, he becomes ill. He asks for help from his wife saying “my wife Ermen Çeçen, I took you (for marrying) by choosing

¹³⁵ For example, in Altan Buucay Legend, the hero’s wife and daughter are weak persons and betrayed him. (İbrahim Dilek 2002, 200-229) and in the Kozuyke legend, “Wife of Ak Kağan gave birth a boy but wife of Kara Kağan gave birth unnecessary (*gereksiz*) daughter (*kiz cocuk*)”, Dilek 2002, 308.

¹³⁶ Appendix 5.

from among the people (*halk içinden seni seçerek aldım*) help me.” But she and her daughter betray him and they (together with these two kağan) kill the hero Altan Buuçay and their son, Erkemel. In other words, a woman with her daughter kills her husband and her son. In the second part, two women with supernatural powers change the course of the legend; Goddess Earth Mother revives the hero Altan Buuçay and Teneri Kagan’s daughter revived the hero’s son, Erkemel. Altan Buuçay takes his revenge and kills his wife and his daughter. Before killing them, he says to them that when you were hungry I fed you with game and I wrapped you with sable skin coat to make you live better!” (*acıktığınızda av etiyle besledim sizi, güzel iyi yaşayın diye güzel samur kürküne sardım sizi*). In this legend, there is a certain division of labor. Men are protectors and providers of women as husbands and fathers. Women are seen as having weaker characters and in need to be protected and be provided. Ruling is the right and duty of men. Furthermore, class distinctions are emphasized. On the other hand, the ancient mother Goddess and female figures that have supernatural powers still play crucial roles.

In the first group of the legends like Maaday Kara, marriages are between equals, but here in the second group of Altaian Legends, the hero engages in an exogamous marriage executed in a *hypogamic* fashion, i.e. marrying a woman from lower class (*Halk içinden seçip aldım*). Themes like women’s betrayal, man’s duty of feeding and protecting women that are prevalent in these legends of the second group are absent from the first group. According to Sherry Ortner, hypergamy (women marrying up) is the result of patriarchal, hierarchical state systems.¹³⁷ I think this marriage is not an indication of such a radical transformation, but that of hierarchical tribal society. For example, no virginity

¹³⁷ Sherry Ortner, “The Virgin and the State,” in *Feminist Studies*, 4 (1978): 19-35.

or purity of women is demanded and women are not valued only as mother aspects, which are seen by Ortner as basic features of hierarchical state systems.

On the other hand, the goddess figure is very important in showing continuation of female figures of ancient times in the legends which are patrilineal and men centered. After punishing his wife and daughter, the hero (Altay Buuçay) marries the daughter of God who helped him to revive his sons. This marriage is endogamous and between equals. The hero is not a protector and provider, but he and his wife have equal powers and charisma. In this legend, good, supernatural women and bad and/or weak women figures are brought together. This shows that the archaic and new masculine values go hand in hand and sometimes these values show obscurities.

2.3.3.2 *Közüye* Legend¹³⁸

Another legend in this group is the *Közüye legend*.¹³⁹ In this legend daughters are not valued; furthermore a widow is regarded as incapable of educating her son. Having a deceased father is also seen as a negative point, so that the prospective groom is regarded as unfit for his prospective bride by the bride's father. Here, in this legend the society is hierarchical; patrilineality and superiority of masculinity are emphasized; matrilineality is also very important

¹³⁸ Appendix 6

¹³⁹ In this legend, Ak (white) Kagan's wife bore a son but Kara (black) Kagan's wife gave birth to an unnecessary girl (*gereksiz kız çocuğu*). These families decided on the marriages of their children when they were born. In the legend it is said that he is son of "Ak Kagan" and Erke Tana is his mother and he is mentioned as *Közüye*. For the girl it is said that "*bağışlanmış kız cocuğu*, she is daughter of Kara Kağan, her mother is Altın Sırğa *and Halk içinde söylenen adı bayan olsun*"; But after a while Ak Kagan died and his friend Kara Kağan thought that this boy has no father and his mother can't raise him very well. And he said that I can't give my only beautiful daughter to *Közüye (hayvan kılıklı Közüye)*. In a short time, this boy became powerful and skillful hunter so that he could feed his mother; at the end he found his fiancé (*beşik kertme*) and married.

but it comes after patriline; women are passive; power and authority are at the hands of men. Women do not play any important roles, their presence is very symbolic. In the first group of Altai legends, we see the use of the phrase “Sun and Moon” for the couples, and they are active and equal in many respects. But here only men do every thing, they become successful and can be regarded as worthy of a wife passive throughout legend. In other words, women’s only importance is as the wife of male figures.

In short, in the first group of Altai legend (*Maaday Kara, Er Samır, Ak Tayçı* and *Kökin Ekey*), there is evidence of gender equality, societies are patrilineal and patrilocal but matrilineality and feminine values keep their importance. Marriages are between equals and there are no bad attributions to men or women or being bad or good are not prerogatives of men or women. On the other hand, in the second group of Altai legends, women are more symbolic, more passive, weak and important not as an individual but as the wife or daughter of men. So far, by examining the contemporary oral epic legends, gender relations among the societies who use only customary laws (*töre/törö*) in their gender relations have been studied. As a result we can say that they keep their ancient way of life. We may evaluate these findings as indications of pre-Islamic gender relations.

2. 3. The “Southerly” Group as Reflected in Historical Sources

When we examine the societies in the south, we may also use some myths or stories and historical events which were recorded by the Chinese chronicles of their times. Furthermore, there are some inscriptions which give valuable information about the social and political structures and gender roles. In this study only oral literature has been used for the “northerly” group, as they have no written historical sources and their legends keep their archaic beliefs and

traditions to a great extent. The ‘southerly’ societies possess also a rich oral literature as Karl Reichl states. But their legends were re-shaped by the Islamic culture and other civilizations in which they participated, and layers displaying archaic features have melted away to a great extent. Fortunately, there are some sources which report social, political and economical lives of various Turkic societies before they came into contact with Islam.

In the southern part of Inner Asia, northern and north-western parts of China, we see in the history Xiongnu (Huns), the first and second Türk States (Göktürks) and the Uighurs. In terms of gender relations, we see they respecting feminine values, recognizing matriline. But they also adopted patrilineality and therefore masculine values became dominant among them. This picture of gender relations emerges as an outcome of the following political and ideological structures outlined by İsenbike Togan:

Earlier, before 840, there were the empires of the Huns (Xiongnu), the early Türk and the Uighur, all empires of the steppe that did not try to invade and conquer sedentary regions of China, India or the Near East. These were empires based on confederations living in the steppe regions with a charismatic supra-tribal leadership superimposed on them: The Ashina clan. The Qaghans, the rulers, were believed to be endowed with *qut*, that was imparted (distributed) to them by Tengri, “Heaven-the Deity.” In other words *qut* was their share from Heaven (*ülüg*). In these confederative empires Heaven-the Deity played a decisive role as a “vital force” for rule. However, these notions of predestination did not lead to the concept of one legitimate ruler as in China. In the steppe, different forms of power-sharing rather than absolutism were norm. The Qaghans were kept in check and balance by the leadership (*beg*) who more and more tended to grow into aristocratic estates with elements of predestination. Eventually these developments brought a reaction from below.¹⁴⁰

¹⁴⁰ İsenbike Togan, *Flexibility & Limitation in Steppe Formations: The Kerait Khanate and Chinggis Khan* (Leiden, New York, Köln: Brill, 1998), 9-10.

Besides these dynamic political and social transformations, indigenous to themselves, they had also been affected from the neighboring civilizations which were mostly sedentary and patriarchal.¹⁴¹ These all reflected themselves on gender relations, and parallel to these political fluctuations the position of women changed constantly. These societies perceived themselves more and more in patrilineal terms and, gave more importance to patriarchal values such as superiority of men's intelligence and strength. On the other hand, these societies did not become completely male centered, matrilineality was still recognized and feminine values were respected to a certain degree. Matrilineality and visibility of the women, on the other hand, increased during the periods of formation and dissolution of states.

2.3.1 The Xiongnu (Huns)

The Xiongnu, established a dynasty under the leadership of T'ou-man (c.209-174 B.C.) father of Mao-dun. There are no legends directly related to their origins but there are some historical records which give valuable information about their establishment, and also about political, economical and social transformations and relations with the Chinese dynasties. These sources give also some information about their gender relations.

The Xiongnu made wars with Chinese between 569-307 B.C. and their leader Mao-dun (Mete) enlarged the empire between 209-174 B.C. The *Shiji* (Records of the Historian)¹⁴² which is the first Chinese official history gives important

¹⁴¹ Eberhard claimed that during the time of Shang dynasty (1450-1050 B.C.) the Chinese society was matriarchal, but this system was changed by Chou dynasty (1050-247 B.C.) during the Confucian culture (550-280 B.C.). 133

¹⁴² Sima Qian, trans., *Records of the Grand Historian: Han Dynasty I-II* by, trans. Burton Watson, (Hong Kong, New York: Columbia University Press, 1993 [1961]), 134-135.

information about the social, political and ideological transformation of the Xiongnu (Hun) Empire. About 204 B.C. Touman,¹⁴³ who was the father of Mao-dun (Mete), established the Xiongnu state. Mao-dun, on the other hand, founded a very disciplined, well armed and loyal army; then, he ordered his followers to kill his father and his step-mother and brother. In frame of his new policies, he undermined the earlier traditions. He gave his father's thousand-*li* horse which he inherited and his favorite wife to the Eastern Barbarians. But he refused to give 1.000 *li* of uninhabited land.¹⁴⁴ Mao-dun established a new social and political order in which he undermined the earlier social values for the sake of the state. He could easily give his horse and wife to the enemy but not a deserted land which was seen as the base of the state. Another interesting point is that the Eastern Barbarians demanded one of his consorts but he gave

¹⁴³In the *Shih-Ji* he is called Touman but there are different readings of Teo-man, T'ou-man, Tuman, Duman or Tuman. Ögel 2003, 6.

¹⁴⁴ Sima Qian 1993, 134-135. These events reported by Sima Qian are as follows. At this time the Eastern Barbarians were very powerful and, hearing that Maodun had killed his father and made himself leader, they sent an envoy to ask if they could have Touman's famous horse that could run 1.000 *li* in one day. Maodun consulted his ministers, but they all replied, "The thousand-*li* horse is one of the treasures of the Xiongnu people. You should not give it a way! "When a neighboring country asks for it, why should I begrudge them one horse?" he said, and sent them the thousand-*li* horse.

After a while the Eastern Barbarians, supposing that Maodun was afraid of them, sent an envoy to ask for one of Maodun's consorts. Again Maodun questioned his ministers, and they replied in a rage, "The Eastern Barbarians are unreasoning beasts to come and to request one of the *Shanyu's* consorts. We beg to attack them!"

But Maodun replied, "If it is for a neighboring country, why should I grudge them on a woman?" and he sent his favorite consort to the Eastern Barbarians.

With this the ruler of the eastern Barbarians grew more and more bold and arrogant, invading the lands to the west. Between his territory and that of the Xiongnu was an area of over 1.000 *li* of uninhabited land; the two peoples made their homes on either side of this wasteland [Gobi desert]. The ruler of the Eastern Barbarians sent an envoy to Maodun saying, "The Xiongnu have no way of using the stretch of wasteland which lies between my border and yours. I would like to take possession of it!"

When Maodun consulted his ministers, some of them said, "Since the land is of no use you might as well give it to him," while others said, "No, you must not give it away!"

Maodun flew into rage. "Land is the basis of the nation!" he said. "Why should I give it away?" And he executed all the ministers who had advised him to do so. See also Ögel 2003, 7-8.

his favorite wife. Mao-dun married a girl from the Chinese imperial family to solidify his relations with the Han. In this way he obtained dowry, gifts; on the hand opportunities to trade were also the byproducts of that intermarriage.¹⁴⁵ Political career of Mao-dun shows us there is a close relation between politics and gender relations.

2.3.2 The Early Türk (Göktürks)

The Early Türk established an empire in two phases: the first state in 553-682 and the second state in 682-745. The Early Türk experienced some changes in their gender relations, parallel to their social and political transformations. Patrilineality and patriarchal values gained more importance.

There are three versions of the creation legends of the Early Türk, which are examined here. These legends were for the creation of *Ashina* clan which had a right to rule the Türk.¹⁴⁶ They show variations and reflect the ideology and worldview of their times. Bruce Lincoln's following sentences give a sociological explanation to these creation legends.

In descent-based segmentary systems, it is not enough to observe blandly that the various groups and subgroups are defined by reference to apical ancestors. Rather, they are constructed, literally *called into being* by ancestral invocation-understanding within this term not only certain formal and ceremonial speech acts, but all of

¹⁴⁵ Sechin Jagchid and Van Jay Symons, *Peace, war, and Trade Along the Great wall; Nomadic Chinese Interaction Through Two Millennia* (Bloomington and Indianapolis: Indiana University Press, 1989), 142; Sima Qian 1993, II, 130-131.

¹⁴⁶ According to Yaganoski and Delaney, narratives of origin incorporate classificatory schemes that describe the order of things as well as the relations between things and between different kinds of people. And these origin stories are a prime locus for a society's notion of itself-its identity, its worldview and social organization. Sylvia Yanagoski and Carol Delaney, "Naturalizing Power," in *Naturalizing Power; Essays in Feminist Cultural Analysis*, ed Sylvia Yanagoski and Carol Delaney (New York London: Routledge, 1995), 2.

the means whereby persons remind themselves and others of the ancestral figures around whom their groups take shape: allusions, gestures, narratives, displays of emblematic objects or design, and so forth.¹⁴⁷

These three versions of legends recorded by the Chinese annals are demarcated as Legend A, B and C by Denis Sinor. The oldest one is the one in *Zhoushu*, completed around 629; a slightly different version is told by the *Beishi*, completed ca. 659 and by the annals of the Sui dynasty (581-617). Two of them are almost the same and demarcated as Legend A. According to this version A, ancestors of the Early Türk were defeated and only a small child could survive. He was raised by a female wolf and later this boy coupled with this wolf and they had ten sons and one of these boys started the *Ashina* lineage.¹⁴⁸ Immediately following the text of Legend A, the Türk chapter of the *zhoushu* relates “another tradition” concerning the origin the Türks. In this legend which is named by Sinor as Legend B, matrilineality is valid. According to this oldest version, the leader of the Early Türk was Abangbu, who had seventeen sons and his oldest son’s mother was a wolf, therefore, he had supernatural powers. He had two wives who were daughters of the Summer and Winter Gods. His eldest son, Jiansu, invented fire and rescued his people. Hence, the other three brothers chose him as their leader and gave him the name of “Türk.” Türk had ten wives and they had many sons and each of them was mentioned by their mother’s name. After his death, his ten sons gathered and chose their leader. Ashina’s son could jump the highest. And he was chosen a leader and took the title of *Axian Shad*.¹⁴⁹

¹⁴⁷ Lincoln 1986, 20.

¹⁴⁸ Denis Sinor, “The Legendary Origin of the Turks,” in *Folklorica: Festschrift for Felix J. Oinas*, ed. Egle Victoria Žygas and Peter Voorheis (Bloomington Indiana: Research Institute for Inner Asian Studies, 1982) 223-225.

¹⁴⁹ Ögel 2003, 27-28; Sinor 1982, 226-227.

The third one, legend C is on the origins of the Türks is preserved in the *Yuyangdu*, a collection of anecdotes, curious or miraculous histories and the like, written probably in 860.¹⁵⁰ According to this, the ancestor of the Türks was a lake spirit. It might be said that *Ashina* lineage came into being from a supernatural being, and therefore the patriline gained certain superiority over matriline. Denis Sinor states the following in connection to these legends:

Although the three Türk legends appear only in Chinese sources, there is no reason to impugn their authenticity. Perhaps in a garbled or incomplete way, the Chinese records must reflect contemporary information gained from some Türks. In showing that some of the legendary motifs mentioned our texts do, indeed, belong to the very fabric of Türk culture.¹⁵¹

The last one was recorded more than two hundred years later and shows completely different character. The dates of other legends are almost the same, they show similarities but legend A is patrilineal and legend B is matrilineal. These variations in the legends show that the Early Türk societies had had different social and political experiences which reflect themselves in their ideologies. Further, it might be said that different parts of society had different cultural, social and ideological values. Ögel claimed that this legend (Legend B) is very old and this legend became “folk legend” and others were recognized by Göktürks officially and thus they are “state legends.”¹⁵² But legend A and Legend B were both recorded by *Zhoushu*. Therefore, it might be better to say that some part of the society was keeping their old traditions, while others adapted new patrilineal values.

¹⁵⁰ Denis Sinor 1982, 230

¹⁵¹ Sinor 1982, 233.

¹⁵² Ögel 2003, 28.

The Orkhun Inscriptions were written during the Second Türk State and reflected men dominated values of the Early Türk. Generally, it seems that although they were quite patriarchal, they kept matriarchal values or emphasized matrilineal descent. For example, in the Tonyuquq¹⁵³ inscription, which was written after 716, during the Second Türk State;¹⁵⁴ it is written that “But they did not suffer (these difficulties so much) Heaven and Umay and the Holy Spirits of the Earth and Water obviously favored us in succeeding (to overcome difficulties).”¹⁵⁵ In the East side of the Kultigin¹⁵⁶ inscription, it is written that “When my father, the kagan, passed away, my younger brother Prince Kül (was at the age of seven). (At the age of...) (E31) my younger brother Prince Kül got (his) adult name (=he was lifted up among grown-ups), by the good luck of my mother Umay-like mother, the katun.”¹⁵⁷ According to Roux, khatun’s relation to Umay is similar to khan’s relation to Tengri. They were compared with Goddess and God. For Khatun the term of *umaytag* and for the Khan *tengriteg* “like Tengri” were used.¹⁵⁸ This is not an indication of gender equality; conversely it was a sign of male centered patrilineal society. The Khatun with her high sacred personality legitimized and empowered the Khan, in other words the patriarch. This shows great similarity with the ancient Greek imperial traditions. According to Susan Fischler, wife of ruler or hero

¹⁵³He was the chief counselor of Bilge Khan who was ruler of the Second Göktürk Empire (682-745), died in 734. Klyashtorny, 340.

¹⁵⁴ Klyashtorny, 341.

¹⁵⁵Talat Tekin, *A Grammar of Orkhun Turkic* (Bloomington: Indiana University, 1994), 288; Hüseyin Namık Orkun, *Eski Türk Yazıtları* (Ankara: Türk Dil kurumu Yayinlari: 529, 1994), 44, 116.

¹⁵⁶ Kultigin or Kul-Tegin died in 731 was brother of Bilge Kaghan Klyashtorny, 341.

¹⁵⁷ Tekin 1994, 268. Orkhun 1994, 44.

¹⁵⁸ Roux 1989, 205

goddess was a potent and popular combination, resulting in some very powerful representations of divine empress.¹⁵⁹

On a basic level, the image of the mother goddess was a natural addition to imperial iconography, not because it was *de rigueur* that these women be honored, but because their inclusion in the cult completed the image of the patriarchal emperor. It was more a part of the discourse about masculine power and patriarchal ideal, than about an individual woman's power within the imperial state... Thus the portrayal of his womenfolk enhanced the image of the emperor as masculine leader, one who could be sure of exercising control over an immortal household and, by extension, the empire.¹⁶⁰

These observations are also valid for the imperial marriages of Xiongnu, the Early Türks and the Uighurs. For example, in the Orkhun inscriptions, Bumin Khan and Istemi Khan's domination (in the 1st state) of the world is narrated but the khatun is not mentioned. On the other hand, when ascendance to the throne was described, Khan and khatun were mentioned equally because it was believed that both of them were assigned by God. Roux evaluated this as equality of khan and khatun in front of their national gods.¹⁶¹ In fact Khatun was not passive at all. She had her own autonomous area and authority. She had her own Otagh, male and female slaves; she took part in the state affairs beside her husband but not in equal terms.¹⁶² It seems that the real khan was identified with his wife whose powerful presence served authority and legitimacy of Khan. Maybe because of this when one person defeated a khan, he could not

¹⁵⁹ Fischler, Susan, "Imperial Cult: Engendering the Cosmos" in *When Men Were Men: Masculinity and Power & Identity in Classical Antiquity*, ed. Lin Foxhall & John Salmon (London and New York: Routledge, 1998), 174.

¹⁶⁰ Fischler 1998, 179.

¹⁶¹ Roux 1989, 200-204; According to Türköne, Khatun took her this sacredness from the old goddesses beliefs in which Ak Ana, Umay or Ayısıt were seen as a source of creation, protector of children, source of patience and pithiness. Türköne 1995, 118.

¹⁶² İzgi 1973-75, 24-25.

proclaim his victory unless he captured or killed the wife of the khan.¹⁶³ This might be evaluated as a spiritual authority of the khatun.

2.3.3 Uighurs

After the collapse of the early Türk Empire, Uighurs established an empire (744-840). They extended their empire from Mongolia to today's Xinjiang region (Eastern Turkistan). During the third ruler Bögü Qa'an (Mou-yü) the Uighurs reached the height of their power. In 763 Bögü Qa'an accepted Manichaeism as a state religion.¹⁶⁴ According to Michael R. Dromp, his reason for accepting Manichaeism was that he saw the utility of a centralizing and unifying religion in which he could act as defender of the faith by linking it to state patronage.¹⁶⁵ Parallel to its political and social transformations,¹⁶⁶ the creation legends of Uighurs carry traces of Manichaeism. The new male centered state ideology is dominant but there are also some ancient beliefs. According to one version of these creation legends, light from the sky went into trunk of a tree and it began to swell up like a pregnant woman; after nine months and ten days five boys were born; the youngest one was Bögü Khan who was superior to others with respect to his personality, ability to rule the

¹⁶³ Roux 1989, 205.

¹⁶⁴ Colin Mackerras, "The Uighurs," in *The Cambridge History of Early Inner Asia*, ed. Denis Sinor (Cambridge: Cambridge Univ. Press, 1990), 317-342; Ögel 2003, 73.

¹⁶⁵ Michael R. Dromp, *Tang China and the Collapse of the Uighur Empire, a Documentary History* (Leiden Boston: Brill, 2005), 26.

¹⁶⁶ Mackerras claimed that "Despite the persistence of the old ways, it is clear from their approach to religion that the Uighurs of the empire period were undergoing change more rapidly than at any time in their earlier history. They were definitely advancing towards a more sophisticated stage of civilization in their models of thought, social patterns and economy." Mackerras 1990, 335.

country and to his interest to agricultural works.¹⁶⁷ According to another version, one night light from sky came down and people approached that light. There, they saw five tents with a child in each. These people treated these children as if they were sons of a king. After they became old enough, they chose the youngest one, who was most patient, strong-willed and the most handsome. Such kind of legends in which the mother is a supernatural being or does not come from certain family, serves to the empowerment of patrilineality. There are no woman, the events are around men and men prove their power and superiority. Such kinds of features of the legend show us patrilineal and male dominated character of the society at that time. In this legend, Bögü Qa'an appears as an absolute, heavenly male authority. There is no matrilineality or a female being. Patrilineality and patriarchal values gain absolute power and do not share this power with the matriline. In real life, the Uighur rulers used marriage as an important political tool in their relations with the neighboring dynasties especially with Chinese.¹⁶⁸

2.4 Consolidation of Patrilineality through Supernatural Female Beings

Both in 'southern' and 'nothern' legends, matrilineality and patrilineality were very important, but in the 'south' patrilineality became prevalent. In other words, throughout history patrilineality, masculine values become more and more important, but women's lineage still continues to be very important for the husband's as well as the children's status in the society. To a great extent these women also took their power from their patrilineal descent as a "daughter of x man." Men were ancestors of a nation or founders of dynasties; they were

¹⁶⁷ Ögel 2003, 81.

¹⁶⁸ Michael R. Dromp, *Tang China and the Collapse of the Uighur Empire, a Documentary History* (Leiden Boston: Brill, 2005), 28-29.

united with “female supernatural beings” i.e., a she-wolf or daughters of a deity, God and so on. At the first glance, it seems that here we have a unification of patrilineal and matrilineal powers. But in the long run this unification served for consolidating patrilineality. This situation can be explained by hypogamic and hypergamic marriages. After making hypergamic (man marrying up, women marrying down) marriage, i.e. marrying the daughter of a powerful king, or supernatural she-wolf or daughter of a God, men gains prestige and power, and thus legitimacy. By means of this form of marriage he creates a ruling lineage or superior lineage. Afterwards, his sons and even he himself could make hypogamic marriage (women marry up and man marry down), i.e. able to marry ordinary women or even a concubine, after as he had gained power. Hierogamy (‘sacred marriage’)¹⁶⁹ that is marrying women from sky or supernatural women, is similar to hypergamic marriage i.e., men marrying up, women marrying down. But Hierogamy (‘sacred marriage’) is legendary and throughout the Turkish and Mongolian history we encounter such marriages. Böğü Qa’an’s, Temüjin’s and Osman Beg’s marriages are examples. For example, according to *Oğuz Khan* legend, the hero (Oğuz Khan) married the daughter of Sky who was very beautiful,¹⁷⁰ and they had three sons whose name are Gün (day), Ay (moon) and Yıldız (star).¹⁷¹ Then he married the daughter of the Earth. In the legend, this woman’s position as a deity (daughter

¹⁶⁹ The term Hierogamy (‘sacred marriage’) is used by Eireann Marshall, “Sex and Paternity: Gendering the Foundation of Kyrene,” in *When Men Were Men: Masculinity and Power & Identity In Classical Antiquity*, ed. Lin Foxhall & John Salmon (London and New York: Routledge, 1998), 100.

¹⁷⁰ *Oğuz Kağan bir yerde, Tanrıya yalvarırken
Karanlık bastı birden, bir ışık düştü gökten!
Öyle bir ışık indi, parlak aydan güneşten! (Orda Kızı görür)
Bir ben vardı başında, ates gibi ışığı,
Çok güzel bir kızdı bu, sanki Kutu yıldızı!
Öyle güzel bir kızdı ki, gülse gök güle durur.*
..... Ögel 2003, 117.

¹⁷¹ Ögel 2003, 117.

of God) and beauty are described in detail.¹⁷² They had three sons Gök (sky) Dağ (mountain) and Deniz (sea).¹⁷³ It seems that Oğuz's marriages made him more and more powerful. This legend is very similar to Uighur creation legends. Böğü Qa'an who was the most powerful ruler of the Uighurs, united with the "Sacred Girl" who came from the sky, at "Ak-Tag" (White Mountain).¹⁷⁴ B. Ögel assumed that in the Turkish mythologies, wives of heroes are sent by God. Because in the Turkish mythology, men are in a form of human being, women appeared in the form of spiritual being.¹⁷⁵ He perceives Oğuz Kagan legend as an example of one high cosmogony. Actually, Oğuz Kağan legend is the legend of the Turks who founded a big world empire. But in the legends of the southern Siberian Turks, the heroes and heroines are like members of a small family.¹⁷⁶ This is also reflected different social and political structures of these societies.

Women were spiritual, beautiful and sent by God to give sons to the heroes. It might be said that these unifications empowered the lineage of men, in other words, patrilineality. Similarly the early Türks strengthened their patrilineal powers by their marriage to a she-wolf. So it can be said that there is a close relation between state formation and patrilineality. It seems that at the beginning both the she-wolf and he wolf were co-existing. The Turks, who established big states, preferred a male ancestor and a she-wolf as a result

¹⁷² *Ağacın koğuşunda, bir kız oturuyordu,
Gözü gökten daha gök, bu bir Tanrı kızıydı,
Irmak dalgası gibi saçları dalgalıydı.
Bir inci idi dişi, ağzında parlayan,*
..... Ögel 2003, 117.

¹⁷³ Ögel 118.

¹⁷⁴ Ögel 87.

¹⁷⁵ Ögel 87.

¹⁷⁶ Ögel .432.

gradually lost its importance. Eireann Marshall claims that masculinity was constructed through these hierogamous ('sacred marriage') marriages. Apollo's marriage to Goddess Kyrene served to the consolidation of patriarchy in Athens.¹⁷⁷ The Oğuz Khan Legend shows similarities with Apollo in respect to making hierogamic marriages to establish men centered patrilineal society.

On the other hand, some societies in Kamchatka¹⁷⁸ and Mongolia (these societies were far away from political formations) continued to keep their ancient female centered values and traditions.¹⁷⁹ Marriages with she-wolf or daughters of Gods, during the ancient times, later during the middle age periods marriages with daughters of powerful kings or influential religious leaders were contracted to gain power and prestige to rule. In the creation or re-creation legends of the 'north', female ancestors are mostly seen among the tribes which were matrilineal. For example, among the Mongols or early Turkic people who lived in the northern parts of the Asia (Southern, south Eastern Siberia), generally patrilineal descent came from a female being by unification of women with spiritual men. Therefore, matrilineality kept its importance, matrilineal values went hand in hand with patrilineal values.

On the basis of the discussion above, we can say that the matrilineal cult of the Chinggisids and post Chingissid empires symbolized a synthesis between the 'north' and 'south.' Alan-gho'a, the ancestress of Chingis Khan, became

¹⁷⁷ Eireann Marshall 1998, 100.

¹⁷⁸ Kamchatka Peninsula is a long peninsula in the Russian Far East with the area of 472,300 km². It lies between the Pacific Ocean (to the east) and the Sea of Okhotsk (to the west).

¹⁷⁹ Ögel 2003, 45.

pregnant from a light, and gave birth to three sons.¹⁸⁰ Matrilineal character of the Chingisid lineage is emphasized in the *Secret History* with the Alan-gho'a's following words: "my five sons were born of one womb."¹⁸¹ The ancestress, Alan-gho'a became quite influential in making matrilineality and matriarchal values essential among the Chinggisids and post-Chingissids. This brings an important question to mind: Why did Huns or early Türk as hierarchic, bureaucratic political empires change some of their cultural values, and adopted domination of patrilineality and patriarchal values, while the Chingissids as founders of a world empire did not? Behind this difference, there was some social and political differences between the Chingisid and other Inner Asian dynasties. İsenbike Togan explains the difference of the Chinggis policy as follows:

Under the Mongolian World Empire all tribal people organized along Inner Asian "hierarchical" and Manchurian "egalitarian" lines came under one rule. By the policy of constant mobilization within the context of army of conquest, people of tribal origin were removed from their own "tribal" inhibitions, concerns, politics and ideals, and became members of a new society that was based on "merit." It was within this framework that the earlier kinship ideology in the political sphere became replaced by notions of companionship, and the new hierarchy cut across vertical lines in the army of conquest.¹⁸²

¹⁸⁰ According to *Secret History*, Alan-gho'a addressed her sons that every night, a resplendent yellow man entered by the light of the smoke-hole or the door to of the tent, he rubbed my belly and his radiance penetrated my womb. When he departed, he crept out on a moonbeam or a ray of sun in the guise of a yellow dog.

How can you speak so harshly?

When one understands that, the sign is clear:

They are the sons of Heaven.

How can you speak, comparing them

The *ordinary* black-headed men?

When they became the rulers of all,

Then the common people will understand!' See Igor De Rachewiltz, *The Secret History of the Mongols, Mongolian Epic and Chronicle of the Thirteenth Century* (Leiden,Boston: Brill, 2004), 4-5.

¹⁸¹ Rachewiltz 2004, 5.

¹⁸² İsenbike Togan 1998, 139.

Chinggisid Empire's social structure was based on tribes or societies which had not lived such kind of political experiences like the southerly societies, and therefore they kept their ancient traditions in which matrilineality and female values were important. When Chinggis Khan (1206-1227) established his empire, he shaped the imperial ideology according to the values of the societies with which he established a world empire in about twenty years. In other words, Chinggis Khan formulated the Chinggisid ideology according to their own values in which matrilineality was prevalent. On the other hand, the southern Turks were organized more hierarchically. İsenbike Togan explains this superstratification as follows:

The *buluo* (böyük) gathered around charismatic leaders provided them with a basis of support. These leaders needed to come from a clan with a generally accepted superior genealogy. In this case it was the Ashina. Thus we can see that in both case in 552 and 682 it was not the tribes with centrifugal tendencies who accepted leadership of the members of the Ashina clan, it was *buluo* who were on their own and gathered around members of Ashina clan...¹⁸³

Besides these transformations in their social structure, they had had many political experiences in respect to establishing states being, very close to Confucianist China, or Buddhist and Manicheist cultures, these cultural, political and social transformation experiences had started before Christ. But Mongols transformed their societies into an empire in different ways and they did not leave their ancient female values and matrilineal descent. This might be one of the causes of strong matrilineal character of the Chinggisids and post-Chinggisid dynasties which will be examined in the fifth and sixth chapters.

¹⁸³ İsenbike Togan, "The Use of Nomadic Socio-Political Terminology in Chinese Sources," Paper Presented to *Eurasian Nomads as Agents of Cultural Change*, The Hebrew University of Jerusalem, Jerusalem, 5-4 June 2006.

2.5 Marriage patterns

Marriage has been one of the fundamental bases of a society throughout history. Marriage legitimates children or property relation, provides channel of communication and of other gifts and services, and between whole social groups it provides mutual support and companionship.¹⁸⁴ Foucault described marriage as a system of fixation and development of kinship ties, transmission of names and possessions.¹⁸⁵

In general, in the Turco-Mongol societies marriage had similar functions. In the historical sources, there are mainly two kinds of marriages. The first one is “unification” between, hero or heroines and supernatural “he-she creatures.” The main purpose of this unification is formation of a new ruling clan or family like *Ashina* and the Chinggisid *Altan Uruğ* (golden lineage). In this type, the hero or heroine meets his/her mates by chance in a miraculous way and then the woman becomes pregnant, as a result of which the future ruler is born. Or they have many children; afterwards we see only their sons mentioned; the right of ruling is bestowed on the line of one of these sons by God; the mother is not mentioned again as if she fulfilled her mission by giving birth. As it is mentioned above, such kinds of marriages empowered patrilineality and masculine values in the society. If the supernatural being was male who inseminated the woman, we see that the ancestor of new ruling family was not a man but a woman (like Alan-gho’a). In these societies like Chinggisids,

¹⁸⁴ Robert Parkin and Linda Stone, “General Introduction,” in *Kinshi and Family: An Anthropological Reader*, ed. Robert Parkin and Linda Stone (Blackwell Publishing, 2004), 4.

¹⁸⁵ Michel Foucault, *The History of Sexuality, Volume I: An Introduction*, trans. Robert Hurley (New York: Vintage Books, A Division of Random House, 1980), 106.

matrilineality, feminine values could keep their power and prestige to a great extent in spite of patrilineality and authority of masculinity.

In the 'northerly' legends, we see also marriages with supernatural or divine male/female beings but these marriages are between the equals in respect to their descent, beauty, personality. Their most important difference is that couples continued to live together; and neither male nor female disappear after marriages. They live in the sky with happiness. These societies mentioned in the legends are patrilineal but matrilineality and feminine values have great importance. And in these legends, couples are described generally as "Sun and Moon."

Another kind of marriages are worldly marriages. In the 'northerly' legends, marriages are between equals. But some of the Altai legends in which the societies are men centered, marriages are not among equals, and we see that class distinctions are emphasized. In such societies we see hypogamic (woman marrying down) or hypergamic (woman marrying up) marriages for women; but in some of the legends, the hero leaves his former wife and marries a woman who is his equal.

In the South, on the other hand, we find that many political marriages were contracted between Chinese dynasties and the Turkic Empires. Between the nomadic Turkic Empires and agricultural Chinese dynasties, there was not only war, there was also trade, political and economical alliances. In these relations, intermarriage was used as an important political tool to restore peace, and political, economical alliances. Sechin Jagchid and Van Jay Symons, examined these marriages in their book *Peace, War, and Trade along the Great Wall; Nomadic Chinese Interaction through Two Millennia*. These are the few examples from the book: The Chinese Emperor Gaodi intended to send his only

daughter to Mao-dun to marry, but his wife Lu... refused to send her only daughter and the emperor this time sent a girl from a member of imperial family. Although Mao-dun knew that the girl presented to him for marriage was a surrogate for Kao-ti's daughter, he accepted the girl in order to solidify his relations with the Han and to obtain the dowry, gifts, and opportunity to trade that came through intermarriage.¹⁸⁶ The writers state that

... [During the time of the Northern Wei and the Sui Dynasties] although nomadic rulers frequently sought to initiate intermarriage ties with agrarian courts, their request were generally accepted only when nomadic states posed a serious threat to an agrarian state or were viewed as a possible ally that might help one sedentary court as it struggled against another. Royal marriage with the Jou-jan or the Turks was encouraged for military or diplomatic advantage. The money and gifts offered the nomads reflected the price an agricultural state was willing to pay to achieve its political aims.¹⁸⁷

LiLin who was a Chinese military commander, obeyed the ruler of the Huns after being taken prisoner by them. Then, the ruler gave him his daughter and rule of the Hakas country.¹⁸⁸ This intermarriage policy was continued between the Tang dynasty and the second Türk Empire. A letter presented to Bilge Qa'an by the Tang emperor in 721 shows how these marriages are used as a part of political and trade alliances. In this letter, the T'ang emperor stated to Bilge Qa'an that

Formerly [our] country and the Turks were engaged in peace and intermarriage, [therefore] both the Chinese and the barbarians enjoyed peace and the armies had their rest. [Our country] bought shee and horses from the Turks, and the Turks accepted silk and

¹⁸⁶ Jagchid and Symons 1989, 142.

¹⁸⁷ Jagchid and Symons 1989, 151.

¹⁸⁸ İnan 1998, 504.

cloth from our country. Both sides were richly and fully supplied.¹⁸⁹

Internal unrest coupled with Tibetan and other external challenges to the T'ang dynasty led the Chinese court, as early as 756, to form intermarriage ties with the Uighurs who had replaced the Türks as the major nomadic power outside China.¹⁹⁰ On the north side of the Bilge Kagan inscription, it is written that “I, too, ordered and organized the peoples (in the four quarters of the world) and I made With a great wedding ceremony, I gave (lit.: ‘took and gave’ my daughter... to the Türgis kagan as a wife.”¹⁹¹ This example shows that the early Turks made marriage alliances with other neighbors, too.

2.5.1 Polygamy

It seems that polygamy was applied in all the Turkic and Mongol societies because it was important tool in social, political and economical relations and alliances between the tribes and states as In Holmgren says “the practice of polygamy amongst peoples of the steppe does not easily sit with the idea of a two clan system of exchange, for one of the advantages of polygamous marriage is that it provides for political relations with a wide range of power groups and in this way maximizes the potential for survival.”¹⁹² Therefore, in the Northerly legends, where we can speak of clans, we generally encounter monogamic marriages, because societies are quite egalitarian and do not engage in politics in wide range of power groups. Heroes dedicate themselves to their

¹⁸⁹ Jachid and Symons 1989, 154.

¹⁹⁰ Jachid and Symons 1989, 156.

¹⁹¹ Tekin 1994, 56-57.

¹⁹² Holmgren, “Observations on Marriage and Inheritances Practices in Mongol and Yuan Society, with Particular Reference to the Levirate,” in *Journal of Asian History* 20 (1986):137.

people and are obedient to their wives, furthermore polygamy is not approved. For example, in the *Er Samır* legend, *Er Samır* struggled for many years to find his wife and forced his brother Katan Mergen to return to his former wife and made his brother's second wife to go back.¹⁹³ In the another Altai legend *Ak Tayçı*, after a long time, when Ak Bökö returned home with a beautiful girl, his wife Altın Tana assumed that her husband had taken a second wife. She became sad but later it was realized that this girl was the wife of Ak Boro, brother of Ak Tayçı.¹⁹⁴ In the Bashkort *Ural Batur* legend, the hero makes a choice among three women and marries one of them.¹⁹⁵ Generally in the legends of the North, we see fidelity and loyalty between couples, monogamy is idealized. But it does not mean that there was no polygamy among these societies. In fact polygamy was seen as a natural social event by the Yakut people. Polygamy is there because according to legend there was inequality in the number of men and women¹⁹⁶ and everything started with the God's creation of seven men and four women.

On the other hand, polygamy was more widespread among the southerly societies because polygamy was used as part of political and economical alliances between the rival families, tribes or states. In fact, the Turkic ruling elite was probably monogamic. But it seems that polygamy was applied as a

¹⁹³ Dilek 2002, 107-108.

¹⁹⁴ Dilek 2002, 169-170.

¹⁹⁵ Ural, the hero, made three marriages. Firstly, he refused to marry the daughter of the Padishah who was a tyrant. His daughter was sitting on a golden throne. She gathered all young men of the country in order to marry and she chose Ural and gave him an apple as marriage offer. But Ural refused her, instead he married the daughter of an hero whose name was Algir Ihtiyar. Later he married Huma who was a mythological figure. She was both a girl and a bird. See İbrahimov, Metin Ergun-Gaynislam, ed., *Başkurt Halk Destanı; Ural Batur* (Ankara: Türksoy Yayınları No: 5, 1996), 77-141.

¹⁹⁶ Inconstancy of women is very important in this legend because Yakut people did not see this was privilege of men.

part of political alliances. For example, Sulu Kağan who was crowned after Kapgan Kağan in 716, married daughters of three kingdoms and gave all of them title of “khatun” i.e. wife of kağan (ruler). Furthermore, they could have relations with the concubines or slave girls.¹⁹⁷ In my opinion, when the ruler (kağan) was entering a hypogergamic marriage (marrying women from upper class) which legitimizes his power and authority, monogamy was emphasized. He had probably many concubines and slave girls with whom he had a relation, but his wife from a superior family became symbol of his authority. But later, after gaining power, his successors could marry many women who were from various elite families or lines in accordance with their political relations.

Beside political reasons, ideological and economical conditions led also to polygamy. Therefore, polygamy was probably prevalent among the upper class people. It is directly related to power and social structure. According to Ö. İzgi, as bride price was very high, polygamy was not widespread. Only wealthy and powerful persons could marry more than one wife in the Uighur society.¹⁹⁸ When society became more and more men centered, and power and wealth were accumulated at the hands of men, having many wives and concubines became a sign of prestige and power for a wealthy person. This can be seen in various historical records related to the southerly societies and many legends of the southerly societies like *Oğuz Khan*.

¹⁹⁷ Roux, 208.

¹⁹⁸ İzgi 1973-75, 156.

2.5.2 Exogamy, Bride Price, Bride Service and Dowry

Exogamy is prohibition of intra-tribal marriages. Among the Central Asian societies, there were exogamic marriages. Charles Lindholm compares¹⁹⁹ segmentary Middle Eastern tribes and hierarchical Central Asian tribes. He finds a close relationship between the Inner Asian clan system, and exogamic marriages. This clan system, with its concomitant marriage pattern had a decisive effect on the polity of the area.²⁰⁰ The Central Asian societies were hierarchical but this hierarchy always changed. Power was at the hands of the most powerful and eligible persons who could make people or tribes accept their rule or leadership. So this hierarchy was very flexible and this hierarchal order could always change. In this sense exogamous marriages were a kind of alliance between tribes which easily disintegrated and changed their side. In relation to this matter Jack Goody states that

...where families regularly join families of unequal rank, the relationship of marriage to inequality differs from the cases. Hypergamy (women marrying up) and hypogamy (women marrying down) created a pattern of social inequality based on prestige or rank, families confirming or enhancing their status by the partners they pick up and often subduing families of higher rank by providing dowries.²⁰¹

Applications of bride-price, bride service and dowry were part of these alliances and their amount and application depended on the social position and power of the groom and bride families. In the *Secret History*, when Chinggis

¹⁹⁹ Charles Lindholm, Kinship Structure and Political Authority: The Middle East and Central Asia," in *Comparative Studies in Society and History* 28 (April 1986): 334-355.

²⁰⁰ Lindholm 1986, 335.

²⁰¹ Goody Jack, "Bridewealth and Dowry in Africa and Eurasia," in *Bridewealth and Dowry*, ed. Jack Goody and S.J. Tambiah (Cambridge: Cambridge University Press, 1973), 5.

Khan was nine years old, he married the ten year old Börte from the Unggirat tribe. This tribe was an important wife-giving tribe.²⁰² But Chinggis Khan's family was poor and lower in rank. He had to serve one year to his father-in-law's tribe as bride service. It was a hypergamic marriage for Temüjin before becoming Chinggis Khan. With this marriage Temüjin gained prestige, he even gave away his wife's bridal present (a sable coat) to make an alliance with Ong Khan.²⁰³ In the Turco-Mongolian history, when a man marries a woman from a superior family, they had to give bride price as a service or payment, because, the groom had to prove himself to be the son-in-law of the superior family. Therefore, in such cases, instead of using the term bride-price, "son-in-law service or price" might be a better term.²⁰⁴ In the political arena, these marriages were very closely related to politics, therefore, amount or shape of the bride-price or dowry also were part of these alliances. It can be said that bride-price or bride service was applied in the hypergamic marriages for men (men marry up) and dowry was the case in hypogamic marriages in which men married down women married up. In other words, when it was the core of an upward hierarchical status, both parties paid for this mobility; men paid bride price and women brought dowry.²⁰⁵

²⁰² Ahmet Temir, 1995, 20-21. See also İsenbike Togan, "The Qongrat in History," in *History and Histiography of Post-Mongol Central Asia and the Middle East, Studies in Honor of John E. Woods*, ed. Judith Pfeiffer and Sholeh A. Quinn in Collaboration with Ernest Tucker (Wiesbaden: Harrassowitz, 2006). 66

²⁰³ Even Temüjin presented the sable coat that his bride (Börte Fujin) had brought as a present to her in-laws to Ong Khan renew their ties and to seek a relationshi of protection. İsenbike Togan 2006, 80.

²⁰⁴ Holmgreen claimed that "like other cultures which arose in the steppe, early Mongol society was characterized by bride-price, a transaction in which marriage wealth passed from the groom's family to that of the bride. In contrast, marriage in Chinese society was regulated through a dowry system in which property passed from the family of the bride to that of the groom..." Holmgreen, 1973, 129.

²⁰⁵ Tambiah, Stanley, J., "Bridewealth and Dowry Revizited: The position of Women in the Sub-Saharan Africa and North India," *Current Anthropology* 30(August-October 1989): 425-26. See also Goody 1973, 156: Mildred Dickermann, "Women, Class, and Dowry," *American*

Thanks to travelers, we gain knowledge about social, cultural and political life of the Turkic and Mongolian societies which had not been under the influence of the Islamic culture yet. For instance, Ibn Fadlan²⁰⁶ visited many societies in Central Asia in the 10th century. During his journey he recorded many interesting events related to the social, cultural, political and religious life of these societies. About bride price and bride service the following example is very interesting: Among the Oğuz, a man cannot marry unless he gives bride-price which can be Khwarizmi fabric, camel, animal or other things. After giving bride-price, he can come and take the girl immediately in the presence of her family and no one says something.²⁰⁷ Abu Dulaf states that among the Kutluq Turks a man has to give all his wealth to the father of girl whom he wants to marry. Furthermore, he has to serve the bride's father for one year.²⁰⁸ İnan claimed that according to rule of exogamy, groom had some responsibilities to his wives' family and clan. İnan also assumed that "gûvey" the term for son-in law in Turkish comes from the word of "küdegü" which means 'shepherd'. In the nomadic societies, animal husbandry was the most important economic activity and service demanded from a groom seems logical. However, we do not encounter such a bride-service at the establishment of other states or empires, it is only Chinggis Khan who paid bride service.

Anthropologists 93(1991): 944-946; Donald E. Queller and Thomas F. Madden, "Father of the Bride: Fathers, Daughters, and Dowries in late Medieval and Early Renaissance Venice," *Renaissance Quarterly* 46 (Winter 1993): 690, 709. In the coming chapters will be seen that Orhan Beg gave bride-service in order to marry Nilufer Khatun, later his grandchildren, marry important Anatolian begliks daughters who brought rich dowries, including land.

²⁰⁶ He was in the committee of the envoys who were sent by the Abbasid Caliph Muktedir-Billah to the newly ruler of the Etil (Volga) Bulgars, Ramazan Şeşen, *Ibn Fazlan Seyahatnamesi Tercümesi* (Istanbul, Bedir yayinevi, 1975), 10.

²⁰⁷ Şeşen 1975, 32.

²⁰⁸ Şeşen 1975, 91.

According to Goody, in Africa, there is no dowry but bride-wealth, and women economically are more active and enjoy a certain degree of autonomy. Similarly, Tambiah claims that in North India, among the upper castes there is dowry, women are less productive and society is more patriarchal. But in the lower caste of India, women enjoy much greater freedom of movement outside their homes; bride-wealth rather than dowry payments are exacted on their marriages, thus accenting the economic value of their labor.²⁰⁹ Contrary to most theoretical assumptions, bride-wealth is higher in the more 'matrilineal' groups.²¹⁰ Alexander Bolyanatz sees bride service or bride wealth as a kind of alliance between patrilineage and matrilineage within the patrilineal system.

Bride wealth, whether high or low, in a system of matrilineal descent, seems counter-intuitive. Spouses are required to come from other lineages. As a result patrilineage needs women, and matrilineage needs men. Bridewealth in a patrilineal system seems reasonable enough: there is an exchange, with a woman-and importantly, the rights to her children-going in a direction and wealth in the other. In a matrilineal system, if the focus is on the husband's reproductive capabilities, then the husband's lineage provides the wife's lineage both with a man (and his reproductive capabilities) and with a bride wealth payment, thereby giving up wealth for seemingly nothing (that is, no primary rights to the man's children) other than a man's rights qua husband.²¹¹

It can be said that among the Turco-Mongol societies, bride price was recognition of matrilineality by patrilineality. Especially in the hyperamic (man marrying up, woman marrying down) marriages, the groom had to pay the

²⁰⁹ Tambiah, 419.

²¹⁰ Jack Goody, *Comparative Studies in Kinship* (California, Stanford, Stanford University Press, 1969), 133.

²¹¹ Alexander Bolyanatz, "Misusings on Matrilineality: Understandings and Social Relations among the Sursurunga of New Ireland," in *Gender, Kinship, Power: A Comparative and Interdisciplinary History* (New York and London: Rotledge 1996), 84.

value of being “the son-in-law”; according to the above mentioned travel records. Among the ordinary people, it seems that bride-price and service represented recognition of matrilineality.

2.5.3 Levirate and Widow Marriage

Levirate has been a matter of debate as this concept is in a clash with the image of free Turkish and Mongol women of Asia. As levirate is marriage of widow with her dead husband’s brother or son, it has strong patriarchal implications. According to R. G. Abraham, the true levirate is likely to be found in patrilineal kinship systems with father-son inheritance and a house-property complex.²¹² J. Holmgren summarizes functions of levirate as follows:

As so described, the levirate was not so much a strategy for the production of heirs, but rather as an economic institution designed to maintain the viability of the family patrimony. The practice was grounded in a patrilinear kinship structure where communal economic endeavor transcended the basic nuclear units of the society. In other words, although pre-mortem inheritance, separate residence and recognition of private property rights exist, close social and economic ties bound married brothers and other paternal kinsmen into a larger exogamous group. Marriage costs were thus borne by the group, and the bride was seen as property of the group. Levirate, however, should not be equated with group-marriage or with polyandry for it prevailed in conjunction with well-delineated and strictly enforced rules protecting individual property rights: in Mongol society, a wife was regarded as a most valuable asset and as a person entitled to a share of the family patrimony in her own right.²¹³

²¹² Abrahams, R.G., “Some Aspects of Levirate,” in *the Character of Kinship*, ed. Jack Goody (Cambridge: Cambridge University press, 1973), 163-174- 173.

²¹³ Jenifer Holmgren examined different aspects of levirate in early Mongol and Yuan society in her article “Observation on Marriage and Inheritances practices in Early Mongol and Yuan Society, with Particular Reference to the Levirate,” *Journal of Asian History* 20 (1986), 146. 153-154.

Therefore, levirate had social, political and economical aspects and ²¹⁴ preserved the social and economic integrity of the family.²¹⁵ In the Yuan Dynasty levirate was often seen as heir to the rank or wealth of the deceased.²¹⁶ Furthermore, levirate was used for strengthening the political prospects of his own line and prevented or delayed the almost inevitable fragmentation of the empire in the following generations.²¹⁷ According to Holmgren, Chinggis Khan's successor, Ögedei realized the inherent weakness of the system and saw how the institution of the levirate could be used not only to strengthen the political prospects of his own line but to prevent or delay the almost inevitable fragmentation of the empire in the following generations."²¹⁸ For example, Sima Qian (Ssu-ma Ch'ien)'s report below about the Xiongnu levirate practice is very important because it shows the importance of levirate in integrity and unity of the ruling family.

Their laws are simple and easy to carry out; the relation between ruler and subject is relaxed and intimate, so that the governing of the whole nation is no more complicated than the governing one person. The reason that sons marry their stepmothers and brothers marry their widowed sisters-in-law is simply that they hate to see clan die out. Therefore, although the Xiongnu (Xiongnu) encounter times of turmoil, the ruling families always manage to stand firm during turmoil.²¹⁹

²¹⁴ Holmgren 1986, 146.

²¹⁵ Holmgren 1986, 156-157.

²¹⁶ Holmgren 1986, 146.

²¹⁷ Holmgren 1986, 151.

²¹⁸ J. Holmgren 1986, 146-151.

²¹⁹ Sima Qian, *Records of the Grand Historian: Han Dynasty II*, tr. Burton Watson (Hong Kong, New York: Columbia University Press, 1993 [1961]), 144.

So it can be said that although levirate was not widespread among the ruling elite of various civilizations, it provided political stability and it was not specific to the Central Asian societies.²²⁰

Another main function of levirate was economic. It was not so much strategy for the production of heirs, but also functioned to prevent unviable economic fragmentation.²²¹ In the 13th century Mongol society, economic aspects of levirate were very important. For example, levirate provided wives for younger members of the family at no additional cost and provided security for widows with properties.²²² Among the available sources related to levirate, an Uighur document gives some idea about this practice. In this document, a rich tradesman after death of his first wife marries for a second time. Before he dies, he writes his will and leaves the management of his house and care of his children to his second wife and he prohibits his sons from marrying her, after he dies. (*...Üvey annemiz bize aittir, alacağız diye, mudahelede bulunmasınlar*).²²³ This example shows that widow was seen as a part of men's property which could be inherited by his sons by way of marriage. Similarly in ancient Israel, the husband was obligated to maintain his wife and if he died, his brother had to take her over and above all, give their first child the name of deceased brother, in order that the dead brother's name and family could be

²²⁰ Similarly in the ancient Mesopotamia, the levirate marriage has special relevance in cases where the deceased brother was head of a clan. By marrying the widow, the younger brother would then inherit the responsibilities of a clan head see William Raccah, "Close Kinship Relationships and Economical Dimensions in the Stipulation of the Law of the Levirate as Articulated in Deuteronomy 25.5.5-10" (Ph.D Diss., Université Laval, 2002).

²²¹ Holmgren, 1986 20.

²²² Holmgren, 1986 156.

²²³ Özkan İzgi, "İslamiyet'den Önceki Türklerde Kadın," *Türk Kültürü Araştırmaları* (Ankara, 1973-75), 154-155.

carried on.²²⁴ Roux makes certain claims about the application of levirate by depending on the travelogues, and says that the widow could marry only his dead husband's brother or her step son. Therefore, among the ancient Türks, there were no widows.²²⁵ Ibn Fadlan reported that when a man dies, his eldest son married his father's wife, unless she is not his own mother.²²⁶ Levirate did not only mean marrying the husband's brother, but also the step son or other male relatives of the dead husband. According to De Guignes levirate was prevalent among the Siberian Türks. They believed that widows will unite with their husbands in the other world; therefore, if a man married a widow, he certainly would also marry a virgin in order to be not alone in the other world.²²⁷ On the other hand, in the 'northerly' legends there is no information about levirate. This may show that levirate was not appreciated as it is often reported by travelogues. However, it is certain that levirate was applied, and this shows patrilineal and patrilocal aspects of these Turkic societies. But it is impossible to evaluate levirate in Central Asia in an exhaustive way because there are not enough sources to say something certain. As Roux claims although levirate was reported by many sources, there are not enough historical sources to prove this claim.²²⁸

It is generally accepted that in the Central Asia levirate was the only type of widow marriage. On the other hand, in the legends which are examined here, there is no levirate. Only in two legends, widow marriage is mentioned. In the

²²⁴ Raccab 2002, 313.

²²⁵ Roux, 229.

²²⁶ Şeşen 1975 32.

²²⁷ Şeşen 1975 115-115.

²²⁸ Roux, 1989 223.

legend of *Altın Arıĝ*, Huu İney, the old woman said that “in sixty years I married sixty times but I did not see any good men.”²²⁹ The other legend is *Altay Buuĉay*, the hero went to hunting for “mother Altay” but he did not return and his wife supposed that he was dead, and sent a message to a man to get married.²³⁰ These examples may show that at least among the northerly societies, levirate did not have widespread application. It is also possible that people disliked this practice and therefore did not mention it in their legends. Furthermore, the above mentioned examples of Huu İney and Altay Buuĉay’s wife can be taken as a proof of approval of widow marriage. At least these examples show that among the northerly societies, it is not reasonable to regard levirate as the only type of widow marriage. When social, political and economic conditions of these societies are taken into consideration, we can understand that it was more widely applied among the southerly societies.

2.5.4 Gender Roles in these Societies

Generally, the Turkic and Mongolian societies draw a monogamous picture in which men and women share their lives. Represented in legend and historical records, these women are not passive at all; they are quite active in social life; if the woman is the wife of a ruler, she is also active in political life. A close examination shows, however, that this activeness is not monolithic. They are active individuals in their society. There is no specific division of labor according to gender, i.e. duties of men and women are not distinguished with certain lines. In these societies, matrilineality and matriarchal values are very important. For example, in the above mentioned legends divided into “the Northerly” are more matrilineal and “the southerly” more patrilineal. We can

²²⁹ Fatma Özkan, 1997.

²³⁰ İbrahim Dilek 2002, 200-229.

see this trait clearly, in the first group women can be a warrior, or Khakan; struggles are not between men but between men and women (heroes and heroines), sometimes women can defeat men; women can refuse to marry; they can directly propose marriage or express openly their liking to men.²³¹ In fact, as nomadic way of life prevents segregation and many of the daily tasks are carried out together by men and women.

Some of the legends, on the other hand display a certain distinction between gender roles and men appear as protectors, providers. In other words, in these legends masculine power is valued and emphasized more. This division of gender roles may be a result of increasing importance of patrilineality and patriarchal values among some of the Turco-Mongol tribes. In this sense, Dede Korkud legend gives us good examples about the relation between division of labor and patriarchal society: In this legend, Dede Korkut starts his story by dividing women into four groups. For him an ideal woman fulfills her responsibilities. These include housework, child breeding and caring and entertaining a guest. These women described by Dede Korkud are called as “mainstay of the home” who will protect family, hearth of the tent. He describes bad women as “dolduran top”- who do not carry out such kinds of duties. This legend is an example of how division of labor is imposed on the society.²³² Such kind of division led to domination of masculine values in the societies.

²³¹ The report of the Marwazi, also proves this. Burdas tribe which was Turkish tribe and lived close to the Khwarizm State. In their tradition, a girl after growing up, she leaves under the authority of his father and he chose a man for marrying in order to asking marriage to herself. Şeşen, 103. Marwazi also reported that girls of Yakut Turks, chose their husband themselves. Şeşen 1975, 116.

²³² Ergin 2001, 17-19.

Among the “southerly” societies, on the other hand, if we take the example of the early Türk, we see that the Orkhun inscriptions narrate Bumin Khan and İstemi Khan dominated but khatun is not mentioned together. On the other hand, when ascendance to the throne is described, they were mentioned together. J. P. Roux evaluated this as equality of khan and khatun in front of their national gods.²³³ Ceremonies of ascendance to the throne were made together and they were proclaimed as Khan and Khatun.²³⁴ It seems that Khatun’s presence was more symbolic, and that political and social life was under the control of khan and male members of khan family. This understanding is seen in the creation legends of the dynasties. After marrying with very beautiful, daughters of God or supernatural female beings, they united and they gave birth to legitimate children for ruling, but their value was more spiritual. However, regarding khatun completely passive being may be a wrong idea. They were more symbolic during the time of their husband or their husband’s brother, but during the time of emergency i.e. succession, foundation and some political crisis they could take action in and change of social and political events. For example, khatun as a viceroy or mother of khan could play important roles in the society and politics.²³⁵ For example, after Bilge Khan died, the empire was about to collapse, Bilge Khan’s wife P’o-p’o, the daughter of Tonyuquq, took the control of the state and she decided to become subject to the Chinese Emperor. The Chinese Emperor gave her honorific title of “khatun who restores peace in the country.”²³⁶ Similarly, in 7th century during the establishment period of the Uighurs, when the leader of the Uighur tribe was occupying himself with wars, his mother Ulugh Khatun, conducted state affairs

²³³ Roux 1989, 200-204; İzgi 1973-75, 24-25.

²³⁵ Roux 1989, 215-224.

²³⁶ Ögel 2003, 78-79.

and controlled the subject people.²³⁷ It seems that the women of the ruling family were more passive and had more symbolic responsibilities during peace times, but during the emergency times, they could turn their symbolic power and prestige in to action.

It can be said that among the northerly societies, women were more active socially and politically and there was no certain division of labor. On the other hand, the Southerly societies were patrilineal and men dominated, there was certain division of labor and women were less active socially and culturally.

Conclusion

In this chapter, gender relations in Inner Asian societies who had not come under the influence of Islamic culture and civilization are examined according to changing status of women and gender relations. These societies are divided into two groups as “northerly” and “southerly.”

As the societies in the first group were far away from the regions where there were hierarchical and bureaucratic states or empires and they did not influence these civilizations very much. Furthermore, they did not establish states or empires in which hierarchy and class distinctions were very rigid. Therefore, they could preserve their egalitarian archaic cultures and social structures to a great extent. In order to examine gender relations in these northerly societies, mostly oral sources (legends and myths) are used because there is not enough written document about these societies. Generally, in these legends, there is gender equality and no division of labor according to gender. There are no negative attributions for men and women. Although matrilineality and feminine

²³⁷ İzgi 1973-75, 151.

values are very important traits in these societies, they are patrilineal and patrilocal. Yet there is no patriarchy and man does not dominate women. Additionally and there are no any words or phrases discriminating against women.

The “southerly” societies on the other hand experienced important social, political, economic and cultural transformations through history. From the ancient times onwards, they started to be evolved into patriarchal societies. For example, there was a certain division of labor; women were regarded as weak and were seen as needing the protection of men. Men were expected to be physically, ethically superior to women. Additionally, in their legends there are many bad attributions which belittle women.

Another important difference between two groups is the marriage practices. In fact, according to historical sources, polygamy was applied by both societies but it can be said that among the “northerly” societies polygamy was not exercised widely, at least was not approved by these societies. Among the “southerly” societies, on the other hand, polygamy was practiced especially among the ruling elite and the rich.

Furthermore, khan and khatun were mentioned together and this is regarded by some scholars as a symbol of gender equality. But a ruler (khan) could marry many women, as a part of political and economic alliances. Among the “southerly” societies khatun was important because these societies were patrilineal and patriarchal to some extent but matrilineality was still important. On the ideological sphere, matrilineality strengthened and legitimized patrilineality. Relation between matriline and patriline can be seen in the legends. In their legends this relation between matriline and patriline can be seen. For example, in the “southerly” legends, the hero unites with a

supernatural female being. This supernatural female being gives birth to a son, and after giving birth she disappears, but by the same token empowers and legitimizes the hero and his descendants. On the other hand, in some of the “northerly” creation legends, not the male hero but heroines united with a supernatural male being. Thus, the patriline gains power and legitimacy through matriline. In such kind of societies, matriline did not lose its importance even after this society turned into a hierarchical, bureaucratic monarchy, like the Chinggisids.

Furthermore, in the legends of the “northerly” societies, marriages were between equals. Therefore, there are no sentences or words about status distinctions or about superior men and inferior women and so on. In the legends of the “southerly” societies, on the other hand, distinction of status and superiority of men and masculine values are emphasized. Marriages are conducted between higher and lower status groups. We also observe that in general, men marry down and women marry up. In other words, among the “southerly” societies *hypergamic* marriages for women are common. There are also *hypogamic* marriages that are marriages where men marry up and women marry down are common. In short, gender relations showed great variations among the pre-Islamic Inner Asian societies which had been conducted by customary law only. This shows that division of labor, class distinctions, hierarchy, and formation of state, social and economic differentiations caused formation of gender inequality among the pre-Islamic Inner Asian peoples.

CHAPTER 3

FROM CUSTOMARY LAW OF THE NORTHERLY AND SOUTHERLY SOCIETIES TO UNIVERSALISTIC *YASA* (JASAGH)

INTRODUCTION

The Turkic and Mongolian societies were organized and ruled according to customary laws (*törö/töre*) which were made by the tribal and ruling elites; however they were not recorded in writing but lived in the memories of the people. As it is well known, in general laws have been made for the needs and requirements of societies and states. Laws are not static entities, rather they have been reformulated according to the requirements of social, political, economical and cultural transformations. While the existing rules were preserved, new ones were made and existing ones were modified constantly in Inner Asia. Producing and modifying customary law did not end after the conversion to Islam. In this chapter, formation of these customary laws (*töre* and the Chinggisid law *yasa*) are examined in the framework of various social and political formations in Inner Asia. In this way, the dynamic structure of customary laws is highlighted.

3.1 Social, Political and Economic Transformations of the Turkic and Mongolian Societies

Although Turkic and Mongolian societies were nomadic or semi nomadic, they experienced different political, social, economical and cultural transformations before the Islamic period. Generally, the societies in the ‘south’ established states and empires, the societies in ‘north’, on the other hand, preserved their ancient tribal way of life and social structures, they did not establish states or

empires, they lived independently or semi-independently in their isolated regions.²³⁸ In a parallel manner, the southerly societies were more hierarchical and patriarchal, while the northerly societies were more egalitarian and less patriarchal, exhibiting esteem for matrilineality and matriarchal values. It can be said that the real difference was between the southerly and northerly societies and not between the Turkic and the Mongolian societies. In this connection Fletcher states that

It is impossible to identify linguistic or ethnological groups like the Turks and the Mongols without any specific type of nomadism. Within the broad and complex variety of environment in which they have lived in different times and places, various Turkish-speaking and Mongolian-speaking populations have adopted themselves to the entire spectrum from intensive cultivation to strict steppe pastoralism, a spectrum from which the nomad peasant dichotomy disappears. Turks and Mongols have been nomads, semi nomads (practicing various forms of transhumance but with some fixed places of abode), and cultivators.²³⁹

Severe living conditions, wars and conquests affected structures of nomadic societies which were always characterized by a strong social order based upon principles of kinship.²⁴⁰ This structure underwent radical transformations with the establishment of states and empires. Because, these political formations led

²³⁸ A line drawn through East Asia from the middle of Manchuria to the southwest, following the Great wall toward Tibet and on to Arabia, naturally divides the Asian world into two parts: the arid world of the nomads to the north and the intensively farmed monsoon lands to the south. Within these two spheres there developed radically different societies and cultures. Sechin Jagchid and Paul Hyer, *Mongolia's Culture and Society* (Boulder, Colorado Westview Press, 1979), 1.

²³⁹ Joseph, Fletcher, "The Mongols: Ecological and Social Perspectives," *HJAS* 46 (1986): 12.

²⁴⁰ In this connection Golden states that "It is so highly specialized tends to be even more subject to the vicissitudes of man and nature. Weather, disease and other nomads can deprive the herdsmen of their only means of livelihood. The converse, the effects of pastoral overproduction can be almost as disruptive. It often brings about, at the very least, the break up and splitting off of communities. More importantly, it requires new pasturages. These, in turn, usually must be acquired by war and conquest." Golden, Peter, "Nomads and Their Sedentary Neighbors in Pre-Činggisid Eurasia," *AEMA* 7 (1987/91), 69.

to hierarchization, social differentiation among people, and raids, wars and trade with neighbour societies led to formation of male dominated unequal social structures. Therefore these explanations are mostly related to the ‘southerly’ societies. There are different approaches used for the analysis of the social structures of these societies.²⁴¹ Sharon Baştuğ explained the kinship structure of the Inner Asian tribal societies with “segmentary lineage system” as follows:

...segmentary lineage systems, combined with the tendency for genealogical manipulation, results in extremely fluid, flexible mechanisms of group formation and political integration. In the case of the Turkic and Mongolian tribal peoples of Inner Asia and Eurasia, with strict, genealogically defined units of exogamy, the process of group formation and dissolution were played within an ideological framework of two competing kinship-based sources of loyalty- genealogical closeness, on the one hand, and affinal obligations, on the other. These processes operated in a cultural environment in which political alliances were equated with kinship, consanguineal or affinal, but which also provided mechanisms for the transformation of non-kin to kin, notably “blood brotherhood” and the “adoption” of individuals, lineage segments, or entire tribes.²⁴²

While Baştuğ emphasized role of politics in kinship structure, VladAmir Vasilov emphasized the firm position of kinship ties and explains this structure

²⁴¹ Sharon Baştuğ summarized in her article “Tribe, confederation and State among Altaic Nomads” these approaches as follows: “Although a number of scholars have attempted to describe the descent system of the Altaic steppe nomads, and a few (Fletcher 1986; Tosi 1991) have actually employed the term “segmentary lineage” the accounts remain muddled and plagued by persistent misconceptions. Bacon (1958), Dien (1976) and Barfield (1990: 164, 1993:147-148) have attempted to use the unsuitable concept of “conical” clan as described by Sahlins (1968). As a model of Turkic tribal organization the “conical clan” has been rejected by Linder (1982:693) and Khazanow (1984:174) on correct empirical grounds... Manz, in what I consider a brilliant account of the operation of political process in a segmentary lineage system, also rejects the label on two erroneous (but common) assumptions from the confounded model... Other scholars (Golden 1991 and Beckwith 1987, for example) have employed a descriptive, but carefully empirical, approach which makes no attempts to specify the descent system in theoretical terms. Khazanov makes clear the need to separate economic, genealogical and residential aspects of nomadic societies for analytic purpose (1984:121),” in *Re-thinking Central Asia: Non-Eurocentric Studies in History, Social Structure and Identity*, ed. Korkut A. Ertürk (Lanham: Ithaca Press, 1999): 79.

²⁴² Sharon Baştuğ 1999, 101.

as the individual was a part of “clan” (a group of blood relatives), and the clan was a part of more distantly related communities, which in turn constituted the tribe. This organization guaranteed a reliable defense against enemies.²⁴³

Their relations with the sedentary societies were an important factor in their social transformations, because they focused principally on the question of access to the goods produced by these sedentary societies. There were several ways to secure that access. For example, taxation by establishing political supremacy, trade and raid.²⁴⁴ Wars, trade, alliances led to changes in the social structures and to the formation of patriarchal and hierarchical societies; military elite, rich tradesmen and poor people. These conditions led to the formation of hierarchy and inequalities in the society and also to changes in gender relations.

Social scientists bring different descriptions and explanations about the social structure of the Turkic and Mongolian tribal societies but they all agree on hierarchical and unegalitarian social structure of these societies. According to Golden, “after families, sub- clan and clans claim patrilineal descent from a common ancestor, ranked in order of seniority (the conical clan)... Clans were quite diffuse: The blood ties were certainly genuine at the familial and perhaps the clan level, but this became less certain at the higher level of social organization.”²⁴⁵ Nomadic lifestyle permitted great freedom of movement,

²⁴³ Vladimir N. Basilov, Introduction to *Nomads of Eurasia* (Los Angeles, California: 89. Natural History of Museum of Los Angeles Country, February-April 1989), 5-6.

²⁴³ Golden, Peter, “Nomads and Their Sedentary Neighbors in Pre-Činggisid Eurasia”, *Archivum Eurasiae Med II Aevi*, 7 (1987/91), 73.

²⁴⁴ Golden, 1987/91, 73.

²⁴⁵ Peter Golden, “Nomads and Sedentary Societies,” *Essays on Global and Comparative History* (Washington: American Historical Association, 2001), 55. Barfield also describes this structure as follows: “Turco-Mongolian tribal systems, where hierarchical kinship organization was accepted as culturally legitimate, local lineages, clans, and tribes became the building

individuals and groups could decamp to join other groupings within the tribe or tribal confederation. Genealogies could be invented to legitimate the shift. Therefore, a chieftain's following had to rest on both his skillful manipulations of kinship and attendant tribal ideologies as well as his martial abilities and personal charisma.²⁴⁶ Allegiance was thus based on kinship²⁴⁷ and political choices.²⁴⁸

In fact, nomadic way of life is associated with egalitarianism in general. Actually, egalitarianism is not directly related to pastoralism.²⁴⁹ As the political

blocks of political military coalitions created by hereditary leaders whose authority was rarely challenged from below". Thomas Barfield, "Tribe and State Relations: The Inner Asian Perspective", in *Tribes and State Formation in the Middle East*, ed. Philip S. Khouri and Joseph Kostiner (London, New York: E.B. Tauris and Co LTD Publisher, 1991) 151.

²⁴⁶ Lindholm states that the fluidity of social system, the individual abilities of men, the possibilities for gaining wealth by natural increase, by trade, or by conquest or raiding, all give a range of achieving some degree of domination. But this position is ephemeral, and not implicit in a given hierarchy of status ratified through kinship the contrast with the ideology of Inner Asia is remarkable." Charles Lindholm, "Kinship Structure and Political Authority: The Middle East and Central Asia," *Comparative Studies in Society and History* 28 (April 1986): 346.

²⁴⁷ According to Barfield, hierarchical kinship organization was accepted as culturally legitimate, local lineages, clans, and tribes became the building blocks of political military coalitions created by hereditary leaders whose authority was rarely challenged from below." Thomas Barfield, "Tribe and State Relations: The Inner Asian Perspective", in *Tribes and State Formation in the Middle East*, ed. Philip S. Khouri and Joseph Kostiner (London, New York: E.B. Tauris and Co LTD Publisher, London, New York, 1991). 156.

²⁴⁸ Golden examined the Turkish and Mongol tribal societies in this article "Nomads and Their Sedentary Neighbors," *Essays on Global and Comparative History, American Historical Association*, Washington, 2001, 11. Fletcher gave the same information in his article which examines the Mongol tribal structure. He said that the tribe was the basic unit of society. It had its own traditions, institutions, customs, beliefs, and myths of common ancestry. The leading or noble families bore surnames that purported to designate clans (obogh) and subclans (yosun) in the tribal kinship system. The tribal chief was chosen from these noble families. Fletcher 1986, 16. See also Thomas Barfield, "Tribe and State Relations: The Inner Asian Perspective", in *Tribes and State Formation in the Middle East*, ed. Phili S. Khouri and Joseph Kostiner (London, New York: E.B. Tauris and Co LTD Publisher, 1991): 151.

²⁴⁹ Generally, historians and anthropologists accepted that Turco-Mogolian and Arabian patterns of interaction developed in two largely discrete areas with different tribal cultural traditions and state organizations: The Arabian tribe composed of egalitarian lineages whose

standing of pastoralist ranges from egalitarian to hierarchical, the main impact is the degree of political independence. Those pastoralists who were fairly free of state control were organized in clans or in a segmentary fashion and were decentralized and egalitarian. Those pastoralists, who were effectively encapsulated within state systems, maintaining limited autonomy, were more hierarchical and centralized and correspondingly less segregated.²⁵⁰ Peter Golden also sees a close relationship between state and inequality, and summarizes his ideas as follows:

The nomadic state, once achieved, did not resolve the internal conflicts of that society. The tribesmen, although submitting, in varying degrees, to the discipline and order demanded by the Xan or qagan (rather limited in the Saldjuq example, very highly developed in the Mongol system), never really come to terms with their new status as subjects. Moreover, state-formation, as it involved conquest and the influx of new wealth (which was unevenly distributed), furthered the process of social differentiation. The core tribes were superior to the tribes that had submitted later. Those that had to be conquered were often on a still lower level (unless internal politics dictated otherwise). Even within the core tribes, some clans and families or factions became clearly more privileged than others. *The state brought an end to egalitarianism.* [italics added-N.D] It also elevated the ruler and his clan to a very new and special status.²⁵¹

leaders ruled by means of consensus or mediation and could unite rival groups only through use of segmentary opposition, the maintenance of a broad confederation but Turks: Inner Asian people accept hierarchical rule and recognized dynastic rule. Fredrick Barth, *Nomads of South Persia* (Boston: Little, Brown and Company 1961), 49-101. Lapidus 1991, 34; Watt 1998, 20; Barfield 1991, 151.

²⁵⁰ Philip Carl Salzman, *Pastoralists: Equality, Hierarchy, and the State* (Colorado and Oxford: Westview Press, 2004), 66; İ. Togan 1998, 132.

²⁵¹ Golden 1987/91, 77; Golden 2001, 25.

State formation²⁵² led to social differentiation and required to make new rules and regulations to keep the political and social structure going. Mao-dun of the Xiongnu presents a good example in this sense. He organized his royal army by gathering men from different tribes and put new rules by undermining existing tribal rules and acting according to his laws which would be future *törö*, as state laws are called later. According to Golden, the process of super stratification is typical of the nomadic system of state-building. The imperial traditions of the early Turks derived from earlier Xiongnu and Ruanruan practices. This became the standard form of organization for successor states in the East and West: Khazars, Bulgars, Uighurs, Kitan, Karaxanids and others, including the Chinggisid realms. Distant echoes of these practices could also be found among the Saljuks and even the Ottomans.²⁵³ Similarly, Fletcher also stated that from the rise of the Xiongnu at the end of the third century B.C., the East Asian steppe tribal confederations had shown a growing trend toward empire, and the Mongols were its culmination.²⁵⁴ During the conquest movements, societies were relatively less differentiated; family or group solidarity, religious affiliation, and warrior leadership were closely identified. Conquest, however, led to the transformation of a chieftaincy into an empire with a specialization in military and administrative functions, to the division of religious and political

²⁵² About features and structures of nomadic state structure see Peter Golden, “ Ethnicity and State Formation in Pre-Chinggisid Turkic Eurasia,” *The Central Asian Eurasian Studies Lectures* (Blomington: Department of Central Eurasian Studies, 2001), 32-41.

²⁵³ Golden 1987/91, 47.

²⁵⁴ In the Xiongnu confederation, the tribes had forfeited very little of their autonomy.... And in warfare each person had kept what ever plunder he seized. Among the Xianbei, who came to fore in the third century, the ruler’s authority had been tighter, with pretensions to absolutism, and his role had been more fully martial. The rulers had held the right to distribute the booty to the participants. With the rise of the Turks in the 6th century, the ruler’s authority had been tighter, with pretension to absolutism and his role had been more fully martial. Kitans, a “Manchurian Empire” had carried this best. Fletcher 1986, 21.

authority and the transformation of religious or warrior leaders into emperors.²⁵⁵

3.1.1 Chinggis Khan and the Mongols

Before the 13th century, Turkic and Mongolian tribes were not very different in respect to social structures, way of life and cultures. The real difference between these societies was the fact that some of them had undergone radical social and political transformations, while others had not. The traditional Mongolian social system was based on kinship. The stem or nuclear family was the primary social unit, and the nomadic descent group or clan-lineage was referred to as *obogh*. As the number of clans increased, larger groups called *yasun*, “bone,” were developed.²⁵⁶ Naturally, clan and lineage, shared the characteristics of a common blood relationship.²⁵⁷ The Chinggisid Empire became a turning point in the Mongolian social and political structure. According to the genealogy of Chinggis Khan, “By the mandate of Heaven, Börte-Chino’a, with his wife Gho’a-maral, crossed the Tenggis Sea [legendary] and came to the Burkhan mountain at the head waters of the Onon river, at which place Bata-chaghan was given birth.”²⁵⁸ With this legend in the *Secret History* Börte-chino’a and Gho’a-maral were common legendary ancestors of Chinggis Khan and his people. *Chino’a* (*chino*) means “wolf” and *Börte*

²⁵⁵ Lapidus 1991, 38.

²⁵⁶ See Lawrence Krader, *People of Central Asia* (Bloomington: Indiana University Publication, 1963), 153-156.

²⁵⁷ Jagchid and Hyer 1979, 245.

²⁵⁸ De Rachewiltz 2004 I, 1.

“spotted”; the compound therefore may mean “spotted wolf.” Maral means a “doe” or “female deer.”²⁵⁹ This common ancestor was accepted or invented in the 12th century. This myth incorporates earlier ones such as she and he wolves in the mythology of the early Türk.²⁶⁰ According to İ. Togan, in the 6th and 8th centuries, in the state formation there were no individuals but groups. These groups were called *buluo* in Chinese; they gathered around charismatic leaders and provided them with a basis of support. The nomadic people who contributed to the state formation were not organized as kinship based tribes, but consisted of composite groups. As we have seen in these tribal societies clans, lineages, sublineages, and *buluo/irgen* “people”, united under the certain lineages. *Ashina* among the early Türk *Altın Urugh* (Golden lineage) among the Chinggisids were such lineages. They were both chosen and appointed by Heaven.²⁶¹ But the difference was that the Türk lived this experience during 6th century and the Mongols about six hundred years later under the leadership of Chinggis Khan. So Chinggis Khan’s policies can be evaluated within the nomadic state formation patterns.²⁶² According to İ. Togan, Temüjin’s policies were a turning point in terms of the Inner Asian’s political. Chinggis Khan organized the society along a new ideology that is the created something new by making use of the old. This was realized in four stages: Breaking up of tribes, abandonment of volition, leaving the will to highest command and their mobilization into long range operations (conquest).²⁶³ In this way he attempted

²⁵⁹ See more detailed information, Jagchid and Hyer 1979, 245-246.

²⁶⁰ According to Fuzuli Bayat, the “sacred wolf” figure was accepted as their ancestor by the Chinggisids (Börte Chino’a (spotted wolf) and Alon-goa became pregnant from a blue light from the sky which according to writer was a wolf. Fuzuli Bayat, *Oğuz Destan Dünyası: Oğuznamelerin Tarihi, Mitolojik Kökenleri ve Teşekkülü* (İstanbul: Ötüken Yay., 2006), 166.

²⁶¹ İ. Togan 1998, 10. For the Mongols see, Jagchid and Hyer 1979, 245-271.

²⁶² Jagchid and Hyer 1979, 260.

²⁶³ İsenbike Togan 1998, 137. See also Jagchid and Hyer 1979, 264.

to monopolize the power of people whose traditions had been shaped by power-sharing.²⁶⁴ He reformulated state ideology of Inner Asia according to the aura of common goals that were being shaped by the highest command, supported by the strength of Eternal Heaven. As a result, the destruction of nodes of power in the tribal world left the highest command with an unparalleled concentration of power”²⁶⁵

It is likely that because of this new understanding, Chinggis Khan was the first Inner Asian nomadic emperor whose life, origin, political and military struggles and his policies and ideologies were recorded in a book. The *Secret History of the Mongols* narrates the origin, struggles, establishment of his empire and his ideas related to state, society, law, religion etc. In this way, he was able to make Chinggisid legacy and politics durable. Devin Dewese states in this connection:

Sacred history, is focused on naturally, upon values regarded as universal and absolute and this holy and powerful, and concerns itself with particular events or individuals only in so far as they reflect or embody the sacred... and should stress, concerns itself only with those aspects of any particular event which reflect the sacred and which are therefore naturally regarded as the most valid, the most true, the most significant. Sacred history is not purely narrative or descriptive as historical sources are expected to be; rather, sacred history is, like all forms of religious discourse,

²⁶⁴ According to İsenbike Togan redistributive power ensures sharing and restriction of the political power which is supposed to be given and sanctioned by the God. In this sense “limitation of political power” will be referred to as “power-sharing.” Togan 1998, 5; Fletcher explained this power sharing in a different way. He said that “the tribes’ obedience could not be held indefinitely by force. It had to be bought. To buy the obedience of the tribes, he who would a ruler must be given them something that they could not obtain by themselves.” Fletcher 1986, 15. See also Golden 1987/91.

²⁶⁵İ. Togan 1998,137.

fundamentally assertive, as intent upon making a reality as upon reporting it.²⁶⁶

It might be said that in accordance of his universal, central state ideology Chinggis Khan himself re-shaped the society, from a tribal society in which kinship ties, clan structures had been prevalent to a world empire. In this sense the Mongol society experienced fast and radical socio-political transformation.²⁶⁷

In general, the longest-standing symbol of transformation was that the royal clan or tribe, who was believed to possess special, heaven-set charisma, was entitled to govern the world. This was an ancient concept and it was iconographically represented in depictions of the ruler with a bright halo or nimbus around his head. In Turkic and Mongol legends this heavenly charisma was described as a beam of light. In historiography this symbol was tied to the ancestress Alan Gho'a, the ancestress was impregnated by a supernatural beam of light that entered her tent at night.²⁶⁸ In the *Secret History*, there are two creation legends which gave heavenly authority and charisma to the Chinggisid golden lineage. According to the first legendary Börte-Chino'a (spotted wolf) and Gho'a-maral (female deer) are original ancestors of Chinggis Khan and his people.²⁶⁹ In this genealogy, the *Secret History* notes that the great-grandson of Börte chino'a was Dobun-mergen. After his death, his wife, Alan-Gho'a gave birth to three sons as a result of being impregnated "by a divine light penetrating from the

²⁶⁶ Devin Deweese, "Yasavian Legends on the Islamization of Turkestan" in *Aspects of Altaic Civilization III*, ed. Denis Sinor (Bloomington, Indiana: Indiana University, 1990), 190.

²⁶⁷ İ. Togan 1998, 124-150.

²⁶⁸ Golden 2001, 14-15.

²⁶⁹ Jagchid and Hyer 1979, 245.

yurt door.”²⁷⁰ The common ancestor (Börte-Chino’a and Gho’a-maral) representing both male and female became an important uniting factor for the Mongol societies and made them *ulus*.²⁷¹ On the other hand, it gave equal legitimacy to the rival lineages. But by the second legend, Chinggisids gained superiority over other rival lineages. In both of these patrilineal genealogies, matrilineality was very important. Jagchid and Hyer state in relation to this aspect:

In the elaborate genealogy of Chinggis Khan traced through the paternal line, carefully identifying paternal ancestors, noting clearly which person was given birth by which couple and also identifying the clan-lineage from which wives were taken in exogamous marriages. The manner in which maternal lines are treated indicates that women had important status in the system.²⁷²

It can be easily said that the Chinggisid genealogy had strong matrilineal character which kept its importance in the later Chinggisid dynasties. Alan-Gho’a ’s unification with a beam of light made her direct ancestor of the Chinggisid family and this strengthened the matrilineal character of the Chinggisid house. Furthermore, according to Jagchid and Hyer this matrilineal tradition was continued in that the Chinggisid (Borjigid) clan married women from the Unggirad clan and this tradition continued more than one century, at least until the end of Yuan Dyansty. In this way, there was apparently a long

²⁷⁰ Rachewiltz 2004, 3-5.

²⁷¹ For the discussion of *ulus* meant confederation or nation see Jagchid and Hyer 1979, 260-61.

²⁷² Jagchid and Hyer 1979, 246.

tradition of both matri- and patrilineal marriage exchange between these two clan-lineages.²⁷³

The Mongolian Empire was born in the Inner Asian state tradition according to which a heavenly supreme lineage united clans, lineages, sublineages, tribal groups, and ruled all over them. Chinggis Khan brought new contributions to this system. He confirmed himself and his successors as the center and superseded the old clan-lineage system with a new, farther reaching and united social order.²⁷⁴ In contrast to the other Inner Asian dynasties, in this new dynastic system matrilineal descent played a crucial role. As we have seen in the Chapter 2 of this study, union with supernatural beings was an element strengthening the matriline or patriline; if the unification is between a man and supernatural female being, this unification empowers and legitimates the patriline; if it is between a woman and a supernatural male being, matriline and feminine values preserve their importance within a patrilineal society. In the *Secret History*, the Chinggisid lineage comes from the unification of Alan Gho'a and a light (resplendent yellow man). This was may be because the Mongol society gave great value to matrilineality and matrilineal values and Temüjin shaped his ideology and policies according to these values. For example, the Buriats are one of the important Mongol groups, who live today in the area of Lake Baikal in Siberia; they still believe in a female ancestor. They believe that one woman who came out from hollow of a tree, gave birth the first human being.²⁷⁵

²⁷³ Jagchid and Hyer 1979, 92, 248.

²⁷⁴ Jagchid and Hyer 1979, 267.

²⁷⁵ Ögel 2003, 101. Similarly *Xianbei* believed in a female ancestor. According to their legend, there was a severe thunder, a women opened her eyes, looked at the sky, during that time, one piece of hail dropped into her mouth and she became pregnant. And this way their ancestor was

In the first chapter, such societies were categorized as “northerly” irrespective of their ethnic origins. The real difference was not ethnic but because they could be distinguished in respect to their social, political and gender relations. Therefore, in this study they have been called “southerly” and “northerly”. The Chinggisid Empire was born among the northerly groups in which matrilineality and feminine values were of great importance in spite of their patrilineal social structures. This might explain why the *Secret History* gave great attention to matrilineality and feminine values and Chinggisid lineage was based on an important matrilineal cult, Alan-Gho’a. Matrilineality, women, esteeming women were values that preserved their importance for a long time during the time of Chinggis Khan and also later. However, it was about one thousand years (before circa) since Mao-dun’s time, since patrilineality and masculine values had already dominated Inner Asian societies.

3.1.2 Making Law Töre/Törö in the Inner Asia State Tradition

Making law was one of the primary duties of the rulers in the Turco-Mongol state tradition. Making important and radical laws was directly related to personal charisma and power of rulers. As the army and the people all migrated together, there were no clear distinctions between military and civil, public and private. Customs related to family, army, state all were formulated and arranged

born. This legend was recorded by the Chinese historians. According to another version, a *Xianbei*, whose name was Molohou, lived among the Huns for three years. When he returned to his home, his wife gave birth to a boy whose name was *Danshi huai*. The man attempted to kill both his wife and the boy. In this case, his wife invented a story and said that one night, because of severe thunders, she opened her eyes, look at the sky, during that time, one piece of hail dro her mouth and he became pregnant. A. Kadir İnan, “Epoqe ve Hurafe Motiflerin Tarih Bakımından önemi,” *Makaleler ve İncelemeler* vol.1 (Ankara: TTK, 1998), 192.

by the rulers. As Fletcher says, military and civilian were not divided. The army was society. The khan's authority was theoretically absolute.²⁷⁶ Therefore customary law covered all aspects in the political, social and economical lives of these societies. According to Ögel, tribe members, in all their activities, could not act outside of the customs. These included location of tents, sitting order within the tent (each person's place was determined) and also activities related to family life.²⁷⁷ In other words, members of Inner Asian tribal societies could not undermine the customs themselves and had to follow these rules in every sphere of their life. For example, the 11th century work *Kutadgu Bilig* emphasized the importance of obeying rules of people, and following manners determined by the customs (töre) with the following verses.

4002 Kişide yıramış turur bu özüm
Törü yok toku yok ne kılıkım sözüüm
4321 Kılıksız bolurlar kara 'am budun
Törü yok toku yok katılmış ödün²⁷⁸

The following verses are related to customs in the politics and political relations.

²⁷⁶ Fletcher 1986, 23-24.

²⁷⁷ Ögel 2003, 273-274.

²⁷⁸ Reşit Rahmeti Arat (ed.), *Kutadgu Bilig I (Metin)* (İstanbul: MEB Basımevi, 1947).

4321. Görgüsüz olurlar, cahil bütün halk,
Töre yok, usül yok, ilişkide hak..
4604 Çok güzel söylemişö töreli kişi
Töre bilen insan bulur üst başı
4605 Töre var her şeye, usül, bil sözü,
Töre uygulasaö güler er yüzü.

4604 İdi yakşı aymış törülüg kişi
Törü bilse yalanguk bulur tör başı
4605 Kamug nengke öngdi törü bar sözi
Törü tüz yoritsa yarur er yüzi
4606 Kılıksız törü öngdi bilmez kişi
Kişike katılsa itilmez işi²⁷⁹

“Making good laws for order and happiness of his people” was the primary duty of a ruler in Central Asia. In *Kutadgu Bilig*²⁸⁰ an ideal ruler is described as a “good law maker” and his rule, his power and happiness of his people are depended on this.

2033 Uzun il yiyezin tise ay büğü
Törü tüz yoritgu budunug küğü
5285Könilik öze sen tur kıl törü
Törü birle beglik turur ol örü

In the above mentioned verses, the writer used *törü* in two ways, as customary law and as state traditions, law. The following verses from the *Kutadgu Bilig* are good examples in this sense.

²⁷⁹ Arat, 1947.

4001. Töre ve usulu, öğren, hizmet et,
Hizmeti bilersen, parladı yüzün.
4604. Çok güzel söylemiş, töreli kişi,
Töre bilen insan, bulur üst başı.
4605. Töre var herşeye, usul, bil sözü,
Töre uygulasa, güler er yüzü.
4606. Töre, usül bilmez, kaba bir kisi,
İnsana karışsa görülmez işi.

²⁸⁰ It was written by Yusuf Has Hacip in Samarqand in 1070 and presented to Tabğaç Buğra Karakhan, ruler of the Eastern Karakhanids.

4001 Törü hem toku birle öğren tapug
Tapug bilding erse yarudı yüzüng
1461 Kim erse uru kodsı edgü törü
Anın tıkti atın adakın örü²⁸¹
1462 Özüngni yangılma ay ilig bakın
Tüpüngni unitma öyü tur sakın
1570. İlig me katıglandı anda naru
Küninge uru bardı edgü törü

İnan described *töre* as customs and laws which are inherited from ancestors (*babalardan kalma, örf adet kanun*)²⁸². Clauson defines *töre* as “traditional, customary, unwritten law; one of the basic political term of the Turkish pagan period. It was clearly associated with **é:l** and **Xağan** in this sense that it could

²⁸¹ Arat, 1947.

2033 Uzun yöneteyim, dersen, ey yetkin,
Doğru yasalar yap, kolla milletin.
5285.Doğruluk üzere, yasayı sen kur
Yasa ile beylik, ayakta durur.
1461.Kim iyi yasalar, yapı bırakırsa,
Onun kalmış olur, adı ayakta
3463.Bu göğün direği, doğruluk, yasa,
Yerinde durmaz gök, yaza bozulsa. 235.

Hacıp, Yusuf Has. *Günümüz Türkçesi ile Kutadgu Bilig Uyarılması*, Günümüz Türkçesine Uyarlayan: Fikri Silahdaroğlu, Ankara: T.C. Kültür Bakanlığı 1000 Temel Eser, 1996.For the English Translations see Yūsuf Kha ajīb, *Wisdom of Royal Glory (Kutadgu Bilig)*, A Turco-Islamic Mirror for Princes, trans. Robert Dankoff (Chicago: The University of Chicago Press, 1983).

²⁸² İnan, “Ongon ve Tös Kelimleri Hakkında” in *Makaleler ve İncelemeler*, vol.2 (Ankara:TTK, 1998), 272; Ögel, 2003, 274.

not exist without a ‘realm’ as its space and a ‘ruler’ to administer it.”²⁸³ It seems that by the 11th and 12th centuries, the meaning as customary law, custom was more widely used as we see in Ma mūd al-Kāshgari’s work.²⁸⁴ In the Orkhun inscriptions, the ruler said that “My father [kagan] passed away, In accordance with the state rules, my uncle succeeded to the throne according to rules of töre.”²⁸⁵ Similarly, Mau-tun was accused of violating customs, when he gave his wife to his enemy for making peace.²⁸⁶ There were many laws (*töre*) which the rulers had to follow but if the rulers were powerful enough they could challenge these laws and make their own laws. Rulers like Mao-dun, Chinggis Khan and Mehmed II were successful in this.

3.1.2.1 Chinggisid Yasa

After Chinggis Khan, *jasaq/yasa*,²⁸⁷ rules of Chinggis Khan were used instead of *töre* by the Chinggisids and their successors.²⁸⁸ According to Doerfer, *törü*

²⁸³ Gerard Clauson, *An Etymological Dictionary of Pre-Thirteenth Century Turkish*, 1972, 531. See also Gerhard Doerfer, *Türkische und Mongolische Elemente im Neupersischen Band I: Mongolische Element in Neupersischen* (Wiesbaden: Franz Steiner Verlag GMBH 1963), 264-266.

²⁸⁴ Törü 542 “custom” [rasm]. Ma mūd al Kāšrari, *compendium of the Turkic Dialects (Dīwān Lugāt at-Turk)*, ed. and tr. with introduction and indices by Robert Dankoff in collaboration with James Kelly Part III. Sources of Oriental Languages and Literatures ed. By Şinasi Tekin and Gönül Alpay Tekin, Turkish Sources VII (Cambridge, Boston:Harvard University, 1985), 197.

²⁸⁵ Talat Tekin, *A Grammar of Orkhon Turkic* (The Hague, The Netherlands: Indiana University, Bloomington, Mouton&Co.), 266; Hüseyin Namık Orkun, *Eski Türk Yazıtları* (Ankara, TDK, 1994), 37.

²⁸⁶ Ögel 2003, 6-8.

²⁸⁷ Gerhard Doerfer, *Türkische und Mongolische Elemente im Neupersischen Band IV: Mongolische Element in Neupersischen* (Wiesbaden:Franz Steiner Verlag GMBH, 1975), 71-78.

meant state law and during the post Mongol period *töre* gained meaning of custom.²⁸⁹ In fact, *yasa* was not a new invention of Chinggis Khan rather it was an adaptation of rules of *töre* to the Chinggisid imperial goals.²⁹⁰ Chinggis Khan's *yasa* and various regulations were inspired from the Inner Asian tradition. In respect to making law, Chinggis Khan was not the first ruler in Inner Asia. But what was the difference of the Chinggisid law (*yasa/jasaq*)? Why did it continue to be mentioned as Chinggisid *yasa* from generation to generation? The answer is behind Chinggis Khan's new universal order. *Yasa* shows the secular character of the Chinggisid ideology which puts the Khan at the center of universe.²⁹¹ Chinggis Khan put himself and his lineage which had heavenly authority above every authority.²⁹² For this purpose he killed his

²⁸⁸ According to İnan, Eski Türklerde kanun manasına gelen *yasa* (*yasağ*) terimi Mogol istilasından sonra İslam tarih ve etnografya edebiyatına girmiş ve çok yayılmış bir terimdir. A. Kadir İnan, "Yasa, Töre-Türe, eriat" in *Makaleler ve İncelemeler*, vol.2 (Ankara: TTK, 1998), 222.

²⁸⁹ Gerhard Doerfer, *Türkische und Mongolische Elemente im Neupersischen Band I: Mongolische Element in Neupersischen* (Wiesbaden: Franz Steiner Verlag GMBH, 1963), 264-266.

²⁹⁰ According to İnalçık, "Chinggis Khan's *yasa* is not different from *törü* of the Turkish states in essence..." Halil İnalçık, "Kutadgu Bilig'de Türk ve İran Siyaset Nâzariye ve Gelenekleri," in *Osmanlı'da Devlet, Hukuk, Adâlet* (İstanbul: Eren Yayıncılık, 2000), 21.

²⁹¹ Ratchnevsky, 1992, 175-176. This secular character had strong religious roots. For example, Carpini reported that the Chinggisid rulers accepted themselves "son of Heaven" and made people address themselves as "son of Heaven." Johann de Plano Carpini, *Moğol Tarihi ve Seyahatnâmesi 1245-1247*, tr. Ergin Ayan (Trabzon: Derya Kitabevi), 123.

²⁹² Poliak described *yasa* as follows. "The Great Yāsa was not merely a code of criminal and civil law but a system of rules governing the entire political, social, military, and economic life of community which adopted it. Poliak, A.N., "The Influence of Chingiz-Khan's 'Yasa' upon the General Organization of the Mamluk State," *BSOAS* 10(1942): 862. According to Morgen, "it clearly means, from the context, an individual regulation, decree or order." David Morgan, "Great Yasa of Chinggis Khan Revisited," in *Mongols, Turks and Others: Eurasian Nomads on the Sedentary World*, ed. Reuven Amitai and Michal Biran (Leiden and Boston: Brill, 2005), 296. On the other hand, Ayalon claimed in "The Great Yasa promulgated by Chingiz Khan" that the law was binding all his descendants and the rest of the Mongols, serving as a yardstick for their faithfulness to him and to his heritage throughout the countries under their rule. David Ayalon, "The Great Yasa of Chingiz Khan, A Reexamination." *SI* 33 (1971), 132. For the more

shaman (Kököchü) who had important social and political authority in the Mongol society. After his removal, Chinggis' undisputed power was established.²⁹³ Because of its "revolutionary nature", *yasa* placed itself over every personal authority and also *yasa* put the Chinggisid rulers above every authority. This was the essence of *yasa*. Descendants of Chinggis Khan had to obey to his *jasaq*. In this respect Chinggisid *jasaq* had more absolute power than *törü* which forced the ruler to obey some customs and restricted his authority. Therefore, during the time of the Mongols in the Muslim countries there was greater tension between *yasa* and *sharī'a* than under the rule of the various Turkic dynasties.²⁹⁴ Because, the Mongols at least until conversion, undermined all kinds of authority and put the Chinggisid *yasa* and lineage over every authority this policy closed the way of a greater consensus.

It is narrated that Chinggis Khan's *yasa* was recorded by the order of Chinggis Khan in the "Blue Depter." But so far no written text of it has been found or there is no historical source which proves the existence of the "Blue Depter." Historians generally, agree on the function and content of the *Yasa* but there is no certain evidence about the existence of a written "Great *Yasa*." The question whether *yasa* is law or order is another issue. All scholars agree that there is no written text of *yasa*, but only fragments of which were reported in the historical writings. Here the existence of "Great *Yasa*" nor the "Blue Book" (*Kökü Depter*) will not be discussed but its formation and content will be studied. First of all, it was created at the same time with the Mongol Empire. It was a re-

detailed information about *yasa* see Ayalon 34; 36; 38 (1971; 1972; 1973): 151-180; 113-158; 107-156

²⁹³ Jagchid and Hyer 1979, 172.

²⁹⁴ For the more detailed information see İsenbike Togan, "Türk Tarihinde Uzlaşmacı Tavrı: Ruhaniyat-Siyaset ve Boy-Devlet İlişkileri," *Üçüncü Bin Yılın Eşiğinde Türk Uygarlığı, Dün-Bugün-Yarın* (Bişkek: Kongre Bildirileri 2-3 Ekim 2000, 2003).

formulation of the Turco-Mongol customary laws according to the needs of the new established Empire.²⁹⁵ According to Khazanov, Chinggis Khan could bring all the tribes under his control by destroying the upper segments of the Mongol tribal organization, physically exterminating a significant part of the traditional nomadic aristocracy, and channeling the Mongols' loyalty to himself and his royal clan.²⁹⁶ S. Bira maintains that codification of Mongolian law was intended to serve the purpose of strengthening the Mongolian state. The Mongol court was held by *bitegčis*, i.e., clerks or secretaries, who compiled state papers and this work was performed by Uighurs, Naimans, Chinese and emigrants from Central Asia.²⁹⁷ *Yasa* maintained unity of the royal clan and the Mongol Empire under the sway of single ruler.²⁹⁸ According to İ.Togan, another aspect of worldview of the *yasa* (*Jasagh*) was that this was a world with a center; this

²⁹⁵ Related to this aspect of the *yasa*, İ.Togan said that "The more *törö* became associated with high authority 'highness', the more inclusive *jasagh* became incorporating aspects of life that were not necessarily associated with the army. Togan 1998, 147.

²⁹⁶Khazanow, Anatoly, "Muhammad and Jenghiz Khan Compared: The Religious Factor in World Empire Building," *Comparative Studies in Society and History* 35 (July, 1993): 471. Parallel to this view Khwandamir described *yasa* as follows " Observing the stipulations of Genghis Khan' custom and *yasa*, show favor to all who come forward in obedience, but kill and plunder all who resist and rebel, along withm their wives, children, and relatives." In Khwandamir, *Habibu's-Siyar Tom Three Part one Genghis Khan –Amir Temür*, trans. and ed. W.M. Thackston (Cambridge: Sources of Oriental languages and Literatures 24, Harvard University, 1994), 53.

²⁹⁷ Shagdaryn Bira, *Mongolian Historical Writing from 1200to 1700*, trans. John R. Krueger (Bellingham Washington: Center for East Asian Studies Western Washington University, 2002), 15.

²⁹⁸ Khazanow 1993, 464. Bira says that 'There is equality', it was to apply to everyone: 'Each man works much from matters of detail, like the prohibition against washing in a running stream or against cattle drinking from well-probably simple measures of public hygiene-through such moral precepts as the one urging men not to be drunk more than three times in a month, to matters of state-for example, the death penalty was decreed for any prince or orlok discovered in communication with a foreign monarch. The *Yasak* also include such general exhortations as the commandment to treat all religions with equal respect. It brought many obligations to the people. It bound the Mongols into a single controlled unity.. On the death of Khaghan, all the princes of the family should gather in a kurultai to decide on the successor. Peter Brent, *The Mongol Empire, Genghis Khan: His Triumph and His Legacy* (London: Weindenfeld and Nicolson Ltd., 1976), 45.

center was not necessarily locational as in the case of capital but more personal. This world-view required a *khan* or a *qaghan*. After Chinggis Khan, whenever retribalization occurred, tribes searched for a khan. In other words, khanship had become institutionalized.²⁹⁹

Yasa was the re-organization of the former customary laws; it also was effected from the earlier Türk, Uighur, Chinese, and Christian and Persian traditions.³⁰⁰ *Yasa* firstly filled the gaps in the customary law or replaced the traditional law with new ordinances. Secondly, it promulgated a new system of law which became superimposed on the earlier foundation of the tribal law. *Yasa* was not static;³⁰¹ it was re-formulated under the influence of the various civilizations according to needs of the Empire. About this matter Riasanovsky said that:

According to its contents the Great Yasa was created with the purpose of controlling the life of the nomadic Mongol tribes as well as the Turkic, Tungus and others, who joined the Mongols and compromised part of the Mongol Empire at that time. But it was not devised to guide the Empire in the future, in the years to come when such cultured countries as China, Persia, Armenia, Russia and others became part of it. The difference of cultures prevented complete unification. This applied in particular to the absence of agriculture, the wandering mode of life, etc. All this and many other things made the yassa inapplicable to the countries with a settled agricultural life. This was the reason that the Mongols, after their conquest, allowed Chinese Law to continue to function in China, Persian Law in Persia, and Russian Law in Russia.³⁰²

²⁹⁹ İ. Togan 1998, 149.

³⁰⁰ Vernadsky, George, "The Scope and Contents of Chingis Khan's Yasa," *Harvard Journal of Asiatic Studies* 3 (December, 1938): 339. See also Zeki Velidi Togan 1939, 132

³⁰¹ Vernadsky 1938, 360.

³⁰² Riasanovsky, Valentin, *Fundamental Principles of Mongol Law* (The Hague, The Netherlands: Indiana University, Bloomington, Mouton&Co., 1965), 33.

But also they influenced from the sedentary people's view point. According to Rachewiltz, "the *yasa* dates from the time of Chinggis Khan, and its injunctions were especially concerned with matters of government, the military, justice, and the division of spoils. Its elaboration was spread over a number of years, and in its original form it closed with Chinggis Khan's death in 1227 and its provisions were fundamental and permanent, to be distinguished from *ad hoc* decrees (*yarlighs*). While there is no direct evidence that the *yasa* was a written code, it is a reasonable if not a necessary assumption, though it may well not have been arranged very systematically. After Chinggis Khan's death it became known as Great Yasa."³⁰³

It is not known whether the *yasa* was really written and recorded or not. It is certain that *yasa* could absorb tribal and non-tribal laws and ideologies in it successfully. Maybe it took its strength from Chinggis Khan's power and his divine authority. Maybe Chinggis Khan's *yasa*³⁰⁴ was not a law but only degrees and orders.³⁰⁵ Ayalon claimed that it was made into the great *yasa* by his successors. It gave absolute authority to the Chinggisid successors. The accusation of the violation of the *yasa* was frequently used against the rival party, irrespective of whether or not that party deserved it. Major aim was to keep the royal family under the sway of a single ruler. When violation of *yasa*

³⁰³ Rachewiltz, 1993, 102-103. Ratchnevsky also claimed that the *yasa* "does not represent a legal code drawn up at one particular point in time and it is not a systematic work. It is a collection of the principal Chinese source, the Yuan shi, that "this collection would have been edited into its final form when, on the occasion of his coronation, Ögödei Qa'an introduced the ceremony of the presentation of Genghis Khan's Yasa." Ratchnevsky 1992, 178.

³⁰⁴ Yasa is to construct, arrange, set in order Clauson 1974: 740

³⁰⁵ Morgan, David, "Great Yasa of Chinggis Khan Revisited," in *Mongols, Turks and Others: Eurasian Nomads and the Sedentary World*, ed. Reuven Amitai and Michal Biran (Leiden and Boston: Brill, 2005), 301-305; Rachewiltz 1993, 302.

was mentioned it revolved around the struggles for the throne or around wars over territories between members of the Royal family.³⁰⁶

Beside *yasa*, there are maxims of Chinggis Khan. *Yasa* and maxims are not the same. Riasanovsky claimed that Chinggis Khan left some oral instructions and orders (*bilig*) to posterity. These came to mean prohibition, rule, or law, not instruction or maxim (*bilig*).³⁰⁷ Moreover in these maxims there is reference to *yasa*. According to Riasanovsky, the writers of Arab, Persian and others confused maxims of Chinggis Khan with *yasa*.³⁰⁸ *Yasa* contains:

1. International law
2. Public law
3. Criminal law
4. Private law
5. Commercial law
6. Judiciary law
7. Codification and enforcement of the law (fixation of the code and Subsidiary legislation)

Foundation of *yasa* depending on four basic rules:

1. Everything is belonging to the Khan
2. Ancestral worship. The ‘Chinggis cult’ was followed in continuation of “ancestor cult”. Not only Chinggis Khan but his laws were also held in high esteem and were binding upon the people.
3. Unquestioning submission was inherent in Mongol concept of sovereignty. The right to rule over the whole world had been conferred by Eternal Heaven

³⁰⁶ Ayalon, David, “The Great Yasa of Chingiz Khan, A Reexamination,” *SI* 33,34,36,38 (1970-73):180

³⁰⁷ Riasanovsky 1965, 36.

³⁰⁸ Riasanovsky 1965, 30.

(*möngke Tengri*) on Chinggis, because he was seen as a counterpart of Heaven on earth. The khans of the imperial line ruled as universal sovereigns on the strength of their “good fortune” and by the very power of Heaven.³⁰⁹

4. Following a nomadic pattern of life in preference to a settled one.³¹⁰

3.2.2.1 Gender Relations in *Yasa*

Yasa did not contain all spheres of the society, according to Vernadsky, on most of the matters of tribal and clan customary law, the *yasa* is particularly silent. It is apparent that in many cases, for example in family instructions, the *yasa* tacitly accepted the principles of customary law and avoided any interference with them.³¹¹ For example, Riasanovsky said that killing the man or the woman in case of adultery³¹² is a good illustration. *Yasa* permitted the institutions of polygamy and concubinage so characteristic of southerly nomadic peoples. Children born of concubines were legitimate. Seniority of children derived their status from their mother. Eldest son received more than the youngest after the death of father. But the latter inherited the household of the father. Children of concubines also received a share in the inheritance, in accordance with the instructions of their father (or with custom).³¹³ Riasanovsky listed thirty six rules of *yasa* only six of them are related to gender. They are as follows:

³⁰⁹ Rachewiltz 1973, 24; Haider 1984, 67.

³¹⁰ Haider 1984, 65-68.

³¹¹ Vernadsky 1936, 360; Riasanovsky 1965, 37.

³¹² See also Johann de Plano Carpini, *Moğol Tarihi ve Seyahatnâmesi 1245-1247*, trans. Ergin Ayan (Trabzon: Derya Kitabevi), 49.

³¹³ Riasanovsky 1965, 37.

1. He ordered that the adulterer is to be put death without regard as to whether he is married or not.
2. He ordered women accompanying the troops to do the work and perform the duties of men, while the latter were absent fighting.
3. He ordered them to present all their daughters to the ruler at the beginning of each year so that he might choose some of them for himself and his children.
4. Children born to concubines are to be considered legitimate.³¹⁴
5. After the death of his father, a son may dispose of the father's wives, all except is mother; he may marry them or give them in marriage to others
6. All except the legal heirs are strictly forbidden to make use of any of the property of the deceased.³¹⁵

According to Riasonovsky, punishment of adultery was aiming to protect family because during those times family began to emerge, new social conditions gave rise first to customs and then to laws, providing measures for individualized families. Punishment of adultery was originally according to customary law. The Chinggisid Yasa modified these rules for preventing and punishing adultery. It was the influence of Chinese laws which prescribed purity of family strictly.³¹⁶ They put to death witches and they considered such women being poisoners. They believed in the evil influence of magic charms and put witches to death. Riasonosky says that *yasa* simply formulated the popular customs and superstitions of the Mongols.³¹⁷

³¹⁴ Riasonovsky 1965, 86.

³¹⁵ Riasonovsky 1965, 86; See also Vernadsky, 1936.

³¹⁶ Riasonovsky 1965, 146.

³¹⁷ Riasonovsky 1965, 148.

Conclusion

In Inner Asia, customary law was neither static nor egalitarian because when various clans and tribes evolved into patriarchal social structure, they re-shaped their customary law according to this new structure. Pastoralist societies were not egalitarian because state formations, wars, trade and interactions with sedentary patriarchal societies led to radical changes in their social and cultural structures. Therefore, we are not discussing these in ethic terms. The real difference was structural as can be seen between the “northerly” ad “southerly” societies in Inner Asia.

Inner Asian nomadic societies were not divided as the civil and military. There was no distinction military, civil, public and private. Therefore, these customary laws *töre/ törü* were made or regulated by rulers and the elite covering all aspects of life. These customs had very strict rules to enforce people to obey these rules.

Chinggis Khan's *yasa* was not a new invention. Rather, it was the reformulation of the existing these tribal customary law according to the Chinggisid imperial ideology. Chinggis Khan modified customary laws of the various Turkic societies and proto-Mongolian who had established important various states and empires. Until the time of the Chinggisids, *Ashina* lineage among the early Türk had right to rule, about six hundred years later in 13th century, it was replaced by the Chinnggisid *Altın Urugh* (Golden Lineage). Mongolian people under the leadership of Chinggis Khan lived a rapid transformation from “northerly” traditions to the “southerly.” Therefore, *yasa* was not egalitarian in

respect to gender relations but their matrilineal heritage was presented in this new order. Therefore, *yasa* gave high value to women according to their lineage and status. Here both men and women's lineages and social status were played crucial importance. However, recognition of matrilineality and feminine values led to the formation of a more egalitarian social structure in which women could be more active in social and political life when it is compared with the other Turkic dynasties.

CHAPTER 4

FORMATION OF ISLAMIC LAW (*SHARĪ'A*) AND ITS INCORPORATION OF LOCAL CUSTOMS, INCLUDING *TÖRE/YASA*

INTRODUCTION

Conversion to Islam is one of the turning points of the Turkic and Mongolian societies in Central Asia and the Middle East. Examining social and political dimensions of conversion is very important to evaluate the relations between *sharī'a* and customary law (*töre/yasa*) and their use in gender relations during the middle ages. In fact, starting about in the early 9th century and lasting until the 18th century, conversion continued for a long time. In spite of its deep influences, it was not a complete break with their past for the Turkic and Mongolian societies.³¹⁸

Generally, conversion was not an individual affair but was mostly a part of the political and social events of those times. Many Turkic people firstly were introduced to Islam when they were serving in the guard corps of the Islamic World during 9th and 10th centuries.³¹⁹ These Turkic peoples adopted the

³¹⁸ Carter Findley divides the conversion into three phases. The first one started in the 9th century, when unconverted Turkic nomads, captured in border raids, were used as slave soldiers in Baghdad and or elsewhere in the Middle East. The second phase started when a minor ruling clan from Transoxania, the Seljuks, converted to Islam and migrated into Iran to seek its fortune. The third phase in forming a Turkish presence inside the Middle East, that of creating a Turkish literary culture to go with the Turkic demographic presence, would have to wait nearly until the Ottoman's rise in the fourteenth century. See C. V. Findley, *The Turks in World History* (Oxford: Oxford University Press, 2005), 66-67. See also Claude Cahen, *İslamiyet: Doğuşundan Osmanlı Devletinin Kuruluşuna Kadar*, trans. Esat Nermi Erendor (Ankara: Bilgi Yayınevi, 1990), 231-272.

³¹⁹ About this matter Beckwith said that “the members of the guard corps were his constant companions in peace and in war, and although they may have sons of nobles or great warriors, they were definitely not ‘free’ in our sense) to do as they chose: they were bound by oath, and had to obey their liege lord. Oath-brakers were either simply cast out, or treated like criminals.”

Islamic civilization and culture in which they lived. Although they were small in numbers, they actively participated in political, ideological and military formations of the newly-established Islamic states and empires, contributed with their political, social, economical and cultural values to this civilization. This was related to the character of a newly established Islamic civilization which was open to the adoption of various cultural, social, political, artistic and literary elements. In this context Beckwith states that:

The central Asian Turkic state's political system, a system in which warriors were paid handsomely to serve in the guard corps of a lord, played a major role in this development. Such warriors considered apolitical in the general sense of the word, were deeply political in their roles as undeviating "servants" of their lord, who equated to *mamlūk* system with their own *chākar* system...To conclude, the Arabs of the early ninth century, now famous for their absorption of so much Hellenistic and Indo-Iranian literary culture, adapted yet another antique socio-cultural product – the Central Asian guard corps. Like so many other originally non-native aspects of traditional Islamic civilization, the alien system was naturalized, quickly changed into a typically 'Islamic' shape, and then never given up. This cultural transmission was one more aspect of the Central-Asianization (as distinguished from 'Persianization') of the Caliphate, a process that began in earnest with the Abbasid revolution and was revitalized by al-Ma'mūn. The corresponding result of this cultural transmission was the appearance – in Arabicized Central Asia, or the Central-Asianized Near East- of such intellectual and artistic greats of the early Islamic world as al-Khwārizmī, al-Farghānī, al-Farābī, Ibn Sīnā, al-Ghazzālī, and al-Bīrūnī.³²⁰

See C.I. Beckwith, "Aspects of the Early History of the Central Asian Guard Corps in Islam," in *Archivum Eurasiae Medii Aevi*, 4(1985): 35. According to Cahen, this earliest conversion seems a more personal affair when it is compared to mass conversions of the Turkic societies in the later centuries. Hakkı Dursun Yıldız, *İslamiyet ve Türkler* (İstanbul: İst. Univ. Ed. Fak. Yay. No. 2154, 1954), especially 50-130, 167-185. Claude Cahen 1990, 232; Hugh Kennedy, *The Armies of the Caliphs, Military and Society in the Early Islamic State* (London and New York: Routledge, 2001), 118-141.

³²⁰ Beckwith 1985, 39-40. See also Yoshua Frenkel, "The Turks of the Eurasian Steppes in Medieval in Arabic Writing," in *Mongols, Turks and Others: Eurasian Nomads and the Sedentary World*, ed. Reuven Amitai Press and Michal Biran, Leiden, Boston: Brill, 2005, 234.

During the 11th and 12th centuries, various Turkic societies in Central Asia came to the Middle East in groups. They first made incursions into these lands, and later they settled in those regions and established various states and empires, like Seljuks in Iran and Anatolia and the Ottoman Empire.³²¹ The last important migration and conversion took place during the Mongol conquest during the 13th and 15th centuries. Many Turkic and Mongolian tribes entered Muslim world and converted to Islam. After the 14th-15th centuries we see more legalized conversions.

By the 13th century, when the Mongols came to the Middle East, Turkic societies had already been part of Islamic civilization and Muslim Turkic population had increased so that the ethnic and social composition of those areas had changed.³²² The Mongols had a different kind of a relation with the Islamic world. With the exception of the Karakhanids, the Turkic societies first converted to Islam and then they established Turkish-Islamic dynasties with an ideology of defender of Islam. On the other hand, Mongols came to the Islamic world as conquerors and made it a part of the Chinggisid World Empire. Therefore, the Turkic and Mongolian societies had different relations and interactions with Islam and the Muslim world. This situation reflected itself in the use of *yasa* and *shari'a* which is the subject of this study. According to Fletcher, adoption of Islam went hand in hand with the cultural assimilation of the Mongols to the Turks in Central Asia and Middle East, and also in the

³²¹ Dewese divided these conversion into two groups as tribal (e.g., the Seljuks) and state conversions (e.g., the Karakhanids). 1994, 8; See also İsenbike Togan, “9th -5th 9th C. In-Migrating Turkish Dynasties,” in *EWIC* Vol.1 (Leiden-Boston: Brill 2003), 22-28.

³²² The westward migrations of Turks from the later tenth century onwards have long-term effects on the ethnic and social composition of the ‘northern tier’ of the Middle East i.e. the lands running westward from Afghanistan through Iran to Anatolia. See C. E. Bosworth, Introduction to *History of Civilization of Central Asia, vol. IV, The Age of Achievement: A.D. 750 to the end of the fifteenth century, Part one the Historical, Social and Economic setting*, ed. M.S. Asimov and C.E. (UNESCO Publishing, Multiple History Series, 1998) 19.

Kipchak steppes.³²³ The Turkic and the Mongol societies had different experiences in the Islamic world. Commenting on this issue, Fletcher stated:

The difference between Turks and Mongols in the Middle East was that the Turks came in gradually, in groups of limited size, over a substantial period of time, and entered into the Muslim culture and politics of the region as full-fledged members. In the process they did comparatively little damage. The Mongols were no less adaptable than the Turks.... Khitans, Jurchans, and Uighur advice and the contact with Muslim merchants from Central Asia, who could point to the example of Turkish-speaking nomads ruling settled populations, must also have prepared the way for the Mongols' adaptation to the desert pattern of interaction with the sedentary world. But the Mongols came too fast; they carried their culture to the Middle East.³²⁴

Domination by the Muslim Turkic population, language and culture became effective in the formation of Turco-Mongol terminology. About this matter İ.Togan says: “from 1206 on, we would use the term “Turco-Mongol” or perhaps in this case speak of it as Mongol-Turkish, which later became “Turco-Mongolian”³²⁵

These conversions went hand in hand with the political and social events, and this leads us to think that conversion was only a part of political and social requisites. In fact, when the role of the various *sufi* orders by means of which people converted and learned Islam is taken into consideration, it can easily be said that conversion was not purely a political, economical and social affair, rather, to some extent, it was an issue of change of heart.³²⁶ However, this

³²³ Fletcher 1986, 44-45.

³²⁴ Fletcher 1986, 39-42.

³²⁵ İ.Togan 1998, 135; Findley 2005, 76-77.

³²⁶ Emel Esin in her book *İslamiyet'den Önceki Türk Kültür Tarihi ve İslama Giriş*, (İstanbul: İstanbul Ed. Fakültesi, 1978) examined spiritual aspects of conversion. Inner Asian people

chapter focuses not on its spiritual aspect but on the political, social and economic dimensions of conversion.

In Central Asia and the Middle East, islamization was a dual process for these societies. There was never a complete break with their past; they changed many things in their social, political and cultural life, but they also made their own contributions to the Islamic civilizations. D. DeWeese evaluates the dual character of conversion as follows:

[In Central Asia] “Islamization” is in reality a dual process that necessarily works in two different directions: on the one hand, the introduction of Islamic patterns into Inner Asia involves the “imposition” of Islamic norms in a new setting, an alien environment; on the other hand the nativization of Islamic patterns involves their incorporation and assimilation into indigenous modes of thought and action.³²⁷

After conversion, pre-Islamic ways survived alongside the deep and intimate aspects of life affected by Islamization (self designation on personal and communal levels, ritual performance, in many cases conceptions of purity linked with the performance of ablution and methods of slaughtering animals, etc.). Understood in this way, Islamization is perhaps less “dramatic,” and its immediate impact on traditional ways of life less pronounced, than upholders of a strictly Islamic ideal would like.³²⁸ The Turkic societies could combine Islamic and pre-Islamic values and traditions, and created a Turkic-Islamic civilization. Understanding this process is very important in analyzing the way

followed important religious, political and dervish figures like Satuk Bughra Khan, A mad Yasawi and then they converted to Islam. See especially 4th chapter of the book.

³²⁷ Dewin DeWeese, *Islamization and Native Religion in the Golden Horde; Baba Tükleş and Conversion to Islam in Historical and Epic Tradition* (Pennsylvania: The Pennsylvania State University Press, 1994), 54.

³²⁸ Dewin DeWeese, 1994, 54-55.

sharī'a and customary tribal law (*yasa/töre*) and Chinggisid Yasa were applied concerning gender relations in those times.

4.1 The Turkic and the Mongolian Peoples in the Islamic World

Islam was born among the nomadic and semi nomadic Arab clans and tribes. In this respect it had similar effects on the Turkic and Mongolian societies which were also nomadic and semi nomadic clan and tribal societies. One of the main impacts of Islam was creation of Muslim community “*umma*” over various tribal and clan organizations. According to Coulson, *Umma* reflects the transition, affected by Islam, from a social based blood relationship to one based on a common religious faith; and in this new society the individual family has replaced the tribes as the basic unit.³²⁹ Therefore, tribal nomadic and semi-nomadic Arab societies, and, nomadic and semi-nomadic Turkic and Mongol societies experienced similar problems. When they were introduced to Islam, prophet Mu ammad (c.570-652) tried to create a new Muslim community, *umma*. According to Lapidus, prophet Mu ammad brought a revelation of the existence of things unseen that conferred upon him authority over all things visible. He organized a Muslim community to fulfill God’s command in matters of belief, ethics, family, commerce, politics and war. Islam became a rallying-point for a coalition of lineage groups and created a new super ordinate organization.³³⁰ Similarly, for the Turks and Mongols who had their own clan and tribal communities, entering into religion (*dīn*) of Islam meant entering *umma*, “religious community.” Therefore, conversion to Islam

³²⁹ Noel J., Coulson, *A History of Islamic Law* (Edinburgh: Edinburgh University Press, 1964). 23; Ira Lapidus, “Seperation of State and Religion in the Development of Early Islamic Society,” *Int. J. Middle East Studies* 6 (1975): 383.

³³⁰ Ira Lapidus, *A History of Islamic Societies* (Cambridge, New York: Cambridge University Press, 1990), 21-35.

had inherent links between religious identity and communal identity. To change one's religion is to change one's communal identity, and vice versa.³³¹

Formation of *umma* in the Islamic world did not mean total dissolution of the tribal structures. With the expansion of new Muslim empires, in the garrison cities settled by the Arab-Muslim conquerors, kinship, clan, and tribal structures were transformed by the new patterns of military organization, economic activity and residence in the midst of non-Arab populations. As a result and new groupings emerged, some based on neo-traditional tribal identities, others based on religion.³³² Similarly, after conversion, Turkic and Mongolian societies became part of *umma* in the Middle East and they formed "Muslim tribal community." In this way they combined their religious and tribal identities. This was a "tribal community" that found a familiar niche in the religious community.

As it is mentioned above, conversion was not only accepting belief of Islam but also accepting many social, cultural and political values of Islamic civilization which was shaped by various cultures. Furthermore, this adaptation did not take place immediately after conversion, but after change of way of life (e.g., from nomadic way of life to sedentary one) or politics (e.g., from nomadic decentralized, power sharing political empires to centralized Middle Eastern political understanding). As Turkic and Mongolian tribal rulers and ruling elites took their power and support from their tribal people who constituted their armed forces, tribal identity and political identity were the same for these societies. Furthermore, the Middle Eastern Muslim tradition encouraged and

³³¹ Dewin DeWeese 1994, 23; Findley 2005, 61.

³³² Patricia Crone, *Medieval Islamic Political Thought* (Edinburgh: Edinburgh University Press, 2004), 397

legalized these tribal leaders to continue their political activities according to their nomadic traditions.³³³ There were nomadic military ruling elite and sedentary subject people; bureaucrats, and the clergy (*ulama*) were intermediaries between two societies and two civilizations.

Turco-Mongol societies did not change their way of life, social and political structures completely, but they created a synthesis between these two civilizations. Of course, formation of this synthesis took a very long time and the adaptation period was not the same for all the Turkic and Mongolian societies. This duality reflected itself in the relation between *sharī'a* and *töre/yasa*. The balance between *sharī'a* and *töre/yasa* changed, and sometimes tension sometimes coherence took place between these laws when they were applied in social and political affairs. Gender relations among the ruling elite were affected by this transition to the some degree.

In fact, unlike Turkic and Mongolian societies, Arab tribal society was not hierarchical and they did not want any supra-tribal political authority and this made establishment of states and empires in the Arab world more difficult.³³⁴ On the other hand, Inner Asian people were more willing to accept the dynastic principle and a hierarchical order,³³⁵ and they accepted political and military authorities as far as they shared power with these authorities. The general

³³³ Fletcher 1986, 44.

³³⁴ Barfield outlined Arabian tribal model as follows: “The Arabian Model of tribal organization was based on nested groups of egalitarian lineages assumed to descend from a common ancestor. The relationship between each lineage rested on segmentary opposition, that is, lineages were supported by, or opposed to, one another based on their degrees of relatedness. ... Leadership in egalitarian tribal system displayed little hierarchy. Although some lineages demonstrate a greater capacity than others to assume political leadership, each lineage considered itself to be equal of any other.” Thomas Barfield 1991, 160.

³³⁵ Golden 2001, 16.

sentiment was for sharing and limiting concentration of power of absolute rulers, as demonstrated by the accession ceremonies of the Early Türk and Khazars.³³⁶

In respect to state formation, Muslim state tradition and ideology became an advantage for the Central Asian societies, and especially for the Turks. Fletcher's following words make this relation very clear: For example, imperial control over relatively autonomous tribe or provinces was similar to earlier Iranian states, and its hierarchical structure made the ideological transformation of tribal khan to Shāh or sultan easier.³³⁷

Furthermore, religious character of central Asian rulers was similar to Persian-Islamic Muslim ones. According to Golden, the charismatic warlord was central to Inner Asian state formation, but they had to have also religious personality because charismatic warlords were expected to possess shamanistic or shaman like powers.³³⁸ So it might be said that the ideal ruler model was almost the same in both civilizations, with main difference of "power sharing" or limitation of power.

These similarities and advantages of the Islamic civilization led the Turkic and Mongolian tribes and clans to get used to Irano-Islamic state tradition in their political and social policies. It helped to consolidate central structures of the nomadic political formations and power of the rulers. For example, C. Findley evaluating Yusuf Khāss ʿājīb's *Kutadgu Bilig* (Wisdom of Royal Glory)

³³⁶ İsenbike Toga 1998, 5; İsenbike Togan "Patterns of Legitimization of Rule in the History of the Turks," in *Rethinking Central Asia*, ed. Korkut A. Ertürk (Ithaca Press, 1999), 49.

³³⁷ Barfield 1991, 171.

³³⁸ Golden 2001, 16.

written in 960, in this context and said that the “royal glory” of the title is conveyed by a word derived from the same term, *kut*, that was used in the earliest Turkic states to refer to the “mandate of heaven,” an idea that this work equates with the *farr* stated by pre-Islamic Shāh s of Iran and with the Arabic term *dawla*, originally meaning a turn of good fortune but coming by extension to mean dynasty or state.”³³⁹ As Fletcher said in *Central Asia and Middle East*, Islam eased the transition from steppe conqueror to desert ruler for the Mongols just as it had done for the Turks who had heralded them.

In fact, after conversion and establishment of Turco-Mongol Muslim states and empires, tribal power sharing and Irano-Islamic domination of central despotic power ideologies competed with each other. The Mongolian rulers and attempted for half a century to introduce monopolization of power to a people whose traditions had been shaped by power sharing. This monopolization was necessary for the stability of the new order that they created.³⁴⁰ Otherwise, tribes wanted to play an active role in succession struggles and civil wars, and thus posed a threat to its stability by assuming effective roles in politics.³⁴¹ Transformations of social structures and ideologies took for a long time; Lapidus explains this as follows:

In Inner Asia, Islam came to a secondary stage in the history of these societies. It helped to consolidate the identity of Khanates, hordes, and *uymaqs* but does not seem to have played a critical role in their origin. Thus *‘asabiyya* in Inner Asia was based neither on

³³⁹ Findley 2005, 75-76.

³⁴⁰ İ. Togan 1998, 12.

³⁴¹ Barfield, “Tribe and State Relations: The Inner Asian Perspective,” in *Tribes and State Formation in the Middle East*, ed. Philip S. Khoury and Joseph Kostiner (London, New York: I.B. Tavis Co Ltd Publishers):177.

kinship nor on religion but chiefs won the opportunity to legitimate themselves in tribal, patrimonial, or imperial terms.³⁴²

In conclusion, conversion brought adaptation of Islamic civilization in every sphere of life among Central Asian nomadic and semi nomadic societies but it never became sudden and radical. Conversion took many centuries and this adaptation or sometimes assimilation could take place after changes of way of life, social and political structures. Turco-Mongol power-sharing political ideals and Middle Eastern and Chinese central despotic rulership ideals competed with each other. Only the Ottomans and later the Safavid dynasties could achieve to eliminate the tribal power-sharing ideology and establish central bureaucratic state system during 15th and 16th centuries in Anatolia and Iran. This dichotomy reflected itself in the use of *sharī'a* and *töre/yasa* in the field of politics, economics and gender relations which is our main subject. But this did not mean *sharī'a* represented concentration of power and *töre/yasa* power-sharing. On the contrary, the Muslim Turkic and Mongolian rulers could use advantages of customary law (*töre/yasa*) for consolidating their and their successors' power and authority. In order to analyze the relation between *sharī'a* and *töre/yasa* dichotomy, understanding formation and content of *sharī'a* is very important.

4.2 Islamic Civilization and *Sharī'a*

In this part, in order to evaluate interaction between Islamic and Turco-Mongol nomadic civilizations, and the use of *sharī'a* and customary law (*töre/yasa*) after the conversion of these societies, the formation of *sharī'a* and Irano-Islamic state tradition are examined. In this context, looking at the non-Islamic

³⁴² Ira Lapidus, "Tribe and State Formation in Islamic History", in *Tribes and State Formation in the Middle East*, ed. Philip S. Khoury and Joseph Kostiner (London, New York: E.B. Tauris and Co LTD Publisher, 1991), 34.

and multi-cultural character of the Islamic civilization and examining formation of the *sharī'a* are very important for an evaluation of the use of *sharī'a* and *töre/yasa* in the Turco-Mongol dynasties.

Sharī'a is Islamic law which brings rules to every sphere of life of Muslims. Rahman describes Shari'a as follows:

The verb *shari'a* in its religious usage, from the earliest period, it has meant 'the highway of good life', i.e. religious values, expressed functionally and in concrete terms, to direct man's life... It includes all behavior-spiritual, mental and physical. Thus it comprehends both faith and practice: assent to or belief in one God is part of the Sharī'a just as are the religious duties of prayer and fasting, etc. Further, all legal and social transactions as well as personal behavior, is subsumed under the Sharī'a as the comprehensive principle of the total way of life.³⁴³

Qor'an is the holy book of Islam and *sharī'a* laws were inspired from it. These laws were shaped by the world views of the religious scholars (*ulama*) and practical needs of the Muslim states and societies. Although *sharī'a* includes "total way of life,"³⁴⁴ Qor'an is essentially a religious and ethical document aiming at the practical goal of creating a morally good and just society composed of religiously righteous men with a keen and vivid awareness of a God who enjoins good and forbids evils.³⁴⁵ About the content of Qor'an, Coulson claimed that Qor'an does not contain such elaborated *sharī'a* rules. Its primary purpose is to regulate not the relationship of man with his fellows but

³⁴³ Fazlur Rahman, *Islam* (New York Chicago San Fransisco: Holt, Rinehart and Winston, 1966), 101; Schacht, Joseph, *The Origins of Muhammadan Jurisprudence* (Oxford: Clarendon Press, 1950), 89-91.

³⁴⁴ Patricia Crone describes *sharī'a* for the Medieval Islamic societies as follows "The *sharī'a* was, or rather included, a constitutional in the broadest sense of the word: a set of rules that allocated functions, powers, and duties among the various agencies and offices of government and defined the relationshi between them and the public." Patricia Crone 2004, 281.

³⁴⁵ Fazlur Rahman 1966, 85.

his relationship with his creator, and thus Qor’anic legislation is ethical in character. Therefore, only six hundred verses are legislative, the vast majority of which are concerned with the religious duties and ritual practices of prayer, fasting and pilgrimage, and approximately eighty verses deal with legal topics in the strict sense of the term.³⁴⁶ Although the regulations which are of more specifically legal tone cover a great variety of subjects, ranging from women’s dress to the division of the spoils of war, and from the prohibition of the flesh of swine to the penalty of flogging for fornication, they are ad hoc solutions for particular problems rather than attempts to deal with general topic comprehensively.³⁴⁷ Similarly about this matter Hodgson said that “conventionally, Muslim religious thought brought more equality, generosity but it could not challenge the overall agrarian situation.”³⁴⁸ Qor’an itself did not provide a simple and straightforward code of law. Even, the Prophet’s legislations were not for substituting the customary law but for supplementing it.³⁴⁹

Various sources and methods were used in order to formulate *sharī’a* rules according to which the Muslim societies and states were conducted. Prophet Muhammad’s sayings and doings *sunna*³⁵⁰ became one of the main primary sources of *sharī’a*. According to Mottahedeh, the Qor’an did not directly legislate all circumstances, and the Qor’an was a book, not a person.

³⁴⁶ Coulson 1964, 20-21

³⁴⁷ Coulson 1964, 23.

³⁴⁸ Marshall G.S. Hodgson, *Venture of Islam; The Expansion of Islam in the Middle Periods* vol.2 (Chicago and London: University of Chicago Press, 1974), 96

³⁴⁹ Coulson 1964, 23.

³⁵⁰ *Sunnah* is not only includes acts and sayings of the Prophet but also the good example of the predecessors, both as collectivities and individuals. Wael B.,Hallaq, *The Orgins and Evolution of Islamic Law* (UK: Cambridge University Press, 2005), 194.

Muhammad was the perfect example of a Muslim; and his example, therefore, was a nearly indispensable guide to live the life of a Muslim and to make the implicit concepts of the Qur'an explicit.³⁵¹ *Sunna* was a customary practice because despite the Prophet's critical attitude toward the local social and moral environment, he was very much part of this environment which was deeply rooted in the traditions of Arabia. While the new problems encountered by the prophet and the emerging *umma* were to be judged in accordance with the new principles and worldview of Islam, the old institutions and established rules and customs remained largely unchallenged. Firstly, the number of ritual practices, such as prayer and fasting, were distinctly pre-Islamic Arabian practices that survived in the legal and religious systems of the new faith. Secondly, the pre-Islamic customary laws of barter and exchange of agricultural products persisted in *sharī'a*. And thirdly, several elements of customary penal laws were retained.³⁵²

During the *Medinan* period, the principles of the Qoranic regulations were developed by the prophet and his successors to the degree that was required by the practical problems confronting the Muslim community in Medina.³⁵³ But the *Medinian* society was a simple society and the rules and laws for solving their problems were also simple. Nevertheless, after the death of the prophet, rapid Islamic conquest³⁵⁴ led to the formation of Islamic states and empires and

³⁵¹ Roy Mottahedeh, *Loyalty and Leadership in an Early Islamic Society* (Princeton, New Jersey: Princeton Univ. Press, 1980) 9-11.

³⁵² Hallaq 2005, 24-25.

³⁵³ Coulson 1964, 26.

³⁵⁴ Prophet Muhammad died in 632, after 3 years later in 635 Muslim Arab armies conquered whole Syria and Jerusalem under the leadership of Amr ibn'ul-As. A few months later, occupation of the whole Palestine was completed. In 636, the whole Iraq was conquered and expeditions to Iran were started during the time of Caliph Omar (r.633-44). In 642, the whole Iran and Egypt was taken under the control during the reign of the Caliph Usman (r.644-656).

in order to rule and conduct these states and societies, the rulers needed new laws and regulations which were absent in the Qor'an. In order to solve problems and run the administrative mechanism, they had to borrow laws and regulations of the previous civilizations like Byzantine and Sasanian³⁵⁵ with the condition that they should not be in contradiction with the Islamic ethic. For example Islam's "equality" principle which is human equality including sex equality, negates all inequalities due to sex, race, color, nationality, caste or tribe,³⁵⁶ created tension in making rules for the rulers for exploiting the conquered societies and lands. About this matter Lapidus said:

Differentiation of state and religious institutions was not, however, entirely clear-cut. First, the separation has never been recognized in ordinary Muslim discourse about state and religion, and it has only occasionally received formal recognition in Muslim political theory. It did win an indirect tacit acceptance... Secondly, Muslim empires have cultivated a religious aura apart from Islam. While their activities were based on *siyāsa*, the exercise of power justified in its own terms, political rationality. Muslim rulers borrowed the pre-Islamic Persian monarchial vision of the ruler as a divinely selected person, God's vice-regent on earth for the maintenance of order and the shepherding and protection of the common people. The Perso-Islamic political tradition also saw the ruler as an ideal human being, the equivalent of the Hellenistic philosopher-king, who not only ruled and reinforced law and order, but whose example led lesser humans to justice and salvation. The ruler, apart from Islam, was a sacred figure; the state, a divinely appointed institution. The ambiguity was in the concept of secular and sacred. The ordinary functions of Muslim community life and the daily activities of scholars and holy men involve activities which come under the purview of Islamic law and Islamic morality, but constitute from our point of view the realms of

After the Caliph Ali (r.656-661), the Ummayyad dynasty (661-680) conquered the North-West Africa and sieged Constantinople. The Ummayyad army entered Spain in 711. After Ummayyads, the Abbasissid dynasty (749-1258) penetrated into the Central Asia and Chinese army was defeated at Talas in 751. See more detailed information. See Cahen 1990, 34-102.

³⁵⁵ About the influences of the Sasanian, Byzantine and Greek traditions, see Patricia Crone 2004, 148-196.

³⁵⁶ Raga' el-Nimr, "Women in Islamic Law," in *Feminism and Islam*, ed Mai Yamani (Lebanon: Ithaca Press, 1996), 87-101, 90-92.

secular affairs. Business, administration of trusts, property issues and inheritances are only a few examples. The domain of the Muslim religious community which embodies the Islamic ideal is, by virtue of Islam itself, the realm of the mundane...³⁵⁷

During the early periods of the Islam, the general policy was not to change the social, political and cultural structures of these conquered lands and societies. According to Watt, Ummayyads, preserved the existing administrative structure in the provinces and this led to adoption of existing administrative machinery. This policy naturally opened the door to a wider reception of foreign elements in the substantive law power. The special office of judge (*qādī*) developed during the Ummayyad period. There was no fixed body of law to be applied, and each administrator made decisions according to what he thought fit, doubtless following Qoranic rules to some extent and also, so far as he was familiar with them, precedents set by Muhammad and his own predecessors, especially the latter.³⁵⁸ The basic material of the local customary law had been modified by the elaboration of Qor'anic rules, overlaid by a corpus of administrative regulations and infiltrated by elements of foreign legal systems.³⁵⁹

While Ummayyads tried to find practical solutions, Abbasids formulated *sharī'a* rules. Therefore during the time of the Abbasids, Islamic legal thought was shaped and theological studies gained impetus. The caliphate would evolve, contrary to Muslim ideal, as a largely military and imperial institution legitimated in neo-Byzantine and neo-Sassanian terms, while the religious elite would develop a more complete authority over the communal, personal,

³⁵⁷ Lapidus 1990, 19-20. See also Patricia Crone 2004, 147.

³⁵⁸ Montgomery Watt, *Islamic Political Thought* (Edinburgh: Edinburgh University Press, 1998), 42.

³⁵⁹ Coulson 1964, 39. See also Watt 1998, 42.

religious and doctrinal aspects of Islam.³⁶⁰ J. Tainter evaluated such kind of societies as complex societies. These societies are problem solving organizations, in which more parts, different kinds of parts, more social differentiation, more inequality, and more kinds of centralization and control emerge as circumstances require. Growth of complexity has involved a change from small, internally homogeneous, minimally differentiated groups.³⁶¹ For example, Iranian influence was great on Abbasid developing bureaucracy, secret service, court culture and rituals and various ceremonies.³⁶² Adaptation of the local rules and customs was not only because of the practical needs but also as Hodgson said because the intellectual resources offered by the various pre-Islamic traditions had been fully assimilated.³⁶³

During the reign of the Abbasids, four main schools, each of which formulated *sharī'a* according to their own views were opened in the important social, political and cultural centers of the Islamic world: in Kufa the *anafīya* School,³⁶⁴ in Fustat the Shāfi'ī School,³⁶⁵ in Medina the Māliki school³⁶⁶ and in

³⁶⁰ Lapidus 1990, 12. See also C.E. Bosworth, "Na ī at al-Mulūk," *EI*, Leiden, Netherlands: Brill.

³⁶¹ Joseph A. Tainter, *The Collapse of Complex Societies* (Cambridge: Cambridge University Press, 1988), 5.

³⁶² Anthonoy Black, *The History of Islamic Political Thought; From the Prophet to the Present* (New York: Routledge, 2001).

³⁶³ Hodgson 1974, 154. According to I. Goldziher and J. Schacht, elements from Roman Byzantine (including Roman provincial) law, Talmudic law, the canon of the eastern churches, and Persian Sāsānian law (and of the canon law of the eastern churches) were used in the *sharī'a* law through the medium of the cultured non-Arab converts to Islam, whose education in Hellenistic rhetoric had made them acquainted with the rudiments of law and who brought their familiar ideas with them into their new religion. I. Goldziher and J. Schacht, "Fī h," in the *EI*, Leiden, Netherlands: Brill, 2-3.

³⁶⁴ It took its name from its founder Imām Abū anīfa (d. 767). It was born in Iraq during the time of the Abbasids and it became main Order. It was spread towards the east, in Khurasan and Transaxiana. *IA* (MEB) vol.5/1, 1997, 212

Basra anjali School.³⁶⁷ All of these four schools were opened during the golden age of the Abbasid dynasty. Those theologians (*ulamā*) and their students used the method of *u ūl al-fiqh* (roots of sources from which law spring).³⁶⁸ They tried to formulate *sharī'a* rules in order to regulate social, political, economical life of the growing Islamic societies. Their main sources were Qor'an and the *Sunna*.³⁶⁹ All of them accepted Qor'an as a primary source but interpretation of the Qor'anic text was a problem as each school made their own analyses. Furthermore, for the reliability of the *hadiths*, they used methods of *ijmā'*³⁷⁰ (consensus) and *qiyās*³⁷¹ (analogy). All of these scholars (*ulama*)

³⁶⁵ Al- Shāfi'ī, al-Īmām Abū 'Abd Al-lāh Mu ammad B. Īdrīs (d.820), for more detailed information see W. Heffening, "Şafī. Al-Şafī, al-Īmām Abū 'Abd Allāh Mu ammed B. Īdrīs," *ĪA* (MEB) vol.11, 1997, 268-272.

³⁶⁶ It was established by Mālik B. Anas (d.795). See J. Schacht, "Mālik b. Anas (?-795)," *ĪA* (MEB) vol.1, 1997, 252-257.

³⁶⁷ It was established by A mad B. Mu ammad anbal (d.855). See Goldziher, "A med B. Mu ammed anbal," *ĪA* (MEB) vol.1, 1997, 170-173.

³⁶⁸ "All aspects of public and private life and business should be regulated by laws based on religion; the science of these laws is *fi h*. I. Goldziher and J. Schacht, "Fi h," in the *EI*, Leiden, Netherlands: Brill, 1-2.

³⁶⁹ The prophet's doings and sayings were memorized by ahl-al- adith. See J. Robson, "Ha ith udsī," in *EI*, Netherlands: Brill Leiden, 1.

³⁷⁰ *Ijmā'* is an Arabic term referring ideally to the consensus of the *umma* (the community of Muslims, or followers of Islam). In reality, *ijmā'* referred only to the consensus of traditional Islamic scholars (Arabic ulema) on particular points of Islamic law. About this matter Mottahedeh said that if the ruler was the personal symbol of the unity of the Islamic community, the principle that symbolized the will to unity was *ijmā'* (consensus on agreement). See Roy Mottahedeh, "The Foundation of State and Society," in *Islam, The Religious and Political Life of a World Community* ed. Marjorie Kelly (New York: Praeger Publishers, 1984), 65.

³⁷¹ In Sunni Islamic jurisprudence *qiyās* is the process of analogical reasoning from a known injunction (*nass*) to a new injunction. According to this method, the ruling of the Quran and *sunnah* may be extended to a new problem provided that the precedent (*a l*) and the new problem (*far*) share the same operative or effective cause (*illah*). The *illah* is the specific set of circumstances that trigger a certain law into action.

used the same method but made different formulations of *sharī'a*. These differences range from *anafī* to *anbalī*, while the first one used analogies, the second one was more textual. According to Hodgson, social, political and cultural circumstances and also intellectual backgrounds of these scholars became very effective in the formation of these diversities, i.e. *iktilāf*. However, these differences did not damage reliability and essence of *sharī'a*.³⁷² About this matter Coulson said that:

During the formative period of the law the schools were, as a natural result of their circumstances of origin, hostile and competing systems. The original schools of Medina and Kūfa conscious of the fact that their law largely reflected local practice, had at first accepted differences of doctrine as natural and inevitable; but under the impetus of the 'Abbāsīd policy to create an order of State and society which would give full expression to the Islamic religious ethic, the two schools came to champion their respective systems as possessing a validity not confined to a particular locality but universal for Muslims. Conflict of juristic principles had then produced the opposing systems of Shāfī'īs and *anbalīs*, and until well into the second half of the ninth century the four schools adopted a polemical and intolerant attitude towards each other as they vied for recognition as the superior expression of God's law.³⁷³

By the end of the 9th century, after about two hundred years of coming of Islam, *sharī'a* was formulated by the religious scholars (*ulama*) for ruling and conducting the newly established Muslim societies expanding from Central Asia to Spain. Qor'an and *sunna* were the main primary sources of *sharī'a* but cultural, social backgrounds of these scholars effected their understanding and approach to these sources. Furthermore, they used local customary laws, and

³⁷² Hodgson 1974, 119.

³⁷³ See Coulson 1964, 86-7. According to Hodgson, the other two integrative institutions, the *waqf* foundations and the *ūfī arīqhas*, were themselves finally dependent on the Shar'ī norms of their social viability. Hodgson 1974, 119.

laws and rules of the previous civilizations like Byzantine and Iran. The cultural background that these civilizations provided for these regions were also instrumental in bringing solutions to complex problems of the rapidly growing new Islamic states and empires. *Shar 'a* is not composed of the rules which derived from Qor'an. Rahman divides Islamic rules into two as *Dīn* and *shar'ā* and said that "Qor'an anxious to regulate the attitude of the believer speaks much more of *Dīn*, *imān* (faith) and Islam rather than *sharī'a*. Moreover, *fiqh*³⁷⁴ or 'understanding' was a process rather than a consolidated body of knowledge and it was personal and subjective discipline."³⁷⁵ Quran is religious and the other (*sharī'a*), allied to the former, historical.³⁷⁶

The four Schools formulated Fazlur Rahman's "historical Islam" *sharī'a* the by 9th century and Muslim societies or states followed one of these schools and made legal regulations according to them. There have been debates among the scholars about whether the gate of *ijtihād*³⁷⁷ was closed or not. Hallaq stated that in Islamic legal theory *ijihad* was reckoned indispensable in legal matters because it was the only means by which Muslims could determine to what degree their acts were acceptable to God.³⁷⁸ On the other hand, Hodgson

³⁷⁴ *Fiqh* is law making and law applying by Ulemā, religious class. *Fiqh*, had mainly four sources: Qur'ān, Sunna (hadith), *ijmā'* (consensus) and *qiyās* which represent four sources of Quran. Alternative methods of reasoning based on considerations of juristic preference (*isti sāl*) or public welfare and interest (*isti lā*) were of limited validity, and were not infrequently the subject of controversy.

³⁷⁵ Rahman 1966, 102.

³⁷⁶ Rahman 1966, 102.

³⁷⁷ *ijtihād* is the process of extracting or deriving legal rules from the sources of the law is expressed. In Legal usage means endeavor of a jurists to formulate a rule of law on the basis of evidence (*dalīl*) found in the sources. It contrasted to *taqlīd* (adherence to the given legal madhab). See Bernard Weiss, "Interpretation in Islamic Law: The theory of *Ijtihād*," *American Journal of Comparative Law*, 26(1978), 199-208

³⁷⁸ Wael, B. Hallaq, "Was the Gate of *Ijtihad* Closed?" *IJMES* 16 (1984):33.

claimed that “*taqlīd*, adherence to the given legal *madhab*, was elaborated into the doctrine that the ‘gates of investigation had closed in the 9th century.”³⁷⁹

Here it is not the place to make any claim about this matter. When many Muslim jurists and *ulama* like al-Ghazālī and Nizam al-Mulk are taken into consideration, al-Ghazzālī as a scholar and Nizām al- Mulk as a statesman did not try to change the *sharī‘a* rules but they put their non-Islamic ideas about society, social relations and politics into Islamic context and legalized them religiously. Therefore, Hallaq’s idea seems to be more plausible.³⁸⁰ This was necessary because after 9th and 10th centuries, many Turkic and Mogolian or Turco-Mongolian states and empires were established in the Middle East and Central Asia. It was a period when Muslim community continued to change and Islamic civilization to develop, and Islamic culture in its Turkic form came into existence as a result of these developments.³⁸¹

For example, the Saljukid vizier Nizam al-Mulk³⁸² (d. 485/1092) tried to reconcile the Persian imperial tradition of government with the political

³⁷⁹ Hodgson 1974, 406.

³⁸⁰ Haim Gerber supports Hallaq’s ideas with these words: “I believe, then, that my findings go further than just detecting objective change in Islamic law, and give some support to hallaq’s argument that contrary to prevailing views, the gates of *ijtihād* (individual interpretation) were never really tightly closed in the Islamic middle period.” Haim Gerber, *State, Society and Law in Islam: Ottoman Law in Comparative Perspective*, (Albany: New York State University Press, 1994), 185.

³⁸¹ Findley 2005, 60-61.

³⁸² He was the successor of al-Kundurī as Seljukī vizier, and ruler of their empire under oğrīl-beg’s martial successors Al Arslān (1060-72) and Malikshāh (1072-92), was the great *Ni am’ul-mulk*. He was a pious *Jamā’i-Sunnī* Persian trained in the Ghaznavī administration in Khurāsān, from high Caliphān (and hence Sāsānī) times was more nearly intact than further west Hodgson, 44; See also H. Bowen [C.E. Bosworth], “*Ni ām al-Mulk*,” in *EI* Leiden, Netherlands, 1-7. ; Bosworth, “*Na īhat al-Mulk*,” 6.

realities of the new era, shaped by nomadic conquest.³⁸³ Bosworth claimed that the second half of the 5th/11th century, the three greatest, complete-work mirrors for princess, the *ābūs-nāma*, the *Siyāsat-nāma* and the *Na ī at al-Mulūk* were completed. He further states that this phenomenon may possibly reflect the recognition by their ethnically Persian (in fact, largely eastern Persian) authors that the centre of gravity of the orthodox *Sunnī* world was now Persian rather than ‘Irāq or Syria or Arabia and, that the division of caliphate and sultanate – the latter under the Saldjū s, now at the height of their power- was permanent and irrevocable, and that treatises on statecraft and kingship ought to take account these changed conditions. Al-Ghazālī was the most conservative traditional of these writers.³⁸⁴ Al-Ghazālī followed the Islamic view and stressed that kingship is a gift bestowed by God, for which the ruler will be fully accountable on the Last Day. He cited maxims like “the Sultan is God’s shadow on earth” with approval and he viewed sultan’s power as consecrated with the old-Persian idea of the “divine effulgence” (*farr-i īzādī*).³⁸⁵ Al-Ghazālī legitimized religious authority and temporal authority, as *imām* (caliph) and the *sul ān* respectively after the conquest of Baghdad by Seljukids.³⁸⁶ Although they were not from a sacred lineage who had right to rule,³⁸⁷ the Seldjukids represent the turning point in the history Turks and Mongols. During this period, religious authorities and sultans ruled societies hand in hand. They did

³⁸³ Martha Simidchieva, “Kingship and Legitimacy in Ni am al-Mulūk’s Siyāsatnāma, Fifth/Eleven Century,” in *Writers and Rulers: Perspectives on Their Relationshi from Abbasid to Safavid Times*, ed. Beatrice Gruendler and Loius Merlow (Wiesbaden: Reichert Verlag, 2004), 100.

³⁸⁴ C.E. Bosworth, “Na īhat al-Mulūk,” in *EI*, Leiden, Netherlands: Brill, 54.

³⁸⁵ C.E. Bosworth, “Na īhat al-Mulūk,” in *EI*, Brill NV, Leiden, Netherlands, 4.

³⁸⁶ İsenbike Togan 1998, 33-34.

³⁸⁷ İsenbike Togan, “Türk Tarihi Araştırma Presnsipleri İçinde Dışta Ticaret İçte *Ülüşün* Rolü,” *JTS* 2 (2006): 216.

not change the essence of *sharī'a* but to benefit their societies and states, they adapted the *sharī'a* rules to their needs in the name of endurance of state and interest of their societies. This is called *siyāsa*. It is the chief resource of the king, on which he relies to prevent bloodshed, defend chastity, prevent evil, subjugate evildoers and forestall misdeeds which lead to sedition and disturbances.³⁸⁸ In short, although its strong religious character it has been always imposed to different interpretations and new solutions or exercises were brought under the legacy of *sharī'a*.

4.3 Relation between *Shari'a*, *Töre/Yasa* and Turco-Mongol Muslim Dynasties

As it is mentioned above, conversion did not only mean becoming Muslim individually, but also entering into the world of Islam and being member and ideologically defender of Islam and Muslim community against infidels. Therefore, conversion had important political and social dimensions in the life of these societies. They preserved their tribal way of life, culture and various customs, but they also became part of Islamic civilization and in this way they created “Islamic culture in Turkic form.” After the mass conversions in the 10th c. the Turkic nomadic societies established central bureaucratic states and empires.³⁸⁹ These nomadic societies combined their militaristic and administrative power with Islamic state tradition. In this sense, according to Bosworth, “the Ghaznavids (366-581/977-1186) display the phenomenon of the

³⁸⁸ C. E. Bosworth, “Siyāsa” in *EI*, Leiden, Netherlands: Brill, 1.

³⁸⁹ About this matter Hodgson claimed that “Arabs ruled, government was by an egalitarian privileged people en bloc; then as Persian way emerged, government was by a neutral absolute monarch, before whom the greatest and the least were to be mere subjects; but finally, with Turkic conquest, government was by a privileged military family, along with a privileged people as almost an extension of that family through its patronage”. Hodgson, 1974, 409.

rapid transformation of a line of barbarian, originally Turkish slaves into monarchs within the Irano-Islamic tradition who presided as authoritarian rulers over a multi-ethnic realm comprising Iranians or Tajiks, Turks, Afgans, Indians and others.”³⁹⁰ Later, Seljuks established an empire which became an ideal symbol of Irano-Islamic tradition. They moved away from the power sharing (*ülüş*) principle of the Central Asian tradition. The Seljuk ruler took title of *sul ān* (it is derived from *sul a* “authority”)³⁹¹ and became protector of Muslim world. They did not leave their customary law; Irano-Islamic political tradition was consolidated during the Seljuks. In the second half of the 5th/11th century, the three greatest works, *Mirrors for Princess*, the *ābūs-nāma*, the *Siyāsat-nāma* and the *Na i at al-mulūk* reflecting Irano-Islam ideology were written during the time of the Seljuks.³⁹² This shows that Turks did not become only part of Islamic civilization but also they also helped to shape it.

As in the case of Saljukids and Ghaznavids, the Turkic tribes and clans won the opportunity of establishing states or empires although they were not from a ruling clan or lineages. Because in the Central Asian Muslim world the chiefs who promoted internal harmony and fortified the group will to power and royal authority by reinforcing their solidarity, were more important than kinship ties.³⁹³ The Turkish rulers or families who established dynasties in the Muslim world, were not from ruling lineages of the Central Asia, they established their

³⁹⁰ C. E. Bosworth, “The Ghaznavids,” in *History of Civilization of Central Asia, vol. IV, The Age of Achievement: A.D. 750 to the end of the fifteenth century, Part one the Historical, Social and Economic setting*, ed. M.S. Asimov and C.E. Bosworth, Multiple History Series (UNESCO Publishing, 1998), 110.

³⁹¹ Togan 1999, 48.

³⁹² C.E. Bosworth, “Na īhat al-Mulūk,” in the *EI*, Brill NV, Leiden, Netherlands, 54.

³⁹³ Lapidus 1991, 34.

political powers with their personal charisma and power and they became defenders of Islamic faith and gathered people from various tribes or clans, mobilizing them with a common goal of making religious war “ghaza” against infidels and open lands to Islam.³⁹⁴ For the Mongols, the situation was different because they came to Islamic world as conquerors. They converted after establishing their states; and their conversion was also related to their internal and external politics.³⁹⁵ In short, conversion was adaptation for the Turkic and Mongolian societies and application of *sharī‘a* or Irano-Islamic political ideals was the result of social and political formation. The formation of these ideas took place for a long time and created tensions between the old and new values: between *sharī‘a* and *yasa*, between centralized and decentralized political goals, between nomadic and semi-nomadic societies. Gender relations were also part of these fluctuations. Therefore, when thinking on Islam and Turco-Mongol women, this condition and also the so-called Islamic civilization should be taken into consideration.

Irano-Islamic centralized despotic policies and Central Asian power-sharing ideals conflicted. Until the time of Ottomans and Safavids, this chaos did not end. In fact, when we take formation of *shari‘a* and, political and social culture of Islamic civilization into consideration, we can easily say that Islamic political ideals and hierarchical social structure were not strange for the Turkic and Mongolian societies. The real difference was way of life and limitation of power. This tension was between centralized and established Irano-Islamic Middle Eastern tradition and nomadic and semi-nomadic and decentralized traditions of the Central Asia. In a parallel manner, use of *sharī‘a* and tribal customary laws, the relation between them should be evaluated in these social

³⁹⁴ Findley 2005, 65-66.

³⁹⁵ In the fifth chapter, the case of the Ilkhanids is examined.

and political contexts. Conversion never became assimilation but rather it became mutual adaptation of Islamic and Inner Asian civilizations. But in a time, with change of way of life and social and political structures, Islamic civilizations and *shari'a* or Islamic way of life became more effective in the life of these societies.

All the Turkic and Mongol dynasties also used *sharī'a* and their customary laws together. For example, in relation to the Chinggis Khan's yasa Juvaynī said that "There are many of these ordinances that are conformity with the Shari'at."³⁹⁶ Using these laws together sometimes could be a synthesis, sometimes a symbiosis. It was directly related to the social and political structures of the respective societies.

4.3.1 *Sharī'a* and Women

The subject of women and Islam is a long debated issue. Here we are not discussing whether *sharī'a* rules were advantageous or disadvantageous for Muslim women. Here more than rules, politics and political and social condition gain more importance in every sphere of life.³⁹⁷

There are not much verses related to political and other social matters, on the other hand, there are many verses related to women and gender in Qor'an.

³⁹⁶ Juvaini, Ata-Malik. *The History of the World Conqueror*. 2 vols., trans. John Andrew Boyle (Cambridge, Mass.: Harvard University Press, 1958), 25. Juvaynī, 'A ā Malik, *Tārīkh-i Jahāngushāy. Dawra-yi Khwārazmshāhiyān, Ismā'īliyya*, ed. Man ūr Sarvat (Tehran: Mu'assasa-yi Intishārāt-i Amīr Kabīr, 1362 H.sh/1983), 40.

³⁹⁷ All Muslim dynasties governed in accordance with *sharī'a*, *sunni* constitutional and legal doctrines emerging in late medieval times and calling for harmonization between the law and procedures of Islamic jurisprudence (*fi h*) and the practical demands of governance (*siyāsa*) used customary laws of their native civilizations and applied real politic "siyāsa" in their policies. F. E. Fogel, "In the Sense of Siyāsa Shar'iyya," in *EI*, Leiden, Netherlands: Brill, 2.

About ninety percent of Islamic rules in the Qor'an directly addresses women.³⁹⁸ Therefore, Qor'an brought certain rules on women and gender. As Islam aimed at creating a religious community *umma* which was just the opposite of the tribal structure, in the newly established Muslim community family gained great importance. According to Coulson the new Qor'anic scheme of inheritance represented the transition from a tribal society to a society in which family was the unit and in which the rights of relatives other than the male agnates were recognized.³⁹⁹

Theoretically, Islam gives equality to all people without making gender distinction in front of God, but Muslim societies have been male centered and patriarchy and masculine values became predominant to a great extent. This created contradictions. Some scholars claimed that this is because of the interpretation of Qor'an by men not because of Islam; they say that Qor'an defends equality and does not subordinate women to men; on the contrary it gives equal rights to both sexes.⁴⁰⁰ According to some scholars, gender inequality emerged because of the social and political structure of the society which evolved towards patriarchy, not because of Islam which did not try to change the system. For example, Guithy Nashat claims that prophet Mu ammad was sent to curtail abuses rather than overhaul the system. This is suggested by many verses of the Qor'an, such as, "Thou art a Warner only, and for every community a Guide' (XIII, 7).⁴⁰¹ Similarly, Leila Ahmad stated that Arab society transferred from tribal society to state society, first one is

³⁹⁸ Leila Ahmad, "Islam and Women," in *Journal of Women in Culture and Society* 11(1986)1, 665-691.

³⁹⁹ Coulson 1964, 23.

⁴⁰⁰ Barlas 2003; Wadud 2000.

⁴⁰¹ Guithy Nashat 2004, 233.

egalitarian and the second one is patriarchal and Qor'an itself did not bring patriarchy but became silent to these patriarchal regulations.⁴⁰² She says further that Khadija and 'Aisha lived at a moment of transition, and some respects their life reflects *Jahilia* as well as Islamic practices.⁴⁰³ Ahmed sees a close relation between state and subordination of women. During the Abbasid period, deterioration of women's position in respect to increasing polygamy, seclusion and isolation of women increased sharply.⁴⁰⁴ So, it can be said that Qor'an did not challenge the system which was evolving towards patriarchy but tried to improve the situation in favor of women. For example, Islam gives women some basic rights to protect some of their economical and social rights. By delineating women's economic, religious, and civil rights, they made it harder for a male believer to violate those rights. These are inheritance rights, holding husband responsible for the wife's support; not abolishing polygamy but limiting the number of wives to four. The Qor'an recommends then that a man should marry only one wife if he cannot treat all his wives fairly (IV,2-3).⁴⁰⁵ It can be said that Qor'an improved the situation for the advantage of women but did not interfere the patriarchal system and sometimes legalized this system.

Although there are many verses related to women and gender relations in Qora'n *sharī'a* rules about women and gender relations, were influenced from non-Islamic cultures. The interpreters of the Qor'an and collectors of *hadith* were themselves from the conquered territories or were highly influenced by the

⁴⁰² Ahmed, Leila, *Women and Gender in Islam* (New Haven & London: Yale University Press, 1992), 42- 63.

⁴⁰³ Ahmad 1992, 43.

⁴⁰⁴ Ahmad 1992, 84.

⁴⁰⁵ Guity Nashat, "Women in the Middle east, 8000 BCE to 1700 CE," in *A Comparison to Gender History* (Oxford: Blackwell Publishing, 2004), 233-234.

ways of the conquered people.⁴⁰⁶ Some differences between the Islamic legal schools in approaching gender relations reflect outside influences which shaped *sharī'a*. For example, Iraqi *anafī* School established in Kufa where strong class distinctions and social stratification was prevalent, under the influence of these local values, this school brought the rule of equality of a husband to his wife (or her family) in various specified aspects. On the other hand, Medinese Māliki School did not give importance to class distinction in marriage.⁴⁰⁷ In marriage relations, the *anafī* School lays great stress on suitability and it is very strict with respect to it. According to Abū Zahra, there are two reasons for this. In the first place, marriage is a relationship between two families and there must be the greatest possible degree of agreement between them. Custom (*'urf*) does not prohibit a woman of low status from marrying a man of noble origin, since he raises her position. But a woman of noble origin does not improve the low status of her husband. Secondly, since the woman is granted freedom to marry whom she will, her guardians must have the reserved right to make suitability a condition to the marriage in order to safeguard the rights of both parties.⁴⁰⁸ As other example is that whereas the Medinese Māliki School shows a much greater proclivity for women's public life and activity reminiscent of the pre-Islamic lifestyle, the Iraqi *anafī* School tends to be more suspicious of women and their judgment; it is closer to the attitude of the Sasanian society and clergy.⁴⁰⁹ These examples show that in formation of *sharī'a* rules related to gender and women, ancient and local cultures and requirements of the Islamic societies became very effective. On the other hand despite the deep impact of

⁴⁰⁶ Nashat 2004, 238.

⁴⁰⁷ Coulson 1978, 49.

⁴⁰⁸ Abū Zahra, Muhammad, "Family Law" in *Law in the Middle East*, ed. Majid Khadduri and Herbert J. Liebesney (Washington: D.C. Middle East Institute, 1995), 14.

⁴⁰⁹ Nashat 2004, 238.

the agrarian worldview on many of the theologians who developed the *sharī'a* , they could not totally ignore the direct orders of the Qor'an on women, so in some cases they modified it.⁴¹⁰

How did *sharī'a* influence gender relations in the Turkic and Mongolian societies after conversion? Before contemplating on it, various factors which effected formation and application of *sharī'a* should be taken into consideration: So far we have seen that *sharī'a* was not monolithic, it was very inclusive and was shaped by various elements. Social, political, cultural factors were very important in perception and application of *sharī'a* . Therefore, implementation of *sharī'a* was not the same in all the Islamic states and societies. In this connection Lapidus says that

In return for state support, the '*ulamā*' legitimized the reigning governments and taught the common people virtues of acceptance of submission. Despite the common statement (and the Muslim ideal) that the institutions of state and religion are unified, and that Islam is a total way of life which defines political as well as social and family matters, most Muslim societies did not conform to this ideal, but were built around separate institutions of state and religion.⁴¹¹

In this frame, besides *sharī'a*, customary laws or laws made by the rulers were used in the social, political, military, economical and civilian matters. Islamic law and customary law went hand in hand. Furthermore, "Islamization in Central Asia was an ongoing process until the seventeenth-eighteenth centuries it is not possible to distinguish easily between non-Muslim and Muslim women" as İsenbike Togan says.⁴¹² The other important factor was way of life

⁴¹⁰ Nashat 2004, 238

⁴¹¹ Lapidus 1990, 24.

⁴¹² İsenbike Togan, "5th -9th centuries In-Migrating Turkish Dynasties," *EWIC* Vol.1 Leiden, Boston: Brill, 2003), 23.

in using *sharī'a*. Transition from nomadic to sedentary way of life, changing roles or division of labor all effected gender relations and use of *sharī'a* and *töre/yasa*. In this connection Nashat says:

Neither gradual arrival of the Turks beginning in the ninth century nor the massive invasion of the Mongols during the thirteenth century substantially changed the position of women in the central Islamic lands. On the contrary, those Turks and Mongols who settled the towns eventually adopted the lifestyle of the sedentary population. However, among those groups which continued to live as nomads and roam the large plains or the hilly regions of the central lands, women continued to be active in communal life even after their conversion to Islam.⁴¹³

It can be said that nomadic or sedentary way life or customary or religious laws were not direct determinant of the status of women and gender relations.

Conclusion

In conclusion, it can be said that the *sharī'a* was not applied concomitant with conversion. It took place after changing way of life and adaptation to new norms which we call Islamic civilization. However, this adaptation did not mean a complete break with the pre-Islamic way of life, traditions, and social and political cultures completely. As a result with the passage of a time a synthesis was created between these two civilizations. This is why there are so many facets to Islamic Civilization. Inner Asian people continued to use their customary law (*töre/yasa*) with *sharī'a*. Therefore, after conversion, gender relations were not immediately regulated according to *sharī'a*.

Furhermore, *sharī'a* was also shaped by various local customs and needs of the newly established centralized bureaucratic Muslim societies. The Qor'an does

⁴¹³ Nashat 2004, 243.

not contain rules of every sphere of life. This hierarchical political and social structure was patriarchal and male centered. As a result, women were excluded from the social and political life and subordinated to men. *Sharī'a* was shaped under these conditions. In fact, according to many scholars, Islam did not encourage patriarchy, but became silent or sometimes approved patriarchal exercises of those times. On the other hand, *sharī'a* brought many legal codes which protect women's rights. For example, *sharī'a* made making marriage contractual between couples, giving women a right of divorce, albeit under limited conditions. Under *sharī'a* women also attained the right to own property.

The historical sources which are examined in this study show that customary laws or non-religious laws among Inner Asian people were part of real politics. Sometimes they even had precedence over *sharī'a* in the gender relations and other fields of social and political life. In fact, in these dynasties family was an integral part of politics, for this reason, non-religious law became more effective in gender relations.

Previous chapters displayed that social and political structures (nomadic or sedentary) played crucial role in gender relations. In the following chapters, we deal with the problems as to show how *sharī'a* and *töre/yasa* were used in gender relations among the Turco-Mongol dynasties whether *sharī'a* or *töre/yasa* was advantageous for women. For this purpose comparisons will be made between Ilkhanids, Timurids and Ottomans while pre-Islamic gender relations are taken into consideration.

CHAPTER 5

TENSION BETWEEN *YASA* AND *SHARĪ'A* IN GENDER RELATIONS IN THE ILKHANID REALM

INTRODUCTION

In this part, gender relations within the Ilkhanid realm and Muslim local dynasties are examined in the frame of *yasa* and *sharī'a*. As it is known, the Ilkhans ruled Muslim Iran and Near East first as non-Muslims, and after their conversion as Muslim rulers of Muslim lands. But before and after conversion, *yasa* and *sharī'a* continued to be matter of tension. This was because of the social and political structure of the Ilkhandis, which is examined below. In this respect, Ilkhanid period provides us with different aspects of the relation between *yasa* and *sharī'a*.

Ilkhans as non-Muslim made marriages with Muslim women from the local dynasties; by means of these marriages both Fārs and Kirmān were brought more closely under Ilkhanid rule. And the local rulers assured their own position.⁴¹⁴ At first glance it can be seen as a usual political affair of dynastic relations in history. Although these women in the local dynasties were Muslims, they had to marry non-Muslim Ilkhans and after marriage they had to obey *yasa* in their private life, as in the case of levirate. But marriage with non-Muslim women was widespread but Muslim women's marriage with non-Muslim men was unique in the Islamic history. Some of these local Muslim dynasties in Fars and Kirmān, were also bound to the Inner Asian tribal law and custom which were very close to *yasa* in many aspects as it has been examined

⁴¹⁴ Ann K. S. Lambton, *Continuity and Change in Medieval Persia* (New York: Bibliotheca Persica, 1988), 287.

in the previous chapter. Therefore, examining gender relations between the Ilkhans and these local dynasties reflects also the character of the Chinggisid *yasa*.

When the case of Baghdad Khatun which took place long after the conversion of the Ilkhans and their recognition of *sharī'a* officially, is taken into consideration, we can see that *sharī'a* rules continued to be subordinated to *yasa*. As the position of women or men were determined by *yasa* in which hierarchy and lineage played a crucial role, among the Ilkhanids, *yasa* and *sharī'a* could not compose a synthesis.

As it is mentioned in the previous chapters, there was always customary law (tribal, personal or traditional) and Islamic law *sharī'a* throughout history of the Muslim dynasties and the relation and/or balance between customary law and religious law was always part of the political and social events of their ages. As a comparison with other dynasties which are the subject of this study shows, *yasa* and *sharī'a* preserved their distinct places throughout Ilkhanid history. The crucial question is here why then there was tension between Chinggisid *yasa* and *sharī'a* in Iran. This tension is seen in many cases in Ilkhanid Iran, but Bagdad Khatun's case was perhaps the most dramatic one. As this case and others pertain to gender relations it can only be examined within the political goals and ideology of the Ilkhans and their social and political backgrounds.

5.1. The Ilkhanids in Iran with the Chinggisid Imperial Ideology

Before examining gender relations from the perspective of *yasa* and *sharī'a* during the time of the Ilkhanids, here the social and political structure of the Khanate is examined in order to analyze the relation between *yasa* and *sharī'a*

in gender relations. The tension between *sharī'a* and *yasa* related to gender relations was clearly connected to social and political events under the Ilkhanids. The Mongols came to the Muslim world as pagan conquerors to include it to their world empire. By the same token by conversion to Islam they became part of the Islamic socio-economic and political networks.⁴¹⁵ This was one of the main causes of the duality between these two kinds of laws. *Yasa* represented and symbolized the imperial ideology and authority of the Mongols,⁴¹⁶ Their adaptation to Islam was a gradual process unfolding after their state formation. The earlier incoming tribes mostly of Turkic origin (10th-11th C.) had first converted to Islam and established Muslim Turkic dynasties in Central Asia and the Near East. In these dynasties they also used *sharī'a* and tribal customary law together. As they saw themselves as defenders of Islam, they tried to harmonize these two kinds of laws with the help of *ulama*.⁴¹⁷

The Mongols entered the Near East as non-Muslims with a dominating power they destroyed both the Ismaili's who were the main threat to the Islamic world and the Baghdad Caliphate, representative of the Islamic world. Hülegü was the leader who carried out these campaigns in 1256 and 1258 respectively.⁴¹⁸ In a short time, the Hülegüid realm included Iran, Afghanistan, Transcaucasia, Asia

⁴¹⁵ İ. Togan, "Çingis Khan ve Moğollar," in *Türkler*, vol.8, published Hasan Celal Güzel, Kemal Çiçek, Salim Koca (Ankara: Yeni Türkiye Yay, 2002), 235-255.

⁴¹⁶ Morgan says Mongols came to Islamic world for exploitation David Morgan, *Medieval Persia 1040-1797* (London, New York: Longman, 1985), 58.

⁴¹⁷ Findley 2005, 60-62; Zeki Velidi Togan, *Umumî Türk Tarihi'ne Giriş* (İstanbul: Enderun Kitabevi, 1981), 215-221.

⁴¹⁸ Morgan, 1996, 149-150. According to Boyle, the Mongols had seen themselves as having a divine commission to conquer the world. Alamut and Baghdad were alternative centers of power and loyalty which could not be permitted to survive. See Boyle, 1986, 345. For the political and military events of those times see J. A. Boyle, "Dynastic and Political History of The İl-Khans," in *The Cambridge History of Iran*, vol. 5 (Cambridge: At the University Press, 1968), 340-355.

Minor, and Mesopotamia.⁴¹⁹ At the beginning, they did not follow a policy of integration with the Islamic civilization and sedentary Muslim society; they were heirs and followers of the Chinggisid imperial ideology, they put themselves above every kind of power and authority,⁴²⁰ and this lessened mutual affection and integration with the Islamic civilization and sedentary population. They had followed this policy until Ghazan's (r.1295-1305) conversion to Islam.⁴²¹ About this policy Zeki Velidi Togan said that instead of the Islamic domination, Hülegü established non-Muslim Turk and Mongol's administration and state system, and he replaced the practice of the Islamic state administration and *sharī'a* with laws of the eastern Turks and Mongols.⁴²² Until that time, they had been "pagan rulers" of the Islamic world and they were different and separate from the sedentary population and applied only Chinggis Khan's *yasa*. Ghazan Khan converted in mid-June 1295 and this became a turning point in the formation of a consensus between two societies and civilizations and softened the tension between them. Judith Pfeiffer's following words show the importance of conversion in the history of the Ilkhanids. "Conversion is a major break of the Mongols with their traditions most clearly expressed in their conversion to Islam which entailed such major changes as the

⁴¹⁹ Thomas T. Allsen, *Culture and Conquest in Mongolian Eurasia* (Cambridge: Cambridge Univ. Press, 2001), 24.

⁴²⁰ "The right to rule over the whole world had been conferred by Eternal Heaven (*Möngke Tengri*) on Chingis counterpart of Heaven on earth. The khans of the imperial line ruled as universal sovereigns on the strength of their good fortune and by the very power of Heaven" Igor de Rachewiltz, "Some Remarks on the Ideological Foundation of Chinggis Khan's Empire," *Papers on Far Eastern History* (7 March 1973), 24.

⁴²¹ Lambton said that the Ilkhans, were shamanist or Buddhists and were not incorporated into the community. They retained their link from Kara-Korum until the reign of Ghazan. In theory they were subordinate to the Great Khan. Their legitimacy derived from outside the *dār al-islām*. Rule of the Ilkhanate belonged by hereditary right to the house of Hülegü. Lambton 1988, 248-249; Allsen 2001, 17-62 (chapters 3-6).

⁴²² Z. V. Togan 1981, 223.

recognition of the Muslim Shari'a, a legal framework which in fact seems to have been one of the main hindrances to their conversion."⁴²³ In fact, conversion and use of *sharī'a* with *yasa* did not end the tension between these two cultures and societies because the Ilkhans including Ghazan himself preserved superiority of *yasa* over *sharī'a*. *Yasa* was still a guarantee of absolute power and authority of the Ilkhanid house in the Islamic world and against rival Chingissid dynasties.⁴²⁴

What was behind Ghazan's conversion to Islam? Generally, his conversion was seen as a part of real politic of Ghazan. Some social,⁴²⁵ economic⁴²⁶ and political problems led Ghazan Khan to convert in order to solve these problems.⁴²⁷ The Mongol conversion 'released' tension between the rulers and

⁴²³ For detailed information of A mad Teguder see Judith Pfeiffer, "Conversion to Islam Among Ilkhans in Muslim Narrative Traditions; The Case of A mad Teguder (PhD Diss., The University of Chicago, 2003) 6, 13; Lambton, 1968, 256.

⁴²⁴ About this matter Allsen said that "The il-qans, nearly surrounded by hostile states, made every effort to maintain close ties with courting China: their political legitimacy and their physical survival depended to a large extent on the support of the Grand Qan in China. As self-proclaimed subordinate rulers, Hülegü and his heirs all sought patents to rule in the name of their acknowledged sovereign." See Allsen, 2001, 25.

⁴²⁵ Before Ghazan A mad Teguder converted to Islam in 1282. According to Allsen, his aim to broaden or diversify the bases of his legitimation by appealing to religious sensibilities of the majority of subjects. See Allsen, 2001, 26. When we take A mad's motive into consideration, "religious sensibilities of the majority of subjects" probably played important role in the Ghazan's conversation.

⁴²⁶ According to Amitai-Preiss, when Ghazan accessed to the throne, the Ilkhanid kingdom was one of the verge of bankruptcy: long-term mismanagement and rapacious taxation policies led to the economic decline of the kingdom. See R. Amitai-Preiss, *Gāzān Khan, EIr*, Vol X, 381; Ghazan Khan also made reformation in the land system (*iq ā*) to alleviate the soldier's needs and prevent oppression of peasants. See D. O. Morgan, "The Mongol Armies in Persia," in *Der Islam*, 56(1979), 92-96. For the economical conditions of the Ilkhans before Ghazan see I. Petrushevsky, "The Socio-Economic Condition of Iran Under the İl-Khans," in *The Cambridge History Of Iran, vol. 5*, Cambridge At the University Press 1968, 490-494; Zeki Velidi Togan, 1981, 301-324.

⁴²⁷ According to Reuven Amitai-Press Ghazan's conversion to Islam was more than just a personal decision based on religious conviction: One motive in this move was a desire to attract

the ruled.⁴²⁸ In fact, some key Muslim Mongol commanders, such as Nauruz and Chopan who supported Ghāzān in his political struggle, became influential in his conversion.⁴²⁹ According to Pfeiffer, conversion to Islam among the Mongol elite in the Nile to Oxus region appears to have occurred from the 650s/1250s onwards, extending over several generations up to 30 percent of converts to Islam are found among the highest ranking Mongol Amīrs in the Ilkhanate from the third generation after Hülegü onwards, i.e, before Ghazan Khan's conversion to Islam.⁴³⁰

Conversion to Islam also aimed to strengthen the power and authority of the Ilkhanid house against the powerful tribes and Amīrs.⁴³¹ Ghazan Khan's internal politics were the establishment of a central rule and administration, and the implementation of a number of reforms which fostered the re-establishment of Islam as the dominant religion among the ruling elite, the transition from a decentralized to a centralized administration and from a Mongol to Near Eastern nomenclature for the ruling instructions.⁴³² Therefore, conversion went

those Mongols who had already become Muslims, and in this way to win their support in his struggle against Baidu. See Reuven Amitai-Press "Ghazan, Islam and Mongol Tradition: A View from the Mamlūk Sultanate," in *BSOAS*, vol.50, 1(1996), 1; Charles Melville, "Pādshāh-i Islam: The Conversion of Sultan Ma mūd Ghāzān Khan," *Pembroke Papers* 1 (1990), 159-177.

⁴²⁸ Pfeiffer, 2003, 6.

⁴²⁹ Charles Melville, "The Mongols in Iran," in *The Legacy of Genghis Khan, Courtly Art and Culture in Western Asia*, 1256-1353, ed. By Linda Komaroff and Stefano Carboni, The Metropolitan Museum of Art, New York, Yale University Press, New heaven and London, 2003, 57.

⁴³⁰ Judith Pfeiffer, "Reflections on a 'Double Rapprochement': Conversion to Islam among the Mongol Elite During the early Ilkhanate," in the *Beyond the Legacy of Genghis Khan*, ed. Linda Komaroff (Leiden, Boston: Brill, 2006), 386.

⁴³¹ Allsen, 2001, 25. According to Barfield, the aim was establishing a proper administration and putting limits on the ability of ordinary tribesmen and keeping state and royal property from being divided among tribal elites. See Barfield, 68.

⁴³² Pfeiffer, 2003, 6-13.

hand in hand with a series of reforms in administration and politics of the Ilkhanids. Following the conversion, major administrative and bureaucratic reformations were made in order to restrict the gap between military ruling elite and sedentary subject people.⁴³³ They created a civil administration that protected the agricultural population from tribal predation;⁴³⁴ in the field of jurisprudence, a transition had to be arranged from the old Mongol *yasa* to the *sharī'a* or law of Islam.⁴³⁵

On the ideological sphere, Ghazan changed the nature of his relations with the Great Khan of the Mongol world;⁴³⁶ He (Ghazan) started to call himself khan and had himself mentioned in the *khu ba* (Friday sermon) and on coins without the name of the Great Khan. He drove out the representative of the Great Khan and became an absolute ruler;⁴³⁷ Ghazan moreover broke with Mongol custom

⁴³³ About detailed information see Peter Brent, *The Mongol Empire, Genghis Khan: His Triumph and His Legacy* (London: Weindenfeld and Nicolson Ltd., 1976).

⁴³⁴ For this purpose Ghāzān chose number of advisers, the most notable of them Ali Shah and Rashid al-Dīn. They compiled a code of laws governing almost every sector of life; they completed re-organization of the financial system, tax collection; in the field of jurisprudence, a transition had to be arranged from the old Mongol *yasa* and the *sharī'a*; special attention to highway maintenance and public welfare service including the pious foundations (*waqfs*). See Bertold Spuler, *The Mongol Period: History of the Muslim World*, ed. Arthur N. Waldron, (Princeton: Markus Wiener Publishers, 1994 [1969]), 38; For more detailed information see also Thomas Barfield 2002, 65-70.

⁴³⁵ In the field of jurisprudence, a transition had to be arranged from the old Mongol *yasa* to the *sharī'a* or Law of Islam. Special attention to highway maintenance of Public welfare services including the pious foundations (*waqfs*) Spuler 1994, 38.

⁴³⁶ About this matter Allsen said that “Ghazan dropped the title ‘Ilkhan’ and proclaimed himself ‘Sultan,’ a propagator and defender of the faith, and further, deleted the name of qaghan from the coinage on which Muslim political formulae now replaced Mongol ones.” See Allsen, Thomas, “Biography of Cultural Broker. Bolad Ch’eng-Hsiang in China and Iran,” in *The Court of the Il-Khans 1290-1340*, Oxford University Press, 1996, 11; Amitai-Preiss, 1996, 6.

⁴³⁷ Amitai- Preiss derives this information from various Arabic chroniclers Wāfi and al- afadī. See Reuven Amitai-Preiss, “Ghazan, Islam and Mongol Tradition: A View from the Mamluk Sultanate” *BSOAS* 59 (1996), 6. This ideological shift is clearly evident in the Arabic

and designated his brother Öljeitu as his *valī-‘ahd*; Öljeitu, similarly, designated his son Abū Sa’īd.⁴³⁸

In fact, Ghazan did not abandon the Mongol imperial ideology according to which Chinggis Khan had received a mandate from heaven to conquer the world and place it under control; this mandate was to be continued and completed by his successors.⁴³⁹ They were superior and absolute rulers of Iran but depended on the center in China as a member of the large Chinggisid house. It seems that Ghāzān found a solution by uniting the Chinggisid imperial ideology with Irano-Islamic state tradition which similarly gave the ruler absolute power, and in this way they would be independent completely. An Armenian scribe’s reference to Ghazan as a ‘P’āšan ṭan’ a “Padshāh Khan,”⁴⁴⁰ reflects the embodiment of these two ideologies in the Ghazan’s personality.

By conversion, the Ilkhans empowered themselves and legitimated their presence in the eyes of the Islamic community and ensured more efficient political system which served the centralization of the authority at the hands of the Khan family. Although the ruler had some autocratic rights coming from the Old Iranian tradition,⁴⁴¹ yet as a Muslim ruler, he was responsible for the

inscription, he styles himself “ Ruler” [Pādshāh] of the world/ ultān supreme/Ghāzan Ma mūd/May God prolong his reign. See Allsen, 2001, 32.

⁴³⁸ Lambton, 250.

⁴³⁹ Amitai-Preiss 1996, 8.

⁴⁴⁰ Allsen 2001, 32.

⁴⁴¹ Hodgson says that “Although Nizam al-Mulk’s attempt to ground Saldjukids power on the old Iranian political idea of the Universal absolute monarchy failed, but his policies furthered the evolution of the two crucial social classes towards playing their roles in the emerging international order of the Middle Periods. These classes were the religious scholars, the ‘ulamā, and the military, particularly the military captains, the amīrs; they formed together formed core

Muslim community *umma*.⁴⁴² Therefore, Islam had very powerful communal aspect it lays down one's duties to both God and man.⁴⁴³ Yet on the other hand, Islam did not differentiate between the ruler and subjects in front of God. For the *yasa* on the other hand, the distinction between the ruler and subject was a decisive element. When the Mongol rulers applied *yasa*, they undermined the personal rights of the subject. This was one of the causes of the tension, because subjects as Muslims had certain personal rights according to *sharī'a*. Related to this matter Hodgson said that freedom of nomads as such was extremely limited being more a freedom of clans than of individuals.⁴⁴⁴

So, it can be said that conversion helped to consolidate power of the ruler but also forced him to acknowledge some individual rights which were absent in *yasa*. For example, *sharī'a* gave women right of divorce or for widows right of remarry. This feature of *sharī'a* was one of the causes of the tension for the Mongol rulers when they applied *yasa* which undermine personal rights. Another example is that a Chinggisid ruler could take any women (generally singles) as a wife or concubine. Although any woman, who was from the Chinggisid lineage or certain consort clan, occupied very high positions and had power within the state system, they had to marry their step-sons or their deceased husbands' brothers (levirate). All these examples shows that *yasa* could make person king/queen or a servant for the sake of the society, state or

of authority in the new society, with its minimal dependence on formal political structures, Hodgson 1974, 46.

⁴⁴² Hodgson 1974, 119

⁴⁴³ Roger Savory, "Law and Traditional Society," *Introduction to Islamic Civilization*, ed. Roger Savory, Cambridge, London, New York: Cambridge University Press, 1976, 54-55. See also Hodgson 1974, 193.

⁴⁴⁴ Hodgson 1974, 82.

empire, here order of the dynasties and societies were more important than personal rights.

After the conversion, Ghazan Khan remained loyal to *yasa* and to different aspects of Mongol traditions.⁴⁴⁵ In fact, there were deep contradictions between *yasa* and *sharī‘a*, especially in the ritual purity, the slaughter of animals⁴⁴⁶ and some matters related to marriage.⁴⁴⁷ However, various applications of *yasa* were put into Islamic framework by the *ulama* as in the case of Ghāzān’s marriage to his step-mother which was a sin according to *sharī‘a*. In order to legalize Ghāzān’s marriage, the *ulama* provided a solution to this impasse: since Arghun had been pagan, his marriage to Bulughan Khatun was not legal, and therefore Ghazan could now wed her with impunity.⁴⁴⁸

It can be said that Ghazan’s policy was to preserve both traditions under his rule in order to empower himself and the Ilkhanid house. Furthermore, he wanted to be independent from the Yuan court in China. This dual policy was not an invention of Ghazan rather he put the already formulated policy one step further. A mad Tegüder’s conversion might be the first serious attempt to weaken the ties with the center. But after A mad’s attempt, Khubilai hastened to send embassies to Iran in order to stop this new policy of the Ilkhans. A mad

⁴⁴⁵ According to Allsen Ghazan’s cultural educational background and his wife Kōkejin who spent considerable time at the Yuan Court became effective in continuation of his ties with the Mongol customs and traditions. See Allsen 2001, 33. See also Amitai-Preiss, Ghāzān Khan, in *EIr*, vol.X, 382.

⁴⁴⁶ Amitai-Preiss 1996, 4.

⁴⁴⁷ See J. Schacht, “Ni ā , in the Classical Islamic Law,” in *EI* vol. 8, 26-28.

⁴⁴⁸ Rashiduddin Fazlullah, *Jami ‘u’t-Tawarikh, Compendium of Chroniclers: A History of the Mongols*, vol.3, translated and annotated W.M. Thackston, Sources of Oriental Languages and Literatures, ed. Şinasi Tekin and Gönül Alpay Tekin ((Massachusetts, Boston: Harvard University 1999), 627. (Hereafter *Jami ‘u’t-Tawarikh*). Amitai-Preiss, 1996, 2-3.

was executed in August 1284 and there was a succession crisis within the dynasty. In order to stop this crisis and prevent the new policy of the Ilkhans, the patent which was sent from the Yuan court in China for the enthronement of Arghun on January 23, 1286 in only seventeen months. Khubilai openly supported Arghun and he sent Bolad⁴⁴⁹ and ‘Isā. The first one returned to China, Bolad remained nearly thirty years in Iran where he functioned as the major conduit of cultural exchange between Iran and China.⁴⁵⁰

Ghazan’s successor Öljeitü (r. 703-17/130416) followed Ghazan in his policies. He was a Christian, converted to Sunni Islam and then Shī‘ite. He took the titles of Sul ān, Shānshāh, “Shadow of God on Earth, etc.” But he also used the title of *il Khan*.⁴⁵¹ According to Allsen, Öljeitü was closer to the center, and influence of Bolad in the court increased and he became more active than during the time of Ghazan.⁴⁵² According to some historians, in the post-Ghazan period *yasa* was in decline, although shamanistic rituals were still maintained among the Mongol élite.⁴⁵³ It seems that the Ilkhanid rulers tried to kee balance between two civilizations, two ideologies represented by different laws for the sake of power and authority of the Ilkhans in Iran.

⁴⁴⁹ Bolad was a member of the Dörben, a Mongolian-speaking tribe that submitted to Chinggis Khan in 1204. Sometime thereafter his father, Jürki, entered the service of his new sovereign as a member of the *keshig*, or imperial guard. See for more detailed information about Bolad Agha see T. Allsen, “Biography of Cultural Broker. Bolad Ch‘eng-Hsiang in China and Iran,” in *The Court of the Il-Khans 1290-1340*, (Oxford: Oxford University Press, 1996), 7-22.

⁴⁵⁰ Allsen, 2001, 27-28.

⁴⁵¹ Allsen 1996, 11.

⁴⁵² Allsen 1996, 11.

⁴⁵³ Amitai-Reuven Preiss 1996, 18.

5. 2. Gender Relations in the Chinggisid Ideology

As it is mentioned above, the Chinggisid ideology and law (*yasa*) were not an invention of Chinggis Khan; rather they were adaptation of the Inner Asian traditions into the new imperial ideology of the Mongols. İnalçık explains this as follows:

...törü in the Turkish state tradition [*it was not different from the Mongol tradition, they were representing Inner Asian state tradition*] is inseparable from the sovereignty of divine origin (*qut*). A Kagan, especially the Turkish kagan who founds a state, must definitely establish a törü ... The törü is a synthesis of the objective legal tradition which binds the sovereign. The significance of the törü in the Turkish tradition of the state must have resulted from a reliance on customary law, which was fastidiously observed among the tribes. The *yasa* of Genghis Khan is, essentially, nothing else but the törü of the Turkish state, and törü can expand our knowledge of *yasa*.⁴⁵⁴

And in this new ideology, the Chinggisid family was the center,⁴⁵⁵ in other words power was shared by the male and female family members alike who were from the Chingisid Golden Lineage (*Altun Urugh*).⁴⁵⁶ But in the formation of this lineage, matriline became very important. Alan-Gho'a,⁴⁵⁷ the ancestress

⁴⁵⁴ İnalçık, Halil, "Turkish Iranian Political Theories and Traditions in *Kutadgu Bilig*," in *The Middle East and the Balkans under the Ottoman Empire*, Published by Indiana University Turkish Studies and Turkish Ministry of Culture Joint Series vol.9 Bloomington, 1993. 12-13.

⁴⁵⁵ In the *Secret History*, Alan-gho'a's advice to her five sons by giving arrow example, unity of family emphasized. See Rachewiltz, 2004, 5 .According to İsenbike Togan Tarih yazımında miladı temsil etmek yanında, *Oğuz Destanı*'ndan da bildiğimiz "altı ok" sembolü de, Alan Go'a'nın "beraberce hareket etmenin erdemleri" konusunda beş oğluna "beş ok" vererek öğütlerde bulunmuş ve de öğütlediği birlik beraberlik konusu ile de tarih yazımına geçmiştir.

⁴⁵⁶ The very first sentence of the *Secret History* claims that the ancestors of Chingis Khan were born by the mandate of Heaven (Tenggeri) and the success of the Khan stemmed from the power of Heaven and Earth. See Sechin Jagchid, "Traditional Mongolian Attitudes and Values as Seen in the *Secret History* of the Mongols and the Altan Tobçi," in *Aspects of Altaic Civilization,II*, ed. By Larry V. Clark and Paul Alexander Drachu, Indiana University, Bloomington, 1988,89-90.

⁴⁵⁷ Figure 1

of this lineage was the sacred mythical figure who led to the creation of female cult in the imperial ideology of the Mongols. And, all the dynasties which were Chinggisid or claimed being from the Chinggisid origin extended their lineage to Alan-gho'a.⁴⁵⁸ It can easily be said that the cult of Alan-gho'a created a female cult and legalized female participation in the social and political affairs and lead to preservation of the matriline in these dynasties.⁴⁵⁹

Furthermore, besides the Alan-Gho'a cult, the women in the life of Temüjin played crucial roles in the establishment of the empire and creation of the *Altan Urugh* (Golden Line): Temüjin's mother Höle'ün came from Olgunud a branch of Unggrad tribe. His wife Börte was from the Ungrad tribe. In the *Secret History*, while his mother's motherhood as provider protector and keeper of the unity of the family were emphasized, Temüjin's marriage Börte was reported as an honorable and prestigious act for the sake of the rise of status of young Temüjin. In fact, Börte was very influential in his political and military decisions. She was Unggrad woman who raised Temüjin's status above that of his rivals. These rivals were members of his family or tribe who shared also the same descent with Temüjin. This development had very crucial importance in the new social and political formation of the Mongol societies because, during those times, instead of kinship, family gained importance. İ. Togan, also maintains that under the army of conquest, family gained importance and tribal ties weakened. The leading persons of a tribe lost their significance, and mother

⁴⁵⁸ For example in the ʿamd Allāh Mustavfī Qazvīnī, *Tārīkh-i Guzīda*, ed. ʿAbd al- usayn Nawāʿī (Tehran: Muʿassasa-yi Intishārāt-i Amīr Kabīr), 1381 H.sh./2002-2003, 580. (Hereafter *Tārīkh-i Guzīda*).

⁴⁵⁹ For the Mongol women see George Lane, *Daily Life in the Mongol Empire* (London, Westport, Connecticut: Greenwood Press: 2006), 227-257.

and father figures gained importance. Within this context, mother-son relations became stronger.⁴⁶⁰ In other words, mother and son created not a clan but a family as it was narrated in the *Secret History*. And at the end, the Temüjin's line became superior thanks to Börte.

In this marriage policy, both the matrilineal tradition and the new ideology played a crucial role during the formation period. Golden lineage was created, protected and provided by the personal abilities and efforts of women, such as Alan-Gho'a and Höle'un and Börte. In other words, matriline was not only a tool for the rise or legitimation of the patriline for the Mongols. As it was discussed in Chapter 2, the unification with a supernatural being led to the strengthening either of the matriline or the patriline. If a male unified with a supernatural a female, patriline gained power; if female like Alan Gho'a unified with a supernatural male, matriline gained power. In Temüjin's case his marriage with Börte made the matriline in the Chingisid tradition even stronger. They married men and women from various tribes or clans⁴⁶¹ but women or men from the Unggrad tribe had higher a status and had more political and social status.⁴⁶² In other words, the Chingisids shared power only with the Unggrad tribe instead of sharing it with many tribes or clans. This marriage policy and new gender relations in which women were more active and had more right to speak about state and social affairs, was part of the above

⁴⁶⁰ For the more detailed information about the political and social formation of the Mongols during the time of establishment of the Empire see İ. Togan 1998, 136-142.

⁴⁶¹ The Chinggisids took pride in marrying Kerait women. Sorqoqtani who was mother of Hülegü as well as Doquz Khatun were famous Kerait women in the Chinggisid realm. See Saodavar, 101; About Doquz Khatun see C. Melville, "Doquz Khatun," *EI* Leiden, Netherlands: Brill.

⁴⁶² İsenbike Togan "The Qongrat in History," in *History and Historiography of Post-Mongol Central Asia and the Middle East*, Studies in Honor of John E. Woods, ed. By Judith Pfeiffer and Sholeh A. Quinn in Collaboration with Ernest Tucker, Wiesbaden: Harrassowitz Verlag, 2006, 61-83.

mentioned social structure and centralization policy of the Chinggis Khan. Because, with this policy, the Chinggisids restricted sharing of power to one clan and in this way they preserved a distance between other allied lineages and with the subject population. In this way, they created a supra-subject ruling estate for themselves.

In short, women and matriline were very important in the formation of the empire and imperial ideology of the Mongols, and therefore they continued to marry women or men from the Qongrad tribe during 14th and 15th centuries.⁴⁶³ We examine gender relations among the Ilkhanids with case studies.

The Ilkhans followed the tradition and married women from certain consort clans or tribes. These women were sent from the Yuan court.⁴⁶⁴ Especially, Ilkhans favored women from the Qongrad tribe.⁴⁶⁵ Bulughan Khatun's case is interesting to show the importance of the Qongrat women for the Ilkhans. Bulughan Khatun married firstly married Arghun Khan, then Geikhatu and lastly Ghazan Khan. Geikhatu and Ghazan were brothers and nieces of Arghun.⁴⁶⁶ Ghazan married Bulughan, although he had already converted to Islam. Here probably her lineage made her indispensable. Similarly Qongrat

⁴⁶³Morris Rossabi, "Khubilai Khan and the Women in his Family," in *Studia Sino-Mongolica. Festschrift für Herbert Franke*, ed. Wolfgang Bauer (Wiesbaden: Franz Steiner, 1979), 157. İsenbike Togan, Sabancı, 4.

⁴⁶⁴Juvaini, Ata-Malik. *The History of the World Conqueror*, vol. 2, trans. John Andrew Boyle (Cambridge, Mass.: Harvard University Press, 1958), 242.

⁴⁶⁵ According to Rashid al-Dīn, Abāqā married three Qonrāt women, 515; A mad Tegüder had two Qongrād wives; Arghun had one 561; Geikhatu had two Unggirad wives. 579-580 and Ghazan had one Qongrat wife, 591 in *Jami 'u't-Tawarikh* vol.3.

⁴⁶⁶ *Jami 'u't-Tawarikh* vol.3, 573, 580, 593.

İtüzmüş Khatun married respectively Abaqa, his son Geikhatu and lastly Öljeitu.⁴⁶⁷

These women were sent from the Yuan court to marry the Ilkhans. These marriage relations probably helped to consolidate cultural, political and social ties between the Ilkhans and the Yuan court.⁴⁶⁸ These women were also carriers and protectors of the Chinggisid imperial ideology. Therefore, all the imperial marriages and production of the line were planned with awareness. For example, Pfeiffer states that all the Khans married many local princesses but had no children from them. While Hülegü did not marry any local women, Abakha Khan took two local women but had no children from them. He had nine children from a number of wives. His concubine the Öngüt Kaytmış Egechi, Arghun Khan's mother, was later raised to the status of Khatun (legal wife). But this was an exception.⁴⁶⁹ It can be said that in the realm of the Ilkhans, hierarchy played a crucial role in the status of women. The royal women had many privileges, power and authority, on the other hand, women of the defeated enemy or ordinary subject people had a much inferior position. For example, the women of the defeated enemies were regarded as part of booty. Many Khwārizmian women were taken into the establishment of the Mongol princes and army commanders. The women of those who submitted and offered allegiance to the Mongols were treated more favorably.⁴⁷⁰

⁴⁶⁷ Faruk Sümer, *Türk Devletleri Tarihinde Şahıs Adları* vol.1 (İstanbul: Türk Dünyası Araştırmaları Vakfı, 1999), 323.

⁴⁶⁸ Lambton, 287-288.

⁴⁶⁹ Pfeiffer, 2003, 107.

⁴⁷⁰ Lambton, 1988, 287.

These women in the Ilkhanid court acted in a traditional way before and after the conversion. For example, they had their own *ordu/orda*,⁴⁷¹ joined the *quriltais*.⁴⁷² where important political, social and economical decisions were taken including the appointment of the Ilkhan. For example, Öljeitü and his sister Üljetei ruled the Khanate together. For example historical sources reported that The Chinggisid Haji Khatun⁴⁷³ who was the fourth wife of Öljeitü and mother of Abū Sa‘īd⁴⁷⁴ rejected the Arpā Khan’s succession to the throne in the Qurultai but by the insistence of one of the Veziers, she was persuaded to accept Arpā Khan’s ascendance to the throne.⁴⁷⁵

As it is mentioned above, *yasa* was a symbol of the Chinggisid imperial ideology according to which the empire was the property of the family members and this led to power sharing among them. Therefore, in respect to gender relations, after conversion, *yasa* or traditions were strictly followed in the marriage relations or reproduction policies or social and political activities of the elite women. In this order, position of men or women, in other words, hierarchy played a crucial role. Important women figures who had various

⁴⁷¹ Lambton 1988, 293-294.

⁴⁷² *Jami‘u‘t-Tawarikh* vol.3, 548.

⁴⁷³ Hajī Khātūn was Öljeitü’s fourth wife, her mother was Tūdākāj Khatun daughter of Hülegü Khan. See Qāshānī, Abū al-Qāsim ‘Abd Allāh b. ‘Alī, *Tārīkh-i Üljāytū*, ed. M. Hambly (Tehran: Bungāh-i Tarjuma va Nashr-i Kitāb, 1348 H.sh./ 1969-70), 7.

⁴⁷⁴ Banākatī, Fakhr al-Dīn Abū Sulaimān Dāwūd, *Raw at al-Ūlī al-Albāb fī Tawārīkh al-Akābir wa al-Ansāb (Tārīkh-i Banākatī)*, ed. Ja‘far Shi‘ār (Tehran: Silsila-yi Intishārāt-i Anjuman-i Āthār-i Millī, 1348 H.sh./ 1969), 473. (hereafter *Tārīkh-i Banākatī*).

⁴⁷⁵ Kamāl al-Dīn ‘Abd al-Razzāq Samarqandī, *Ma la‘ al-Sa‘dayn va Majma‘ alBa rayn*, ed. ‘Abd al- usayn Navā‘ī (Tehran: Mu‘assasa-yi Mu āla‘āt va Ta qīqāt-i Farhangī. 1372H.sh/1993-1994), 20. (Hereafter *Ma la‘ al-Sa‘dayn*): Khwandamir, *Habibu’s-Siyar*, Tom III, Translated by W. Thackston. 3 vols. (Cambridge, Mass.: Department of Near Eastern Languages and Civilizations, Harvard University, 1994), 127. (Hereafter *Habibu’s-Siyar*, trans.)

relations with the Ilkhanid dynasty are examined below from the perspective of the tension between *yasa* and *sharī'a*. In fact, tension between *yasa* and *sharī'a* turned into a matter of the obedience or challenge to the Mongol authority before and after the conversion periods.

5.2.1 Terken⁴⁷⁶ Khatun and Abish Khatun of Salghurids

In the marriage policy, the Ilkhanid House followed the tradition and preferred to marry women from the Qongrad tribe and other important consort clans. These women became chief wives of the Ilkhans and they had very prestigious status.⁴⁷⁷ Ilkhanids' marriages to women from the local dynasties were purely political. These marriages were a kind of political and social contract for both sides.⁴⁷⁸ According to the Chinggisid *yasa*, local rulers had to present their daughters to the Sultan every year.⁴⁷⁹ These local dynasties were all Muslims but they had to act according to the Mongol *yasa*. Ilkhans controlled these dynasties by these marriages and women could reign by getting the support of their Ilkhanid husbands. For the local rulers subordination to the Mongol political and military power was the only way to survive. In fact, Karakhitai and Salghurid dynasties were from Central Asia and they applied Inner Asian customs and traditions according to which women were active in social and political affairs and had the right to rule. In other words, they shared almost the

⁴⁷⁶ Terken is a Turkish title meaning "queen lady." See W. Barthold, *Turkestan Down to the Mongol Invasion*, trans. H.A.R. Gibb (London: Oxford, Univ. E.J.W. Gibb Memorial, 1928), 42 no. 2. According to Sheila Blair Terken was common name for a princess in pre-Mongol times. Blair 2005, 339.

⁴⁷⁷ Figures 2, 3.

⁴⁷⁸ Bahriye Üçok, *İslâm Devletlerinde Kadın Hükümdarlar*. Ankara: TTK Basımevi, 1965, 107.

⁴⁷⁹ Gregory Abū'l Farac (Hebraeus), *Abū'l-Farac Tarihi*, Vol. 2 vol, trans. Ömer Rıza Doğrul (Ankara: TTK Basımevi, 1999), 526.

same point of view regarding gender relations. But as it is mentioned in Chapter 3, Chinggisid *yasa* elevated the Chinggisid lineage and authority above every kind of power and authority and gave the Chinggisid rulers absolute power over gender relations of their subject peoples. In this respect, lives of Terken Khatun and her daughter Padeshāh Khatun's both of Qutlugh Dynasty in Kermān and of the other Terken Khatun and her daughter Abish of the Salghurid dynasty in Fars reflect the tension between *yasa*, Inner Asian tribal customs and *sharī'a*. And here more than gender hierarchy, social hierarchy played a crucial role in gender relations.

Terken Khatun was a woman ruler in Iran under the hegemony of Ilkhans. She ruled the Salghurids in the region of Fars between 662/1263-4-685/1286-7.⁴⁸⁰ She was the daughter of 'Alā' al- Dawlā, atabek of Yazd. When her husband Atabek Sa'd b. Zangī died in 658/1260, she was appointed by Hülegü as a viceroy of their twelve-years-old son Mu ammad (d.660/1261-62). She also served as a regent to her son-in-law Mu ammad Shāh bin Salghur Shāh b. Abī Bakr.⁴⁸¹ After ruling eight months, as Mu ammad Shāh could not conduct the state affairs well, she and some leading Amīrs of Shūl and Turkoman seized him and sent him to the Ilkhan in 1263.⁴⁸² Terken Khatun regained her crown on 20 Ramadan 660 with the support of the umerā and Terākeme.⁴⁸³ After

⁴⁸⁰ Abū al-'Abbās A mad b. Abī al-Khayr Zarqūb, *Shīrāznāma*, ed. Ismā'īl Vā'i Javādī [Bahman Karīmī], Tehran: Bunyād-i Farhang-i Shīrāzī, Īrān, 1350[1310] H.sh./ 1971-72 [1931-32], 63. (Hereafter *Shīrāznāma*); Üçok 1965, 101

⁴⁸¹ Va āf, *Ta rīr-i Tārīkh-i Va āf*, ed. 'Abd al-Mu ammad Āyatī (Tehran: Intishārāt-i Bunyād-i Farhang-i Īrān, 1364 H.sh./1985-86), 107-8. (hereafter *Tārīkh-i Va āf*). ; *Jami Jami 'u't-Tawarikh* vol.3, 459.

⁴⁸² According to Rashiduddin he began a quarrel with his mother-in-law (Terken Khatun), he was killed, *Jami 'u't-Tawarikh* vol.3, 459; *Shīrāznāma*, 63-64.

⁴⁸³ *Shīrāznāma*, 63-66; Lambton, 272.

Mu ammad Shāh, Saljuq Shāh brother of Mu ammad Shāh was crowned with the approval of Terken Khatun and the leading Amīrs. Furthermore, she married Saljuk Shāh,⁴⁸⁴ but he killed her and poisoned her daughters for taking revenge of his brother Mu ammad Shāh.⁴⁸⁵ Later Saljuq Shāh was killed by her brother Alā‘uddawla of Yazd.⁴⁸⁶

Afterwards, when she was five years old, Abish Khatun, Terken Khatun’s daughter by A -bek S‘ad, was put on the throne with the support of the Shūl and Turkoman Amīrs, Salghurids in Shirāz. The khu ba was read and coins were struck in her name.⁴⁸⁷ Earlier, Terken Khatun had given her daughter Abish to Mengū Temūr, son of Hülegü. In fact, they were betrothed, as she was a child.⁴⁸⁸ By 672/1273-1274 Abish became fifteen years old and she was married to Mengū Temūr. Abish was given estates in Shīrāz and a grant on the taxes of Shīrāz as her marriage portion (*mahr va shūr-bahā*). Arghun, who succeeded Tegüder, appointed ‘Imād al-Dīn ‘Alavī governor of Shīrāz and summoned Abish to the *ordu*.⁴⁸⁹ Abish’s life passed between the *urdu* and Shīrāz and she died in 685/1286-7; she had reigned for 22 years. Although she was a Muslim, she was buried according to Mongol custom and gold and silver

⁴⁸⁴ Zarfūb emphasized Saldjuq Shah’s mother who was from the saldjuqid family. See *Shīrāznāma*, 63.

⁴⁸⁵ *Shīrāznāma*, 63; *Jami‘u’t-Tawarikh* vol.3, 459; *Tārīkh-i Va āf*, 108; Lambton, 272.

⁴⁸⁶ *Jami‘u’t-Tawarikh* vol.3, 459; *Tārīkh-i Va āf*, 110.

⁴⁸⁷ While Rashīd al- Dīn states that Abish was heir of her mother Terken automatically see *Jami‘u’t-Tawarikh* vol.3, 459, Zarkūb Shīrāzī said that she was crowned by the agreement of the leading amīrs of Salghurids) see *Shīrāznāma*, 64; *Tārīkh-i Va āf*, 110. al-Shabānkāra’ī, Mu ammad b. ‘Alī, *Majma‘ al-Ansāb*, ed. Mīr Hāshim Mu addith (Tehran: Mu’assasa-yi Intishārāt-i Amīr Kabīr, 1363 H.sh./1984), 189. (Hereafter *Majma‘ al-Ansāb*).

⁴⁸⁸ *Tārīkh-i Va āf*, 114; *Majma‘ al- Ansāb*, 189.

⁴⁸⁹ Lambton 1988, 274.

vessels full of wine were buried with her.⁴⁹⁰ By her testament the estates which she inherited were divided into four; two shares were given to her daughters Kürdijin and Alghanchi, one share to her slaves and one share to Taichu, the son of Tash Möngke by another wife. The 100.000 dīnārs which had been granted to her by Hülegü on the taxes of Shīrāz when she was married to Tash Möngke, were divided among her heirs.⁴⁹¹ Her daughter, Kürdijin was first married to Jalāl al-Dīn Suyurgatmish, son of Qutb al-Dīn Mu ammad of the Qutlugh Dynasty in Kermān⁴⁹² and played an important political role in her husband’s dynasty. She was later married to Tāj al-Dīn Satilmish and, lastly to her nephew Toghai.⁴⁹³ Using their blood ties with the Ilkhans, Kürdijin and her husband Suyurgatmish gained the rule of Kermān after long struggles: their daughter Shāh ‘Alam was married to the Prince Bāydū.⁴⁹⁴ Kermān, they tried to dominate was also at the hands of women.

5.2.2 Terken Khatun and Padeshāh Khatun of Kermān

The Kutlugh Dynasty was established by men, but thanks to their personal abilities, the customs and the Ilkhanid’s policy towards the local dynasties, the dynastic women dominated the dynasty in spite of the presence of male heirs. Barāq Hajīb, the Karakhitai commander who was a recent convert to Islam,

⁴⁹⁰ *Tārīkh-i Va āf*, 130.

⁴⁹¹ Lambton, 275. *Tārīkh-i Va āf*, 123, 130; Özgüdenli, Osman G., “Ilhānlı Hükümdarı Ebū Sa‘īd Hān’a Ait Dört Yarlıg,” in *Belleten*, LXIX, Nisan 2005, 101-103.

⁴⁹² Nā er al-Dīn Monshī Kirmānī, Nā ir al-Dīn Munshī, *Sim al-‘ulā lil- āzrat al-‘ulyā. Dar Tārīkh-i, Qarākhitā’iyān-i Kirmān*, ed. ‘Abbās Iqbāl (Tehran: Intshārāt Asā īr, 1328 H.sh./ 1949-1950), 200. (Hereafter *Sim al-‘ulā*).

⁴⁹³ *Jami ‘u’t-Tawarikh* vol.2, 475; Lambton, 275.

⁴⁹⁴ *Tārīkh-i Va āf*, 178.

established Qutluq Khanid Dynasty (1222-1307) thanks to good relations with Mongols and the Abbasids.⁴⁹⁵ Qutb al-Dīn Mu ammad had two sons, Jalāl al-Dīn Suyurgatmish, Muzaffar al-Dīn ajjāj, and four daughters; Padshāh Khatun was his daughter from Terken Khatun.⁴⁹⁶ After him, his successors closely worked with the Mongols, and the province prospered, especially under the enlightened reign of the remarkable woman Qutluq Terken Khatun (1257-82).⁴⁹⁷

Terken Khatun started to rule Kermān after the death of her husband Qutb al-Dīn Mu ammad in Ramdhān 655/1257. The leading Amīrs and ulema (*erbāb-i qalem*) of Kermān chose Terken Khatun as her husband's successor. When Hülegü Khan heard of the death of Qutb al-Dīn Mu ammad, he issued a decree that the rule of Kermān was given to his children and as they were not mature, he appointed his wife Terken Khatun and his son-in-law Amīr-Ī ad-dīn ajī as an regent.⁴⁹⁸ But Amīr ajī was a tyrant and weak in understanding; therefore, the leading people of Kermān, under the service of the Terken Khatun, went to the realm of Hülegü Khan to give Terken Khatun the rule of the dynasty. The Khan issued decree which granted her the right of ruling Kermān by herself,

⁴⁹⁵ *Majma' al-Ansāb*, 196; Üçok 1965, 69.

⁴⁹⁶ *Majma' al-Ansāb*, 198; *Jami'u't-Tawarikh* vol.3, 458. For the more detailed information about the children of Qutb al-Dīn Mu ammad see *Sim al-'ulā*, 35-36; *Tārikh-i Vassaf*, 176.

⁴⁹⁷ See more detailed information *Tārikh-i Guzīda*, 527-530; George Lane, *Genghis Khan and Mongol Rule* (Westport, Connecticut: Greenwood Press, 2004), 67; Khwandamir (ca.1475-ca.1535) claimed that "she was one of Sultan Ghiyasuddin Khwarazmshah's concubines, was then in Qutbuddin's harem. She was extremely clever, and through her clear-sighted policies the realm was made to flourish *Habibu's-Siyar* trans. vol.3, 154.

⁴⁹⁸ *Majma' al-Ansāb*, 198; *Sim al-'ulā*, 38; Na anzī, Mu'īn al-Dīn. *Muntakhab al-Tawārikh-i Mu'īnī*, ed. Jean Aubin (Tehran: Kitābfurūshī-yi Khayyām 1336 H.sh./1957-58), 24. (Hereafter *Tawārikh-i Mu'īnī*). ; *Tārikh-i Vassaf*, 177; *Tārikh-i Guzīda*, 531-532.

and she ruled Kermān for twenty seven years.⁴⁹⁹ She was a very good ruler, had good relations with the leading people from military, bureaucratic and religious classes. She was named as the “king of kings” (*Padshāh-i padshān*) and she was defined as a Balqīs of her time, the second female ruler after Balqīs.⁵⁰⁰ She gave her daughter Padshāh Khatun (654/1256) in marriage to Abāqā Khan, in order to preserve her authority in Kermān and strengthen her power in the Ilkhanid realm.⁵⁰¹ She gave her daughter probably as the legal wife of the Khan, because only one source that is Shabānqāraī said that Padshāh Khatun is “qumā-i Abāqā Khan,” which means concubine.⁵⁰² In her political career, she would use this marriage effectively against her rivals.⁵⁰³

In fact, it seems that Padshāh Khatun’s marriage was probably a not a political contract between Terken Khatun and the Ilkhan. She had to give her daughter in marriage to Abaqa upon his request. She had to obey because according to yasa a Chinggisid ruler could take the daughter of any person under his rule. Generally, such kinds of marriages were usual and part of the political alliances throughout history in the Turco-Mongol dynasties. But here it was a compulsion for the subject dynasties or people. This also shows the distinct character of the Chinggisid yasa which is discussed in Chapter 3. Here, it can

⁴⁹⁹ *Sim al-‘ulā*, 38.

⁵⁰⁰ *Sim al-‘ulā*, 38-.40.

⁵⁰¹ She sent her daughter with very rich dowries. See *Sim al-‘ulā*, 47; *Tārikh-i Shā‘ī Qarākhitāyān*, 227; about this marriage see also *Majma‘ al- Ansāb*, 199; *Tārikh-i Guzīda*, 531; *Tārikh-i Vassaf*, 177.

⁵⁰² *Majma‘ al- Ansāb*, 200; In the *Sim al-‘ulā*, it was reported that when she married, she stayed in the encampment (*ordu*) of the Yesūnjin khatun who was the mother of Abāqā Khan, 71; when Yesūnjin Khatun died in 670/1272 , her *ordu* was given to Padshāh Khatun, see Rashid al-Dīn, trans. 536 and Vassaf said that use the term of *aqd-i ezdevāj* for this marriage, *Tārikh-i Vassaf*, 177. This information showed that Padshāh Khatun was probably Abāqā’s legal wife, at least she was not in the position of a concubine.

⁵⁰³ *Tārikh-i Guzīda*, 458.

be said that Terken Khatun had to give her daughter in marriage to the Ilkhan and made use of this marriage in order to preserve continuity of her realm and dynasty. Mirkhwand's information about the childhood of Padshāh Khatun might prove this claim; he says "Padshāh Khatun was raised like a boy in order to hide her identity and she was called *Asan Shāh*, because according to the Mongol custom, the Mongol rulers could take daughters of their subject into their *aram*, and in this way they tried to protect her from this custom." It was only reported by Mirkhwand who lived in about. On the other hand, Kermānī, Nā'er al-Dīn Monshī, the son of one of the leading Amīrs of Kermān, Khwāja Montajeb al-Dīn,⁵⁰⁴ and other contemporaneous writers did not report such an event. But the *Tārīkh-i Shāhī* which was written under the patronage of Padshāh Khatun, implied fear and unwillingness from the side of Terken Khatun toward this marriage. This was because, in the Mongol harem, these local women who were neither Chinggisids nor members of the consort clan like Unggrat, had an inferior position under the chief wives. Abaqa was not a Muslim and according to *sharī'a*, a Muslim woman could not marry a non-Muslim man. This marriage was not acceptable for *sharī'a* according to which a Muslim woman could not marry a non-Muslim man.⁵⁰⁵ The chroniclers who were mostly from the Muslim religious class (*ulama*) narrated Padshāh Khatun's religious personality but did not report any reaction or any opposition to this marriage from the religious class (*ulama*) or from any of the leading people of the Muslims.

When Sulān Qutb al-Dīn died, the title of Sulān went to Hajjāj, but the absolute rule was in the hands of Terken Khatun.⁵⁰⁶ Until maturity of Hajjāj she

⁵⁰⁴ *Sim al-'ulā*, 37.

⁵⁰⁵ Schacht, Joseph, *The Origins of Muhammadan Jurisprudence* (Oxford: Clarendon Press, 1950), 161-163.

⁵⁰⁶ *Jami'u't-Tawarikh* vol.3, 458; *Tawārīkh-i Mu'īnī*, 24.

had ruled Kermān for fifteen years. But when he became an adult, he challenged his step-mother. During a royal entertainment, where Hajjāj was drunk he ordered Terken Khatun to dance in the middle of the people. It was insulting to her. After this event, Terken immediately set off and went to the *Ordu* (camp) of the Khan. She complained about Hajjāj to her son-in-law Abaqa Khan. Thereupon, he dismissed Hajjāj and gave Terken full authority to rule Kermān and she ruled Kermān for twelve more years.⁵⁰⁷ Later, A mad Tegüdar gave the rule of Kermān to Jalāl al-Dīn Suyurgatmish, who was the step son of Terken Khatun. However, she refused to recognize his rule and only after Arghūn was crowned (683/1284), she could regain the rule of Kermān with Jalāl al-Dīn Suyurgatmish.⁵⁰⁸ But she did not want to share power with him, therefore, Padshāh Khatun and Bibi Terken who were daughters of Terken khatun wrote a letter to Arghūn and expressed their discontent about this and asked that their mother be the only ruler of Kermān. At the end, Arghun gave the rule of Kermān to Terken alone again.⁵⁰⁹ Meanwhile, Padshāh Khatun married Gaikhatu, son of Abaqa and step-son of Padshāh Khatun.⁵¹⁰ A woman's marriage with her step-son was also sin according to *sharī'a*, and it was legal according to *yasa*. But thanks to these marriage relations, they could rule Kermān.

There was rivalry between Terken Khatun and her step son Jalāl al-Dīn Suyurgatmish and she preserved her sovereignty through her daughter Padshāh

⁵⁰⁷ *Sim al-'ulā*, 48-49; *Tārīkh-i Guzīda*, 533-34; *Majma' al-Ansāb*, 199; *Tārīkh-i Guzīda*, 531-532; *Tawārīkh-i Mu'īnī*, 24-25.

⁵⁰⁸ He ruled Kermān nine years see *Tārīkh-i Guzīda*, 532.

⁵⁰⁹ *Majma' al-Ansāb*, 200; *Tārīkh-i Guzīda*, 532; Üçok 1965, 82.

⁵¹⁰ *Majma' al-Ansāb*, 200; *Sim al-'ulā*, 57; *Tawārīkh-i Mu'īnī*, 27.

khatun's marriages with the Ilkhanid rulers. Only after her death,⁵¹¹ Suyurgatmish could become the sole ruler of Kermān and ruled for nine years.⁵¹² But this did not continue for a long time, when Padshāh Khatun's husband Geikhatu was crowned, she wanted her husband's permission to go to Kermān for ruling Kermān; after taking her husband's consent, she went to Kermān and she was crowned in 691/1292. She immediately arrested her brother Suyurgatmish, imprisoned him in the fortress.⁵¹³ But he escaped and came to Gaikhatu's court to take asylum.⁵¹⁴ To take him back, Padshāh Khatun sent envoys with very valuable presents and asked her husband to send him to Kermān.⁵¹⁵ Then, Baidu sent Suyurgatmish to Padshāh Khatun. She kept him under guard for a few days and then had him killed.⁵¹⁶

However, Padshāh Khatun's sovereignty did not last long because, this time the women of Suyurgatmish's family, took the revenge of Suyurgatmish from Padshāh Khatun by using their relations with the Ilkhans: Kürdijin Khatun was the daughter of Mengü Temür, son of Hülegü Khān and Abish Khatun, the daughter of Sa'd, ruler of Salghurīds of Fars.⁵¹⁷ When Baidu was crowned in 694/1295, Kürdijin took the control of Kermān, because her daughter from

⁵¹¹ *Jami' u' t-Tawarikh* vol.3, 458; but in the *Majma' al- Ansāb*, 200 the writer reported that she died in the ordu of Arghun Khan, and similarly Na anzī in *Tawārīkh-i Mu' īnī*, 26 also reported that she died in 681 in the palace of Arghūn Khan.

⁵¹² *Tārīkh-i Guzīda*, 532.

⁵¹³ *Jami' u' t-Tawarikh* vol.3, 458; *Tawārīkh-i Mu' īnī*, 26-27; *Tārīkh-i Vassaf*, 178; *Tārīkh-i Guzīda*, 532-533; *Tārīkh-i Vassaf*, 178.

⁵¹⁴ *Sim al- 'ulā*, 71-72; *Majma' al- Ansāb*, 201.

⁵¹⁵ *Sim al- 'ulā*, 71-72.

⁵¹⁶ *Jami' u' t-Tawarikh* vol.3, 458; *Tārīkh-i Guzīda*, 534;

⁵¹⁷ *Majma' al- Ansāb*, 189-200.

Suyurgatmish Alām Shāh was married to the new Khan Baidu.⁵¹⁸ Kūrdijin immediately murdered Padshāh Khatun for taking revenge of her husband Suyurgatmish.⁵¹⁹ Two local dynasties of Iran used the political marriages as a tool of power strategies.

Padshāh Khatun's life is a good example showing that in the face of *yasa*, *shar'īa* remained a personal matter and had no sanction in political and social life of the subject people of the Ilkhans. This rule did not change after the conversion of the Ilkhans as the cases of Baghdad and Delshād Khatuns show. According to our sources, Padshāh Khatun had received a very good education. She was a poet, calligrapher, scientist (*dāneshvarī /ehl-i 'ilm*) and she was also a very able ruler, so that she was praised for ruling Kermān well. She was a pious Muslim (*afvet ul-Dīn*)⁵²⁰ and she made handwritten copies of Qor'an, deposited in the various libraries of Kermān and the other cities.⁵²¹ Kermānī said that her high personal manners, behaviors and good rulership are inherited from her mother Terken Kahtun.⁵²² All these writers praised Terken Khatun and her daughter Padshāh Khatun very much.⁵²³ We understand that according to the authors personal characteristics, ability, education are superior to gender. Although these dynasties were patrilineal, a woman from a ruling family could

⁵¹⁸ *Majma' al- Ansāb*, 202; *Sim al-'ulā*, 75; *Tārikh-i Vassaf*, 178-181.

⁵¹⁹ *Sim al-'ulā*, 75-76; *Tārikh-i Vassaf*, 179; *Tārikh-i Guzīda*, 534-535.

⁵²⁰ *Tārikh-i Shā'ī*, 327.

⁵²¹ *Sim al-'ulā*, 70; *Majma' al- Ansāb*, 200-201; *Tārikh-i Shā'ī*, 327; *Tawārīkh-i Mu'īnī*, 28.

⁵²² *Sim al-'ulā*, 70

⁵²³ *Tārikh-i Shāhī-yi Qarākhitā'iyān*, ed. Mu ammad Ibrāhīm Bāstānī Parīzī (Tehran: Intishārāt -i Bunyād-i Farhang-i Īrān, 1355 H.sh/1976), 133, 227-228;

exercise political power thanks to her personal abilities and charisma. This shows that matrilineity was also recognized.

5.2.3 Baghdad Khatun and the Last Period of the Il-Khanids

Baghdad Khatun was the daughter of Amīr Chopan, who was the leading Mongol Amīr of the Ilkhanid period. She was married in 723/1323 to Amīr Shaikh ḥasan-i Buzurg,⁵²⁴ the son of Amīr Husayn Küregen, the son of Amīr Aqbuqa Jalayir. As a daughter and wife of important Amīrs of the Ilkhans, her life became part of the political events of her age, and her destiny was drawn by *yasa* and *shar‘a*.

In 725/1325 Abu Sai‘id,⁵²⁵ the Ilkhan in Persia, at the age twenty, fell in love with Baghdad Khatun and wanted to marry her although she was married to Shaikh ḥasan.⁵²⁶ He requested her hand from her father Chopan through intermediaries. At that time it was understood that according to the Chinggisid *yasa* any women sought by the Khan was to be given a divorce by her husband

⁵²⁴ For more detailed information about Shaikh ḥasan and Jālayirids see: About family and descent of Shaikh Hasan see Shīrīn Bāyanī, *Tārīkh āl- Jalāyer* (Tehrān: Tehran: Ostādyār Dānsagāh-i Tehrān, 1345/1945); *Majma‘ al-Ansāb*, 297.

⁵²⁵ Before his accession to the throne, Abū Sa‘īd married Oljay Qutlugh Khatun, daughter of Ghāzān Khan. Samarqandi says that she was the wife of Prince Basām. After he died Uljāitū Sulān kept her with care and later married her with Abu Sa‘īd. Samarqandi mentions Baghdād Khātūn second if it is according to sequence of the Sultan’s marriage, Baghdād Khātūn was his second wife. His third wife Delshād Khātūn, niece of Baghdād Khātūn. Forth ‘Adelshāh Khātūn, daughter of Tūkel, son of Amīr Īsen Qutlugh. Another Herqadāq??, daughter of Dawlatshāh who was one of relatives of Amīr Chopan. See *Ma‘alā‘ al-Sa‘dayn* 20-21.

⁵²⁶ He was son of Amīr ḥusain, son of the martyred Aqbūqā Gūrgān, son of the late Amīr Ilkān Nūyān. His mother was the august lady Ūljāy Sulān, daughter of Arghūn Khan. al-Āharī, Abu Bakr al-Qubī (fl. 1350s). *Tārīkh-i Shaikh (History of Shaikh Uwais)*, ed. J. B. van Loon, The Hague: Mouton and Co., 1954, 184/tr. 83.

and sent to the emperor's harem.⁵²⁷ In fact, there was no certain rule in *yasa* about such kind of a right given to any Chinggisid ruler.⁵²⁸ According to Riasanovsky, *yasa* requested them to present all their daughters to the Sultan at the beginning of each year so that he might choose some of them for himself and his children. If he asks for a maid or anyone's sister she is to be given to him without any resistance.⁵²⁹ But this was probably not valid for married women, and Baghdad Khatun's case was possibly a unique event in the history of the Turks and Mongols. When Abū Sa' d requested Baghdad Khatun, he took his lead from the *yasa* which gave the Chinggisid rulers power and authority.

Although the *yasa* did not contain codes for every sphere of life, some of its basic ideological understandings probably gave the Chinggisid rulers almost endless authority. These were the concept "everything belongs to the Khan"⁵³⁰ and the fact that "unquestioning submission was inherent in Mongol concept of sovereignty. The right to rule over the whole world had been conferred by Eternal Heaven (*möngke Tengri*) on Chinggis and he was seen as a counterpart of Heaven on earth. The khans of the imperial line ruled as

⁵²⁷ *abīb al-Siyar* vol.3, 119; āfī -i Abrū, *Zubdat al-Tawārīkh*, ed. Kamāl Hājj Sayyid Javādī. Tehran: Vizārat-i Farhang va Irshād-i Islāmī, Nashr-i Nay 1372-1380 H.sh/ 1993-2002), 117. (hereafter *Zubdat al-Tawārīkh*). ; *Majma' al-Ansāb*, 295.; *Ma la' al-Sa'dayn*, 60

⁵²⁸ About formation and content of the *yasa* see I. de Rachewiltz, "Some Reflections on Činggis Qan's Jasaq," in *East Asian History* 6 (1993), 91-104; D.O.Morgan, "The 'Great Yāsā of Chingiz Khan' and Mongol Law in the İlKhanate," in *BSOAS*, vol.XLIX, part 1, 1986, 163-176.

⁵²⁹ Riasanovsky, Valentin, *Fundamental Principles of Mongol Law*, Indiana University, Bloomington, Mouton&Co., The Hague, The Netherlands,1965, 84: *Abū'l-Farac Tarihi*2.vol, 154.

⁵³⁰ M. Haider, "The Mongol Traditions and their Survival in Central Asia (XIV-XV Centuries), *Central Asiatic Journal* 28 (1984): 66.

universal sovereigns on the strength of their ‘good fortune’ and by the very power of Heaven.”⁵³¹ It seems that these basic principles legalized actions and doings of the Chinggisid rulers and made people accept the unusual sayings or doings of these rulers in the frame of *yasa*. In this connection Morgan states

...there was probably believed to be a ‘Great *Yāsā* of Chingiz Khan derived in part from Chingiz himself and perhaps in part from earlier Mongol custom. But this was not written down in any coherent form, and it was therefore possible to attribute to it a wide variety of provisions, as was thought necessary or desirable. In practice it may very well have been a gradually evolving body of custom, not only beginning before the time of Chingiz Khan but continuing after him.⁵³²

Although this action of Abu Sai‘d could be sanctioned by *yasa*, it seems that it was unacceptable for both Chopan,⁵³³ Chopanids and for many other people of those ages. Probably because of this, the contemporaneous writers did not give importance to this event, even ʿamdullāh Mustawfī Qazwīnī (1281-1350), who witnessed the last period of the Ilkhanids, did not give any information about this marriage, in his work *Tārīkh-i Guzīda* written in 1330.⁵³⁴ Instead he

⁵³¹ Rachewiltz, 1973; 24; Haider 1984, 66 and Mansura Haider, “The Sovereign in the Timurid State (XIVth-XVth Centuries), *Turcica* 2 (1976), 67.

⁵³² D.O.Morgan, “The ‘Great *Yāsā* of Chingiz Khan’ and Mongol Law in the ilKhanate,” *BSOAS* 49(1986), 170.

⁵³³ Amīr Chopan was from the Suldus tribe which played crucial roles in the establishment of the Mongol Empire and Ilkhanids in Iran. Its members hold important offices in the realm. See more detailed information see *Jami‘u‘t-Tawarikh* vol.1, 93-95.

⁵³⁴ ʿosayn Newāī who is editor of *Tārīkh-i Guzīda*, 618, dipnot 1. claimed that the writer witnessed the events but he did not write the Sul ān’s love to Baghdād because he took his salary from this Mongol Sul ān and he could not mention these things. But the same writer did not mention also Dimashq’s secret relation with a concubine of Öljeitü. This relation became pretext for his execution. It seems that his indifference to these private matters may be because of his personal and educational background. He was from deep rooted Shi‘ī family, his grand

emphasized the political and social events behind the conflict between Chohanids and the Sul ān.⁵³⁵ Similarly, Shabānqāra‘ī, (writing c.1337) in his book *Majma‘ al-Ansāb* did not emphasize Abū Sa‘īd’s love to Bahgdad Khatun; only said “*Abū Sa‘īd māīl īn Khatun būd,*” and he evaluated this marriage as usual incident in th frame of yasa.⁵³⁶ Similarly, Ahrī, in his book *Tā‘rikh-i Shaikh Uwais* presented to the Jalayirid ruler Shaikh Uwais (r. 756/1355-776/1374),⁵³⁷ did not mention this event. This ruler was the son of Delshād Khatun, niece of Baghdad Khatun and Saikh asan who was the former husband of Baghdad Khatun. Because Uwais had close ties with the hero and heroines of Baghdad Khatun’s case, the writer did not mention this marriage but he narrated the political events during those times in great detail.⁵³⁸ This also shows that this event was unusual and may be it was seen as a shameful event and therefore was not mentioned. According to all these writers, Chohan and his sons’ political and economic powers by which they almost dominated the Khanate, were the real reasons behind this conflict, because, they threatened the authority of the Sul ān and endangered benefits and powers of the leading Amīrs of the realm.

father urr b. Yazīd al-Riyā ī was under the service of usayn at Karbalā and his ancestors appointed important adminisrrative and religious positions. And this book was dedicated to Ghiyās al-Dīn Mu ammad, son of Rashīd al-Dīn not the Sul ān. For more detailed information see Zeki Velidi Togan, “Hamdullah Müstevfī,” *İslām Ansiklopedisi*, V.1, MEB, 1997, 186-188; Charles Melville, “Histiography IV. Mogol Period,” *EL*, vol.XII, 353. In my opinion, Qazwīnī did not approve these things and instead of mentioning pretext, he prefered to narrate the real reasons behind these events.

⁵³⁵ *Tārīkh-i Guzīda*, 615-621.

⁵³⁶ *Majma‘ al-Ansāb*, 295.

⁵³⁷ *Tā‘rikh-i Shaikh-Uwais* 53

⁵³⁸ *Tā‘rikh-i Shaikh-Uwais*, 53-55.

On the other hand, the Temürid writers who wrote about these events at least after one hundred years, reported political and economical reasons for these events but they saw Baghdād Khatun's case as a turning point in the relation between the Sul ān and the Chopanids.⁵³⁹ Furthermore, they emphasized Abu Sa'id's love and passion to Baghdād Khatun. For example, Khāfe Abrū (d. 1450) gave the Sultān's ghazal for Baghdād Khatun in *Zubdat al-Tawarikh*;⁵⁴⁰ Samarqandī, in his *Ma la' Sa'dayn va Majma'-al Ba rayn*, gave a similar version of the ghazal in the *Zubdat al-Tawarikh*.⁵⁴¹ Khwāndāmīr's *abīb Al-Siyyar* gives a different ghazal which is about the Sul ān's love to Baghdād.⁵⁴² Here the question is that why the writers who did not witness these events did give such an emotional account of this event? Perhaps one could say that these writers wrote their books under the patronage of the Timurids who felt certain kind of loyalty to the Chinggisid family and accepted themselves as the heirs of the Ilkhanids. Therefore we found them emphasizing the Sul ān's love, trying to find a logical explanation for this event. Or these writers felt themselves free from the Ilkhans' power and authority and could report the events freely. These Temürid writers gave also equal weight to political and economical events of those ages as real reasons for this event.

⁵³⁹ *Zubdat al-Tawārīkh*, 117; *abīb al-Siyar*, 209/tr.119.

⁵⁴⁰ *Jehāndār gonje-i Īvān Khwīsh / Negīred joz yād-e Jānān Khwīsh
Ez Baghdād āshofte deryā dād/ Ne Baghdād o Dejle az Jemshash oftād
Neshod hech khud del ke bi delestān/ Moghīlān būd lāle der golestān
Beten eger Baghdād o ān rāgh būd/ Bedel der meyan-i Qarābāgh būd.
Zubdat al-Tawārīkh*, 117.

⁵⁴¹ *Ma la' al-Sa'dayn* 61.

⁵⁴² Come to Egypt, O my hearth, so that you see
The evening of my soul,
For my hearth is crawling for Baghdād.
See *Habibu's-Siyar*, trans. vol.3, 119; *abīb al-Siyar*, 209.

All these historical sources, give the impression that Chopan and his sons had acquired such great political and economical power that threatened the authority of the Sul ān and leading Amīrs. It seems that this marriage offer was an open challenge to Chopan and Chopanids who were at the peak of their power. Amīr Chopan⁵⁴³ had showed his obedience, military and administrative abilities during the time of Öljeitū and had gained important political and economical positions. He was even able to marry two daughters of Öljeitū. Firstly he married *Shāh zāda maghfūr* Dowlandī in 717. After she died, Chopan requested Öljeitū's other daughter *Shāhzāda* SatıBik and in the same year they were married (20 Rejeb 719).⁵⁴⁴ But the real rise of Chopan and his sons took place during the time of the Abu Sa'id who was crowned at a very young age.⁵⁴⁵ Chopan suppressed the revolt of the Amīrs in 1319, in this way he strengthened his own and his family's position.⁵⁴⁶ Gradually, he and his sons took the control of the country and with a time "Abū Sa'id became a king in name"⁵⁴⁷ In this connection, Khafez Abru said that "Amīr Chopan took the

⁵⁴³ Charles Melville, Čobān, *EI* vol.V., 875.

⁵⁴⁴ *Tārīkh-i Guzīda*, 614-15; *Ma la' al-Sa'dayn* 54; *Zubdat al-Tawārīkh* 71; Qāshānī, Abū al-Qāsim 'Abd Allāh b. 'Alī, *Tārīkh-i Ūljāytū*, ed. M. Hambly (Tehran: Bunyād-i Mawqūfāt-i Duktūr Ma mūd Afshār, 1372 H.sh./1993), 6.

⁵⁴⁵ During the time of Öljeitū, he was second in rank after Amīr Qutlugh Shāh Noyan. See *Tārīkh-i Ūljāytū*, 7.

⁵⁴⁶ Melville Charles, "Iran Under Ilkhanid Rule in a World History Perspective" in Denis Aigle eds, *L'Iran Face à la Domination Mongole* (Téhéran : Institut Français de 1997), 89-116; al-Āharī reported that when Abū Sa'id crowned, many amīrs did not obey him and Chopan punished them according to *yasa*. See *Tārīkh-i Shaikh Uwais*, 151/tr., 59. Qazwini, 611-615; *Majma' al- Ansāb*, 274-275; *Zubdat al-Tawārīkh*, 102-110.

⁵⁴⁷ According to al-Āharī, Amīr Chopan subdued the whole world. He with his family members reached zenith of their power its zenith: His son Timūrtāsh became governor of Rūm, Shaikh Ma mūd took Gurjīstān, asan had Khūrāsān, Tālāsh, son of asan, was Amīr of Fārs and Kermān, and Dimasqh Khwaja had made Ādharbaijān and both 'Irāq his own property. Abū Sa'id was king in name." *Tārīkh-i Shaikh Uwais*, 152-153/tr. 53.

control and rule of the country of Abū Sa'id.⁵⁴⁸ They controlled almost all parts of the state and this made the Amīrs who were competing with each other to obtain more power and wealth, jealous. All the rival Amīrs who were jealous of Chopan and his sons provoked the Sultan against them. Abrū said "according to information which reached me, behind this intrigue against Chopan, there was Veziar Melek Na rat al-Dīn, his nickname was 'Adel.'⁵⁴⁹ It seems that Chopan perceived Abu Said's marriage request as a challenge to his power. This challenge was not coming from the Khan but from the rival Amīrs who were around the Khan. This can be seen in the sources all of which reported that Chopan and his sons saw this as provocation of the Veziar, Giyath al-Mulk, his nick name was 'Adel.'⁵⁵⁰

Certainly, in this case, Abu Sa'id was not a puppet, he also was aware of the power of Chopanids and he should have seen them as a danger to his authority. When he was crowned he used Chopanids against the opposing Amīrs, and this time he used other Amīrs against Chopanids.⁵⁵¹ Shabānqārāi claimed that Chopan could rise thanks to the death of Amīr Savinj.⁵⁵² It seems that it was the policy of the Ilkhanid house, using Amīrs against each other. According to Charles Melville, Abu Sa'id's mother looked favorably on Dimashq Khwaja who was son of Chopan, and between them they dominated the Sultan. When

⁵⁴⁸ *Zubdat al-Tawārīkh*, 117.

⁵⁴⁹ *Zubdat al-Tawārīkh*, 117, 120; *Tārīkh-i Guzīda*, 616-617.

⁵⁵⁰ *Tārīkh-i Shaikh-Uwais*, 152/tr.54; *Tārīkh-i Guzīda*, 606-607; *Zubdat al-Tawārīkh*, 120.

⁵⁵¹ About this matter Melville said that "Chopan became master of affairs as Öljeitü had recommended he should; but this was not universally accepted, and by depriving the new Sultan all but the name of ruler, Chopan also created a more dangerous enemy in Abū Sa'id himself.", Melville 1997, 96.

⁵⁵² *Majma' al-Ansāb*, 281. Amīr Savinj and Öljeitü's wife Qutlugh Shah Khātūn were anxious about Amīr Chopan, see Melville, 1997, 89.

Abu Sa'id became twenty, he was wearied of the rivalry between these Amīrs, and after various stratagems he was able to eliminate Dimashq Khwaja.⁵⁵³ When he reached his twenties, he challenged Chopan by asking for marriage of his married daughter by using the *yasa*. In this way, the Sul ān's aim was probably to force Chopan and Chūpanids to take action against him, because in spite of their big power, they preserved their loyalty to the Ilkhanid house. Furthermore, Baghdād Khatun was the wife of Shaikh āsan of Jalāyirs.⁵⁵⁴ The Jalayirs were also a very influential tribe and rival to Chūpanīds during the accession of Abu Sa'id. This marriage was probably a part of alliance between two rival powers within the dynasty. It can be said that this marriage was also challenge to the Jalāyirs.

Chopan, in spite of his power and authority, refused for the first time in his life to obey the order of the Khan.⁵⁵⁵ All these writers gave different information or had different interpretations or opinions of the events and important personal figures of those times, but they all agreed on Chopan's loyalty and his dedication of the Chinggisid law and house. The question is why in the case of Baghdad Khatun, Chopan did not obey the *yasa* and refused Abu Said's request? When he heard Abu Said's wish to marry Baghdad Khatun, why was

⁵⁵³ Melville, 1999, 15. Melville gave this information from Ibn al-Dawaddari, *Kanz al-durar wa jāmi' al-Shurar*, vol.4, ed. H.R. Roamer (Cairo, 1960), 345-46. When Chopan was killed, Abu Sa'id awarded him with Chopan's wife Kuürdijin and real estates of Atabakan-i Fars. *Zubdat al-Tawārīkh*, 134.

⁵⁵⁴ Jalāyiris were a large and important Mongolian tribe. They made marriages with Il-Khanid house. After the collapse of Ilk-Hanid dynasty, Jalāyirids established one of the most important states in the Mesopotamia and Āzharbajjān under the leadership of Shaikh āsan in 1335. See *Ta'rīkh-i Shaikh Uwais* 5-10; Shīrīn Bāyanī, *Tārīkh āl Jalāyer*, Tehrān 1345, 13.

⁵⁵⁵ In fact Chopan did not refuse directly but did not answer. *Ma la' al-Sa'dayn* 60.

he shocked; shamed, etc.⁵⁵⁶ According to the sources, Chopan was a very pious Muslim⁵⁵⁷ but also he was very loyal to the Chinggisid house and law.⁵⁵⁸ His children's names also reflect this duality in Chopan's life. His children's names Baghdad, Dimashq, were the names of important Muslim cities, whereas Temürtash, Sarghan and Jala'u were names of his famous ancestors. In fact, Chopan had difficulties to reconcile Mongol and Islamic attitudes to power and government.⁵⁵⁹ It seems that in his political life he followed *yasa*. For example, when his son Temürtash Pasha revolted in Anatolia in 722/1322, Chopan went to Anatolia with his own wish to punish his son and his son's supporters according to *yasa*. He tied his son's hands and brought him to the presence of the Sultan and said "he is a criminal, execute him." But, Abu Sai'd forgave him and later he returned to Anatolia.⁵⁶⁰ Similarly, he learnt that his own father Malik Bahadur, killed the Amīr of Kurdistan and took his daughter Nāz Khatun⁵⁶¹ as a captive during the reign of Öljeitü Khan. Through an imperial

⁵⁵⁶Chopan's reaction to this offer was described in more dramatic way by Abru . *Amīr Chopan be estemā' in khabar serāmīme va madhūsh gast ve Ātāsh-i ghayrat ve hammiyet-I derūn sīneyi zebāne zeden gereft. Az u car va Khayf en be ghāyat motaferrid shod. Zubdat al-Tawārīkh*, 118. See also *Ma la' al-Sa'dayn* 60.

⁵⁵⁷ Shabānqārāī reported that Chopan was quite just, he solved the problems by *shar'īa*, did not drink wine and prayed five times regularly, gave a lot of alms (*sadaqa*). He constructed many pious foundations and water channels in Makka. His will was to be buried in Madina when he died. See *Majma' al- Ansāb*, 284-285.

⁵⁵⁸ Shabankara'i said that he was so fair that he brought his son Timurtash to Abu Sa'īd to punish him. *Majma' al- Ansāb* 285 and *Ma la' al-Sa'dayn* 78; *abīb al-Siyar* vol.3, 118/ *Habibu's-Siyar, trans.*, 209.

⁵⁵⁹ C. Melville, "Wolf or Sepherd? Amir Chopan's Attitude to Government?" in *The Court of the Il-khans, 1290-1340*, ed. by Julian Raby & Teresa Fitzherbert (Oxford ; New York : Oxford University Press for the Board of the Faculty of Oriental Studies, University of Oxford, c1996), 80.

⁵⁶⁰ *Ta'rīkh-i Shaikh Uwais*, 152/tr., 54; *Tārīkh-i Guzīda*, 606; *Zubdat al-Tawārīkh*, 114-115.

⁵⁶¹ For Naz Khatun's family see Sheila S. Blair, "Islamic Art as a Source for the Study of Women in Premodern Societies," in *Beyond the Exotic: Women's Histories in Islamic Societies*, ed. Amir al-Azhary Sonbol (Syracuse N.Y: Syracuse Univ. Pres, 2005), 338.

decree he also took all of Nāz Khantun's properties. Chopan as an inheritor to his father, tried to take Nāz Khatun's lands around Qazwin and Kharraqan. Local people of that area opposed to Chopan's action and some persons from the Amīrs and the ulama warned him to give up his claim on Nāz Khatun's properties. He replied that "income from those properties as [is] lawful to me as my mother's milk"⁵⁶²

On the other hand, he did not obey the Sul ān's order in the case of his daughter Baghdād. In fact, Chopan did not refuse openly the Sul ān's order but he put him off. He sent his daughter and son in law to Qarabagh and Abu Sa'id to Baghdād for the winter. But after the winter, Chopan did not give any answer the Sul ān and in order to relive the situation, he realized that the best course of action was for him to absent himself from the emperor's court for a few days. When he went, he took vizier Giyath al-Mulk and other Amīrs who provoke the Sul ān against him.⁵⁶³ When Chopan left for Khurasan, the rival Amīrs instigated the Sultan against Chopan's other son Dimashq Khwaja, he was also very powerful and wealthy. Ahrī said "Amīr Dimashq Khwajah, in the camp (*ordu*), ruled whole world."⁵⁶⁴ According to Shabānqārāī, the provocateurs were right in their claim. He assumed that while his father only dedicated himself for the organization and security of the state but his son Dimashq sat himself on the throne of the Sul ān, and his power and wealth became more than the Sul ān.⁵⁶⁵

⁵⁶² *abīb al-Siyar*, 209/ *Habibu's-Siyar, trans.*, 118; *Ma la' al-Sa'dayn*, 56-57; C Melville, "Wolf or Spherd? Amir Chopan's Attitude to Government?" 1996, 82.

⁵⁶³ *abīb al-Siyar*, 210/ *Habibu's-Siyar, trans.*, 120; *Ma la' al-Sa'dayn*, 63.

⁵⁶⁴ *Āhari*. 154/tr. 55. Shabanqarai reported that one day when Abu Sa'id was drunk, the amirs said to him that the treasury of Dimashq was more than yours. "you are pādeshāh in name but the real pādeshāh is Dimasq" 280. See also Khwandamīr, 210-211/tr. 120

⁵⁶⁵ Shabanqarai, 280.

In this case, Dimashq's secret relation with one of the concubines of Öljeitü was used as a pretext and he was killed in Shawwāl 728/August 1328.⁵⁶⁶ On the other hand, here, the real problem was power and authority of Dimashq, his secret relation was probably a pretext. For example, Shabānqārāī who wrote under the patronage of Padshāh Khhatun of Kermān, directly emphasized his power and wealth and his disobedience to the khan as the main cause of this event. He said that "Dimashq Khwaja became powerful and he was disobedient and impudent. His treasury exceeded that of Abu Sa'id. His improper sayings about the Sultan reached his ears" but the writer did not mention this secret relation.⁵⁶⁷ After he was killed in 728, his properties were plundered, it is said that "a man who had not bread for breakfast, became rich from Dimashq's property by night."⁵⁶⁸ Abu Sa'id turned execution of Dimashq into a show for his superiority.⁵⁶⁹ It can be said that his secret relation with the concubine was probably fictive and it was used as a pretext to execute Dimashq and in the long run power of Chopan and Chopanids.

It seems that execution of Dimashq was the second challenge to Chopan. After the Sultan's request to marry Baghdad Khatun, Chopan had not refused openly but he also did not take any action against the Sultan. But after hearing of the

⁵⁶⁶ *Ta'rīkh-i Shaikh Uwais* 154/tr. 55. See also *abīb al-Siyar*, 210-211/ *Habibu's-Siyar*, trans., 120; *Ma la' al-Sa'dayn*, 67. *Zubdat al-Tawārikh*, 123.

⁵⁶⁷ *Majma' al-Ansāb*, 280.

⁵⁶⁸ *abīb al-Siyar*, 211/ *Habibu's-Siyar*, trans., 120; *Majma' al-Ansāb*, 281-282; Fa'ih al-Khwāfī (d. 849/1445). *Mujmal-i Fa'ihī (777-849)*, ed. Ma mūd Farrukh (Mashhad: Kitābfurūshī-yi Bāstān, 1339 H.sh./1960), 37. (Hereafter *Mujmal-i Fa'ihī*).

⁵⁶⁹ al-Shabānkārā'ī said that when Dimashq was killed, his head was brought from the castle and exhibited. Abu Sa'id sat stately and said "whoever oppose me his last will become like this" (*Her kesi ke o rā del-I mukhālafat bāshad aqibet-I o Chenīn bashād*). *Majma' al-Ansāb*, 280.

execution of his son, Chopan spoke reproachfully about the Sultan, and in a combat with the Sultan's soldiers he was killed.⁵⁷⁰ Melville said that "Chopan had to face further difficulties created by his own children..., and the problems unwittingly aroused by the allure of his daughter Baghdad Khatun. In the end, Chopan was torn between family and dynastic loyalties..."⁵⁷¹ These words of Melville reflect different aspects of *yasa* and *shar'īa*, the former undermined personal rights in front of the Khan, the latter gave importance to personal rights. It seems that Chopan tried to divide his private life and job, the former according to *sharī'a* and the latter according to *yasa* but as the latter covered both, Chopan had to make a choice.

After executions of Dimashq and Chopan, other family members of Chopan had to leave the country and in this way, domination of Chopanids was ended.⁵⁷² According to Ahrī, Abu Sa'id acquired absolute power after the execution of Chopan and his son Dimashq.⁵⁷³ But, later women of this family played important roles in the Ilkhanid realm.

⁵⁷⁰ *Majma' al-Ansāb*, 284. The sources mentioned reluctance of the soldiers to kill or fight with Chopan and his son Dimasq. See *Ma la' al-Sa'dayn*, 67. Abru reported Abu sai'd's saying about good personalty of Chopan and he sent his coffin to Madina. Before die, Chopan told his will to Amir Malak Giyath al-Dīn who killed him. Chuphān's will: 1- Do not separate my body from my head to separate because I am innocent and if he wants a proof, cut my finger and send it. Do not kill my son Jālād (but Malah Giyas al-din killed him Abru) Khan who is very young and sent him alive because he is son of his daughter. 3-send my corpse to Madina-Rasul. *Zubdat al-Tawārīkh*, 133.

⁵⁷¹ Melville 1996, 87.

⁵⁷² Amīr Timurtash took refuge in Egypt, he was delivered to the Sul ān and executed; Chopan's son asan and his son Tālash sheltered Uzbek Khan; Chopan's other son Saikh Ma mūd, ruler of Georgia, took captive and killed by the Sul ān's soldiers. See *Tārīkh-i Guzīda*, 620.

⁵⁷³ *Tārīkh-i Shaikh Uwais*, 155/tr. 56.

After Chopan, there was no hindrance for Abū Sa‘id to marry Baghdād Khatun. This time, he sent Qā‘ī to ask Baghdād from her husband Shaikh ‘asan.⁵⁷⁴ Abu Sa‘id’s order was according to *yasa* but wedding procedure was according to *sharī‘a*. As Baghdād Khatun was already a divorced woman, she waited ‘*idda period*⁵⁷⁵ according to *sharī‘a before consuming marriage*.⁵⁷⁶ According to *yasa* she was put to a position of a kind of slave but after being wife of the Sul‘ān, she gained great power and prestige as a wife of the Khan again according to *yasa*. Samaraqandi said that “Baghdad Khatun sat on the throne of the State”.⁵⁷⁷ Similarly KhwandAmīr said “Baghdad Khatun stepped onto the throne of honor and began to take an active part in all administrative and fiscal affairs. Once again the Chopanids exercised power”.⁵⁷⁸ Abu Sa‘id gave her very rich *yarlīghs*,⁵⁷⁹ it means besides her political power, she had also very rich economic resources.⁵⁸⁰ She became very effective in political matters with vizier Giyath al-Dīn Ma‘mūd Rashidi. She took revenge of her father and her brother. By using this opportunity she executed enemies of her father and her

⁵⁷⁴ *Zubdat al-Tawārīkh*, 139.

⁵⁷⁵ Schacht 1964, 168.

⁵⁷⁶ *Zubdat al-Tawārīkh*, 140.

⁵⁷⁷ *Ma la‘ al-Sa‘dayn*, 79. Abru said that she ensured to send his father’s coffin to Madina where he was buried to near to ‘Usman and ‘asan because his destiny was similar to them. *Zubdat al-Tawārīkh*, 134.

⁵⁷⁸ Khwānd Amīr *abīb al-Siyar fī Akhbār-i Afrād-i Bashār* 3 vols, ed. Jālāl al-Dīn Humā‘ī and Mu‘ammad Dabīr-Siyāqī (Tehran: Intishārāt-I Khayyām, 1342 H.sh./1963-64), 215. (Hereafter *abīb al-Siyar*), *Habibu’s-Siyar*, trans.123.

⁵⁷⁹ Abu Sa‘id gave her *yarligh* from around provinces. But *ulemā*, vizier and important officials warned the Sultan that women have no faithfulness and loyalty. *Majma‘ al- Ansāb*, 295.

⁵⁸⁰ Shabānqārāī said that she had a lot of *yarlīqs* in around the surrounding countries. And Her decisions were respected and obeyed, see *Majma‘ al- Ansāb*, 285.

brothers. Yasa made Baghdad Khatun first slave, and later “Khodāwandigār” i.e. meaning “ruler.”⁵⁸¹

This time again in order to eliminate Baghdād Khatun, it was said that Baghdad Khatun and her former husband Shaikh asan⁵⁸² met secretly, and even according to Āhrī, they made a plan to kill Abu Sai’d in October 4 1331-September 1332.⁵⁸³ One year later, it was understood that this was only gossip but this event curbed their power and he was appointed as governor of Anatolia.⁵⁸⁴ Interestingly, Abu Sai’d, this time, fell in love with Delshād Khatun and married her in 733/1333.⁵⁸⁵ Delshād Khatun was the niece of Baghdad Khatun, daughter of Dimashq Khwaja and granddaughter of Amīr Chopan.⁵⁸⁶ According to Shabanqara’i, the Sultan took Delshād according to

⁵⁸¹ Most of his family was killed by supporters of Khan. See *Tā’rikh-i Shaikh-Uwais*, 155/tr. 56. Malak Giyas al-Din came to Karabagh to the presence of Abu Sa’id. Baghdad Khatun, whose name was “Khodāwendigār” did not allow her husband to give his father’s land and wealth to Malak Ghayas al-Din. *Zubdat al-Tawārikh*, 134.

⁵⁸² Shaikh asan was ruler of Āzarbaijān, Arrān, Mūghān and Shirwān. For more detailed information, Bayanī 1345, 15; *Tā’rikh-i Shaikh-Uwais*, 150/tr. 52.

⁵⁸³ Āhrī openly said that “he (sheikh asan) and *Khudāwandkār Baghdād*, the daughter of Amīr Chopan had conspired and had planned an attempt on the life of the king. One named Īrmūkī Īrāghal was the originator of this intrigue and in its progress from mouth to mouth it reached Amīr A mad Rashīd. He repeated it to his majesty and the Sul ān was very angry at this occurrence.” See *Tā’rikh-i Shaikh-Uwais*, 156/tr. 57; see also *Zubdat al-Tawārikh*, 142; *Ma la’ Sa’dayn va Majma’-al Ba rayn*, 95.

⁵⁸⁴ *Tā’rikh-i Shaikh-Uwais*, 156/tr.57. Abru said that Abū Sa’id wanted to punish him and but did not because his mother was the Sul ān’s aunt for the sake of her, he forgave asan and sent him with his mother to Kamah fortress. But later it is understood that it was only gossip. He sent asan to Anatolia as governor. 142; Shīrīn Bāyanī, *Tārikh āl Jalāyer*, Tehrān 1345, 15.

⁵⁸⁵ After the fall of the Chopanids in 727/1327 Deshād Khātūn was brought under the protection of her aunt Baghdān Khatun. When she attained maturity she was presented o Abū a’id. See Melville, “Deshād Khātūn” EI, Vol.II, 255.

⁵⁸⁶ According to al-Shabānkāra’ī, Baghdad Khatun educated and raised Delshad Khatun and sacrificed to Sultan but her plan did not work well because the Khan gave precedence to Delshad and Baghdad became jealous and she could not make use of her. *Majma’ al-Ansāb*, 295. He also reported that he was most happy with daughter of Chopan. Later daughter of

ayīn-i Moghol (*yasa*) which gave the Khan right to take every young beautiful girl and give her to the Sultan.⁵⁸⁷ Similarly, in order to marry Delshād Khatun, he divorced Baghdad Khatun,⁵⁸⁸ because according to *sharī'a*, it is not permissible for an aunt and niece to be wives at the same time and Abū Sa'id as a Muslim obeyed this rule of *sharī'a*.⁵⁸⁹ Therefore, it must be held that Sultan Abu Said first divorced Baghdad Khatun and then married Delshād Khatun.⁵⁹⁰ Shabanqara'i reported that the Sul ān was not happy with his wives, at the end of his life, he took Delshād Khatun and he loved her very much. Therefore, Baghdād khatun became very jealous.⁵⁹¹ Baghdād Khatun lost her power and authority to a great extent. After the death of Abu Sa'id,⁵⁹² Arpa Khan was crowned on the Ilkhanid realm but Baghdad Khatun did not obey the Khan and he executed her with the pretext of her secret alliance with the enemy Uzbek Khan and poisoning of Abu Sa'id in 29 Rabī'al-ākhar 733. She was killed by Khwaja Lūlū in the bath in Rabi' 736/November 1335.⁵⁹³

dimasq he loved her quite much. Because of this Baghdad became very jealous. He wanted to have a child, God gave him a daughter but he could not see her because she borned 7 months after he died. *Majma' al-Ansāb*, 293.

⁵⁸⁷ *Majma' al-Ansāb*, 295.

⁵⁸⁸ al-Shabānkāra'i claimed that until death of Abu Sa'id, her decisions were respected and obeyed and she remained as the wife of Abu Sa'id and continued to keep a lot of *yarliq* in and around the provinces. *Majma' al-Ansāb*, 285.

⁵⁸⁹ Relationship by marriage, namely between a man and his mother-in-law, step daughter, etc., in the direct line; marriage with two sisters or with an aunt and niece at the same time is also forbidden. See J. Schacht, "Nikāh in Classical Islamic Law," *EI*, III (1995), 28. According to Abrū, Dimashq, father of Delshād and Baghdād Khatun were from the same mother, see *Zubdat al-Tawārīkh*, 139.

⁵⁹⁰ *abīb al-Siyar*, 218-219/ *Habibu's-Siyar*, trans., 125

⁵⁹¹ *Majma' al-Ansāb*, 293.

⁵⁹² Abrū mentioned how Delshād khatun worried for the Sultan but he did not mention Baghdād Khatun. *Zubdat al-Tawārīkh*, 145.

⁵⁹³ *Majma' al-Ansāb*, 295-296. Abrū reported that when Abu Sa'id died, Baghdad was proud and therefore she did not obey and go to the presence of Arpa Khan. When it was understood

5.2.4 Delshād Khatun

After the death of Abū Sa‘īd, Delshād Khatun was pregnant and she fled to Amīr ‘Alī, leader of tribe of Oirad and governor of Baghdād.⁵⁹⁴ She was the daughter of Dimashq. Her mother was Tūrsin Khatun, daughter of Kūnjak Khatun, daughter of A mad Khan, son of Hūlagū Khan.⁵⁹⁵ In this way, she was an important figure in the political arena which was in chaos because she was a Chinggisid from the mother’s side and had a baby from the deceased Khan. If she gave birth a son, she would stop the collapse of the Ilkhanate which had no male heir from the house of the Ilkhan.

Shaikh Hasan Jalāyir left his job to Amīr Eretnā in Rūm (Anatolia), and came to Iran to claim the right of rule over Iran and brought Sulān Mu‘ammad bin Yol Qutlugh bin Iltemūr bin Dīnārjī bin Hūlegū to Tabrīz and proclaimed him as Khan;⁵⁹⁶ In Dhī‘lhiġje 736, Shaikh Hasan took the control of northwestern part of Iran. Then, he married Delshād Khatun.⁵⁹⁷ Shaikh Hasan Noyan was from the family of Īlkān Noyan, from the lineage of important umera extending to Chinggis Khan, and his mother was Ōljetei Khatun who was daughter of Arghun.⁵⁹⁸ According to Samarqandī, it was a revenge of his former wife

that she poisoned Abu Sa‘īd and wrote a letter of Uzbek Khan for opposing Arpa Khan, she was killed by the order of Arpā Khan. *Zubdat al-Tawārīkh*, 295-96; al-Āharī said that in October 19-November 17, 1335 she was killed for the reason that she corresponded with Uzbek Khan and persuaded him to come to Īrān. *Tā‘rikh-i Shaikh-Uwais*, 154/tr. 59. *Zubdat al-Tawārīkh*, 146; *Ma la‘ al-Sa‘dayn* 124; Bāyanī, 1345, 16; *Habibu’s-Siyar*, trans., 127.

⁵⁹⁴ *Ma la‘ al-Sa‘dayn* 125-126; Shīrīn Bāyanī, *Tārīkh āl Jālāyer*, Tehrān 1345, 18.

⁵⁹⁵ *Tā‘rikh-i Shaikh-Uwais*, 184/tr. 83.

⁵⁹⁶ *Ma la‘ al-Sa‘dayn* 131;

⁵⁹⁷ *Zubdat al-Tawārīkh*, 153.

⁵⁹⁸ *Tawārīkh-i Mu‘inī*, 163; *Tā‘rikh-i Shaikh-Uwais*, 184/tr. 83; *Majma‘ al- Ansāb*, 295.

Baghdād Khatun whom Abū Sa‘īd took from him by force. The writer said the following words for this marriage “*Khayāl-i Baghdād Khatun be vi al-i Delshād Khatun bedel shode.*”⁵⁹⁹ Furthermore, Delshād was pregnant, and if she gave birth to a son, he could proclaim this boy as a sultan and he would reign in his name.⁶⁰⁰ Shaikh asan Jalāyīr’s (his nickname asan-i Buzurg i.e., Older asan) and Shaikh asan Chupan (his nickname asan-i Kuchek i.e., younger asan) competed with each other in order to take control of the Ilkhanid state in the name of the so-called Khans.⁶⁰¹ asan-i Kuchek wanted to rule the country in the name of Sa ī Bik and her son Suyurghan.⁶⁰² But when Shaikh asan-i Chopanī died, Shaikh asan Jalāyīrī became the most powerful ruler of Iran and Baghdād.⁶⁰³ He also took the control of the Chohanid family, for example, he gave Dimashq’s daughter Sul ān Bakht to Amīr Mes‘ūd who obeyed his rule.⁶⁰⁴

Delshād played important roles in the Jalāyīrid dynasty. She worked in coherence with other Amīrs and became very influential in the political and social events, in the absence of her husband Shaikh asan, she ruled the state as a regent.⁶⁰⁵

⁵⁹⁹ *Ma la‘ al-Sa‘dayn* 132-133; *Zubdat al-Tawārīkh*, 154.

⁶⁰⁰ *Tārīkh āl Jalāyer*, 20 but she gave birth a girl. See *Zubdat al-Tawārīkh*, 151.

⁶⁰¹ *Ma la‘ al-Sa‘dayn* 135-138;

⁶⁰² *Ma la‘ al-Sa‘dayn* 139-140;

⁶⁰³ *Ma la‘ al-Sa‘dayn* 138-139;

⁶⁰⁴ *Ma la‘ al-Sa‘dayn* 189;

⁶⁰⁵ amdullāh Mustawfī Qazwīnī, *Dhāīl-i Tārīkh-i Guzīda*, ed. Īraj Afshār, Tehran: Bunyād-i Mawqūfāt-i Duktūr Ma mūd Afshār, , 1372 H.sh./1993, 42-43; *Zubdat al-Tawārīkh*, 178-179; Dawlatshāh Samarqandī, Bin ‘Alā al-Dawla Bakhtīshāh al-Ghāzī, *Tadhkiratu ‘sh-shu‘arā*, ed.

5.2.5 Sati Bik

So far we have seen that in general *yasa* was advantageous for the Chinggisid for male and female members. But when the life of Sati Bik is taken into consideration, it can be seen that she experienced the dark side of the *yasa* as a Chinggisid family member. In fact, the advantages turned into disadvantages with the rise of the power of the Amīrs within the Khanate, because, she was used as a puppet by the Amīrs who wanted to gain superiority against their rivals by using her dynastic right of rule.

As it is mentioned above, she married Amīr Chopan just after the death of her sister who was wife of Chopan. The Chinggisid women could marry Amīrs or noyans, but taking in one year two wives from a Chinggisid house was probably an unusual event. This showed the power of Chopan in the realm. Sati Bik's life turned into turmoil after the death of her husband Chopan and the collapse of the Khanate. She was used as a puppet by the rival Amīrs who competed to obtain the sovereignty of the Ilkhanids. Because she was a Chinggisid and she gave legitimacy to the claimants over the Ilkhanid realm.

Firstly she was married to Arpā Khan who was crowned in the Ilkhanid realm in 1335 and in this way, he enhanced his power in the political matters.⁶⁰⁶ After the assassination of Arpa Khan in 1336, rivalry among the leading Amīrs for the sovereignty of Iran took place. The main competition was between Amīr Shaikh Hasan, grandson of Amīr Chopan and son of Amīr Temūrtash --known

Edward G. Browne (London : Luzac&Co, Leiden: E.J. Brill, 1901), 257-8, 262,300; Bāyanī 1345, 31-32.

⁶⁰⁶ *Ma la' al-Sa'dayn* 126; *Zubdat al-Tawārikh*, 147; *Habibu's-Siyar*, trans., 127

as *asan-i kuchek* i.e. “Little” asan and Amīr Shaikh Hasan Jalayir -- former husband of Baghdad Khatun -- known as *asan-i – Buzurg* i.e. “Big” asan. Both of them tried to place various persons from the Chinggisid line as a puppet, on the throne but “Little” asan used Sātī Bik in his struggle against “Big” asan who was trying to enthrone Toghay Temūr and Jehān Temūr who were from the Chinggisid line. When “Big” asan Jalair took the control of Sultaniyya in 737/1337, “Little” asan Chopan made alliance with SatıBik and made war with “Big” asan. They failed but one year later (1338) “Little” asan enthroned SatıBik. She reigned for nine months.⁶⁰⁷ Shaikh asan (son of Timūrtāsh) Chopan sent a letter to Shaikh asan Buzurg Jalayir saying: “We are all servants of the Sul ān SatıBik who is your sister and relative, (while) ughāy Timūr is a foreigner. It is not advisable to bring him into the country, and we are under the obligation of the same agreement and oath that we have sworn, and by our honor bound to keep it.”⁶⁰⁸

“Little” asan’s attempt to unite around Ilkhanid SatıBik failed. He chose Suleymān Khan, a descendant of Hülegü Khan’s son Yoshmut, and forced SatıBik to marry Suleymān Khan in 740/1340. This lasted for four years, he (Shaikh asan Khūchik) struck coins and gave him the sermon in Tabrīz in his name, and he had Satı Bik married to him.⁶⁰⁹ But at the end, Shaikh asan Jalāyīr defated Sahikh asan Chopani and he became the most powerful authority in Iran and obtained the reign of the most of Irān.⁶¹⁰

⁶⁰⁷ *Zubdat al-Tawārīkh*, 158-159; Shīrīn Bāyanī, 1345 20. *Mojmal Fa ī ī*, 55. Üçok 1965, 127-128; *Habibu’s-Siyar*, trans., 127-8.

⁶⁰⁸ *Tā’rikh-i Shaikh-Uwais*, 67/ tr. 152.

⁶⁰⁹ She married Batu before Sulīmān Shāh. See *Zubdat al-Tawārīkh*, 160.”(*Tā’rikh-i Shaikh-Uwais*, 68/ tr. 153.); *Habibu’s-Siyar*, trans.131.

⁶¹⁰ Zeki Velidi Togan, 1981, 231-232.

Conclusion

The Ilkhanids had a different relation with the Muslim world. They came to Muslim world as non-Muslims and until the conversion to Ghazan, they remained as the non-Muslim rulers of the Muslim people. But before and after conversion, *yasa* preserved its superiority over *sharī'a*, because *yasa* was not only law but representation of superior Chinggisid lineage and imperial ideology.

Islamic Law or Shari'a⁶¹¹ imposed many obligations which made people to obey the rules of the rulers, who with *ulama*, represented Islam; on the other hand, it also gave personal rights to individuals and made the rulers responsible for the Muslim community "*umma*."⁶¹² Therefore, Islam had a very powerful communal aspect, which laid down one's duties to both God and man.⁶¹³

As stated above, *yasa* was a symbol of authority of a Khan and the Chinggisid imperial ideology and this authority could reach the private life of his subjects. Abu Sa'id's asking to marry Baghdad Khatun put the Chohanids into the status of an ordinary subject people. In this way, the Khan proved that the Khan's

⁶¹¹ About Sharī'a, Fazlur Rahman said "Dīn and Sharia is identical but there are two significant considerations which probably furnish the answer, one religious and the other, allied to the former, historical (Rahman,1976, 102). See also, Black, Anthony, *the History of Islamic Political Thought; From the Prophet to the Present*, (Routledge, New York, 2001).Hodgson says "Although Nizam al-Mulk's attempt to ground Saldjukids power on the old Iranian political idea of the Universal absolute monarchy failed, but his policies furthered the evolution of the two crucial social classes towards playing their roles in the emerging international order of the Middle Periods. These classes were the religious scholars, the 'ulamâ, and the military, particularly the military captains, the amīrs; they formed together formed core of authority in the new society, with its minimal dependence on formal political structures, Hodgson, 46.

⁶¹² Hodgson 1974, 119

⁶¹³ Look at Savory 1976, 54-55. See also Hodgson 1974, 193

authority and power dominated all his subjects regardless of their power and authority. This was a hierarchical society and every one dominated the lower in rank or status. For example, Amīr Chopan used *yasa* to seize Nāz Khatun's real estate and properties. Chopan could do this, not because Nāz khatun was a woman, but because she was lower in rank. Baghdad Khatun was forced to marry Abū Saī'd according to *yasa* but the same *yasa* gave her many rights and she was called "khodāwandigār." Many Amīrs and high ranking men had to respect and obey her rules as she was the wife of the Khan. And probably because of her power, Abū Saī'd might have been encouraged to marry Delshād Khatun. In this respect, it was not an application of the Khan's absolute power; rather a new group's attempt to replace the old group, which shared power with the Khan.

These events show that hierarchy was more important than gender within the society which was ruled according to *yasa*. It seems that *sharī'a* had rules which were valid for everyone, i.e. 'iddah period, impossibility of asking to marry a married woman or prohibition of levirate were valid for any ordinary person as well as the rulers. As *yasa* undermined personal rights and wishes, in these cases *yasa* was used by more powerful persons to their advantage. In other words, it was used as a part of real politic. On the other hand, *sharī'a* put restrictions on these rules, brought more certain rules for all people and took personal rights into considerations.

In fact, it does not mean that *sharī'a* was an advantage for the oppressed people or brought equality to people. As it was mentioned in the fourth chapter, *sharī'a* rules were subject to the personal interpretation and it was originally formulated according to new hierarchical Muslim dynasties and societies. For example, both Islamic and non-Islamic customary law could gain precedence, and *ulama* generally became silent or could not be effective against non-Islamic

applications in history. For example, the Muslim Karakhitai and Salghurid dynasties followed *yasa* in their gender relations as a part of their political relations with the Ilkhans. Neither *ulama* nor the Muslim subject people showed any open reaction to them. Ilkhans before and after the conversion, did not change their policy of following *yasa*, because *yasa* represented power and authority of the Khan and being loyal to the Chinggisid heritage and imperial goals.

Recognition of matriline and female values created an environment in which women were active socially, economically and politically as in the cases of Terken, Padshāh, Abish, Baghdad and Delshād Khatuns who were all non-Chinggisids and not from consort family and clans. Yet at the same time they suffered under some harsh rules of *yasa*.

CHAPTER 6

THE COEXISTENCE OF MATRILINEALITY AND PATRILINEALITY: SYMBIOSIS OF *YASA* AND *SHARĪ'A* ACHIEVED BY THE TIMURIDS IN CENTRAL ASIA

INTRODUCTION

Timurid royal women occupy a distinct place as having prestigious and respected positions, and they also actively participated in the social and political life. They enjoyed very great political, economic and social power starting with the establishment of the Empire in 1345 until its end in 1505. This feature made the Timurid dynasty unique among the Turco-Mongol dynasties in Central Asia and Anatolia.

Temür and Timurids were both Muslim and loyal to the Chinggisid legacy and *yasa*. In fact, Temür's successors made a choice between *yasa* and *sharī'a*; they gave precedence to one of them but never undermined the other completely. In other words, Temür and his successors used *yasa* and *sharī'a* in every sphere of the Empire in accordance with their policies. In spite of the differentiation in use of these two kinds of laws, Timurid royal women's roles and activities did not change and there was no important tension between *yasa* and *sharī'a* in gender relations. This situation was very much unlike the Ilkhanids. Behind this difference between Ilkhanids and the Timurids, political, social and cultural factors played a crucial role. Therefore, examination of gender relations among the Timurids, may show us different aspects of the relation between political structures and cultural understandings in gender relations.

In the previous chapter, it was emphasized that the royal women's lineages and positions within the hierarchy played a crucial role among the Ilkhans. In other

words, there were certain distinctions between Chinggisid and non-Chinggisid women in respect to power and authority in every sphere of the Ilkhanid State. *Yasa* gave superiority to all Chinggisids over non-Chinggisids who were represented by *sharī'a*, therefore, tension between Chinggisids and non-Chinggisids was identified with the tension between *yasa* and *sharī'a*. Some extraordinary exercises in gender relations were legitimized in the frame of *yasa* and opposition to any order derived from *yasa* was seen as a disobedience to the Mongol imperial ideology and authority.

As it was mentioned in the Chapter 4, there was no great diversity between *sharī'a* rules and customary laws of the various Muslim dynasties, at least in their applications, in the political, military, administrative and to some extent in the economic factors. But some customary rules about gender relations were sometimes in conflict with *sharī'a*, because *sharī'a* evaluated some gendered matters from personal perspectives, such as the right of divorce for women or making marriage contractual for both sides.⁶¹⁴ On the other hand, *yasa* according to Hodgson “remained a narrow military ideal, of which the civilian populations took no cognizance.”⁶¹⁵

In general, insistence on application of *yasa* or customary laws on gender relation were closely related to the political and social interests of the dynasties or governments, and gender relations were an important part of these political formations in the monarchies in which families played crucial roles. Holmgren states that marriages of the ruling elites were generally to serve interests of their states for gaining legitimacy, for alliance with other rival powers or for

⁶¹⁴ Schacht 1964, 161.

⁶¹⁵ Hodgson 1974, 405.

consolidating power in their domains.⁶¹⁶ Similarly, Leslie Peirce expresses the importance of gender relations in politics as follows:

Patterns of marriage, concubinage, and reproduction had symbolic as well as strategic import. How a dynasty reproduced said a good deal about how it understood power. As part of the vocabulary of Islamic monarchy, marital and reproductive choices were one of the means a dynasty utilized in constructing the image it wished to project publicly.⁶¹⁷

As gender relations were closely related to the state policies and ideologies, like the other dynasties throughout the world,⁶¹⁸ the Turkic and Mongol elite preserved these customs and gender relations as a part of politics or bases of order in their states, tribes or societies. They changed these gender relations in a positive or negative way after ideological and political transformations of the dynasties or societies.⁶¹⁹ In spite of these differences between *sharī‘a* and *yasa*, among the Timurids, there was no big tension between them because the *ulama* were under the services of the government, and they always could find new formulations to legitimate non-Islamic exercises. Such compromises were

⁶¹⁶Jennifer Holmgren, *Marriage, Kinship and Power in Northern China* (Aldershot, Hampshire, Great Britain: Brookfield : Variorum, 1995), 89-90.

⁶¹⁷ Leslie Pierce, *The Imperial Harem; Women and Sovereignty in the Ottoman Empire*, Berkeley, Los Angeles, London: Oxford Univ. Press, 1993, 28.

⁶¹⁸ For example, about the Byzantine royal women see Barbara Hill according to whom ideology determines perception of gender, men and women’s roles etc. Barbara Hill, *Bizans İmparatorluk Kadınları, İktidar, Himaye ve İdeoloji*, tr. Elif Gökteke Tut (İstanbul: Tarih Vakfı Yurt Yayınları, 2003); Donald M. Nicol, *Bizansın Soylu Kadınları, 1250-1500*, tr. Özden Arıkan (İstanbul: Tarih Vakfı Yurt yayınları, 2001); Cynthia B. Patterson, *The Family in Greek History*, (Cambridge and London: Harvard Univ. Press, 1998).

⁶¹⁹ Carole Hillenbrand, “Women in the Seljuq Period,” in *Women in Iran from the Rise of Islam to 1800*, ed. Guity Nashat and Lois Beck, Univ. of Illinois press, Urbana and Chicago, 2003. 77-79.

closely related to the degree of integration of these two systems and also to the power and authority of the sovereign.

During and after Temür, the rulers irrespective of whether they favored *yasa* or not, continued to be loyal to the Chinggisid heritage and *yasa* and there was no striking dichotomy of tension between *yasa* and *sharī'a* in gender relations. One of the reasons of this development was the fact that Temür did not allow religious and bureaucratic classes as representatives of *sharī'a* to become effective in the state mechanism. According to Manz, the early Ilkhans based their claims on Mongol tradition, however later they were in need of their Persian officials' knowledge and experience for their new territories and used them in administrative and financial mechanisms. On the other hand, the viziers under the Timurids held little power. Especially during the time of Temür, viziers were quickly appointed and dismissed.⁶²⁰ Thus, there was no powerful authority who could show reaction or check their actions or doings and determine whether they were according to *sharī'a* or not. Probably because of this reason, in the historical sources of the Timurids there are no events reported related to tension between *yasa* and *sharī'a*. This situation was very unlike the Ilkhanids. There were also other differences between

The Timurid royal women were more active in the social and political events than the royal women of the Ilkhans. Among the Ilkhans, the royal family members and women from certain consort clans had high prestige and used advantages of *yasa*. The other women, on the other hand, since they were non-Chinggisid were imposed upon the negative aspects of *yasa*. In fact, in both dynasties, women's lineage played a crucial role within the realm. However,

⁶²⁰ Beatrice Forbes Manz, *The Rise and Rule of Tamerlane* (Cambridge: Cambridge Univ. Press, 1996), 117, 114.

among the Ilkhans women from the consort clan or wife-giving families were more privileged. Therefore there was more strict hierarchy among the Ilkhanid women. On the other hand, Timurid women from various tribes or clans were more active in the politics and social affairs. This can be seen in the artistic and architectural activities of the women. For example, Sheila Blair states that while Timurid women were active in the constructions of various religious or civil foundations, they were not often depicted in the manuscript paintings. Ilkhanid women did not participate in the constructional activities much but they were very often depicted in the manuscript paintings.⁶²¹ This was parallel to the Ilkhanid women's firm position in the imperial ideology⁶²² and Timurid women's active participation in the social and political life. In other words except for the Chinggisid women, as well as the other Timurid women from the various consort clans proved themselves by their actions and doings in the public eye.

So far, close relation between gender and social and political conditions have been emphasized by making comparison between the Ilkhanids and Timurids. Therefore, before examining gender strategies in the Timurid dynasty, a short overview about Temür's political career and sociological and political structure of the Timurid Empire is presented below.

6.1 Social and Political Structure of the Timurid Dynasty

Unlike the Ilkhans, Timurid dynasty rose to power within the Muslim society as a follower of the Chinggisid heritage and defender of Islam. This duality

⁶²¹ Sheila S. Blair 2005, 345-346.

⁶²² Figures 1, 2

labeled Temür's and his successors' policies. Beatrice Manz describes Temür's career as follows:

Temür represents the culmination of an old tradition- he is the last of the great nomad conquerors. He rose to power within a nomad confederation and the members of this confederation formed the backbone of his army throughout his career. However, Temür's conquests were in one crucial sense different from those of Chinggis Khan and most other earlier nomad conquerors; the world he conquered was not over the steppe, but over the sown...He established governorship and permanent garrisons. Other great steppe conquerors had also arisen in the borderlands between steppes and sown, but most consolidated their hold first over the steppe. Temür on the other hand overran the steppe but never aspired to rule it.⁶²³

The hundred and fifty years of Mongol and Turco-Mongolian rule had softened the differences between the steppe and settled region, and between nomad rulers and settled subjects. These two regions remained separate in consciousness and character, but they were closely tied in contact and were conscious of each other's actions. This was the world that produced Temür.⁶²⁴

In fact, gaining power and right of rule were very complicated for him because in the regions, on which he reigned, the Chinggisid sovereignty had ended but its legacy was alive and dominant. About this matter Manz said that

According to Mongol tradition descendants of Chinggis Khan could adapt title of Khan and aspire to sovereign power. In the Islamic world the title of sultan suggested supreme rule of the formal ruler—a Chinggis Khan— than of Temür himself. He ruled in Transoxiana, where his rule originated, Islamic and Turco-Mongolian tradition widely accepted.⁶²⁵

⁶²³ Manz 1996, 1-2.

⁶²⁴ Manz 1996, 10.

⁶²⁵ Beatrice Manz, "Tamerlane and the Symbolism of Sovereignty" *Iranian Studies* 21 (1988): 105.

Under such political conditions, he did not inherit but seized it.⁶²⁶ As he was loyal to Chinggisid legacy; he never used the title of “khan” which was title of the Chinggisid rulers and used *Amīr al-Kabīr* and *Sā ib irān* and *güregen* (son-in-law).⁶²⁷ Chinggisid puppet khans and his matrimonial ties with the Chinggisid family had crucial importance for his political legitimacy and authority. Therefore, after defeating his rival Amīr Husayn, Temūr took his Chinggisid wife Sarāy Mülk Hanım, and after this marriage he declared his sovereignty in 9th April 1370.⁶²⁸ P. Soucek said in this connection:

As a descendant of Chingiz Khan’s son Chaghatay and the daughter of the last effective ruler of that line, Qazan Khan (d.747/1346-47), Sarāy Mülk Khanum enabled Temūr to include the Mongol title *güregen* (son-in-law) in his titulature. Because her father was deceased, his title is literally nonsensical; its practical value, however, is indicated by the way in which it was used by Temūr. Temūr exercised power in the name of a Cingizid whom he has installed as figurehead so that his decrees were presented as orders of this nominal ruler with which Temūr concurred.” By the order of the Suyurghatmish Khan and Amīr Temūr *güregen*, our word...⁶²⁹

Marriages with women from the Chinggisid house continued during and after the time of Temūr, because it continued to be main source of the legitimacy against the challenges coming from outside and rivalry among the family members inside. It has been mentioned above that after defeating his enemy Amīr Husayn, Temūr married his Chinggisid wife Sarāy Mülk Khanum and

⁶²⁶Manz, Beatrice Forbes, “Women in Timurid Dynastic Politics” in *Women in Iran, From the Rise of Islam to 1800*, ed. Guity Nashat and Lois Beck (Urbana and Chicago: Univ. of Illinois press, 2003) 122.

⁶²⁷ Mustafa Kafalı, “Timur,” in *İA* (MEB), vol. 12/1.Cilt, 336.

⁶²⁸ Yazdī, Sharaf al-Dīn, *afarnāma*. 2vols, ed. Mu ammad ‘Abbāsī (Tehran: Mu’assasa-yi Ma bū’āt-i Amīr Kabīr, 1336 H.sh./1957-58). (Hereafter *ZNY*). *ZNY* vol.1, 155. For the political events of the period of the rise of Temūr see Khāfēz Abrū, *Panj Resāle’-i Tārikh*, ed. Felkesī Tāvar, Tehan: Ketābkhāna-i Khāne-i Ferheng-i Cumhūr Eslām Irān, 1294.

⁶²⁹ Soucek 1999, 203

gained the title of *guregan*, i.e Küregen, “son-in-law.” He declared the establishment of his dynasty just afterwards. Later, in 862/1458 he married Tükel Khanum, daughter of Khizir Khwaja Khan.⁶³⁰ Thus he strengthened his position in the political arena of Inner Asia, where only the Chinggisids had the right to rule. In 776/1379 Temür married his son Jehāngīr with Suyin Bik, who was going to be famous as Khāndzāda daughter of Sheker Bik (daughter of Uzbek Khan) and Aq Sūfi.⁶³¹ Miran Shāh’s son Abu Sai’d married Chingisid women before and after capturing the crown from the Shāhkrukh’s line.⁶³² Through marriages of the Chinggisid women, Timurids connected their lineage to the various houses of the Chinggisids. They were connected by Suyin Bik to the House of Jöchids, by Urun Sultan Khanike to Ögedeyids and by Mülkhat Agha to Chaghatayids.⁶³³

“Centrality of family in the politics and legitimization” as Manz says below played crucial role in the actions and doings of the Timurid royal women:

...One can attribute their prominence partially to the Turco-Mongol heritage of the Timurids, but I would suggest that the primary explanation lies in the centrality of family relationships in the politics and legitimation of the Timurid dynasty. Like other rulers, Timurid sovereigns faced a crucial challenge: the need to

⁶³⁰ ZNY vol.II, 9-16; *abīb al-Siyar*, 468-469/ *Habibu’s-Siyar*, trans., 300.

⁶³¹ According to Yazdī, the relation between Temür and Yūsuf Sūfi did not go well and in order to make the relation better he gave his brother’s daughter whose mother was a Chinggisid to Temür’s son in marriage see ZNY vol.I, 180; *abīb al-Siyar*, 422; Nizamüddin Şami, *Zafernāme*, trans. Necati Lugal (Ankara: TTK Baimevi, 1987), 80-81. (Hereafter ZNS).

⁶³² Anonymous. *Mu’izz al-Ansāb fi Shajarat al-Ansāb*. Paris Bibliothèque Nationale Ms. Nationale Ms. ancien fonds pers. 67, 151b. (Hereafter *Mu’izz al-Ansāb*).

⁶³³ Woods, John, “Timur’s Geneology.: In *Intellectual Studies on Islam. Essays Written in Honor of Martin B. Dickson* (Salt Lake City: University of Utah Press, 1990), 113; Manz 2003, 124.

maintain the collective prestige and charisma of the ruling family while retaining power over its individual members. Timurid rulers tried to attach and control their blood relatives and their followers by structuring them into an extended ruling family of which the sovereign was the patriarch. In this they resembled many other dynasties. What was somewhat less common was their practice of enhancing dynastic legitimacy through marriage with the house of Chinggis Khan. Women played crucial part in both of these endeavors.⁶³⁴

Temür put the family at the center of the state mechanisms. In this system, matrilineal tradition played a crucial role and P. Soucek evaluated the term of *güregen* in this frame, as follows:

Timurid *güregen* is usually categorized simply as a method of political legitimization, but the custom has further ramifications. The Mongol practice of having a bridegroom take a temporary residence with his wife's family has been viewed as the vestige of a matrilineal lineage system. Chingiz Khan's own marriage to Börte began in this way... Although the term *güregen* is not used in sources to describe men who married Timurid women, other aspects of this custom do seem to have been current among the Timurids. The practice of having a bridegroom live with the bride's family is documented for the marriage of Temür's niece Sevinj Qutlugh Agha bint Shirin Beg Agha to the son of the Kart ruler of Herat where marriage was celebrated with great pomp. Men related to Temür through marriage with his sisters or daughters appear to have had an honored position within the family at large.⁶³⁵

It can be said that beyond the legitimating role of women, in the Timurid ideology, there was "female cult" which depended on Alan-Gho'a the common ancestress. Alan-Gho'a was the uniting mythical figure the Mongols and Turco-Mongol dynasties. In fact, matriline was very important for the Turkic and Mongolian societies but with the Chinggisid ideology this might have reached its peak. Sharing this culture, and with their need for maternal legitimation and

⁶³⁴ Manz, 2003, 121-122.

⁶³⁵ Soucek 1999, 213

dynastic structure of the empire, the Timurids made maternity more important. Furthermore, in addition to the marriages to the Chinggisids, they connected their own lineage to Alan-Gho'a who was the mythical ancestress of the Chinggisid family. In Habib's-Siyar, Temür's genealogy is reported as follows: "The Axis of the Sultanate and caliphate Amīr Temūr Kūrāgān was the son of Amīr Bürköl, son of Elāngir Noyan, son of Amīr Ajil, son of Qarachar Noyan, son of Qachulai Bahadur, son of Tuminai Khan, son of Buqa Khan, son of Bodhoncar Qa'an, son of Alan-Gho'a . Alan-Gho'a was the lineage of Qaghan, whose descent stems from Japeth the son of Noah." Furthermore, the writer emphasized Temür's birthday with these following words: "He was born in the same year, when the death of Abu Sa'id (April 8 1336) occurred."⁶³⁶

Certainly, Temür used values of the Islamic civilization in his sovereignty also and he created a kind of synthesis between these two traditions but he put himself and his family at the center of this formulation. As it is explained later this was one of the reasons behind absence of tension between *yasa* and *sharī'a* related to gender relations in the realm. In this frame, he used both sides for his legitimation. Beatrice Manz states that "Temür presented a picture of himself as an equal to Chinggis Khan and as the supreme Muslim ruler of his time, restorer of Mongol order and fighter for the Islamic faith."⁶³⁷ Mansura Haider describes his dual aspect as "... claiming the inheritance of the Mongol Empire, Temür also declared himself to be the imperial head as well as spiritual leader, a defender of Islam and a shadow of God on earth."⁶³⁸ In order to restore his power, he posed as protector and restorer of the Chaghadayid house and

⁶³⁶ *abīb al-Siyar* vol.3, 392-393, trans, 227.

⁶³⁷ Beatrice Forbes Manz, "Family and Ruler in Timurid Histiography," 2001, 57.

⁶³⁸ Mansura Haider 1976, 71.

installed a Chinggisid puppet khan as many others like him had done.”⁶³⁹ He claimed to be not simply restorer of Chinggis Khan, but to be a second Chinggis Khan.⁶⁴⁰ He also married women from the Chinggisid house and used the title of *güregen* (son-in-law). He claimed genealogical connection to the Chinggisid house. In order to justify his conquests he used Turco-Mongol and an Islamic ideology, his claim was that his conquests were to safeguard to expand Islam and to restore the Chinggisid world order.⁶⁴¹ This duality reflected itself in *Tadhkirat al- Shu’ara*: “Genealogists of the Turks say that Amīr Temūr Kūrāgān’s line and Genghis Khan’s line met in Alan-gho’a Khatun, who was married to one of the grandsons of Imam Ali Zaynul-Abidin, and from her sprang this noble family.”⁶⁴² About this matter John Woods said that

The Timurids claimed aristocratic Mongol origins from Buzunchar or Bodonchar Khan Mungqaq (“the fool”), one of the three offspring of the miraculous union of the widow Alan –Qo’a and the “Radiant Being” of Mongol mythology... A striking exception to this statement occurs in Temūr’s tomb inscription which associates Alan-Gho’a with the Virgin Mary by implicitly identifying her supernatural consort, who “appeared to her as a perfect man,” with Abrahamic Holy Spirit mentioned in the Qor’an (19:17) ... While openly declaring him a descendant of ‘Ali... This claim combines the two most powerful notions of dynastic legitimacy current in post-‘Abbasid, late Mongol Iran and Central Asia.⁶⁴³

Additionally, important historical women figures were not unfamiliar and they evaluated these women’s actions from their own cultural perspectives. In the

⁶³⁹ Manz 1988, 106,

⁶⁴⁰ Manz, 1988, p107.

⁶⁴¹ Manz 1988, 110-113.

⁶⁴² Thackston, in *The Century of Princes*, 15.

⁶⁴³ Woods 1990, 86-88.

primary sources written by Muslim scholars who were representatives of the Islamic Civilization, these noble women were identified with the important women figures that were recognized by the Irano-Islamic civilization. For example, they mentioned these women as Balqis (Queen of Saba), Hodaya (Queen of Persia, daughter of Behmen, king of Kian).⁶⁴⁴ In other words, high status of women was perceived by *ulama* from their own cultural perspectives and approved.

Timurids married also women from various leading families or tribes. They married extensively into the families of their followers, and daughters of senior Amīrs held great prestige, and their daughters could hold lofty places as royal wives.⁶⁴⁵ Temūr's wife Tuman Agha, daughter of powerful Amīr Musa Tayich'ut, seems to have been only slightly less prominent than Sarāy Mülk Khanum.⁶⁴⁶ After Temūr, non-Chinggisid elite women were sometimes more important than the Chinggisids as the case of Gawharshād shows. Therefore, connecting the Timurid women's prestigious position to being from the Chinggisid line is not sufficient to explain high status and authority of the Timurid royal women. If it was true, non-Chinggisid noble women would not have been active and important in every sphere of the state affairs. As it is mentioned above, matriline and feminine values were very important for the Timurid ideology. Soucek and Kazlowski claim that "Temūr believed in a kind

⁶⁴⁴ ZNY vol.1, 190-191.

⁶⁴⁵ Nazmiye Togan, "Temūr Zamanında Aristokrat Türk Kadını," in *İslam Tetkikleri Enstitüsü Dergisi* 5(1-4) (1973), 3-15.

⁶⁴⁶ Manz, 2003, 125; *Mu'izz al-Ansāb*, folios 111b, 130a, 141b, woods 1990, 23-26, 34, 36, 44-46.

of female ‘charisma,’⁶⁴⁷ therefore according to Kazlowski Temür build a tomb over graves of women from the Prophet family when he visited Damascus.⁶⁴⁸ According to Shāmī, Temür visited the Tombs of the Prophets wives, Ummu Khābībe and Ummu Seleme and asked help from their spirituality.⁶⁴⁹ Unlike other Chinggisid women of the dynasty, Khanzāde was Chinggisid only on her maternal side but this did not make her less prestigious; she even was the favorite of Temür.⁶⁵⁰ Sultan Husayn, who did not descend from the Timuird house through patriline and was the son of Temür’s daughter Agha Begi, made an attempt to seize Samarqand in 807/1405 after the death of Temür.⁶⁵¹ It seems that he thought he had a right on the crown through his matriline connection.

Beside the legitimating role of the royal women and cultural and traditional factors, women’s role during the formation period was probably effective in the active participation of women in the social and political life, because women integrated into the system very well during this formation period in which the state ideology and institutions were shaped and institutionalized.

All the sources (they were also tools of official ideology) about Temür and Timurids certainly give a great place to the events in which wives, sisters and daughters of Temür and Amīr Husayn joined him in order to give support to

⁶⁴⁷ Soucek, Priscilla, ‘Timurid Women: A Cultural Perspective’, *Women in the Medieval Islamic World; Power, Patronage, and Piety*, ed. by Gavin R. G. Hambly, St. Martin’s Press, New York, 1999, 210.

⁶⁴⁸ Kazlowski (470-471; 1999).

⁶⁴⁹ *ZNS*, 280.

⁶⁵⁰ *ZNS*, 166, 168, 329.

⁶⁵¹ Manz, 1999, 132; Soucek 1999, 210.

their struggles for power. According to these sources this struggle was really hard and exhausting but with the support of their families Temür and Amīr Husayn were able to cope with all the difficulties they faced. For example, Timur's sister Qutluq Terken Agha, Oljei Terken Agha who was sister of Amīr Husayn and wife of Temür, and Amīr Husayn and his wife Delshād Agha were with their husbands during the military affairs, sometimes gave shelter to them, sometimes joined wars with them. They gave advice about many critical issues and took many decisions together.⁶⁵² For example, Temür wrote a letter about his discontent with Amīr Husayn, and this letter reached Amīr Husayn's mother who was Ardeh Khatun, daughter of Tarmashirin Khan.⁶⁵³ According to Yazdi, after establishment of the dynasty, Qutluq Terken Agha was very effective in Temür's politics.⁶⁵⁴ Women acted with men together, participated in all stages of political and military struggles. In other words, the Timurid Empire was not completely man-made.

It seems that Temür continued to preserve his family at the center and prevented the formation of powerful religious and bureaucratic classes who could impose *sharī'a* rules. In order to decrease sharing of power with other tribes or influential families, he married his grandsons and granddaughters with each other, even where some of them were underage. For instance, he married his granddaughter Aqa Biki with his grandson Ulūgh Bek in 1404;⁶⁵⁵ marriage

⁶⁵² *ZNY vol.1*, 48-54; *ZNS* 23-24, 104; *Ma la' al-Sa'dayn*, 317.

⁶⁵³ *Habibu's-Siyar* vol.3, 408.

⁶⁵⁴ *ZNY* vol.1, 192, 244; *Ma la' al-Sa'dayn*, 317; *ZNS*, 205.

⁶⁵⁵ Tacū's-Selmānī, *Tarihnāme*. 2nd ed. and Trans. İsmail Aka (Ankara: TTK, Ankara, 1999), 13.

of Amīrzāda Rustām b. Omar Shaikh and Makhdūm Sul an b. Amīrzāda Pīr Muhammad Jahāngīr.⁶⁵⁶

6.2 Traditional Tension between Royal Women and Muslim Bureaucratic Classes

As it has been discussed above, women's high status, centrality of the family in the politics played crucial role among the Timurids. Furthermore, absence of a strong bureaucracy within the dynasty and Temūr's unwillingness to share the authority with sovereigns ulema, sufī Shayks)⁶⁵⁷ are other factors in the women's high status. About this matter Morgan says:

Like earlier eastern conquerors of Persia, he made extensive use of the old-established Persian bureaucracy in the administration of his empire. But the bureaucracy by no means exercised the influence it had had in the Ilkhanid period. Persian bureaucrats did indeed manage much of the basic work of government and finance, but they were not given their head...there was no clear distinction between the civil and the military sphere, as was perhaps inevitable in a state which essentially existed as a permanent military campaign.⁶⁵⁸

There was tension between the royal women and bureaucracy which tried to eliminate female power in the social and political life in the Muslim dynasties in general. During the Seljukid period in Iran, this tension can also be seen. Carol Hillebrand's work on the Seljukid royal women shows that the ulama tried to eliminate women from the state and social affairs and to bring new regulations to restrict and determine the role of royal women. In the 12th

⁶⁵⁶ *Mu'izz al-Ansāb*, fol.104b. See also fol.107; 110b; Matla, II, 669, 703,878.

⁶⁵⁷ Manz, 1996, 7, 17; Aka, İsmail, *Timur ve Devleti*, TTK, Ankara, 1991, 107.

⁶⁵⁸ Morgan, David. *Medieval Persia 1040-1797*. London, New York: Longman, 1985, 92-93.

century, tension between Nizam al- Mülk and Melik Shāh's wife Terken Khatun was famous in history.⁶⁵⁹ According to Hillebrand Seljukid period was very important in shaping Irano-Islamic state traditions by which religious bureaucratic class tried to eliminate women in social and political affairs. During this period, many works of Islamic jurisprudence (*fiqh*) acquired a rigid format which was established gradually spinning over several centuries. By the Seljuk period, they contained a complete Book of Marriage, Al-Ghazali's magnum opus *Ihya ulum al-din* (Revivifying of the sciences of religion) and his so-called summary of it in Persian, *Kimiya-yi sa'adat* (Alchemy of happiness). Both of the latter works contain lengthy discussions of marriage. Another legislator of the Seljuq period, Ibn al-Jawzi, devoted a complete work (*Kitab ahkam al-nisa*, Book of rules for women) to the discussion of the statutes governing women's conduct within Islam.⁶⁶⁰ About this Hillebrand said that "an amplified picture of the ideal role to be played by Muslim women in the Seljuq period emerges from contemporary works of *adab* (secular literature). Nizam al-Mülk's *siyasatnama* (Book of government) put women to secondary position, restricted their action to their home and says "In all ages nothing but disgrace, infamy, discord and corruption have resulted when kings have been dominated by their wives."⁶⁶¹ This period was important because women's segregation and isolation from the social and political life were formulated and legalized in the name of *sharī'a* by the Muslim scholars. But influence of ulama or bureaucratic classes on the rulers and state mechanisms depended on various factors and therefore, presence of *ulama* or bureaucratic class did not always

⁶⁵⁹ For example see Ahmed b. Mahmud (fl 1570s), *Selçuk-Name* 2 vols, ed. Erdoğan Merçil (İstanbul: Tercüman 1001 Temel Eser, 1977).

⁶⁶⁰ Carole Hillenbrand, "Women in the Seljuq Period", *Women in Iran, From the Rise of Islam to 1800*, ed. By Guity Nashat and Lois Beck, Urbana and Chicago: University of Illinois Press, 2003, 104-105.

⁶⁶¹ Hillebrand 2003, 105.

mean isolation and subordination of women. For example, the Timurids, especially Temür himself and the Ottomans could control power and decisions of ulama. But Timurids used it in order to preserve the traditions but the Ottomans to empower the Ottoman monarch.

In the Ilkhanid Dynasty bureaucracy and Amīrs were more influential than in the Timurids. These classes generally tried to form a patriarchal system and eliminate women from administrative and ruling circles. For example, in Baghdad Khatun's marriage with the Khan, rivalry between the Amīrs played an important role, and later her relation with her husband Abū Sa'id was broken by the efforts of the leading people because probably they could not become influential on Abū Sa'id on whom Baghdad Khatun's sayings and wishes were more effective. There were many similar cases about tension and rivalry between the royal women and administrative and religious classes.

In the Timurid Dynasty, the absence of powerful males dominated the bureaucratic class and ulama, might have provided a suitable environment for the women's political and social affairs and have contributed to the absence of any reaction to the rules of *yasa* which were in conflict with *sharī'a* among the Ilkhans.

6.3 Women's Political Role within the Dynasty

The royal women, especially Chinggisid women, acted as transmittans of the traditions and defenders of the interests of the dynasty. As there was no distinction between private and public, private activities within the family were also part of politics. Therefore, all these actives were made under certain rules. For example, Sarāy Mūlk Khanum and Khāndzāda were given the charge of

Temür's youngest son Shāhkrukh, and several of his grandchildren, including Ulūgh Beg b. Shahrukh and Khalīl Sultan b. Mīrānsāh, son and two daughters of Umar Shaikh's one.⁶⁶² For example, Sarāy Mülk Khanum educated Temür's grandchildren, Khāndzāda educated Shahrukh's son Muhammad Juki who was only güregen son of Shāhkrukh.⁶⁶³ Later, in spite of Gawharshād, Khāndzāda took the daughter of Ulugh Begh for education for a few years and later sent her back.⁶⁶⁴ It seems that Khāndzāda was not as prestigious as during the time of Temür but she continued to educate royal children. Generally, education⁶⁶⁵ of royal children was at the hands of older royal women. According to Manz, it was for preventing formation of sub-dynasties in the provinces.⁶⁶⁶ Another reason could be transformation of the state ideology and traditions to the next generation. Khāndzāda as a Chinggisid woman; she was requested to rise and educate Ulugh beg's little daughter in the tradition.

Royal women were responsible for defending of interests of their royal house in spite of their husbands. According to Yazdi, Khāndzāda complained of her husband not only for misbehaviors but also for his departing from *yasaq*, and then his opposition to his father and his wasting the treasury.⁶⁶⁷ In another

⁶⁶² ZNY vol.1, 301, 415-416, ZNY vol.2, 36, 139, 267, woods 1990, 43-67; *Mu'izz al-Ansāb*, fol.101b, fol.102; Soucek 1999, 204.

⁶⁶³ ZNY vol.2, 285.

⁶⁶⁴ *Ma la' al-Sa'dayn*, 712.

⁶⁶⁵ As she was from the Chinggisid royal house and she knew traditions, rules and may be state rules (*yasa*). Sarāy Mülk Khanum during and after Temür organized ceremonies and educated royal children very much. She transmitted the Mongol imperial traditions to the Timurids. Similarly Khanzada, after Temür she was not much mentioned but she continued to educate children even *sharī'a* minded Shāhkrukh's son and daughter.

⁶⁶⁶ Manz 2003, 126

⁶⁶⁷ ZNY vol. 2, 151.

example, we see that Miran Shāh and Khananzada's daughter Aqa Biki who was wife of Amīrzada Sa'd Vaqqas, refused to go with her husband and tried to prevent this treachery, when her husband rebelled against Shahrukh and joined her father's enemy, the Turkman Qaraqoyunlu Qara Yusuf.⁶⁶⁸ Royal women were carriers and defenders of values and traditions. Mirza Yadgar Muhammad (Mirza Sultan Muhammad bin Mirza Mirza Baysungur bin Mirza Shahkrukh) was raised by his aunt Payanda Sultan Bikim.⁶⁶⁹ She also came to Herat when he was enthroned but at this time he was in Tus. As Ali Shāh Abu'l Ghazi Sultan threatened the capital in 750, she ruled the dynasty in Herat temporarily in the name of her cousin. Mawlana Husayn Shāh wrote a poem (*qāsida*) in order to praise Payandeh saying "Biki Mülk-e Balqis zeman-i Pāyende Sultan resīd."⁶⁷⁰ These few examples show that the Timurid women were an essential part of the state mechanism and that they were active participants of political and social life.

6.4 Symbiosis of *Yasa* and *Sharī'a* after Temür (Shahkrukh and Ulugh Beg)

The period after the death of Temür in 808/1405 is called "century of princes" which lasted until the death of Sultan Husayn Mirza in 1506. During this period Temür's empire was weakened by the disunity of his successors, who fought with each other, until gradually the western portions of the realm were lost to the Turcomans and the eastern and Central Asian portions fell to the Uzbeks.⁶⁷¹

⁶⁶⁸ *Zubdat al-Tawārīkh*, 588-90; *Tarihnâme* 13; *Mujmal-i Fa īhī*, 717.

⁶⁶⁹ *Habibu's-Siyar*, trans.vol 4, 139.

⁶⁷⁰ *Habibu's-Siyar*, trans.vol 4,,146.

⁶⁷¹ Thackston, W. M, *A Century of Princes: Sources on Timurid History and Ar.* (Camridge, Mass.: The Aga Khan Program for Islamic Architecture, 1989), 1.

“When Temür died therefore he left behind a political order which could not function without him and one which provided for his successors no clear political relationships or rules of conduct.”⁶⁷²

According to some scholars, after Temür, his successors were not loyal to the Chinggisid *yasa* as Temür. John Woods says that “It is clear that the importance of the Timurid family traditions as elaborated in the time of the warlord conqueror declined in the age of his successors, as Mongol notions of rule outwardly underwent a process of reconciliation with Islamic political principles.”⁶⁷³ Similarly, M. E. Subtenly claims that “Rulers framed their reform efforts within a comprehensive “return to Islam” policy in which they adopted the code and symbols of the Islamic Sharia in place of the Turco-Mongol customary law (*yasa/tora*) which had been exalted by Temür.”⁶⁷⁴ It seems that although *sharī‘a* gained precedence over *yasa*, *yasa* never lost its importance even during the time of the Shahrūkh (779-850/1377-1447) who is said to prefer *sharī‘a* to *yasa*. This should probably be Shahrūkh’s reaction to the rules of *yasa* because his father Temür preferred his brothers and his nieces to him according to the Chinggisid ideology: Prince Jehāngīr and then Mīrānshāh and after their death, his grandsons, Pīr Mu ammad b. Jehāngīr and Khalīl Sultan bin Mīrānshāh were designated as his heirs by Temür. In fact, the fact Shahrūkh’s mother was a concubine and his nephew’s mother was Khwāndzāda⁶⁷⁵ was important criterion in this choice.

⁶⁷² Manz 1996, 145.

⁶⁷³ Morgan 1985, 145.

⁶⁷⁴ Maria Eva Subtenly, “Centralizing Reform and its Opponents in the Late Timurid Period,” *Iraniana Studes* 21(1-2) (1981): 127.

⁶⁷⁵ İsmail Aka 1991, 143; Manz, 2003, 130. For the genealogy of these persons see, Prince Mu ammad fol.114b, Prince Khalīl fol.126 b, Shahrūkh’s mother was Tughāy Terken Agha

According to Aka, Shahrukh seized the throne and followed *sharī'a* in his policies.⁶⁷⁶ Shāhkrukh left Samarqand and made Herat his new capital of the Empire. In this way he changed both the ideology and center of the Timurid State. This difference reflected itself in the construction activities. Liza Golombek makes a comparison between the buildings of Temür and Shāhkrukh and says that “Temür’s buildings projected the image of world conqueror or founder of new order, while those of Shāhkrukh –new mosque, madrasas, and refurbished shrines- cast Shāhkrukh as upholder of the Islamic law, as well as the Persian tradition of kingship.”⁶⁷⁷ According to Subtenly, during the post Timurid era, both among successors of Temür and the other dynasties like Karakoyunlu and Akkoyunlu, *sharī'a* with bureaucracy was used in centralization policies.⁶⁷⁸

It seems that Shāhkrukh did not abandon *yasa* completely, may be it was challenge against the traditions in which matriline was very important. He was the son of a concubine, he legalized his power and authority by using *sharī'a*, in other words Irano-Islamic state tradition. Shahrukh did not use the title of *güregen* and used only the title of *bahādur*.⁶⁷⁹ He closed wine shops and

from Karakhitāi tribe mentioned as concubine. *Mu'izz al-Ansāb*, fol.99b and *Jehāngīr* fol.122b.; *abīb al-Siyar* vol.3, 299-300.

⁶⁷⁶ Aka 1991, 135.

⁶⁷⁷ Golombek, Lisa, “Discourses of an Imaginary Arts Council in Fifteenth-Century Iran”, in *Timurid Art and Architecture: Iran and Central Asia in the fifteenth Century*, ed. Lisa Golombek and Maria Subtenly, E.J. (Leiden, New York, Köln: Brill, 1992), 8.

⁶⁷⁸ Subtenly 1988, 123-151.

⁶⁷⁹ Aka 1991, 108

prohibited drinking wine.⁶⁸⁰ On the other hand, he continued to take *tamga* tax, which was contrary to *sharī'a*.⁶⁸¹ According to Barthold, there were contradictions which make one suspicious about his piousness.⁶⁸² Shahrukh's preference (at least in theory) to *sharī'a* can be seen on his tombstone: "This is a garden of paradise wherein rest His Majesty the pious sultan and emperor, sultan of sultans, succor of the state, the world and religion, Shahrukh Bahadur Sultan, may God Most High cause him to dwell on the throne of His pleasure and crown him with the diadem of beneficence."⁶⁸³ On the other hand, his wife Gawharshād was very important in the political arena, but she was a non-Chingisid. She was almost equal to Sarāy Mülk Khanum. For example, according to *Takhdirathu'l Shuara*, Gawharshād encouraged Shahrukh to execute many religious men.⁶⁸⁴ It seems that Temür's successors were not bound to Chingisid *yasa*, but they kept the dual character of the state ideology and tradition. Neither *sharī'a* nor *yasa* did ever replace each other or there was certain division among them. Shahrukh's policies were a good example of this. It seems that after Temür, the rival princes and their followers gave precedence sometimes to *yasa* sometimes to *sharī'a* according to their policies. It can be said that superiority of *yasa* ended after Temür.

⁶⁸⁰ Aka 1991, 135.

⁶⁸¹ Aka 1991, 107.

⁶⁸² Barthold, Wilhelm, *Uluğ Beg ve Zamani*, trans. İsmail Aka (Ankara: Kültür Bakanlığı Yay., 1990), 48.

⁶⁸³ Thackston 1989, 2

⁶⁸⁴ *Tadhkiratu'sh-shu'arā*, 229; Manz, 2003, 131-132.

6.5 Case Studies about Important Royal Women

The distinction between before and after Temür is made here not because of a change of the women's active participation in the social and political life. This distinction is derived from the fact that Chinggisid houses lost their precedence over the other lineages, and then matrilineal connection to the Chinggisid line lost its old importance. But there was no change in the social and political roles that the royal women played. As the importance of the Timurid royal women was not only due to their legitimating role but also due to political and ideological structure of the Empire, their role continued.

During the reign of Temür, Chinggisid royal women were higher in rank and importance. The chronicles report how Temür gave them great importance. Manz said that all the royal weddings were carried out in great splendor but the Chinggisid wives elicited particular ceremony.⁶⁸⁵ When in 800/1397 Temür married Tükel Khanum, the daughter of the Chinggisid Khidr Khoja Oghlan, he sent dynastic women and Amīrs on a fifteen-day journey to meet her. He ordered construction of Bagh-i Delgusha in her name.⁶⁸⁶ Temür's love and respect to his daughter-in-law Khāndzāda is mentioned in the sources quite frequently. After the death of her husband Jahāngīr, Temür married her to his son Mīrānshāh. Khāndzāda could not get on well with him and left him and came to Samarqand and lived there.⁶⁸⁷ Shāhrukh and Gawharsād married their son Mu ammad Jukī with the Chinggisid Mihr Nigar Khanum and this marriage was celebrated in big splendors. This celebration was arranged by

⁶⁸⁵ Manz, 2003, 122-123.

⁶⁸⁶ *ZNY* vol.2, 16.

⁶⁸⁷ *ZNY* vol.2, 151-152; *abīb al-Siyar* vol.3,582.

Gawharshād, the non-Chinggisid wife of Shāhkrukh.⁶⁸⁸ This might show that the Chinggisid women's prestige and power continued to carry weight during the time of Shahrukh who is claimed to be against the Chinggisid traditions and *yasa*.

During the time of Temür, matriline played an important role in the succession and the priority was given to Chinggisid women's sons. For example, according to Manz, Temür limited succession to the line of his son Jahangir, the only son born of a free wife. After Jahangir's early death, in spite of his son Sahrukh, Temür's first choice of successor was Muhammad Sultan, Jahangir's son by his Chinggisid wife Khwānzāda.⁶⁸⁹ Furthermore, levirate was applied in the dynasty but princes did not marry their step-mothers as in the Ilkhanids but only their deceased brother's wives. According to Manz, levirate was to be protected particularly in the case of Chinggisid women.⁶⁹⁰ For example, Temür married Khwānzāda to his son Jahanger, after his death, to his eldest son Mīrānshāh; He also married the Chinggisid Mülkhat Agha, firstly to his son Umar Saikh and then to Sahrukh.⁶⁹¹ Here, we see that these women's lineage was valued.

As it was mentioned above, Chinggisid women preserved their prestigious position after Temür. For example, marriages with the Chinggisid women were still important and prestigious. It seems, however, that non-Chinggisid women became more active and mentioned first in the rank. In other words, like *yasa*,

⁶⁸⁸ *Zubdat al-Tawārīkh*, 699-703; Manz, 2003, 123.

⁶⁸⁹ Manz, 2003, 130; Woods 1990, 112.

⁶⁹⁰ Manz, 2003, 128.

⁶⁹¹ Woods 1990, 118.

the Chinggisid women also lost their superiority. In fact, these women were also from important families and tribes and their tribal origins greatly affected their status. Here Tuman Akha and Gawharsād are taken into consideration. Tuman Akha and Gawharshād who dominated the era of Shahrukh, were daughters of powerful Amīrs. This shows that marriages were used not only for legitimation but also for making alliances with other rival tribes. While daughters of these powerful Amīrs became more powerful within the dynasty and many women from ordinary tribes were taken as concubine.⁶⁹² During the post-Timurid period, rivalry between the Mirzas required alliance with the powerful Amīrs and may be because of this daughters of these Amīrs and their children became more important in the political arena. Of course personal abilities of these women were always important in strengthening their power and influence within the dynasty. Gawharshad, wife of Shahrukh came from a powerful tribe, and played important roles in the every sphere of the Empire. She became the Sarāy Mülk Khanum of the Empire after Temür. It is possible that she could gain her power after Temür because in the *Zafarnama*, within during the time of Temür, she is mentioned very rare and was placed lower in the rank. After Temür died, she became more active and was mentioned many times in the first rank.

In the sources, hierarchy among the royal women is emphasized strictly: Temür's wife Sarāy Mülk Khanum was mentioned first in all events in which she took part. For example, when Temür returned from his expedition, Ulugh Beg, Ibrahim Sultan, Sarāy Mülk Khanum, Tokel Khanum and Tuman Agha went to meet him.⁶⁹³ Sarāy Mülk Khanum and Tuman Akha gave banquets in

⁶⁹² *Mu'izz al-Ansab*, fol. 89b-156.

⁶⁹³ *ZNY* vol.2, 158, 166; *ZNS*, 140.

Shirāz before Temür returned Irāq.⁶⁹⁴ At another occasion, when Temür was in Ruha, from Semarqand nowker-i Tukel Khanum and Tuman Akha, from Sultaniyya, nowker-i Sarāy Mülk Khanum brought hil'at and gifts and good news of the princes.⁶⁹⁵ He reached Sultaniyya where he was welcomed by Sarāy Mülk Khanum, Tuman Agha, Cholpan Mülk Agha and Khwāndzāda.⁶⁹⁶ After a victory of Temür, Sarāy Mülk Khanum, Tuman Akha and Khāndzāda welcomed him (285); after victory of Temür, Sarāy Mülk Khanum with Amīrzada Shāhrukh and Khalil Sultan met him.⁶⁹⁷ When Khāndzāda with her new born baby Khalil Sultan (from MiranShāh) came from Bukhara to Samarqand, Sarāy Mülk Khanum gave banquets and prepared entertainments in her name.⁶⁹⁸ Again in another event, Sarāy Mülk Khanum, Tuman Agha and Khāndzāda were mentioned in this specific order.⁶⁹⁹ Tuman Agha and other aghas extended hospitality to the sister of the governor of Fars.⁷⁰⁰ Clavijo's reports show the strict rules of hierarchy among the royal women in a great detail. He said that "Of these same presents some pieces of the scarlet cloth he [Temür] now caused to be cut and divided up among his wives, giving the greater portion to his wife in Chief, the lady who is called Khanum, who was at that time in residence with him at the palace."⁷⁰¹ And again Clavijo reported

⁶⁹⁴ *ZNS*, 167.

⁶⁹⁵ *ZNY* vol.2, 254; *ZNS*, 188-189

⁶⁹⁶ *abīb al-Siyar* vol.3, 515

⁶⁹⁷ *ZNY* vol.1, 285, 301.

⁶⁹⁸ *ZNY* vol.1, 278.

⁶⁹⁹ *ZNY* vol.1, 505.

⁷⁰⁰ *ZNY* vol. 1, 277.

⁷⁰¹ Clavijo, *Embassy to Tamerlane, 1403-1406*, tr. Guy Le Strange and ed. E. Denison Ross (London: George Routledge and Sons, Ltd., 1945), 226.

that “Of these two great Enclosures with many tents within them as we have described the first Enclosure is that belonging to the Chief wife of Temür, who is known as the Great Khánum or Lady, while that second Enclosure belongs to his second wife who is called Kuchik- Khánum, meaning the Little Lady.”⁷⁰² This probably was also part of arrangement of women’s actions and doings, in other words, the Timurid royal women had many duties and therefore, they had to in hierarchical order in order to be more efficient like military or bureaucracy classes.

When these examples are examined, being in the first rank was not dependent on being a Chinggisid. Tuman Agha who was the daughter one of powerful Amīrs of Temür, is mentioned before Khwāndzāda. This shows that social position could be more important than origin. Because Tuman Agha was the wife of Temür, and Khāndzāda was his daughter-in-law, she came after Sarāy Mülk Kanim in rank and had an influential and respected position within the dynasty. For example, Muhammad Sultan went to the Khanqah of Tuman Agha and in front of her he kissed the ground,⁷⁰³ Tuman Agha, the Balqis-i zaman gave banquet, and so on ⁷⁰⁴ N. Shami said in relation to Tuman Agha “she is her age’s Rābī‘ā and Zubaīdā.”⁷⁰⁵ Tuman Agha is mentioned in this way also in other sources. On the other hand, she is always mentioned after Sarāy Mülk Khanum in the historical sources.

⁷⁰² Clavijo 1945, 242.

⁷⁰³ ZNY vol.2, 145

⁷⁰⁴ ZNY vol.1, 515.

⁷⁰⁵ ZNS, 252.

After Temür, although his successors married Chinggisid women and gained the title of *güregen*, non-Chinggisid women were more active in the social, economic and political affairs. Gawharshād is a very good example in this sense. She was the daughter of Giyāth al-Dīn Tarkhan; after marrying Shahrukh, she became the first woman in Shahrukh's harem, beyond this during her husband's reign and afterwards she actively participated in political and social affairs. On the other hand, Shahrukh's Chinggisid wife Mülkhat Agha was not as active and important as Gawharshād. In Yazdi's *Zafarnama*, Mülkhat Agha is mentioned only once before Gawharshād when Shahrukh was a prince, during the time of Temür. Yazdi said "after the victory of Prince Shāhrukh, Mülkhat Agha and Gawharshād Agha and their children went to meet him (during the time of Temür)."⁷⁰⁶ But later, Gawharshād is mentioned firstly; furthermore, while her son's gained important positions within the dynasty, Mülkhat Agha's only son from Shāhrukh, named Soyurgathmish received the isolated governorship of Kabul.⁷⁰⁷ This shows that matrilineality derived from the Chinggisid line was losing its importance during the post Timurid era.

On the other hand, Gawharshād with her husband Shahrukh conducted the social and state affairs. Even after the death of Shahrukh, she controlled the rivalry between the princes and tried to bring order by using her power.⁷⁰⁸ She was the builder of Mescid Jami' in Meshad. Mawlana Jelāl- al-Dīn Muhammad Qa'ini is buried in front of that mosque.⁷⁰⁹ They also kept the old tradition very well: Shāhrukh's son Muhammad Juki and his daughter were given to

⁷⁰⁶ ZNY vol.2, 154.

⁷⁰⁷ Manz, 2003, 128.

⁷⁰⁸ Aka 1991, 73-77, 86, 108

⁷⁰⁹ *Habibu's-Siyar*, trans.vol. 4, 13.

Khāndzāda for their education.⁷¹⁰ Gawharshād organized the wedding of Mirza Muhammad Sultan (Jehangir's son) and Rukiye Sultan (daughter of Suyurgatmish).⁷¹¹ Moreover, Shahrukh married his son Muhammad Juki Bahadir to Mihr-i Nigar daughter of Sham'-i Jahan in 821-822/1418-1419.⁷¹²

On the other hand, his son Ulugh Beg gave precedence to *yasa* over *sharī'a* like his grandfather Temür and he also made Samarqand the capital city again. But he did not undermine *sharī'a* completely.⁷¹³ For example his son's names were Abdu'llah, Abdurrahman and Abdu'l-Latif, all Islamic names. According to *Habib-al Siyyar*, he had close relations with Sufis.⁷¹⁴ During the time of the Ulugh Beg who had many Chinggisid wives, Gawharshād continued to be an important political figure, because she was taking support from her tribe in the rivalry among the mirzas. She made an alliance with her brother Amīr Muhammad Sufi Tarkhan and Khaje Pir Ahmad against Sultan Sa'id.⁷¹⁵ Gawharshād supported her grandson Ala'ud-Dawla in his succession struggle against Abdu'l-Latif and later against AbuSa'id. Ala'ud-Dawla became the son-in-law of Arlats (tribe of Gawharshād), and she always was supported by them.⁷¹⁶ Both during the reign of Shahrukh and Ulugh Beg, Gawharshād achieved the position first lady in social and political life. It seems that giving

⁷¹⁰ *Ma la' al-Sa'dayn*, 712; *ZNY* vol.2, 285.

⁷¹¹ *Ma la' al-Sa'dayn*, 669; *Zubdat al-Tawārīkh*, 705.

⁷¹² *Mujmal-i Fa'ihī*, 236.

⁷¹³ Barthold 1990, 163.

⁷¹⁴ *Habibu's-Siyar*, trans.vol.4, 27-29.

⁷¹⁵ *Habibu's-Siyar*, trans. vol.4, 27,29; *Matla*, II: 881, 886-88.

⁷¹⁶ *Ma la' al-Sa'dayn*, 1039.

priority *yasa* or *sharī'a* was a part of political tactics, being closing to one party or class against the rivals.

These examples show that family was the center of politics; therefore, the women's roles and places were determined by strict hierarchy and any women outside this hierarchy was put aside immediately. Events around Khalil Sultan and Shad Mülk were good examples of this rule. Prince Khalil ruled Samarqand for four years (1405-1409), but according to the writer his powerful amīrs rebelled against him because “he feall in love with and married Shad Mülk Agha, one of Amīr Hajji Sayfuddin's concubines. She interfered in the affairs of state. The officers refused to stand for it, and in 811[1409] they seized Prince Khalil and bound him in golden chains. They cut off Shad Mülk's ears and nose and sent the Prince to be imprisoned in Shāhrukhiyya fortress and rebellious Amīrs reigned autonomously in Samarqand.”⁷¹⁷ In this connection, Yazdi says that Khalil Sultan fell in love with Shad Mülk (concubine of Amīr Haji Sayfal-Din) by mistake. Sarāy Mülk Khanum and Tuman Agha all of them did not approve of this marriage.⁷¹⁸ But they did not order her execution but the Amīrs who had political ambitions on Samarqand, executed Shād Mülk.⁷¹⁹

⁷¹⁷ Thackston 1989, 25.

⁷¹⁸ ZNY vol.2, 454; *Thadirat'ul-Muluk*, 304-305).

⁷¹⁹ *Tarihnāme*, 29. It seems that, Khalil-Sultan, son of Miranshah, took the rule of Samarqand in 1405. He was prisoned to the fortress of Shakruhiye where he wrote a poem in order explain the situation and sent them to his uncle Shahrukh. During this time, the amirs took the rule of the Samarqand. When Shahrukh read these poems, he ordered to release of Khalil Sultan (*Thadirat'ul-Muluk*,304-305). But he was not given rule of the Samarqand again. Therefore it seems to be a political plot. This event could happen because of alliance between Shakrukh who may did not want to see a mirza from the line of Miranshah in the old capital. It also possible that amīrs in Samarqand tried to seize rule of Samarqand by using the rivalry between the Mirzas. But here execution of Shad Mulk is very important because this was not to show the vulnerability of women but importance and sensitiveness of their position.

6.6 Construction Activities of the Royal Women as a Sign of Their Power and Authority

Buildings were important in respect to showing power and status of their builders. Timurid royal women constructed many important buildings, like madrasas, khanqahs, mosques and mausoleums according to their economic and political powers. For example, Sarāy Mülk Khanum constructed a madrasa in Samarqand. The madrasa and the mosque called as “Bibi Khanum,” were built by Temür in 1404/405, in honor of Sarāy Mülk Khanum who was called Bibi Khanum.⁷²⁰

Sarāy Mülk Khanum and Tuman Agha were very important women builders parallel to their political and economic powers. Tuman Agha had built a mosque and a service room. Her complex is in the Shāh -i Zinda in Samarqand. According to *Zubdatu’l Tawarikh*, she was very rich because she was given a *soyurghal* by Temür before he died. She constructed many buildings and helped people in need.⁷²¹ The places these women built became the symbol of their power and prestige.

After Temür, Gawharshad appeared as the most important women builder: Her buildings shaped the new capital city Herat. She constructed both mosques and madrasas. Ostad Kavām al-Dīn Mu’ammār Shirazī, engineer of Gawharshād, worked for the foundation of Sultaniyya and Harat.⁷²² Princes and princesses of

⁷²⁰ Roya Marefet, “Timurid Women: Patronage and Power,” *Asian Art* (Spring 1993): 32.

⁷²¹ *Zubdat al-Tawārīkh*, 436.

⁷²² *Habibu’s-Siyar*, trans. vol.4, 14.

Shahrukh line, instead of Samarkand, were buried in this Madrasa in Herat.⁷²³ In this sense it had a political importance. Moreover, both Sarāy Mūlk Khanum and Gawharshād constructed madrasas which had importance in shaping intellectual and religious life of the society in Samarqand and Herat. The buildings of these women very important these two cities which were became capital city of the Empire respectively.

When we compare Gawharshād with other royal women builders, it can be said that building activities were an indicator of political powers of them. Gawharshād constructed very important buildings which were important in political, social and religious sense, due to her political power. Khāndzāda for example, in spite of her great prestige, had no important building which was constructed in her name. She had a mansion (*khanqah*) in Herat; she was buried near the shrine of Imam Reza.⁷²⁴ Royal women mentioned with their building activities and they were in their places. “khanqas” became center of their power.

Conclusion

In conclusion neither only *yasa* nor only *sharī‘a* shaped the position of the Timurid royal women. Because, both women from the Chinggisid line and other important families had great power and prestige, they preserved their high status from the establishment to the collapse of the Empire. “Centrality of family” in the Timurid politics, integration of women to the state mechanism

⁷²³ *Ma la‘ al-Sa‘dayn*, 748, 791; *Habibu’s-Siyar*, trans. vol.4, 78-80.

⁷²⁴ *Marefet*, 39-40.

and cultural factors like giving importance to matriline and feminine values played a crucial role in the high status of the Timurid royal women.

In fact, *yasa* was followed in gender relations within the Timurid realm. But this did not create tension as it was among the Ilkhanids. Unlike under the Chinggisid dynasties, *yasa* was not a symbol of Timurid authority and power. Furthermore, Temür who as the defender and representative of Islam, could not undermine *sharī'a* completely. Furthermore, Temür did not allow *ulama* and bureaucratic class to gain important power and authority which were generally against women's participation in state affairs. And as these classes were weak, they did not oppose non-Islamic exercises of the Timurids in gender relations. For example, when Temür arranged marriages for his underage grandsons and granddaughters or when he applied levirate, there was no interference to the matters related to gender by *ulama*. And again, Clavijo tells us about men's and women's participation to the feasts and wine drinking in a mixed company.⁷²⁵ This was probably because of the social, political and cultural features of the Timurid Empire. Timurids as Muslims who were at the same time followers of the Chinggisid heritage, created a system in which there was a symbiosis between *sharī'a* and *yasa*.

⁷²⁵ Clavijo 1945, 227, 23, 26.

CHAPTER 7

SYNTHESIS BETWEEN *YASA* (SULTANIC LAW) AND *SHARĪ‘A* UNDER THE OTTOMANS

Cemiyetlerine nispetle pek küçük görülen Osmanlılar, zaman ve talilerinin müsadesi ve kendilerine has olan şecā‘at ruhiye ve metānet-i ahlakiyelerinin yardımıyla yüz sene tarafından daire-i hükümetlerini Şarka Behisni ve Kemah hududuna ve Şimale Tuna boylarına kadar tevsi’ ettiler⁷²⁶

INTRODUCTION

The Crimean ruler Halim Giray Khan, loyal to Mongol tribal traditions in politics and at the same time vassal of the Ottoman Empire, said the above mentioned words about the Ottoman imperial ideology manifesting the uniqueness among the Ottoman politics and ideology among the Turkic and Turco-Mongol dynasties. They did not choose one of the existent ways instead they established their own way. About the Ottoman state building process Kafadar says:

This was a process consisting of a series of carefully selected exclusions as well as inclusions, improvisations as well as continuities... the Ottomans were much more experimental in reshaping it [political culture] to need, much more creative in their bricolage of different traditions, be they Turkic, Islamic or Byzantine.⁷²⁷

⁷²⁶ alīm Girāy Sul ān, *Gūlbīn-i ānān yahud Kırım Tarīhi*, ed. ‘Arif Zāde ‘ ilmi, (Istanbul: Pencam İstikbal Matbaası, 1327), 194.

⁷²⁷ Cemal Kafadar, *Between Two Worlds: The Construction of the Ottoman State* (Berkeley and Los Angeles, California: Univ. of California Press, 1995), 121.

Therefore, the Ottomans experienced much political, military and social turbulence throughout their long history. İnalçık divides the Ottoman history into five periods according to these experiences: The establishment, the frontier principality to Empire, 1354-1402, the interregnum and recovery, the definitive establishment, 1453-1526; the Ottoman State as a world power, 1526-96 and the decline of the Empire.⁷²⁸ As the Ottomans lived different experiences in each period and passed from one stage to another rapidly, they based their imperial ideology on the values which were different and unusual from the Inner Asian Turco-Mongol traditions. Parallel to these distinct and unusual political and social experiences of the Ottomans, gender relations within the ruling circle show greater variations and differences from the other dynasties which are examined in this study.

In general, reproduction, succession policies of the ruling dynasties, marriages with the ruling elite made gender relations a crucial part of politics for the dynasties as well as for the ruling elites of the pre-modern ages. Therefore, before focusing on gender relations in the Ottoman Royal Family, a brief discussion of the ideology of the empire and political and social events of the age is presented below.

Parallel to its unique dynastic ideology and policies, gender relations in the Ottoman dynasty were different from the other Turco-Mongol dynasties: Osman Beg, the founder of the Ottoman dynasty, married the daughter of a religious leader instead of a woman from an important family or lineage, to legitimize his rule; the Ottomans were the only Turkic dynasty that did not give

⁷²⁸ Halil İnalçık, *The Ottoman Empire; the classical age, 1300-1600*, tr. Norman Itzkowitz and Colin Imber (New York: Praeger Publishers, 1973), 5; Alderson divided the history of the Ottoman Empire into four Period: 'Early' (1280-1451), 'Transition'(1451-1520), 'Middle' (1520-1870), and 'Late' (1870-1924). Alderson, A. D., *The Structure of the Ottoman Dynasty* (Connecticut: Greenwood Press, 1956), 6.

importance to the lineage of their wives and mothers of the crowned princes. They even institutionalized concubinage and gave up official marriage (Hürrem was an exception). After Mehmed the Conqueror, they did not make a wedding ceremony for the sultans and princes. Royal women were not able to exercise dynastic power on the basis of their being a wife (Nilüfer was exception) until Hürrem. Generally, imperial wives became more visible and influential in social and political life after the second part of the 15th century, only as a mother or a daughter of the Sultan; “Valide Sultan” (mother of the sultan) was recognized as a real “queen” and the royal wives were never accepted as “queen” (Nilüfer and Hürrem were an exception). About this Öztuna said that wives of the Padshāh were called “haseki,” of those who had influence of power were called “haseki sultan,” and later they were called “kadın efendi.” They were not an empress, if she was alive, the only empress was mother of padshāh and she was called “vālide sul ān” (mother sul ān). The wrongly used expression like “Hürrem Sul ān and Kösem Sul ān” are in the form of shortening because this title “sul ān “ was given to the princesses were from the Ottoman house from their father side. They were daughters of Padeshāh and prince.⁷²⁹ In other words, only the lineage of Osman, from the father’s side had the right to hold power and prestige for the royal sons and daughters; the matriline had no importance and only women who were direct patrilineal descendants of the Ottoman house had a power and authority. In other words, the Ottomans established an absolute patriarchal system.

⁷²⁹Öztuna Yılmaz, *Türkiye Tarihi* vol.6 (İstanbul: Hayat Kitapları, 1965), 182-183. Çetin Altan explains the patriarchal structure of the Ottomans as follows: Ottoman Padshāhs had neither wives in the sense of empress with whom they married with a wedding nor had no fathers in-law, brothers and sisters-in law. Çetin Altan, “Sapır Sapır Dökülmeyelim, Dik Duralım, Hemen Bükülmeyelim,” *Milliyet Gazetesi*, 19 Ocak 2006.

7.1. Osman Beg's Marriage with Ede Bali's Daughter and Foundation of the Ottoman Beglik

Osman Beg married the daughter of a religious leader to legitimize his rule. When the social and political conditions of the time are taken into consideration, we see that this marriage was certainly not by chance. When Osman Ghazi married the daughter of Ede Bali, he was ruling over the northern part of Anatolia, close to Byzantine and the Balkans. This was thus frontier regions (*uj*) where warriors from many parts of the Central Asia, the Middle East and Anatolia had come together under the leadership of the ghazi war leaders, made *ghaza* (religious war)⁷³⁰ on the Christian lands. They gained wealth in this world and good grade in the next. Osman Beg and people around him (*ghazis*, *Sufis*, *ulema*) created a new society in these frontier lands which was free from political, social and ideological values of the Turco-Mongol dynasties in Anatolia and as well as in Central Asia.⁷³¹ One of these values was descent/lineage, that is tracing roots to certain tribes or families to legitimate one's rule; the second was 'power sharing,' according to which the country was a property of not a single ruler, but a ruling dynasty including male relatives from paternal side. In order to keep their territories intact in each succession under the full control of a single heir, the Ottomans left the Turco-Mongol tradition and followed a centralization policy.⁷³² Osman Beg eliminated his

⁷³⁰ About this İnalcık said that "Gazā was religious duty, inspiring every kind of enterprise and sacrifice. In frontier society, all social virtues did the accepted the idea of the ideal ghazā. The advanced civilization of the hinterland, with its religious orthodoxy, scholastic theology, palace literature composed in an artificial literary language, and *sharī'a* law, gave way in the frontier lands to a popular culture, characterized by heretical religious orders, mysticism, epic literature and customary law." Halil İnalcık, *The Ottoman Empire; the Classical Age, 1300-1600*, tr. Norman Itzkowitz and Colin Imber (New York: Praeger Publishers, 1973), 7.

⁷³¹ Colin Imber, "The Ottoman Dynastic Myth," *Turcica* 19(1987): 7-27.

⁷³² Kafadar 1995, 120.

uncle after succeeding his father,⁷³³ fratricide had become norm during the time of Bayezid, and finally Mehmed II codified fratricide.⁷³⁴

In these frontier regions, the Ottomans were free to shape their society, and political and social structures, as there was no established aristocracy or religious institutions that would impose certain rules on the leader. In this frontier region, heroism and *ghazā* were prevailing values.⁷³⁵ In spite of his lower origin,⁷³⁶ Osman could achieve to be a founding leader of the Ottoman dynasty. In such an area, marrying a daughter of an important religious leader was much more important than marrying a woman from a noble family of the semi-nomadic Turcomans.

In fact, it is not certain whether Osman Beg married Mal (Malhun) Khatun or not. According to İnalçık, Mal Hatun was not the daughter of Ede Bali but of Ömer Bey. Osman Beg married Ede Bali's daughter Bala or Rabia Khatun.⁷³⁷

⁷³³ According to Neşri, after Osman the people (*halk*) wanted Osman's uncle Dündar to be ruler. Mehmed Neşri, *Neşri Tarihi I*, ed. Mehmet Altan Köymen (Ankara: Kültür ve Turizm Bakanlığı Yay., 1001 Temel Eser Dizisi: 94, 1983), 46.

⁷³⁴ Kafadar 1995, 136-137; Halil İnalçık, "Osmanlı Hukukuna Giriş; Örfi-Sultanî Hukuk ve Fâtih'in Kanûnları," in *Osmanlı İmparatorluğu Toplum ve Ekonomi Üzerinde Arşiv Çalışmaları, İncelemeler*, ed. Muhittin Salih (İstanbul, ErenYay. 1996), 331; Fatma Müge Göçek, "The Social Construction of an Empire: Ottoman State under Süleyman the Magnificent," *Süleyman the Second and his Time*, ed. Halil İnalçık and Cemal Kafadar (İstanbul: İsis Press, 1993), 100-101.

⁷³⁵ According to İnalçık, "the ideal of *ghazā*, Holy War, was an important factor in the foundation and development of the Ottoman State." İnalçık 1973, 6; Gyula Káldy-Nagy, "Osmanlı İmparatorluğu'nun İlk Yüzyıllarında Kutsal Savaş," tr. Pınar Emiralioğlu in *Söğüt'den İstanbul'a Osmanlı Devleti'nin Kuruluşu Üzerine Tartışmalar*, ed. Oktay Özel and Mehmet Öz (Ankara:İmge Kitabevi,2005), 397-406.

⁷³⁶ Şikari in his book mentioned the Ottomans *bi-asl* (low born) or son of a nomad (bir yörük oğlu). Şikari, *Karamanoğulları tarihi*, ed. M. Mesud Koman, (Konya: Yeni Kitab Basımevi, 946), .161, 163; Neşri tried to evaluate the Ottomans lower origin in a religious context. Mehmed Neşri 1983, 34.

⁷³⁷ Halil İnalçık, "Aşıkpaşazade tarihi Nasıl Okunmalı?" in *Söğüt'den İstanbul'a Osmanlı Devleti'nin Kuruluşu Üzerine Tartışmalar*, tr. Fahri Unan and ed. Oktay Özel and Mehmet Öz

This information is derived from a *vaqf* record of Orhan Beg.⁷³⁸ In the History of Oruç Beg, her name is mentioned as Rabia.⁷³⁹ So Osman Beg's wife's name was probably Rabia or Bala. As her name is not certain, here instead of giving a name, "daughter of Ede Bali" is used for Osman Beg's wife. It seems certain that Osman Beg married the daughter of Ede Bali. Uzunçarşılı stated that according to Mühimme Defteri no 31, page 217, one of the wives of Osman beg was the daughter of Ede Bali and she might be mother of Aläüddin but not mother of Orhan Beg.⁷⁴⁰ Here important thing is that Ede Bali's daughter was reported as a mother of Osman Beg's successor Orhan Beg by the chroniclers. Why the 15th century Ottoman official chroniclers chose daughter of Ede Bali as a wife of Osman Beg and mother of Orhan Beg? The Ottoman history started to be written by the 15th century, in other words about one hundred year after the establishment of the Empire. The writers probably wrote the past according to the political and ideological nature of the Empire and the daughter of an influential religious leader befitted it. Related to this matter Colin Imber said that Ottoman official historiography started to be written in the midst of the 15th century. The chroniclers extended the Ottoman lineage to Oğuz Khan. But the Oğuz genealogy legalized the Ottoman's worldly sovereignty claim; but as a theocratic state, the sultans needed a spiritual authority, too. Through the 15th

(Ankara:İmge Kitabevi,2005), 141; Ahmet Yavaşar Ocak, " Ahilik ve Şeyh Ede Bali: Osmanlı Devleti'nin Kuruluş Tarihi Açısından Bir Sorgulama," *İslâmî Araştırmalar Dergisi* 12 (1999): 225-229 ; Peirce 1993, 33-34; Barbara Fleming, "Aşı paşades Blick auf Frauen," in *Frauen, Bilder und Gelechte Studien zu Gesellschaft und Künsten im Osmansche Reich (Arts, Women and Scholars Studies in Ottoman Society and Culture)* vol.1, ed. Sabine Prator and Christoph K. Neuman (İstanbul: Simurg, 2002), 74, n.31.

⁷³⁸ Uzunçarşılı said that according to the histories, Mal Kahtun and her father died three months before Osman Beg, Mal Hatun who is mentioned in the *vaqfiyye*, on the other hand, is alive after the death of Osman Beg and furthermore not the daughter of Ede Bali. İ. Hakkı Uzunçarşılı, "Gazi Orhan Bey Vakfiyesi," *Belleten* 5 (1941):284.

⁷³⁹ Edirneli Oruç Beg 1976, 29.

⁷⁴⁰ Uzunçarşılı 1941, 284.

century, while the legends about the roots of the Empire were being created, the story of God's earlier recognition of the Ottoman dynasty's sovereignty was added to this legend. According to popular belief, God could talk to the people through dreams, in the stories about Osman and his father there are many dream motifs.⁷⁴¹ Here, like the Ottoman's Oghuz genealogy, Osman's marriage with Ede Bali's daughter might be an invention but here ideological implications are very important, the 15th century historians did not unite Osman with a woman who came from a noble and powerful family or lineage.⁷⁴² Here, Ede Bali was the very important and influential Vefai shaikh who gave spiritual authority which the Ottomans needed for legitimation.⁷⁴³

About this marriage, the sources say almost the same thing. One day Osman saw a dream; the moon leaving the breast of Ede Bali and entering Osman's own breast; at the same moment, an enormous tree grew from the latter's navel and filled the world, leaving the mountains in shade. Rivers were flowing among the foothills of these mountains, branching into streams, watering gardens and filling reservoirs. The interpretation which Sheikh Ede Bali gave for Osman's dream is that he and his descendants have received from God the Sultanate, which will, in time, spread over the entire world.⁷⁴⁴ Thus Ede Bali

⁷⁴¹ Imber, "Osmanlı Hanedan Efsanesi," in *Söğüt'den İstanbul'a Osmanlı Devleti'nin Kuruluşu Üzerine Tartışmalar*, ed. Oktay Özel and Mehmet Öz (Ankara:İmge Kitabevi,2005), 263

⁷⁴² It seems that Osman married more than two women and one of them was Ede Bali's daughter. The Ottoman histories showed Ede Bali's daughter as his wife in a mythological way.

⁷⁴³ Imber 2005, 262; Peirce 1993, 33-36; Imber, "The ottoman Dynastic Myth," 261-263; Colin Imber, İlk Dönem Osmanlı Tarihinde Düstur ve Düzmece," tr. Fatma Acun, in *Söğüt'den İstanbul'a Osmanlı Devleti'nin Kuruluşu Üzerine Tartışmalar*, ed. Oktay Özel and Mehmet Öz (Ankara:İmge Kitabevi,2005), 297-300.

⁷⁴⁴ Âşıkpaşaoğlu Ahmed Aşıkî, *Tevârih-i Âlî Osman*, ed. Çiftçioğlu N. Atsız, *Osmanlı Tarihleri* I (İstanbul Türkiye Yayınevi, 1947), 95. According to Oruç Beg this dream was seen by Osman's father Ertuğrul. Edirneli Oruç Beg 1976, 25; F. Giese,(ed.), *Anonim Tevârih-i Ali*

approved and legitimized Osman and his successors' power and authority to rule. This gave him an advantage against his rivals. According to Neşri, Osman saw the dream when the people were planning to chose his uncle Dündar for the leadership.⁷⁴⁵ About this matter İnalçık said that “[At the same time] dervish orders dominated the spiritual life of the frontiers, and consequently a mystic origin was also sought for Ottoman political power. The earliest accounts show Osman receiving sanctification from Shaikh Ede Bali, who was probably head of an *ahī* fraternity.⁷⁴⁶ Predicting that Osman's descendants would rule the world, Shaikh Ede Bali girded him with a ghazi sword. Osmān also had the foresight to marry the daughter of Ede Bali, the most influential man on the frontier.”⁷⁴⁷

When it is examined more closely, this marriage not only legitimated Osman's rule, it also shaped the religious and intellectual bases of the Ottoman Beglik.⁷⁴⁸

Osman, ed. Nihat Azamat (İstanbul: Ak Basımevi, 1992), 9. Neşri gives a different and more detailed information about this marriage. Neşri 1983, 43-44; I.Ye.Petrosyan, “Pre-Islamic Turkic Tradition in the Writings of the Early Ottoman Hystographies,” *Manuscripta Orientalia* 5-4 (1999):34

⁷⁴⁵Neşri 1983, 51.

⁷⁴⁶ Ocak is suspicious about Ede Bali's role in the establishment of the Ottoman Empire, Osman's marriage with Ede Bali's daughter and whether Ede Bali Ahi or not. Ahmet Yaşar Ocak, “ Ahilik ve Şeyh Ede Bali: Osmanlı Devleti'nin Kuruluş Tarihi Açısından Bir Sorgulama,” *İslâmî Araştırmalar Dergisi* 12(1999): 228-229

⁷⁴⁷ İnalçık 1973, 55.

⁷⁴⁸For example, Derviş Ahmed Aşiki who was from Baba İlyas Lineage. Âşıkpaşaoğlu Ahmed Aşıkî, *Tevârih-i Âlî Osman*, ed. N. Atsız, Osmanlı Tarihleri I (İstanbul:Türkiye Yayınevi , 1947), 81 For Dursun Fakih and his son Aşıkpaşaoğlu see the same chronicler pages 234-236; Neşri gives detailed information about the role of Mehmed Pasha son of Ede Bali in the intellectual formation of the Ottomans State during the time of Orhan Beg. Neşri 1983, 47. Ede Bali's son could gain the title of “pasha” (general); Çandarlı Hayrettin Pasha was appointed as the Qadi of Bilecik. Later, he became *qadi* of Bursa and at the end he became *Qadiasker*, vizier and *beylerbeyi* (governor general). He was also relative of Ede Bali. Neşri 1983, 77. Ede Bali had kinship ties through marriage to two other noble families: that of Çandarlı Halil and that of Taceddin Kürdi well known scholar who are among the early arrivals from areas which established educational intuitions to enter Ottoman service. Kafadar 1995, 129. Âşıkpaşaoğlu

Warriors and educated people (*sufis* and *ulama*) around Ede Bali united after this marriage. I think this was key in the Ottoman ideological and religious formation; Warriors, sufis, intellectuals all of them came together and established a new dynasty with its unique ideology and political system. İnalçık said that “the Ottomans believed that it was God, not human laws or organizations, who determined that sovereignty should be in one line, in one member of a ruling family and, finally, in one people and territory.”⁷⁴⁹ On the other hand, the rulers of the Turco-Mongol dynasties had to obey many rules and obligations which had been shaped before them. For example, although Temür became the most powerful ruler of both the Islamic and Turco-Mongol world, he never stopped using title *güregen* (son-in-law); he never proclaimed himself *khan* (emperor) and he always kept a puppet khan from the Chinggisid line.⁷⁵⁰

Meanwhile, Osman Beg, like Temür, had also made a hypergamic marriage (man marrying up), but had not used title of *damad* (son-in-law). In other words, he did not make this marriage connection reflect itself on his own personality and status. Instead, Shaikh Ede Bali was mentioned as the father-in-law (*kayınbaba*) of Osman. This small detail shows the essence of the Ottoman

reported that when Orhan Ghazi captured İznik, he turned a big church into a mosque and a monastery to a madrasah. There was a beloved (*azîz*) whose name was Haji Hasan and disciple of his grandfather Ede Bali. The Sultan made this person hodja of the mosque and gave administration of the madrasah to Mevlana Davud Kayseri. Âşıkpaşaoğlu Ahmed Âşıkî Âşıkpaşaoğlu, *Tevârih-i Âl-i Osman*, in *Osmanlı Tarihleri I*, ed. Nihal Atsız (İstanbul: Türkiye Yayınevi, 1925-1949), 120.

⁷⁴⁹ Halil İnalçık, “The Ottoman Succession and its Relation to the Turkish Concept of Sovereignty” in *The Middle East and the Balkans under the Ottoman Empire*, (Bloomington: Indiana University Turkish Studies and Turkish Ministry of Culture Joint Series vol.9, 1993) 47; Leslie Peirce, *The Imperial Harem: Women and Sovereignty in the Ottoman Empire*, (New York, Oxford: Oxford University Press, 1993), 15-16.

⁷⁵⁰ Beatrice Forbes Manz, *The Rise and Rule of Tamerlane* (Cambridge: Cambridge Univ. Press, 1996).

imperial ideology which centered on “Osmanoğlu”. This reflects the strong patriarchal trend of the Ottoman imperial ideology.

It seems that according to the Ottoman imperial ideology, Ede Bali’s spiritual authority passed to the Ottomans through this marriage. It was a kind of spiritual union beyond the unification of two noble lineages. Osman and Edebali’s lineage were chosen by God to be the ruler and protector of the Islamic world.⁷⁵¹ Therefore, for the Ottomans being from Ottoman family was noble enough. There was no need for the mother’s lineage to ensure nobility. In fact, when Ottoman history writing started in the second half of the 15th century, marriage of Osman and Ede Bali’s daughter was probably narrated according to the values of that period. Maybe because of this understanding, the sources do not mention any activity of Ede Bali’s daughter. She is invisible in the historical records. After the marriage, Osman left her with his mother in Bilecik and he himself lived in Yenişehir.⁷⁵² When she died, she was buried next to her father Ede Bali.⁷⁵³ This makes us to think that Ede Bali’s daughter completed her mission after giving birth. In fact, especially Ottomans advancement in Anatolia and struggle with the Turcoman dynasties, Ottomans invented genealogies tying themselves Ottomans to a branch of the Oghuz Khan;⁷⁵⁴ they showed themselves as successors of the Anatolian Seljukids.⁷⁵⁵

⁷⁵¹There are some quotations from various Ottoman chronicles prove this claim. See Neşri, 43; Edirmeli Oruç Beg, *Oruç Beg Tarihi*, ed. N. Atsız, Tercüman 1001 Temel Eser (Ankara: Kültür ve Turizm Bakanlığı Yayınları, 1976), 25.

⁷⁵² Neşri 1983, 53; Oruç Beg 1976, 29.

⁷⁵³ Peirce 1993, 51.

⁷⁵⁴ Oruç Beg grounded Ottoman lineage on Yafes and Osman’s grandfather was shah of the city of Mahan. Oruç Beg 1976, 19, 22; Neşri based the Ottoman lineage on Oğuz Khan who was the son of Kara Khan. Neşri, 1983, 34-35.

⁷⁵⁵ During these times, the legacy of the Seljukids was important. Akdağ claimed that the Ottoman chronicles tried to show the Ottomans as a continuation of the Seljukids. Therefore,

Although, Ottomans like other Turkic as well as other Turco-Mongol dynasties, invented fictive genealogies against their important Turcoman rivals (Anatolian Begliks and Akkoyunlu) to legitimize their rules and political actions in Anatolia and the Middle East. Marriage of Ede Bali's daughter and Osman Beg is quite similar to Oğuz Kağan's marriages with the daughter of the Heaven and Earth. As it is mentioned in the second chapter, after a marriage or unification [my term for the marriages] with a spiritual female being, this spiritual female being disappeared but she gave the man's lineage spiritual authority and legitimacy (hierogamy). Here, Osman's marriage with Ede Bali's daughter was narrated in a mythological way. Her function was almost the same with the women in the Oghuz Khan legend: She did not come from Heaven but her marriage with Osman occurred with the order of God through a dream. Thus, their descendants gained the right of the rule by God. And after the marriage Ede Bali's daughter is almost not mentioned at all in the sources; and disappeared from the sight of the historical news.⁷⁵⁶

many chronicles equated the date of the accession of Osman Bey with the dates during which the Saljukid crown was empty. And again Akdağ claimed that neither the Ottomans nor the other Anatolian Beyliks used title of the Sultan of Rum after the Seljuks until the Middle of the 14th century. They used "emir-i Kebir". Ottomans even in 1338, they were using title of Amir. Akdağ, *Türkiye'nin İktisadi ve İçtimai Tarihi*, vol.1 (Ankara: DTCFY, 1979), 207, 200. The Ottoman chronicles mentioned Ertuğrul's obedience and service to the Seljuks and approval of the Ottomans sovereignty by Sultan Alaeddin. See Şükrullah, *Behcetittütevarih*, tr. Çifçioğlu N. Atsız (İstanbul: Türkiye Yayınevi Eserleri, 1947), 52; Neşri especially emphasized that Ertuğrul ruled in the name of the Seljuk Sultan but after Sultan died, he was no successor therefore Ertuğrul proclaimed his independence. Neşri 1983, 57.

⁷⁵⁶Petrosyan says that "the early Ottoman chronicles put the non-Muslim (pre-Islamic Turkic) traditions into Muslim context as an important ideological element in order to glorify the Ottoman dynasty...The use of Turkic tradition in the early Ottoman historiography seem, therefore, to have been absolutely inevitable and necessary. What have usually been considered solely as remnants of an archaic consciousness were one of the most important elements for the construction of the Ottoman state in this early stage of its development. Even with the final victory over Islam as the state ideology, these pre-Islamic Turkic elements did not completely disappear; they were marginalized by Islam and exiled to Sufi orders, remaining for long an important element of lower class culture." Petrosyan 1999, 34, 35.

Ottomans made some marriages with noble Muslim-Turkish women, but unlike the other Turkic and Turco-Mongol dynasties, they never used these marriages to enhance their nobility or status. Conversely, these women's social and political activities were restricted and generally their sons were not preferred in the dynastic succession. It can be said that there was parallelism between exaltation of paternal side and diminishing maternal side in the Ottoman royal family.

7.2 Orhan's Hypergamic Marriages with Christian Women

Orhan Beg made marriages with the daughters of the Christian rulers with whom he had political relations. Because his campaign was mostly in the Christian world and these marriages were likely the natural result of the policy of alliances. The powers of these dynasties were equal or mostly superior to the Ottoman House. Orhan made his main three marriages with daughters of three important Christian rulers; the daughter of the Governor of Yarhisar Nilüfer, in 1299; Theodora, the daughter of Stefan IV Urosh Dushan who was crowned on 16th April 1345 at Skoplje, king of Serbia;⁷⁵⁷ Theodora (Maria) daughter Byzantine emperor Cantacuzenus in 1346.⁷⁵⁸

7.2.1 Nilüfer

Orhan's marriage with Nilüfer Khatun and her social and political activities reflected Turkic and Turco-Mongol dynastic tradition: She was the daughter of the governor of Yarhisar, and was married to Orhan in 1299 and took the name

⁷⁵⁷ Bryer 1988, 478.

⁷⁵⁸ Alderson 1956, Table II; Uzunçarşılı 1941, 287.

of Nilüfer.⁷⁵⁹ This marriage took place after the military success of Osman Beg over Yarhisar Tekfur. Osman Beg captured Bilecik, Yarhisar, İnegöl, Yenişehir and its surrounding area in 699.⁷⁶⁰ Nilüfer became *ulu hatun* (chief wife and mother of Murad I). According to Ibn Battuta, she was socially and politically active and could exercise sovereign power as the wife of Sultan.⁷⁶¹ In other words, she behaved like a “queen.” She was an important builder of her age and constructed a dervish lodge (*tekke*) and bridge.⁷⁶² So it can be said that during the establishment period, Ottomans were loyal to the Turkic and Turco-Mongol traditions according to which wife of a ruler actively participated social and political events of her age. Ede Bali’s daughter and Nilüfer’s roles and public presences show that during the early period of the Ottomans, the Turco-Mongol marriage traditions were valid to great extent. In fact, during those times, the Ottoman political structure had not differentiated from the Turco-Mongol political tradition yet. Peirce claimed that at the beginning during the reign of Osman and Orhan there was power sharing: Rulers shared real power and territory with their sons, and probably with their uncles’ and brothers.⁷⁶³

⁷⁵⁹Alderson claimed that Nilüfer was the first foreign woman who entered the Ottoman dynasty. Alderson 1956, 165.

⁷⁶⁰ According to Bryer, this marriage symbolized annexation of her father’s estate. Bryer 1988, 487. For more detailed information about this marriage and contemporary political events see Neşri 1983, 51-56

⁷⁶¹ Battuta said that İznik was almost destroyed after the battle, therefore only some part of the army of the Sultan stayed in the city. Sultan’s wife Bilan Khatun [Nilüfer] conducted these soldiers by staying at the military encampment. Ibn Battuta visited her in İznik and she treated them with respect and kindness. Mümin Çevik, trans, *İbni Batûta Seyahatnâmesi (Tuhfetu’n Nuzzâr Fi Garaibi’l-Emsâr)* vol.2 (İstanbul: Üçdal Neşriyat, 1983), 213-214.

⁷⁶²Aşıkpaşaoğlu 1947, 102; İbn Kemal, *Tevarîh-Âl-i Osman, I. Defter*, ed. Şerafettin Turan, (Ankara: TTK 1991).

⁷⁶³As it is mentioned above, the people wanted Osman’s uncle Dündar to rule. Later, Osman murdered his uncle. This may show that Osman Beg tried to establish his own authority in spite of presence of tribal traditions.

7.2.2 Theodora

In 1345, Orhan married Theodora, the daughter of Stefan IV Dushan, king of Serbia.⁷⁶⁴ Later, in 1346 Orhan married another Theodora, daughter of Cantacuzenus, king of Byzantine. This marriage became a turning-point in Byzantine-Turkish relations.⁷⁶⁵ According to Enveri, Umur Beg killed the Tekfur of Edirne, and in order to show his gratitude to Umur Beg, Cantacuzenus displayed his three daughters to Umur beg of Aydın in 1344. Umur Beg refused this offer because he was regarding the Tekfur as his brother, entering this marriage was illegal for him.⁷⁶⁶ The Tekfur said you are my khan (lord), everything that I possess is yours. In the second version, Cantacuzenus's daughter Despina Theodara met Umur Beg and herself proposed a marriage to Umur Beg. Enveri evaluated Umur Beg's refusal, as a sign of his ghazi personality whose duty was to make holy war day and night and resist worldly desires⁷⁶⁷

In early 1345, Cantacuzenus changed sides from Umur to Orhan. According to Bryer, while Orhan was relatively unknown, it is evident that Cantacuzenus and Umur had been warm friends.⁷⁶⁸ In January 1346, when Orhan first sent a legation to ask for the marriage of his daughter Theodora, the Tekfur sent a letter to Umur Beg to ask his view about Orhan's request. Umur Beg said that "Orhan would not be as loyal as who is. As his territories are much closer to the

⁷⁶⁴Bryer 1988, 478.

⁷⁶⁵Bryer 1988, 478.

⁷⁶⁶Yinanç, Mükrimin Halil, ed, *Düstürnamei Enveri*. İstanbul: Evkaf Matbaası, 1929, 57; Bryer 1988, 475-476.

⁷⁶⁷Yinanç 1929, 58. Bryer 1988, 476.

⁷⁶⁸ Bryer 1988, 479.

Byzantine territories, Orhan can be more useful for you.”⁷⁶⁹ In the chronicles, Umur Beg’s refusal was seen as a result of his Ghazi personality or his kinship relation.

Orhan’s marriage with Theodora was hypergamic (man marrying up), because he married in return for military service to Tekfur. Bryer said that “in this ambiguous field Cantacuzenus would naturally offer a dowry: the bride price was Orhan’s military support.⁷⁷⁰ But, like the Turkmens of the Pontos, Orhan may well have viewed the marriage of 1346 as a mark of vassalage.”⁷⁷¹ A feature of Theodora’s marriage was that it took place on Byzantine, not Turkish, territory: hence there was no call or *nymph ostoloi*, bridal escorts. But the price Cantacuzenus paid for the alliance seems to have been the absence of the bridegroom. Orhan helped Cantacuzenus in 1345. In 1346 he married the Despoina Theodora.⁷⁷² Bryer claims that if Orhan were present at his wedding this would surely have been mentioned. According to this writer the first (and perhaps only) time Cantacuzenus seems to have met his son-in-law was when Orhan came to Turkish Skutari (Üsküdar, Chrysopolis), opposite Constantinople, in the summer of 1347.⁷⁷³

This marriage is important in showing different forms of bride-prices like in the case of Orhan Beg. Chinggis Khan, before his marriage, paid bride price as

⁷⁶⁹ Yinanç 1929, 67; Bryer 1988, 478.

⁷⁷⁰ Orthodox and Islamic canons recognize the dowry (*mahr*) but are in direct opposition to Mongol and Turkmen custom, which is a bride-price. Bryer 1988, 486.

⁷⁷¹ Bryer 1988, 487.

⁷⁷² Bryer said that “Despoina is usually a title, ‘lady,’ equivalent of *hatun*, rather than a personal name.” Bryer 1988, p.475 n.3.

⁷⁷³ Bryer 1988, 479.

service. They accepted a kind of vassalage to marry a woman from noble and powerful family. Orhan Ghazi offered military service for the marriage of Theodora, daughter of Byzantine emperor. This marriage is not mentioned in any Ottoman chronicles, because giving service as bride –price was sign of inferior position of the Ottomans at that time and this shouldn't have been appreciated by the Ottoman official history writers.

There were several marriages among various Turkish and Mongolian dynasties and Christian dynasties. Between 1297 and 1461, thirty-four or more Byzantine, Trapanine and Serbian Princesses married Mongol khans, Ilkhans, Turkish emirs, and Turkmen begs.⁷⁷⁴ Most often these were political marriages. They could be after a military success or during peace time in order to strengthen alliance. Akkoyunlu, Kutlug Beg married Maria who was the daughter of the Tekfur of Trebizond. Tihrani evaluated this marriage as success of Islam.⁷⁷⁵ When Mehmed II conquered Trabzon, Saray/Saray Khatun, mother of Uzun Hasan asked the fortress of Trabzon from Mehmed II as a right of her bride (gelini) Theodora, wife of her son Uzun Hasan and daughter of Emperor of Trabzon.⁷⁷⁶ This may be an indication of the respected position of Theodora in the Akkoyunlu Palace. It was natural because Theodora was the daughter of Trabzonid Emperor. Nilüfer and Theodora, two respected Christian noble women were wives of Muslim Turkish rulers. Their noble backgrounds and personalities should have been very important in determining their social and political status. It seems that in general, Anatolian Begs did not prefer

⁷⁷⁴ Bryer 1988, 481.

⁷⁷⁵ Abu Bakr İhrānī, *Kitāb-ı Diyārbekirīyye (Ak-Koyunlular Tarihi)* ed. Necati Lugal, Faruk Sümer (Ankara:TTK, 1964), 15. Kutlug Beg was son of Osman Beg, grand child of Ali Beg of Akkoyunlu.

⁷⁷⁶ Aşıkpaşaoğlu 1925-1949, 208.

marriages with the daughters of the Christian rulers. There are a few examples about these marriages. For example, Amīr of Canik married the daughter of Byzantine emperor; Beg of Karesi made marriage with a Christian noble women.⁷⁷⁷ The Arab historian Ibn Hajar reports that Savcı (this must be Ya'kub) was not granted the throne because his mother was a Christian.⁷⁷⁸ In *Düstürname*, Enveri proudly reported that Umur Beg refused marriage offers of various Christian rulers.⁷⁷⁹ Although we need more examples to come on generalization, these examples however, compel us to think that Muslim marriages with Christian women were not preferred unless they were merely part of political strategies in Anatolia. If these marriages were hypergamic (man marrying up) these women were respected and could gain high status. It seems that Ottomans gave importance to marriages with the Christian noble women, especially during the first phase of the Empire (from frontier principality to Empire). This was might be because of the Ottoman's need to take the support of the Christian dynasties and legitimate their rule in the Christian lands into which they penetrated rapidly.

7.3 Murat I and Elimination of Matrilneality and Concubine Marriage

Murat I (r. 1362-1389) was depicted as the one of the most successful rulers of the Ottoman dynasty. He conquered several regions in the Balkans and Anatolia, annexed parts of the principalities of Germiyan and Hamidili and was

⁷⁷⁷ Uzunçarşılı, 153, 159.

⁷⁷⁸ İnalçık, Halil. “ The Ottoman Succession and Its Relation to the Turkish Concept of Sovereignty” in *the Middle East and the Balkans under the Ottoman Empire*,(Bloomington: Indiana University Turkish Studies and Turkish Ministry of Culture Joint Series vol.9, 1993), 49

⁷⁷⁹ Enveri, 29, 57.

victorious over Karamanids.⁷⁸⁰ About the centralization policy of Murad I Alderson said that “Murat I’s reign, however, marks a definite change. The state was no longer to be considered as a possession to be shared by the family as whole but to exist only for the sultans and his sons; for this practical sanction was fratricide.”⁷⁸¹ Similarly Peirce said that:

In the first generation of Osman and Orhan were power sharing: Rulers shared real power and territory with their sons, and probably with their uncles and brothers. Practice in Turco-Mongol tradition... But during the reign of third sultan Murat not only had collateral lines (the ruler’s uncles and brothers) ceased to share in the patrimony, but even the sultan’s sons began to lose the right to govern it any real independence... While they continued to receive provinces to administer, they no longer had access to the European frontier, where a reputation of a *ghazi* hero (“warrior for Islam”) and thereby popular support might be more easily acquired than in legally dubious campaigns against fellow Muslims in Anatolia... Princes in the provinces, were supervised by the tutors and their economic and political powers were restricted by the center, practically and symbolically.⁷⁸²

Parallel to his radical changes in the state policy and ideology, gender relations also experienced radical changes. According to Peirce, thanks to these transformations, the Ottomans were able to move away from the Turco-Mongol pattern towards limiting the authority of both wives and sons. Slave concubinage was the key instrument in this process.⁷⁸³

Murad I contracted seven marriages and two of them were with the daughters of Anatolian Begliks; daughter of Süleyman II of Candaroğlu and daughter of

⁷⁸⁰ For the Murad I’s political and military successes, İnalçık 1973, 10, 12, 14, 15,95.

⁷⁸¹ Alderson 1956, 18.

⁷⁸² Peirce 1993, 20.

⁷⁸³ Peirce 1993, 54.

Seyyid Sultan (*ahi*). His other wives were Christian noble women and also captive slave girls.⁷⁸⁴ Although he had many Christian and Muslim noble wives, his son Bayezid I's mother Gülçiçek, was a concubine.⁷⁸⁵ From now on, mostly the princes from concubine background would be enthroned.⁷⁸⁶ Peirce argues that “more than any other Muslim dynasty the Ottomans raised the practice of slave concubinage to a reproductive principle: after the generations of Osman and Orhan, virtually all offspring of the sultans appear to have been born of concubine mothers.”⁷⁸⁷

From the second half of the 14th Century, Ottoman military, economic and political power was consolidated which enabled them to make marriage alliances with the Anatolian begliks. Murat I married her daughter Nefise to Allādd n Ali, the son of Karamanlı, in 1381.⁷⁸⁸

⁷⁸⁴ According to Peirce, until the middle of the 14th century the Ottomans were not powerful enough to attract the interest of Christian powers of well-established Anatolian dynasties in marital alliances (Peirce, 32). This can be true for his marriages with the daughters of Anatolian Begliks but before, his father Orhan could marry daughters of Tekfur of Yarhisar, Kings of Serbia and Byzantine.

⁷⁸⁵ Alderson 1956, 166; for more detailed information see Peirce 1993, 46.

⁷⁸⁶ According to Peirce, the concubine mothers of the sultans of pre-Sulemanic period were Devlet, mother of Mehmed I; Hüma, mother of Mehmed II Gülbahar, mother of Bayezid II; another Gülbahar, mother of Selim I; Hafsa, mother of Süleyman. There are some assumptions about Muslim mothers of the Sultans. Mehmed I's mother was not Devletshah daughter of Germiyan. For more details look at pp, 30-40. Emine of Dulqadir House was supposedly mother of Murad II; Hadije Halime of the Jandar House mother of Mehmed II; Dulqadir Princess, Ayşe

⁷⁸⁷ Peirce 1993, 16-17.

⁷⁸⁸ Alderson 1956, 166.

7.4 Bayezid I's Hypergamic Marriages

Bayezid (r.1389-1403) following his father's policies in Anatolia put an end to the principalities of Menteşe, Aydın, Saruhan, Germiyan and Hamidili. He defeated Karamanids, captured Antalya and Alanya. He made expeditions further into Hungaria and Wallachia. The Ottomans gained great power and prestige in the Christian and Muslim World. As a result of these military and political successes, Bayezid I was able to make several marriages with women coming from the leading Turkish dynasties of the time.

In 1381 Bayezid married the daughter of Süleyman of Germiyan, Devletshah who was a descendant of powerful princes, charismatic sheikhs (her mother was Mutahhare, granddaughter of Rumi) daughter.⁷⁸⁹ In 1391, he married the daughter of Aydınoğlu İsa, Hafise.⁷⁹⁰ Bayezid's marriage with Devlet Khatun, daughter of Germiyan, was a sign of establishment of Ottoman superiority in Anatolia. Süleyman Shah offered her daughter's marriage to the Sul ān himself because he needed Ottoman support against his rival Karamanoğlu Alaüddeve.⁷⁹¹ He gave important part of his territories, Kütahya, Simav, Eğri-gözü and Tavşanlı, to the Ottomans as her daughter's dowry.⁷⁹² The kind and amount of the dowry can be accepted as Germiyan's asking for the protection and superiority of the Ottomans. It seems that Germiyans as the one of the most powerful and deep rooted principality of Anatolia tried to keep their prestige by

⁷⁸⁹Peirce, 40

⁷⁹⁰ İsmail Hakkı Uzunçarşılı, *Anadolu Beylikleri ve Akkoyunlu, Karakoyunlu Devletleri*, (Ankara:TTK,1988), 113.

⁷⁹¹ Uzunçarşılı 1988, 45.

⁷⁹²Aşıkpaşaoğlu 1947, 131; Uzunçarşılı 1988, 45.

giving their lands as a dowry not through an political alliance. This event is very important for gender history because it is very important in showing margins of women's property rights and meaning of dowry which was discussed in the second chapter. In fact, every woman from a ruling family could not probably take such large territories as dowry but this event shows the possibility or public acceptance of such kind of right. This marriage was hypergamic (woman marrying up), for the germiyan side and as it is mentioned in the second chapter, in the hypergamic marriage (woman marrying up) dowry could be high and in the hypogamic marriage (women marrying down and man marrying up) bride price could be very high and brought some burdens to the son-in-law. It seems that these assumptions were valid in the Ottoman dynastic marriages.

This marriage was very important for the Ottomans because Germiyans were the one of the most deep rooted and powerful principality of Anatolia and also one of the oldest enemy of the Ottomans. For example, Osman Beg learnt the taxation from the Germiyans.⁷⁹³ There was rivalry and enmity between the Germiyans and the Ottomans. According to Kafadar this enmity depended to the time of the Baba'ī revolts during the time of the Seljuks. Germiyans helped the Seljuk forces against the Baba'īs. “Especially if strengthened by a wedding alliance with the family of a leading Sheikh of that order, would seem to be part of the explanation for their hostile relations with the House of Germiyan.”⁷⁹⁴ Therefore, this wedding was a symbol of compulsory alliance between the Ottomans and Germiyans and also important turning point in gaining superiority in Anatolia for the Ottomans.

⁷⁹³ Aşıkpaşaoğlu 1947, 102.

⁷⁹⁴ Kafadar 1995, 129, 135.

According to Aşıkpaşaoğlu, the Ottomans turned the wedding into a great political demonstration. Bayezid invited all leading rulers of Anatolia and Egypt. Evronos Beg, who was merely a commander in the frontier regions, presented the most precious wedding gifts and transcended the other guests.⁷⁹⁵

This might be used for showing the Ottoman wealth and power to their rivals who minimize the Ottomans and might be for attracting more people to the frontier regions.

Bayezid I married also the daughters of Hungarian, Serbian, Byzantine nobility. Bayezid's marriage with the daughter of Vulkoğlu who was the leader of Laz is a hypergamic (woman marrying up) marriage for the Serbian side. Bayezid sent a message for asking the marriage of the daughter of Vulkoghlu. Upon hearing this news Vulkoğlu prepared his daughter's dowry and asked Bayezid to take his daughter. He feasted and prepared "dowry record of her daughter" (*çeyiz defteri*). Bayezid minimized her and said that wedding ceremony is not necessary for a daughter of an infidel. After a while, he sent this woman to Bursa.⁷⁹⁶ Similar to the Germiyan Süleymanshah, Vulkoğlu gave rich dowry to his daughter when she married Sul ān Bayezid. When Orhan married Theodora, he paid bride price as military service but this time, Süleyman Beg and Vulkoğlu had to give great wealth, even land as dowry. So one can argue that dowry and bride price were part of these political marriages and they (bride price and dowry) were determined according to wealth, political and military powers of the bride and groom sides.

⁷⁹⁵ Aşıkpaşaoğlu 1947, 129-130.

⁷⁹⁶ Neşri 1983, 101.

7.5 Mehmed I's Marriages in Consistency with the Traditions

After the Bayezid's committed suicide in 1403, there had been ten years of interregnum until the reign of Mehmed I (r.1413-1444). He was the son of Bayezid and his mother was a concubine.⁷⁹⁷ Here, in respect to reflect the Ottoman marriage policy of that time, his mother's origin is not important because he was not appointed by his father Bayezid and during the interregnum period, there was civil war and rivalry between the princes, the most powerful and skillful one won this war. Mehmed I mostly struggled for political unification of Anatolia under Ottoman rule. Mehmed I made only two marriages: Emine daughter of Suli of Dulkadirli (1404) and the other was Shahzada Khatun daughter of Shadgeldi Pasha.⁷⁹⁸ In order to consolidate his power, he and his children married with the daughters of Anatolian Beg families. He married his daughters mostly with the sons of Anatolian begs: İncü married to Mehmed II (*Amīr*) and Selçuk, married to Karaca Çelebi and then to Emir İbrahim-son of Mubarezeddin Candaroğlu. His daughter Fatma married aganos Mehmed Pasha whose second wife was Anna Comnenus.⁷⁹⁹ Mehmed I's period may be evaluated as return of the past. The Ottomans could challenge the rules or existing system, they acted according to the existing traditions which gave importance to matriline.

⁷⁹⁷ According to Uzunçarşılı the sources claims his mother was Devletshah who was daughter of Germiyan ruler Süleymanshah, in reality his mother was a concubine. Uzunçarşılı, 1988. About her origin see Peirce 1993, 40

⁷⁹⁸ Alderson 1956, Table XXV

⁷⁹⁹ Alderson 1956, Table XXV.

7.6 Murat II's Hypergamic Marriages

Murat II (1421-1451)'s reign was transition period between Mehmed I's traditionalism to Mehmed II's revolutionary Ottoman imperial ideology and politics. His famous "ring" dream is proof of the strong centralization tendency of the Ottoman Empire.⁸⁰⁰ His mother is not known but probably she was Emine, daughter of Dulkadir House.⁸⁰¹ According to Alderson, three of his marriages were with Muslims: Hadice (Halima) Hatun Candaroğlu, Huma, Hundi Hatun and Mara, the daughter of Serbian King. During Murat II's time, the Ottoman State recovered its power and challenged the principality of Dulkadirli one of the most influential and prestigious dynasties of Anatolia. In 1388, in the crown of Edirne, Sultan Murad decided to marry his son Mehmed II to the daughter of Dulkadirli, because Dulkadir house recognized the sovereignty of the Ottoman House.⁸⁰² This time again, as in the marriage of Bayezid I and the daughter of Germiyan Beg, Ottomans used this marriage to show their power and wealth. For example, they sent many people to bring the bride to the palace; they invited the important rulers, people from *ulama* class and ordinary people and found opportunity to show their wealth; Sultan Murat found the dowry of the bride less and said my custom (*töre*) is not this and it is not sufficient". He gave her dowry which is worthy of padishahs;⁸⁰³ "worthy of padisahs" here means Dulkadiroğlu gave dowry to her daughter according to

⁸⁰⁰ Anonymous, *16. Asırda Yazılmış Grekçe Anonim Osmanlı Tarihi. Giriş ve Metin (1373-1512)*, trans. Şerif Baştav (Ankara: Ankara Üniv. Basımevi, 1973),134.

⁸⁰¹ Perice 1993, 40.

⁸⁰² Oruç Beg 1976, 106.

⁸⁰³ Neşri 1983 vol.2, 126.

his wealth but it could not reach to the wealth of a padishah. The two important marriages with daughter of Germiyan and Dulkadirli houses, took place at the period of the Ottomans rapid rise. These weddings turned into a kind of political demonstration to challenge the rival Anatolian Begs humiliating the Ottomans. Maybe because of this the writers, like the wedding of the Bayezid I and the daughter of Germiyan, assign an important place in their books and narrate these weddings in great detail. On the other hand, they shortly mention, the marriages of Mehmed II and his son Bayezid II with the daughters of Anatolian Begs. One can say that before the time of Mehmed II, the Ottomans had tried to prove their power to their rivals and these weddings were used for this purpose, but later during the time of Fatih, the Ottoman State had already become an Empire, far higher than the Anatolian principalities, so probably this reason, these marriages weren't seen worth to mention.

7.7 Drastic Changes in the Ottoman Imperial Gender Policy and Mehmed II

Mehmed II⁸⁰⁴ (r.1451-1481) was the turning point in the Ottoman history. Ottoman state turned into an Empire. “With the possession of Constantinople, the capital of the eastern Roman Empire, Mehmed regarded himself as the only legitimate heir of the Roman Empire... The Conqueror claimed to have united in his own person the Islamic, Turkish and Roman traditions of universal sovereignty...”⁸⁰⁵ Since the establishment period of the Ottoman Dynasty, Islamic and tribal laws (*töre*) or some rules or laws had been codified by the Ottoman rulers. In fact, religious law and sultanic law were always together in

⁸⁰⁴ Mehmed II's mother was Hüma, probably slave origin but there are some claims about Hadije Halime of Jandar House was his mother.¹

⁸⁰⁵İnalcık 1973, 57.

all the Muslim States, and Mehmed II codified many laws (were not religious, codified to consolidate the state mechanism) which is sign of power of the Sultan. About the dual character of the Ottoman law system İnalçık says that:

The theories forwarded by the historian Tursun Beg, who had been in the important state service during the conqueror's time, about the origin of the state and law, based on Farabi and Nasireddin Tusi, are interesting. These ideas reflect to a certain extent the perception of state and law among the Ottoman statesman and bureaucrats at that time. According to Tursun Beg, God creates a great ruler in every period. God selects a person for the world order and gives him power and authority... This is necessary to keep each person in his place in the society according to his capabilities, to make him satisfied with this and to prevent him from attacking the rights of someone else. This is the basic condition of mutual assistance and order in a society. This kind of coercive polity is called *siyaset* (political authority)...If the polity is based on sacred dogma (hikmet), then is called divine polity, which is imposed by the prophet and composed of the Shariah. If the polity is based only on reason, then it is called 'imperial polity and sultan's domination and it is also called *örf*, that is sultanic authority, such as Gengis Khan's *yasa* (Tursun Beg mentions this example himself). Both of these types of polities are dependent on the existence of a ruler.⁸⁰⁶

Yasa, *kanun*, or *töre/törü* were all codified by the ruler to regulate society, politics, economic, military and social affairs. Making law was dependent on the power of the ruler. If the ruler was not powerful enough, he had to act according to existing traditions which was mostly anonyms or had already been shaped by the previous rulers or religious laws which in turn had been shaped by religious class and represented by a certain groups. Rulers could not act by themselves but if a person was so powerful like Chinggis Khan, he could reshape these tribal laws to consolidate his power. Perhaps, because of that, the Ottoman writers took Chinggis' *yasa* as a model. According to Fleischer, Mustafa Ali found apparent equilibrium between Chinggis' *yasa* and the Ottoman's *yasa*. This non religious law's root extended to the Inner Asian

⁸⁰⁶ İnalçık, 2003, 167-168.

political traditions and it symbolized the prestige of the dynasty and concrete sign of its legal sovereignty.⁸⁰⁷

The Ottomans from the beginning, tried to developed their unique state ideology and politics to differentiate it from the tribal traditions. They could create their own unique state ideology. As İ. Togan says 13th and 14th centuries' Anatolia became lands of people who would establish their own custom (töre).⁸⁰⁸ In fact, while the other Anatolian dynasties did not leave Inner Asian traditions to some extent,⁸⁰⁹ the Ottomans could achieve this end. They could use centralized Middle Eastern and Inner Asian state traditions very effectively. They both made new laws which was called *örf ü sul ānī* and modified existing customary laws according to needs of the empire called *örf ü ādāt*.⁸¹⁰ Haim Gerber said that “In essence what I am claiming is that Ottoman law was a combination of centralized imposition and bureaucratization, and a strong element of negotiation as exemplified in the interplay between *kanun* and *shari'a*, and by acceptance of large chunks of customary law- primarily guild law.”⁸¹¹

⁸⁰⁷ Fleisher, H., Cornell. *Tarihçi Mustafa Âli: Bir Osmanlı Aydın ve Bürokrati*, trans. Ayla Ortaç (İstanbul: Tarih Vakfı Yurt Yayınları, 1986), 294; Ümit Hassan, *Osmanlı; Örgüt- İnanç- Davranış'tan Hukuk-İdeoloji'ye* (İstanbul: İletişim yay., 2005), 169-176.

⁸⁰⁸ İsenbike Togan, “Beylikler Devri Anadolu Tarihinde Yöntem Sorunları: Germiyan'dan Örnekler,” in *Şinasi Tekin'in Anısına, uygurlardan Osmanlıya* (İstanbul: Simurg, 2005), 704-719.

⁸⁰⁹ M. Mesud Koman (ed.), *Şikari'nin Karamanoğulları Tarihi*, M. Mesud Koman, (Konya: 1946, Yeni Kitab Basımevi).

⁸¹⁰ Halil İnalçık, “Osmanlı Hukukuna Giriş, Örfi-Sultani Hukuk ve Fatih'in Kanunları,” *Ankara Üniversitesi Siyasal Bilgiler Fakültesi Dergisi* 13 (1958): 102.

⁸¹¹ Gerber 1994, 180.

With Mehmed II, the Ottomans became the most powerful Empire of the Islamic World, and created their own imperial ideology and laws (*kanun*). One of the most striking of these laws was law of fratricide which was codified by Mehmed II; it was not appropriate according to Islamic legal traditions.⁸¹² During the time of Mehmed II the Ottoman history writing began and these histories suggested a kind of spiritual unification of Ede Bali's daughter and Osman Beg. To their male descendants God bestowed up on the conduct of the World.⁸¹³ This ideology was that "God made it unavoidable necessity for everyone, great or small, to obey the sultan. The sultan lowers the lofty persons and raises the persons of low standing, that is, he has the characters unique to God himself" as İnalçık says.⁸¹⁴

During Mehmed II's time, official marriages were completely finished and replaced by concubinage. In 1475, there were 400 female slaves in the Topkapı Palace and 250 in the old palace.⁸¹⁵ The Ottomans had no rivals and no need to make strategic marriages. Mehmed II had several concubines. He married Sitti (Mükrime) daughter of Süleyman Dulkadirli in 1449 when he was a prince; his son Bayazid II married Hüsnüşah daughter of Nasuh Bey of Karamanids.⁸¹⁶ After these marriages, the Ottoman Sultans did not marry Muslim women. They also did not marry officially (except for Hürrem and few

⁸¹²İnalçık 1993, 59; Fletcher 1979-1980, 246.

⁸¹³*Anonim Tevarih-i Ali Osman*, F. Giese Neşri. ed. Nihat Azamat (İstanbul: Ak Basımevi, 1992); Oruç Beg 1976, Neşri 1983, Aşık Paşa 1947.

⁸¹⁴İnalçık 2003, 168.

⁸¹⁵ İnalçık 2003, 85 During the time of Fatih, the number of the concubines in the harem increased, parallel to the state administration passed to the hands of the Devshirmes. Çağatay Uluçay, *Harem II* (Ankara: TTK, 1985), 11.

⁸¹⁶ Uluçay 1985, 39-40.

examples), because the Ottomans as a super power of their ages did not need to make strategic marriages any more.

Mehmed II's daughters married *devşirme* originated high officials: Gevherhan was married to Uğurlu Mehmed Paşa, one his daughters married to Hasan, son of İsmail Candaroğlu. Mamluke Sultan was married to Seyfeddin Kayitbay and after his death she was promised to a member of the Kotoda family. However, Bayezid II insisted on her return to Turkey and she was given to Sinan Paşa's son Nasir Mehmed.⁸¹⁷

During and after the reign of Mehmed II, we do not encounter marriages with women of influential families. The daughters of the sultans also did not marry men from the noble families any more to a great extent. Instead they were married to high ranking officials, (viziers, governors or commander-in-chiefs etc more) coming from *kul* backgrounds. According to Uluçay, until the time of the Fatih, the royal daughters had been called "khatun" but after Fatih, they were called "Sultan" and title of Sultan was used only for the daughters and mothers of the Sultans.⁸¹⁸ It can be said that by eliminating until the middle of the 15th century, there are records about the wives of the Sultans but about their daughters there is not any information.⁸¹⁹ So it can be said that the daughters were integrated into the strong centralistic state system as a member of the Ottoman family. Gradually, they began to be more important and more active socially and political. Peirce argues that

⁸¹⁷ Alderson 1956, Table XXVII, n.21.

⁸¹⁸ Uluçay 1985, 60-61, 67. Until the time of the Fatih, the royal daughters had been called "hatun" but after Fatih, they were called "Sultan" (Çağatay 1985, 67).

⁸¹⁹ Uluçay, Çağatay. *Padişah'ın Kadınları ve Kızları*. Ankara: TTK, 2001, 1

Women of the dynasty too were both entitled to a share of the patrimony and subject to controls. The great care and deliberation given to the marriage of princesses reflected the recognition that power could flow out through them despite the fact that they themselves could not rule. Moreover, land and revenues granted to princesses were never alienated from the patrimony. Unlike some of their Anatolian contemporaries, Ottoman princesses never carried a piece of the state as their dowry, and when they married into foreign dynasties the revenues of their land grants were devoted to endowments located within the domain. By the end of fifteenth century, the problem of stopping the outflow of power and resources through princesses was solved by the adaptation of an endogamous marriage policy through which princesses married either cousins or, more often, statesmen who were considered slave members of the dynastic household.⁸²⁰

The royal women as mothers and daughters of the Sultans gained more importance socially and politically. It seems that *Kanun* and *Shari'a* were used in the new kind of gender relations to strengthen authority of the royal daughters over their husbands. There are a few examples: In the later periods, if the Sultan wanted to marry his daughter to a specific person, Sultan issued a decree according to which the bride-groom had to divorce all his wives and be faithful to her only; This happened in the marriages of Kalaylı Koz Ali Paşa, Hezarpare Ahmet Paşa and Nevşehirli İbrahim Paşa. In these marriages, bride-grooms could not divorce their royal wives. On the other hand, the Sultan could divorce her husband with the permission of her father.⁸²¹ It seems that being royal *damad* (son-in-law) sometimes could be a very difficult task, a man could marry a much younger (five years old) or much older princesses and sometimes these marriages were forced as an obligation on these members of the high

⁸²⁰Peirce 1993, 22.

⁸²¹Uluçay 1985, 61, 90-93 unfortunately Uluçay did not give the primary sources from which he derived information of the royal *damad's* divorce all his former wives before being royal *damad*. But Leslie Peirce and Zarinebaf-Shahr used this information in their studies by depending Uluçay's work. Zarinebaf-Shahr 2000, 697.

ranking military and bureaucratic elite.⁸²² Necipoğlu said that submission of high ranking officials to their wives who were daughters of the Sultans was required.⁸²³ It can be said that the Ottomans did not become *damad* but they made many important leading people their *damad*. This also shows why the Ottomans eliminated matriline in their dynastic family.

Princesses became active in the construction activities too. Ülkü Bates said that “most of the structures commissioned by Ottoman women are mosques. The patronage of women began soon after the conquest of Istanbul by the Turks in 1453.”⁸²⁴ Ayşe Kadın Mosque was constructed by the daughter of Fatih in Edirne. According to Bates, princess Ayşe could hardly have built a mosque bearing her name in the capital before the Sultan constructed his, so he chose the second city of the empire. And the writer argues that woman builders were not common for the early period of the Ottoman Empire.⁸²⁵ But later, especially during the time of Süleyman the Magnificent’s time onwards, these

⁸²² Çağatay Uluçay, *Padişahların Kadınları ve Kızları* (Ankara: TTK, 2001); Fariba Zarifnebafe-Shahr, “The Wealth of Princesses During the Tulip Age,” in *the Great Ottoman Turkish Civilization II; Economy and Society* ed. Kemal Çiçek (Ankara: Yeni Türkiye, 2000), 696-701.

⁸²³ Necipoğlu, Gülru, *The Age of Sinan; Architectural Culture in the Ottoman Empire* (London: Reaktion Books, 2005), 43.

⁸²⁴ Bates, Ülkü, "The Architectural Patronage of Ottoman Women," *Asian Art* 6 (Spring 1993): 51.

⁸²⁵ Bates, 52-53. Construction activities show political and economic power of royal women. The Ottoman royal wives had had restricted construction activities until Kanuni. According to Peirce especially the royal Muslim views notably absent as a builders. Peirce 1993, 40. This was a part of the politics of curb the power of the dynastic women. In the Seljukid dynasty, the royal women (daughters, sisters, wives and mothers) built important religious and secular foundations, because matriline was important and women were active in social and political life. There are hundreds of mosques, hospitals and religious schools which were constructed by the Seljukid royal women through Anatolia. Aynur Durukan, “Anadolu Selçuklu Sanatında Kadın Baniler,” *Vakıflar Dergisi* 27 (1998), 15-36.

construction activities gained impetus. The princesses with their husbands constructed many important buildings and complexes.⁸²⁶

7.8 Bayezid II and Institutionalization of status of Son in-law

After Mehmed II, his son from a concubine (Gülbahar) Bayezid II (r.1481-1512) succeeded the throne. He married two Muslim women: Ayşe from Dulkadirli⁸²⁷ House and Hüsnişah daughter of Nasuh Beğ of Karamanoğlu House. His other wives were concubines.

During the reign of Bayezid II, daughters gained more and more importance, and so did the son-in-laws (*damads*) of the Sultans. The Ottomans never accepted being *damad* of anyone but they controlled the high ranking officials by making their *damad* in other words they institutionalized “*damadlık*” (status of son in-law). About this matter Fariba Zarinebaf-Shahr said that “The concentration of the Ottoman household in Istanbul and the marriage of Ottoman princesses to grand viziers started during the reign of Bayezid II and became standard practice under the Süleyman the Magnificent. Bayezid’s daughter Hundi was married firstly to Eşref Barsbay of Mamluks in 1438 and then Zahir Çakmak in 1453 and then Amîr Barsbay Bucasi;⁸²⁸ Paşa Melek married Şemseddin Mehmed; Fatma married a Sancakbey.⁸²⁹ With few exceptions, Bayezid’s many *damadas* did not rise to the rank of *vizîr*. Selim I’s

⁸²⁶ See Necipoğlu 2005, 269-368.

⁸²⁷ Uzunçarşılı 1988, 173.

⁸²⁸ Zarifnebaf-Shahr 2000, 6987.

⁸²⁹ Alderson 1956, table XXIV.

damads, however, tended to be statesmen who already were viziers.⁸³⁰ Peirce's following words explain political reasons this policy:

It appears with few exception to have avoid alliances with native-born Muslims either from the dynasties of military lords, such as the Evrenos and the Mihalogulları, or from the ulema-administrator class, such as the Candarlı dynasty of viziers. In other words, the dynasty held aloof from the indigenous nobility... The policy of binding the most powerful of slave statesmen to the dynasty through marriage was another means of control, aimed primarily at curbing the potential centrifugal power of the slave elite.⁸³¹

7.9 Sultan Süleyman Marrying Hürrem: Imperial Women Gaining High Status as a Wife

Kanuni's period was very unusual because besides his daughter, his wife Hürrem Sultan with her political, social, nonstructural activities labeled the reign of her husband. This was one of the results of the Kanuni's imperial policy. About Kanuni's political and social policies Stanford Shaw said that "Süleyman also brought to the throne a depth of experience as an administrator and a soldier sufficient not only to conquer but also to centralize, unify, and codify the administration of a state that had been molded out of many peoples, traditions, and civilizations. Known to his people as *Kanuni*, "the Law Giver,..."⁸³² Related to Kanuni's centralization policy Peirce says that princes and their mothers were sent in 15th and 16th centuries to the Anatolian provincial capitals Manisa, Konya, Amasya. These princes were taking political training during their governorship as a candidate of *sultanship*. In other words,

⁸³⁰Peirce 1993,66, 229.

⁸³¹Peirce 1993, 7.

⁸³² Stanford Shaw, *History of the Ottoman Empire and Modern Turkey, Vol I: Empire of the Gazis: The Rise and Decline of the Ottoman Empire, 1280-1808* (Cambridge, London, New York, Melbourne: Cambridge University Press, 1976), 87.

the dynastic politics had been decentralized and the dynastic family was dispersed in a number of royal households. But during the time of Süleyman I, the dynasty began to be centered increasingly in Istanbul, and as a result there emerged a number of new relations and new constellations of power among members of the dynasty. Another development that parallels the emergence of the *Haseki* in its importance was the growing prestige of the husbands of the Ottoman princesses.⁸³³ In other words, in this centralization policy, family members gained great importance and played important roles in social and political affairs. In this sense, women's active participation to the state affairs in the Ottomans was not because of the traditions, but because of the requirement of the new system which was developed by Kanuni. According to Peirce, "in the years between 1520, the beginning of Hürrem Sultan's career, and 1651, when Kösem Sultan died, the Ottoman Empire was influenced in diverse ways by dynastic women whose power derived to a significant from their experience as *haseki*."⁸³⁴ Below, mainly Hürrem's political and social activities are examined in order to show political and ideological dimensions of Hürrem's activities.

7.10 Hürrem Sultan under the Light of Her Endowments

Although Hürrem Sultan died in 1558, she still lives in people's memory as a founder of "women's hegemony" in the Ottoman Empire. In fact, throughout the Ottoman History, especially with Kanuni's mother Hafsa Sultan, mothers of the Sultans as "valide sultan" (queen mother), actively participated in politics, they became "women ruler within the khanate."⁸³⁵ Hafsa Sultan endowed a

⁸³³Peirce 1993, 58.

⁸³⁴Peirce 1993, 112.

⁸³⁵İnalçık 2001, 10.

large complex consisting of mosque, college, primary school, and sufi hospice in Manisa, one of the traditional towns of residence for Ottoman princes and their mothers. They stayed in Manisa between 1513-1520. Singer said that “while undertaking an endowment in the district seat of her prince-son was quite usual, Hafsa’s Manisa complex was the first by a concubine to include an imperial mosque. Hafsa was also the first to be called by the title “sultan.” Together these events signaled the shifting status of the sultan’s mother, her increased share in dynastic power.⁸³⁶

Why Hürrem was fiercely opposed or why has she been seen as a symbol of corruption in the Ottoman history? As it is emphasized above the Ottoman royal women as a mother of the Sultans (*valide sultan*) actively participated in politics. I think Hürrem’s main difference was her status. She was a wife “*Haseki Sultan*”, on the other hand others were mothers “*Valide Sultan*”. Ottoman policy was diminishing the status of royal wife. Hürrem was the first and the most important *haseki* who challenged the Ottoman dynastic policy which eliminated royal wives in the social and political life. Amy Singer said that unlike the powerful women who followed her, Hürrem enjoyed her position as wife of the sultan and not as his mother. She was always called “*haseki sultan*,” the favorite.⁸³⁷

Here it is certain that with Süleyman I, the dynasty began to be centered increasingly and the Palace became a kind of a political theater of the various interest groups around the Sultan. İnalcık in his article “State Ideology under

⁸³⁶ Amy Singer, *Constructing Ottoman Beneficence; an Imperial Soup Kitchen in Jerusalem* (New York: State Univ. of New York Press, 2002), 90.

⁸³⁷ Singer 2002, 91.

Sultan Süleyman I” claims that “While the Ottoman Pādishāh is considered in total control, in actual fact, the bureaucracy surrounded him with rigid principles and rules to maintain the system”.⁸³⁸ Such kind of environment led the royal women participate more and more into politics for the sake of their sons and husbands.

Without taking these political and social conditions into consideration, Hürrem can be seen as an enthusiastic, jealous, dominant woman and as a plotter. In the letters of Hürrem and Kanuni, there is a passion, and strong tie between husband and wife. Generally, Hürrem has been seen as a shrewd woman who took Kanuni under her influence. On the other hand, when Hürrem evaluated by her endowments and constructions, it can easily be understood that Hürrem’s political and social activities were far beyond such kind of narrow minded interpretations. She made endowments in the Ottoman imperial cities of Istanbul, Bursa, and Edirne, as well as in Mecca and Medina, the holiest town for the Muslims. Her complex is in İstanbul and her double bath is in the central place between the Ayasofya and the Sultan Ahmet mosque (“the Blue Mosque”).⁸³⁹ It is apparent that Süleyman as a law maker, tried to change the marriage policy of his ancestors. He claimed to be the universal emperor combining Byzantine, Islamic⁸⁴⁰ and Turco-Mongol traditions. This was maybe creation of queen wife figure through which he wanted to increase his prestige and power, and to strengthen his rule. Otherwise, how can we explain Hürrem’s

⁸³⁸ Halil İnalçık , “State Ideology under Sultan Süleyman I,” in *The Middle and the Balkans under the Ottoman Empire* (Bloomington: Indiana University Turkish Studies and Turkish Ministry of Culture Joint Series vol.9, 1993), 83.

⁸³⁹Singer 2002, 4; Necipoğlu 2005, 271-276.

⁸⁴⁰Sultan Süleyman identified himself with Prophet Süleyman and used the nickname of *Süleyman-i Devran* or *Süleyman-i Zaman*. According to the writer this was recognized in the Ottoman political and artistic culture very much. Bağcı, Serpil, “Süleyman-ı Adil’den Kanuni Süleyman’a: Osmanlı resminde Dinş ve Siyasi Simge” in *Orta Çağ’da Anadolu; Prof. Dr. Aynur Durukan’a Armağan*, ed. Nermin Şaman Doğan, (Ankara: Mart 2002), 58-61.

endowments and building complexes all of which were located in very important regions of the Empire? In the waqfnames, attributes to Hürrem shows her position in the imperial ideology and political background of these foundations. For example, in waqfname of the Jerusalem Soup Kitchen which is in the Hürrem's complex⁸⁴¹ gives us valuable information to understand how Hürrem's position was legalized and adapted into the imperial ideology. In the Arabic waqfiyya of Hürrem's Soup Kitchen, she was described as

the *queen of queens*, she [Hürrem]who is of angelic dispositions the sublime felicitous one, the beautiful person of ideal qualities, the highest of moral reputation among Moslem men and women, the quintessence of highly respected and chief of the venerated females, the '*Ayisha of her times*, the 'source' of a flourishing sultanate, the shell of the glorious caliphate-she who is especially adapted by the many kindness of Eternal King, the mother-sultan of Emir Mehmed,...⁸⁴²

According to this *waqfnāma*, Hürrem's position was sanctified by God who chose her as "queen". "Yea, Allah ordained that she should be brought up in the shadow of the magnificent sultanate and in the *Harem* of the resplendent caliphate, this bestowing upon her all kinds of graces, both apparent and hidden, as well as bounteous blessing and gifts, so much that the pavilion of her grandeur and felicity reaches with 'her' crowned head to the stars [Ursae minoris], and her glorious majesty touches the highest sky."⁸⁴³ Similarly in the

⁸⁴¹ The complex genesis of this endowment merits focused considerations because it opens a window on the entire culture of Ottoman imperial philanthropy. When Hurrem Sultan set about creating the endowment in Jerusalem, she was acting within a framework of traditions, motivations, and circumstances constructed from elements of Ottoman and Islamic history and culture, as well as from the immediate context of the empire in the mid-sixteenth century. Singer, 2002, 7.

⁸⁴² Stephan, 178-179.

⁸⁴³ Stephan, 180.

Turkish Waqfiyya of the Soup Kitchen of Jerusalem,⁸⁴⁴ she is described as again queen of queens and coincided with ‘Aisha and Fatima.’⁸⁴⁵ She was also widely described ‘the Zubayda of the age.’ According to Necipoğlu, it is not surprising that she consciously cultivated this association by undertaking the renovation of charitable works named after the Abbasid queen: castles with reservoirs along the Hajj route (Darb Zubayda) and a conduit carrying water to the Ka’ba from Mount ‘Arafat (‘Ayn Zubayda).⁸⁴⁶

According to Necipoğlu and Singer, Hürrem’s endowments and constructions were part of the Ottoman Imperial ideology which was reshaped by Kanuni. In this sense one can say that Kanuni wanted to change the Ottoman marriage policy and status of the royal wives. He probably wanted Hürrem act as “queen.”⁸⁴⁷ When Kanuni’s policies and Hürrem’s constructional activities are

⁸⁴⁴vü mü äddimât-ı vâcibetü'l- {2} âbül'e
 binâ'en Cenâb-ı dürr-e-i iklîl-i a amet vü celâl {3}
 ve ğurre-i cebîn-i (alin) se âdet vü i bâl
 meliketü'l-melikât {4} melekîyyetü'l-melekât
 âtû'l- ulâ ve'-se âdât {5}
 aliyetü' - ât afiyetü' - ifât
 seyyide-i {6} celîletü'l -mi dâr ve ma düme-i cemîlete'l-â âr (yuzyillar){7} i met-i
 müslimîn vü müslimât,
 zübde-i mu a amât
 vü umde-i {8} muva irât,
 Âi'şe-i zemân
 ve Fâ ima-i devrân {9}
 ma la -i sal anat-ı zâhire
 ve adef-i dürer-i ilâfet-i
 6a
 {1} bâhire el-ma fûfeti bi- unûf-i avâ ifi'l-meliki' - amed {2} âzret-i Vâlide-i
 Sul ân Emîr Mu ammed bin âzret-i {3} Sul ân-ı Es ad ü a am
 ve â ân-ı emced ü ef am. *Haseki Sultan Vakfiyesi in Palestine*, translated by Himmet Taşkömür, will be published soon.

⁸⁴⁶ Necipoğlu 2005, 278. See also Amy singer 2002, 71.

⁸⁴⁷ The only queen was Valide Sul ân in the Ottoman house. Yılmaz Öztuna, *Osmanlı Devleti Tarihi* Vol.2 (Ankara: T.C. Kültür Bakanlığı Yayınları, 1998), 183.

taken into consideration, we see that Hürrem and other women's activities were part of the political and ideological transformation of the Empire.

Conclusion

The Ottomans created ideologically, politically and socially a very different empire. The main difference of the Ottomans in gender relations is their elimination of matriline. Additionally, the Ottoman sultans did not marry officially and thus institutionalized concubinage. For a sultan, his patriline ensured legitimacy. Women had a political, economical and social power as a mother.

The Ottomans preferred customary laws which were reshaped and reformulated by Sultans. Like the Chinggisid *yasa*, Ottoman sultanic law, *örf-i Sul ānī*, dominated the other laws, *sharī'a* and customary law, because *örf-i Sul ānī* was a symbol of absolute power of the Ottoman house like *yasa*. *Yasa* gave importance to matriline, women from a certain lineages and families, but *örf-i Sul ānī* put the Ottoman male line at the center of power and authority. As marriages of the imperial family members were very important for the future of the dynasty, the Ottomans applied their own *kanūnnāmes*, and prohibited official marriages of the male members of the family, institutionalized fratricide. They themselves did not become "son in-law" but they forced their subject people for being son in-law and imposed many obligations to them. Until Hürrem, the dynastic women, if they were not mother of the Sul ān (Valide Sultan), were passive in social and political life. With Hürrem, dynastic women as wives of Sul āns gained power and authority through their beauties, abilities and intelligencies but not through their lineages. All were made for the sake of preservation and empowerment of the Ottoman house. It can be said

that the Ottomans gave great importance to patriline and they almost eliminate matriline. In this way, the society became more male centered and more patrilineal understanding became valid through the Empire.

CHAPTER 8

CONCLUSIONS

This study deals with changing gender relations in pre-Islamic Inner Asia and Turco- Mongolian dynasties in Central Asia as well as the Ottomans in Anatolia. The primary concern here is how customary law (*yasa/töre*) and Islamic law (*sharī'a*) were applied together on gender relations and which factors were effective in the changing gender relations in these states and empires. For this purpose, gender relations as represented by the patriline and matriline have been taken under close scrutiny from a comparative perspective.

Generally, there are some debates about positive or negative effects of these laws on gender relations in the Islamic world. For this purpose, Inner Asian societies which did not come under the influence of Islamic culture and civilization and therefore had not used *sharī'a*, are examined according to their social, political and cultural structures. These societies are examined in two groups: as “northerly” and “southerly.”

As the societies in the first group were far away from the regions with hierarchical and bureaucratic states or empires, they could preserve their egalitarian archaic cultures and social structures to a great extent. As there is no sufficient documentation about these societies, mostly oral sources (legends and myths) have been used because there is not enough written documentation about gender relations among these “northerly” societies. Generally, in these legends, there is gender equality and no division of labor according to gender. There are no negative attributions for men and women. Although matrilineality and feminine values are very important traits, these societies are patrilineal and

patrilocal. Yet there is no patriarchy and men do not dominate women. Additionally, there are no discriminating words or phrases against women.

“Southerly” societies, on the other hand, experienced important social, political, economic and cultural transformations through history. From ancient times onwards, they started to evolve into patriarchal societies. For example, there was a certain division of labor according to gender between men and women. Women were regarded as weak and were seen as needing the protection of men. Men were expected to be physically, ethically superior to women. Additionally, in their legends there are many bad attributions which belittle women.

Another important difference between these two groups are marriage practices. In fact, according to historical sources, polygamy was practiced by both societies. However, it can be said that among the “northerly” societies polygamy was not practiced widely, at least was not approved by these societies. Among the “southerly” societies, on the other hand, polygamy was practiced especially among the ruling elite and the rich.

Furthermore, historical sources mentioned khan and khatun together and this is regarded by some scholars as a symbol of gender equality. But a ruler (khan) could marry many women, as a part of political and economic alliances. Among the “southerly” societies khatun was important because matrilineality was still of significance, in spite of the fact that these societies were patrilineal and patriarchal. On the ideological sphere, matrilineality strengthened and legitimized patrilineality.

In their legends, the relationship between matriline and patriline can be seen clearly. For example, in the “southerly” legends, the hero unites with a

supernatural female being. This supernatural female being gives birth to a son, and after giving birth she disappears, but by the same token she empowers and legitimizes the hero and his descendants. On the other hand, in some of the “northerly” creation legends, not the male hero but the heroine unites with a supernatural male being. Thus, the patriline gains power and legitimacy through matriline. In such kinds of societies, matriline did not lose its importance even after this society turned into a hierarchical, bureaucratic monarchy, like the Chinggisids.

Additionally, in the legends of the “northerly” societies, marriages were between equals. Therefore, there are no allusion to status distinctions or to superior men and inferior women. In the legends of the “southerly” societies, on the other hand, distinction of status and superiority of men and masculine values are emphasized. Marriages are conducted between higher and lower status groups that are between unequals. We also observe that in general, men marry down and women marry up. In other words, among the southerly “societies *hypergamic* marriages for women is common. There are also *hypogamic* marriages that are marriages where men marry up and women marry down. In short, gender relations showed great variations among the pre-Islamic Inner Asian societies which had been conducted by customary law only. This shows that division of labor, class distinctions, hierarchy, and formation of state, social and economic differentiations caused formation of gender inequality among the pre-Islamic Inner Asian societies.

After examining gender relations in pre-Islamic Central Asia in Chapter 2, in Chapter 3 formation of customary law (*töre*) and the Chinggisid *yasa* have been examined within the context of Inner Asian social and political formations. In Inner Asia, customary law was neither static nor egalitarian. When various clans and tribes evolved into patriarchal societies, they re-shaped their

customary law according to this new structure. Pastoralist societies were not egalitarian because state formations, wars, trade and interactions with sedentary patriarchal societies led to radical changes in their social and cultural structures. Therefore, these societies are not analyzed in ethnic terms. As can be seen from the discussion on the “northerly” and “southerly” societies, in Inner Asia the real difference was structural.

Inner Asian nomadic societies were not divided as civil and military. There was no distinction between military and civil or public and private. Therefore, these customary laws *töre/ törü* covering all aspects of life were made or regulated by rulers and the elite. These customs had very strict rules enforcing people to obey these rules. With the rise of Chinggis Khan, instead of *töre*, *yasa* became widespread among the Inner Asian societies.

Chinggis Khan's *yasa* was not a new invention. Rather, it was the reformulation of the existing tribal customary law according to the Chinggisid imperial ideology. Chinggis Khan modified customary laws of the various Turkic and proto-Mongolian societies which had established important states and empires. Until the time of the Chinggisids, *Ashina* lineage among the early Türk had the right to rule. In the 13th century, about six hundred years later, it was replaced by the Chinggisid *Altın Urugh* (Golden Lineage). Under the leadership of Chinggis Khan the Mongolian people experienced a rapid transformation from “northerly” traditions to the “southerly.” During this rapid transition, ancient matrilineal traditions of the Mongol societies became effective in the formation of *yasa*. Therefore, *yasa* gave high value to women according to their lineage and status. Here both men's and women's lineages and social status played a crucial role. Moreover, recognition of matrilineality and feminine values led to the formation of a more egalitarian social structure in which women could be

more active in social and political life when it is compared with the other Turkic dynasties.

Some of the descendants of Chinggis Khan gradually adapted Islam. Co-existence of *yasa* and *sharī'a* sometimes caused tension, because of their different characteristics. In fact, the *sharī'a* was not applied concomitant with conversion. It took place after changing way of life and adaptation to new norms which we call Islamic civilization. However, this adaptation did not mean a complete break with the pre-Islamic way of life, traditions, and social and political cultures completely. As a result with the passage of time a synthesis was created between these two civilizations. This is why there are so many facets to Islamic Civilization. Inner Asian people continued to use their customary law (*töre/yasa*) with *sharī'a*. Therefore, after conversion, gender relations were not immediately regulated according to *sharī'a*.

Formation of *sharī'a* is very important for an analysis of the relation between *sharī'a* and customary law. As discussed in chapter 4, *sharī'a* was shaped by various local customs and needs of the newly established centralized bureaucratic Muslim societies as the Qor'an does not contain rules concerning every sphere of life. These newly politicized Muslim societies were patriarchal and male centered. As a result, they tried to exclude women from the social and political life and subordinate them to men. *Sharī'a* was shaped under these conditions. In fact, according to many scholars, Islam did not encourage patriarchy, but became silent or sometimes approved patriarchal exercises of those times. On the other hand, *sharī'a* brought many legal codes which protect women's rights. For example, *sharī'a* made making marriage contractual between couples, giving women a right of divorce, albeit under limited conditions. Under *sharī'a* women also attained the right to own property.

The historical sources which are examined in this study show that customary laws or non-religious laws among Inner Asian people were part of real politics. Sometimes they even had precedence over *sharī'a* in gender relations. In fact, in these dynasties, family was an integral part of politics, for this reason, customary law became more effective in gender relations. Within this framework, three dynastic families are studied: The Ilkhans in Iran, the Timurids in Central Asia and the Ottomans Anatolia.

The Ilkhans discussed in Chapter 5 had a different relation with the Muslim world. They came to Muslim the world as non-Muslims and until the conversion to Ghazan they remained as the non-Muslim rulers of the Muslim people. But before and after conversion, *yasa* preserved its superiority over *sharī'a*, because *yasa* was not only law but also representation of the superior Chinggisid lineage and imperial ideology.

Islamic Law or *shari'a*⁸⁴⁸ imposed many obligations which made people to obey the rulers, who with *ulama*, represented Islam. On the other hand, it also gave personal rights to individuals and made the rulers responsible for the Muslim

⁸⁴⁸ About Sharī'a , Fazlur Rahman said that “Dīn and sharia is identical but there are two significant considerations which probably furnish the answer, one religious and the other, allied to the former, historical (Rahman 1976, 102). See also, Anthonoy Black, *the History of Islamic Political Thought; From the Prophet to the Present*, (New York: Routledge, 2001).Hodgson says that “Although Nizām al-Mulk’s attempt to ground Saljukids power on the old Iranian political idea of the Universal absolute monarchy failed, but his policies furthered the evolution of the two crucial social classes towards playing their roles in the emerging international order of the Middle Periods. These classes were the religious scholars, the ‘ulamā, and the military, particularly the military captains, the amīrs; they formed together formed core of authority in the new society, with its minimal dependence on formal political structures.” Hodgson 1974, 46.

community “*umma*.”⁸⁴⁹ Therefore, Islam had a very powerful communal aspect, which laid down one’s duties to both God and man.⁸⁵⁰

As stated above, *yasa* was a symbol of authority of the Khan and Chinggisid imperial ideology. This authority could also extend itself into the private life of his subjects. When the Ilkhan Abu Sa’id asked to marry Chopan’s married daughter Baghdad Khatun, this request put the family of grand vizier that is the Chopanids into the status of an ordinary subject people. In this way, the Khan proved that the Khan’s authority and power dominated all his subjects regardless of their power and authority. This was a hierarchical society and every one dominated the lower in rank or status. For example, Amīr Chopan used *yasa* to seize Nāz Khatun’s real estate and properties. Chopan could do this not because Nāz khatun was a woman, but because she was lower in rank. She was the daughter of an important local Amīr but still lower in rank vis-à-vis the Chupanids. Baghdad Khatun was forced to marry Abū Saī’d according to *yasa* but the same *yasa* gave her many rights and she was called “*khodāwandigār*,” that is “ruler.” Many Amīrs and high ranking men had to respect and obey her rules as she was the wife of the Khan. And probably because of her power, Abū Saī’d might have been encouraged to marry Delshād Khatun. In this respect, it was not an application of the Khan’s absolute power; rather a new group’s attempt to replace the old group, which shared power with the Khan.

These events show that hierarchy was more important than gender within the society which was ruled according to *yasa*. It seems that *sharī’a* had rules which were valid for everyone, including the ruler. However, while asking to

⁸⁴⁹ Hodgson, 119

⁸⁵⁰ Look at Roger Savory 1976, 54. See also Hodgson, 193; Schacht 1950, 161.

marry a married woman was unthinkable in Islamic terms, the practice of levirate was condoned. Any ordinary person as well as the ruler had to abide by these rules. As *yasa* undermined personal rights and wishes, it was used by more powerful persons to their advantage in these cases. In other words, it was used as part of real politics. On the other hand, *sharī'a* put restrictions on these rules, brought certain rules for all people and took personal rights into considerations.

In fact, it does not mean *sharī'a* was an advantage for the oppressed people or brought equality to people. As it is mentioned in the fourth chapter, *sharī'a* rules were subject to the personal interpretation and it was originally formulated according to new hierarchical Muslim dynasties and societies. For example, both Islamic and non-Islamic customary law could gain precedence, and *ulama* generally became silent or could not be effective against non-Islamic applications in history. For example, the Muslim Karakhitai and Salghurid dynasties followed *yasa* in their gender relations as a part of their political relations with the Ilkhans. Neither *ulama* nor the Muslim subject people showed any open reaction to them. Ilkhans before and after the conversion, did not change their policy of following *yasa*, because *yasa* represented power and authority of the Khan and being loyalty to the Chinggisid heritage and imperial goals.

Recognition of matriline and feminine values created an environment in which women were active socially, economically and politically as in the cases of Terken, Padshāh, Abish, Baghdad and Delshād Khatuns who were all non-Chinggisids and not from consort family and clans. Yet at the same time they suffered under some harsh rules of *yasa*.

It can be said that neither only *yasa* nor only *sharī'a* shaped the position of the Timurid royal women discussed in Chapter 6. Both women from the Chinggisid line and other important families had great power and prestige and they preserved their high status from the establishment to the collapse of the Empire. “Centrality of family” in the Timurid politics, integration of women to the state mechanism and cultural factors like giving importance to matriline and feminine values played a crucial role in the high status of the Timurid royal women. These were the major differences from the Ilkhanids.

In fact, *yasa* was followed in gender relations within the Timurid realm. But this did not create tension as it was among the Ilkhanids. Unlike among the Chinggisid dynasties, *yasa* was not the only symbol of Timurid authority and power. Furthermore, Temür as a defender and representative of Islam, could not undermine *sharī'a* completely. Furthermore, Temür did not allow *ulama* and bureaucratic class to gain important power and authority which were generally against women's participation in the state affairs. As these classes were weak, they did not oppose non-Islamic exercises of the Timurids in gender relations. For example, when Temür arranged marriages for his underage grandsons and granddaughters or when he applied levirate, the *ulama* did not interfere with these matters related to gender. Additionally, Clavijo tells us about men's and women's participation in a mixed company in feasts and wine drinking.⁸⁵¹ These were all possible probably because of the special cultural features of the Timurid Empire in which the Timurids as Muslims who were at the same time followers of the Chinggisid heritage, created a system in which there was a symbiosis between *sharī'a* and *yasa*, and not a tension as in the Ilkhanid case.

⁸⁵¹ Clavijo 227, 23, 26.

The Ottomans discussed in Chapter 7 created an ideological, politically and socially very different empire. The main difference of the Ottomans in gender relations is their elimination of matriline. Additionally, the Ottoman sultans did not marry officially and thus institutionalized concubinage. For a sultan, his patriline ensured legitimacy. Women had a political, economical and social power as a mother.

The Ottomans preferred customary laws which were reshaped and reformulated by Sultans. Like the Chinggisid *yasa*, Ottoman sultanic law, *örf-i Sul ānī*, dominated the other laws, *sharī‘a* and customary law, because *örf-i Sul ānī* was the symbol of absolute power of the Ottoman house just like the *yasa*. However, *yasa* gave importance to matriline and to women’s lineage and family, but *örf-i Sul ānī* put the Ottoman male line at the center of power and authority. As marriages of the imperial family members were very important for the future of the dynasty, the Ottomans applied their own *kanūnnāme*, and prohibited official marriages of the male members of the family. They themselves did not become “sons in-law” but they forced their subject people to being sons in-law and imposed many obligations to them. Until Hürrem, the dynastic women, if they were not mother’s of the Sul ān (Valide Sultan), were passive in social and political life. All were made for the sake of preservation and empowerment of the Ottoman house. It can be said that the Ottomans gave patriline great importance and eliminate matriline and the society became more male centered and more patrilineal. After Hürrem, women of slave origins started to play an important role in politics.

It can be said that neither pre-Islamic nor Islamic Turkic and Turco-Mongolian societies were monolithic socially, politically, culturally and economically. So gender relations among these societies were also not monolithic before and

after Islam, because social, political, cultural and economic factors effected gender relations deeply throughout history. These societies formulated their customary laws (*töre, yasa*) according to their needs. Therefore, reformulations of these customary laws did not end after conversion. Similarly *sharī'a* had been re-shaped by the beginning of the 12th century. However, its application could change according to the relation between *ulama* and the rulers as Schacht says “the nature of Islamic law is to a great extent determined by the contrast between theory and practice.”⁸⁵² Furthermore, depending on the political and social events, the weight given to the use of customary law and *sharī'a* changed constantly. By taking these factors into consideration, gender equality or inequality was not completely depended on *sharī'a* or *töre/yasa* but on the composition of these societies. Therefore, detailed studies of gender relations in specific periods of history can contribute to a better understanding, by filling the gap within the wide spectrum of gender history.

⁸⁵² Schacht 1964, 199.

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APPENDICES

APPENDIX 1

A. ALTIN ARIĞ DESTANININ ÖZETİ

Yeryüzünün, dağların, tepelerin, madenlerin, göllerin, denizlerin, ormanların meydana gelmesini tasvir eden mısralarla başlayan destan metni, olayların geçtiği mekânın canlı tasvirleriyle devam eder. Derin göllerin içinde büyümlü balıklar, ağaçlarda sincaplar oynamakta, kuşlar uçmaktadır. Heybetli Altay dağının eteklerinde, uçsuz bucaksız Ak deniz uzanmaktadır. Ak çiçekli vadilerde aygırlı yıklar yayılmaktadır. Ak denizin kıyısında halkın yaşadığı büyük köy kurulmuştur. Köyün ortasında hanın güzel ve beyaz evi vardır. Evin önündeki direğe ak yelesi *Ak Boz at* bağlanmıştır. Güzel ve beyaz evde halkın hanı-beyi, yetiştirilen hayvanların sahibi Picen Arığ yaşamaktadır.

Picen Arığ, bu güzel yurdun gerçek hakanı *Alp Han* ve hanımı *Ak Ölen Arığ*, ömrünün son yıllarında dünyaya gelen oğullarını yetiştiremeden öldüğü için altı yaşındaki *Çibetey Han*'ı yetiştirmekle görevlendirilmiştir. Çocuk büyüyünceye kadar ülkenin hanı Picen Arığ olacaktır. Ancak, başkasının çocuğunu büyütmekle, bir şey kazanamayacağını, ülkeye han olamayacağını düşünerek, bir gece geç vakitte babası *Altın Sayzan*'a danışmak üzere, kardeşi *İcen Arığ* ile beraber yola çıkar. Babaları bu düşüncüyü doğru bulmaz, yurdu koruyan sonsuz iradeli, kudretli *Huu İney*'in böyle bir şeye izin vermeyeceğini söyleyerek, kızını iktidar hirsından vazgeçirmeye çalışır. Picen Arığ, *Huu İney*'in varlığını tehlike saymadığını söyleyince, köyün ardında, *Kirim* dağının zirvesindeki altı sivri başlı Ak kayanın içinde ölümsüz kahraman *Altın Arığ* ile, altın yelesi, altın toynaklı atı *Ak Boz*'un, vatanı ve *Alp Han*'ın soyunu koruduğunu anlatır. Picen Arığ, babasını ikna edemeyince, gece karanlıkta kendilerini korumak amacıyla ondan aldığı canlı, sihirli kılıçla Ak kayadaki *Altın Arığ* ile atı *Ak-Boz*'u ve altı yaşındaki *Alp Han*'ın oğlunu, başlarını kesmek suretiyle öldürür. Babası *Altın Sayzan*, kızlarının yaptığı işi tasvip etmemekle beraber, ona yardım etmek zorunda kalır.

Picen Arığ, hanların giyindiği altın yakalı elbiseyi giyinip, hanların kullandığı altın bastonu elinde tutarak, halkın hanı-beyi olmuştur. Haika iyi

davranmaz; semiz hayvanları kestirmeyerek onları ölmüş hayvan etiyle besler. Picen Arıĝ birgün, han kıyafetlerini giyinip, beyaz ve güzel evin önünde dururken, uçup giden dişi ala kuzgun ile erkek, kara kuzgunu görür. Ala kuzgunu tutsak alarak, kara kuzgunu, evlenmek istediği Sarı dağın eteklerinde, Sarı denizin kıyısındaki halkın hanı-beyi *Alp Saaday*'a gönderir. Kara kuzgunu, üç gün içinde dönmediği takdirde eşi ala kuzgunu öldüreceğini söyleyerek tehdit eder. Üç gün sonra dönen kara kuzgun, üç gün içerisinde, çirkin ve güçlü kahraman Alp Saaday'ın geleceği haberini getirir. Gerçekten de, üç gün sonra Alp Saaday, gelir. Picen Arıĝ ve İcen Arıĝ, onu ağırlayıp, yemek ve içki ikram ederler. Alp Saaday, Picen Arıĝ'a kendisini ne için çağırıldığını sorar. Picen Arıĝ, ülkelerinde onun gibi kahraman erkeğin bulunmadığını söyleyip, orada kalarak kendilerini himâye etmesini ister. Yemek sırasında rakı içtiği için sarhoş olan İcen Arıĝ ise, Alp Saaday'ın karşısında şarkı söyleyerek, ablasının güzel kız olduğunu, onunla evlenmesini istediğini ağzından geçirir. Bu teklife kızan Alp Saaday, vedalaşmadan çıkıp gider. Ancak, Altay dağına yaklaştığı sırada, arkasına dönüp bakınca, Picen Arıĝ'ın kapının önünde durduğunu görür. Picen Arıĝ, ona son derecede güzel ve hoş görünür. Bunun üzerine fikrini değiştirerek, geri döner ve onunla evlenir. Üç gün üç gece süren düğünden sonra, Picen Arıĝ, Alp Saaday'a nerede yaşayacaklarını sorar. Alp Saaday, kahraman insanların vatanını terk etmemesi gerektiğini, bunun için de kendi ülkesine gitmeleri gerektiğini söyler. Picen Arıĝ, halkını ve hayvanları zorla Alp Saaday'ın ülkesine götürür. Karşı çıkanları, yürüyemeyen hayvanları vurarak, yaşlı kadın ve erkekleri yolda öldürüp, ağaç dalına asarak ilerlerler.

Onlar böylece yollarına devam ederken, Altay dağının üzerinde peyda olan üç kulaç boyunda bir *bozkurt*, güzel yurdunun viran olduğunu, ocaklarının yıkıldığını, bacalarının tütmediğini görür. Bozkurt uluyarak, şekil değiştirip Huu İney (Kuğu Hanım) adlı bir kadın suretine bürünür. Dizlerine vurarak, vatani için göz yaşı döker. Tekrar kurt derisine bürünerek, halkın peşinden dağlar, dereler aşmış, onlara ulaşmıştır. Huu İney bu defa da, iki gözü görmeyen kız çocuğuna dönüşüp, ağlayarak, halka seslenerek, neden bu duruma düştüklerini sorar. Halkın arasında bulunan *İney Kökçin* adlı bir kadın, Huu İney'e olup biteni anlatır. Onlara yollarına devam etmesini söyleyerek, geri döner. Altay dağına çıkarak, boş kalan yurduna bakarken, boş kalan bir evin önünde duran Kara Kula adlı atı görür. Oraya yaklaşıncı atın yanındaki yiğit, ona "anne", diye seslenir ve onun annesi olduğunu söyler. Huu İney, biraz düşününce, bu yiğidin gerçekten de oğlu olduğunu ha-

tırlar. Huu İney, Hulatay adlı oğlundan Kara Kula atını eyerleyerek kendisi ile birlikte gelmesini ister. Birlikte Kırım dağına giderek, dağın zirvesindeki Ak kayaya giderler. Huu İney, hayvan gibi sesler çıkararak, kuş gibi öterek, Ak kayanın kapısının açılmasını sağlar. Ak kayanın içinde, İcen Arığ ve Picen Arığ tarafından başları kesilmiş olan Çibetey Han ile *Altın Arığ* ve atı Ak-Boz'u görürler. Huu İney, hayatı bahasına, canlılık veren su(bengi su) ile *Altın Arığ*'i, atını ve *Çibetey Han*'i diriltir. *Altın Arığ*, *Çibetey Han* ve *Ak Boz*, Ak kayadan çıkarlar, Huu İney kayanın içinde kalır. Çok geçmeden Ak kaya parçalanır. Kaya parçalanmadan önce, Huu İney, Alp Han'ın altı yaşında öksüz kalan oğluna kim olduğunu anlattıktan sonra, ona *Kara Kula* atlı Çibetey Han adını verir. Oğlu *Hulatay*'a, yaşça küçük olsa da Çibetey Han'a saygı göstermesi gerektiğini, çünkü onun ülkenin gerçek hanı olduğunu da söyler. Alp Saaday'ın ülkesine giderek, Picen Arığ ile İcen Arığ'ı öldürmelerini, halkı ve hayvanları yurda geri getirmelerini vasiyet eder.

Altın Arığ ile Hulatay, atlarına binerler, Çibetey Han'ı ise uçan haliya oturtarak, Alp Saaday'ın ülkesine gitmek üzere yola çıkarlar. Yolda Hulatay, han olmak hırsıyla, Çibetey'i okla vurur. Altın Arığ canlanmış ama, şuuru henüz yerine gelmediği için, Hulatay'ın ettiği kötülüğün farkında değildir. Alp Saaday'ın evine vardıklarında Picen Arığ ile İcen Arığ korkuya kapılırlar ama, misafirleri Altın Arığ ile Hulatay'ı ağırlamaktan da geri durmazlar. Altın Arığ, Sarı dağın üzerinden seslenerek, Hulatay'ın Çibetey'i öldürmesi konusunda kendisini ikaz eden yiğidi takip ederek Sarı dağa çıkar. Gerçeği ondan öğrenerek, geri döndüğünde, Hulatay'ın Picen Arığ, İcen Arığ ve Alp Saaday'ı öldürdüğünü, otlardan ilaç hazırlayarak Çibetey'i diriltmiş olduğunu görünce onu cezalandırmaktan vazgeçer.

Hulatay, Çibetey Han'ı Altın Arığ'ın Altay dağında kalarak hayvanlara bakması, köye inmemesi konusunda ikna eder. Bunun üzerine, Çibetey Han, Altın Arığ'dan Altay dağında kalarak, hayvanlara bakmasını ister. Altın Arığ, Altay dağında kalır, Hulatay ile Çibetey Han, halkı ile beraber mutlu ve huzurlu bir hayat sürmeğe başlarlar. Çibetey Han, Han denizinin kıyısında yaşayan, dokuz kulaç boyunda, bükülmez kanatlı Han Pozırah adlı atı olan Alp Han Kız ile, Hulatay ise, *Pora Han*'ın kızı *Pora Ninci* ile evlenirler.

Hulatay ile Çibetey Han'ın hanımları bebek beklemektedir. Çibetey Han ile Hulatay, büyük köyün içinde ayrı ve kırmızı içerek, rahatça yaşamaktadırlar. Çibetey Han, Hulatay'a böyle bir hayatın kendilerine yakışmayacağını söyleyerek, sefere çıkmaları gerektiğini söyler. Onlar başkalarının

yurdunu talan edip dönerken, Altay dağımın üzerinden baktıklarında, yurtlarının talan edildiğini görürler. Başlarına gelen felâketi, mallarına mal katma hırsına bağlayıp, pişmanlık duyarlar. Köye inip eşlerinden ayrıntılı bilgi aldıktan sonra, perişan edilen, sürülen halkı ve hayvanları aramak üzere, tekrar yola koyulurlar. Hulatay ve Çibetey Han, yolda, önce tapınağa, sonra kalın bir ağacın gövdesine, kendilerinin peşinden geldikleri takdirde okuyup onları takip etsinler diye, doğacak çocuklarına hitaben notlar yazarlar.

Çibetey Han ile Hulatay, Kara dağda altı alp ile savaşır. Bu arada Pora Ninci, çocuğunu dünyaya getirir. Annesinin adını taşıyan Hulatay'ın oğlu, babasını aramak üzere yola çıkar. Yolda, tapınakta ve ağaç gövdesindeki yazıları görüp okur. Bu sırada Alp Han Kız ile Çibetey Han'ın oğlu, "babamın yazdıklarını mı okuyorsun", diyerek onun yanından geçip gider. Pora Ninci'nin oğlu, atını beğenmeyip, taşla vurup öldürür. Yürüyerek, yerin dibindeki Kara dağa ulaşır. Orada Çibetey Han ile Hulatay düşman alplarıyla savaşmaktadır. Parlak, altın düğmeli kıyafetli, altın yelesi Ak Boz atlı Altın Arığ da, kara yüzlü, kara taş gibi gözlü düşmanlarla savaşmaktadır. Pora Ninci'nin oğlu, Altın Arığ'a arkadan vurur. Altın Arığ, düşmana vurması için ikaz ederse de dinlemez. Bunun üzerine Altın Arığ, Hulatay ile Pora Ninci'nin oğlunu öldürmek zorunda kalır. Cesedini balıklara yem olsun diye Kara denize atar.

Altın Arığ, çift tırnaklı mitolojik yaratık olan düşmanı ve diğer altı alpi öldürdükten sonra, *Kara Han*'ın ülkesini Çibetey Han ile *Alp Han Kız*'ın oğluna verir. Ayrıca ona ve atına ad koyar, onu *Kanlı Kılıç* adıyla adlandırır. Güneyde bulunan Parlak dağının eteklerinde yaşayan, *Ay Parlak Han*'ın kızı *Parlak Tana* ile evlenmesinin uygun olacağını söyler.

Çibetey Han ile Hulatay yurtlarına dönünce, Pora Ninci, kocasına oğlunun dönmediğini söyler. Oğlunu Altın Arığ'ın öldürmesinden şüphelenen kötü kalpli Pora Ninci, öç alabilmek için silkinerek yılanı döndürür. Buna üzülen Hulatay'ı teselli eden Alp Han Kız, Pora Ninci'nin kötü niyetli birisi olduğunu, Hulatay'ın aklını başından aldığını anlatır. Hulatay'a, *Kün Han*'ın kızı iyi niyetli, ak düşünceli *Kün Arığ* ile evlenmesini tavsiye eder.

Bükülmez kanatlı Han Pozırah atlı Kanlı Kılıç, Parlak Tana'yı görmek üzere, Ay Parlak Han'ın sarayına gider. Burada, Altın Arığ gibi kendiliğinden yaratılmış Ay Kara Taş adlı bir alpla karşılaşır. Ay Kara Taş, onlara Altın Arığ ile evlenmek istediğini söyler. Kanlı Kılıç, yerin altından gelen bu alpi halası Altın Arığ'a layık görmediği için öfkelenir. Halasından hesap sorar. Halası Altın Arığ, haddini bildirmek için Ay Kara Taş ile savaşır ve onu

öldürür.

Altın Arıĝ, köye döndükten sonra, Kanlı Kılıç ile, Parlak Tana dokuz gün, dokuz gece süren düĝünle evlenirler. Altın Arıĝ, düĝünde sarhoş olup şarkı söylemeĝe başlar. Sarhoşken, yaşlı bir kadının sorusu üzerine, kendisinin halkı için acı çekmek üzere yaratıldığını, ruhunun bedeninde deĝil, erişilmez uzaklıktaki *Ak Taxıl* dağının zirvesindeki Altın kayada bulunan altın tüylü, iki başlı guguk kuşunda olduğunu söyler. Olağanüstü güç ve özelliklere sahip olan kahraman kız, Altın Arıĝ'ın sırrı böylece açığa çıkar.

Bu sırrı öğrenen Pora Ninci, yılan derisinden yapılmış canlı, uçan halısına oturarak, *Altın Kaya*'ya ulaşır ve guguk kuşunu yakalar. Bu sırada Altın Arıĝ, bir dağın tepesinde savaşıyan alplar görür. Bu alplardan birisi, savaşı kaybetmek ve ölmek üzeredir. Yenilmek üzere olan alpin kızı Altın Arıĝ'dan yardım ister. Altın Arıĝ üstün gelen alpila savaşıarak üç yılın sonunda onu öldürür. Şarkı söyleyerek yola çıkar. Şarkısında, atına halkı için kendiliğinden yaratıldığını, halkı için acı çektiğini, artık ölüm vaktinin yaklaştığını, söylemektedir. Çünkü dürbünü ile Pora Ninci'nin yılan derisinden yapılan canlı halısıyla uçtuğunu görmüştür. Ak kayaya yaklaşınca, yerde gördüğü yılan derisi de bunu doğrulamaktadır Tam bu sırada, Pora Ninci, guguk kuşunun bir başını koparıncı Ak-Boz, ölür ve cesedi kızıl kum yığınına hâline gelir. İkinci başını koparıncı, Altın Arıĝ'ın ak kanı saçıldıktan sonra ölür ve kemikleri beyaz kum yığına dönüşür. Pora Ninci, yılan derisine bürünüp, canlı, uçan halısına binerek uçup gider.

Kanlı Kılıç 'ın yurdunda bir yıldan beri savaş olmaktadır. Hulataı ve Çibetey Han ölmüşlerdir. Kanlı Kılıç, gece gündüz, Altın Arıĝ halasının dönmeyişine ağlamaktadır. Alp Han Kız da görüncesinin dönmemesinden endişelenerek, bükülmez kanatlı Han Pozırah adlı atına binerek, bir yılda alınacak mesafeyi yedi günde geçerek *Ay Parlak Han*'ın ülkesine gelir. Altın Arıĝ'ı aradığını söyler. Dünürü, Ay Parlak Han, Alp Han Kız'a, Altın Arıĝ'ın son olarak altı yıl önce evine uğradığını, o zamandan beri onu hiç görmediğini söyler. Alp Han Kız, iz sürerek Ak kayanın yakınına kadar gider. Orada kızıl ve beyaz kum yığınına görür ve durumu anlayarak ağlamaĝa başlar. O sırada ak sakallı ve ak saçlı bir ihtiyar, kum yığınlarının içinden Altın Arıĝ'ın topuk kemiği ile *Ak-Boz*'un toynağına ait küçük bir kemik bulur. Bastonuyla Altın Arıĝ'ın topuk kemiğine üç defa vurunca, bir alp ortaya çıkar. Bastonuyla *Ak-Boz*'un toynağına üç defa dokununca, ak tavşana benzeyen bir at ortaya çıkar. Bu alp ve at, Altın Arıĝ ile *Ak-Boz*'un neslinden gelmektedir. Yaşlı adam, alpi, *Taptaan Mirgen*, atını ise, Ak Oy

adıyla adlandırır. Ayrıca Taptaan Mirgen'e yurtlarını yeniden tanzim etmesi için bir de sarı kuşak verir.

Alp Han Kız ile Taptaan Mirgen, Altın Arıĝ'ın son olarak savaştığı yere gelirler. Burada, Ay Mirgen'in evine misafir olurlar. Ay Mirgen'in *Altın Nakış* adlı bir kızkardeşi vardır. Altın Nakış, yenilmekte olan babası için Altın Arıĝ'dan yardım isteyen ve yardım ettiği takdirde ömür boyu ona minnet duyarak hizmet etmeği vaadeden kızıdır. Alp Han Kız, Altın Arıĝ'a verdiği sözü hatırlatarak, ondan Taptaan Mirgen ile evlenmesini ister. Altın Nakış, bu teklifi kabul eder ve yurtlarına gitmek üzere yola çıkarlar.

Taptaan Mirgen, yaşlı adamın kendisine verdiği sarı kayışla yurdu düşmanlardan temizler. Alp Han Kız, bengü su ile öfenleri diriltir, sönen ateşi yeniden yakar. Dirilen Çibetey Han, halkını ve hayvanlarını alarak yurduna geri döner. Alp Han Kız, halası Altın Arıĝ için üzülen oğlu Kanlı Kılıç'a olup biteni anlatır. Bu sırada, Taptaan Mirgen, Pora Ninci'yi kayışıyla yakalar. Onu ateşte yakarak, külünü göğe savururlar.

İşler böylece yoluna girip, kötüler cezalandırıldıktan sonra, *Tibet Han* yurduna döner. Düğün, dernek kurulur, Kanlı Kılıç ile Parlak Tana, Taptaan Mirgen ile de Altın Nakış evlenirler. Hulatay, ak düşünceli, iyi niyetli Han Saçak ile hayatını birleştirir. Halk mutlu ve huzurludur. Kanlı Kılıç'ın han olmasına karar verilir. Artık lâzım olmaz diye, savaş aletlerini bir kenara atıp, atları serbest bırakırlar.

Kanlı Kılıç, halka âdil davranıp, atı olmayana at, evi olmayana ev verir. "Öksüz oğlanları yetiştirip er eder, öksüz tayları at eder". Bütün halklar barış içerisinde yaşarlar.

APPENDIX 2

Maaday-Kara Destanında Olayların Akışı

Maaday-Kara destanı, söze yaşlı bahadır Maaday-Kara ile başlar. Maaday-Kara, Altay'ın sunduğu nimetlerle rahat bir yaşam sürmüştür. Ay altında yaylanan ala dağa 'ata' demiş, güneş altında uzanan alaca karanlık ormana 'ana' demiş, otlığa hayvanlarını salıp ağaçlık yere yurdunu yerleştirmiştir. Halkı çoğalmış, hayvanları artmıştır. Ancak, bir zamanların güçlü yiğidi Maaday-Kara'nın kuzgun siyahı saçları bembeyaz olmuş, keskin kılıç gibi dişleri ince dallar gibi kırılmış, tan yıldızı gibi pırıldayan gözlerinin ferri sönmüştür; Maaday-Kara artık ölüme yaklaşmış, atı ise kesimlik olmuştur.

Yaşlı Maaday-Kara derin bir uykuya dalmış uyumakta iken karısı Altın-Targa, Maaday-Kara'yı uyandırır, çünkü gayri tabii bazı hadiseler cereyan etmektedir: Maaday-Kara'nın halkı yurtlarından göçüp gitmiş, sürüler de otlakları terk ederek kayıplara karışmıştır. Maaday-Kara, bahadır kıyafetini giyip silahlarını kuşanır, atına biner, halkını ve sürülerini bulup Altay'a geri getirmek üzere yola koyulur.

Halkın ve sürülerin kaybolmasının sebebi çok geçmeden anlaşılır. Kötülük timsali Kara-Kula kağan, Maaday-Kara'yı ve halkını tutsak edip Altay'ı perişan etmek için harekete geçmiştir.

Maaday-Kara evine döner. Evine dönerken çocuğu olmadığına yanar, çünkü ona destek olacak kimse yoktur. Eve döndüğünde beklenmedik bir durumla karşılaşır, karısı bir erkek çocuk doğurmuştur. Çocuğa henüz bir isim verilmemiştir, babasının gelmesi beklenmektedir, ama kutlamalar yapılmaktadır. Doğan çocuk fevkaladelikler göstermektedir. Maaday-Kara oğlunu doğaya teslim etmeye karar verir, çünkü kendisini ve halkını kara günlerin beklediğini bilmektedir. Oğluna bir beşik hazırlar, beslenmesi için tertibat alır, annesinin gözyaşları arasında oğlunu kara dağa götürür. “Bu kara dağ baban olsun yavrum; bu dört gövdeli kayın anan olsun yavrum” der. “Başına saç ördüren bereketli Altay’ın sana yardım etsin, baldırına et veren gür kayın seni kurtarsın” diyerek oğlunu terk eder.

Kara-Kula kağan yetmiş kağanı ve altmış kağanı yenip Maaday-Kara’nın memleketine vasil olur. Ortalığı kasıp kavurur, ne bir sap ne bir kök, ne bir çalı ne bir ağaç bırakır, yeri dümdüz eder, halkı esir alır ve ganimetleriyle birlikte yurduna geri döner. Maaday-Kara’nın oğluna el süremez, çünkü çocuğun bulunduğu kara dağa çıkamaz, doğa güçleri dağa çıkmasına engel olur.

Kara-Kula’nın götürmekte olduğu sürülerin içinden bir boz kısarak kaçıp kurtulur, gerisingeri Altay’ın yolunu tutar. Kara-Kula kağan bu boz kısrağı yakalamaya uğraşır ama boşuna; boz kısarak ele avuca girecek cinsten değildir. Kara-Kula deliye döner, yeryüzünü yedi kez dolandır, ona yetişemez; okuyla onu vurmak ister, isabet ettiremez; boynunu kesmek ister, kılıcını değdiremez; kuzgunun uçup da ucuna erişemediği sarı bozkırda boz kısarak bir görünür bir kaybolur, saksağanın uçup da ucuna erişemediği solgun bozkırda bir belirip bir yok olur. Kara-Kula kağan kuru bir ayak izinin peşinde gece gündüz yol alır ama boz kısrağı ele geçiremez. Boz kısarak dünyanın yedi engelini aşır Maaday-Kara’nın Altay’ına saklanır. Bunun üzerine Kara-Kula kağan kurtlara ve kuzgunlara boz kısrağı yakalayıp yemelerini söyler ve bitkin bir halde evine döner. Kara-Kula’nın karısı yeraltı dünyasının efendisi olan Erlik Bey’in kızı Abram-Moos Kara-Taacı’dır. Abram-Moos Kara-Taacı, Kara-Kula’yı karşılar ve sağlığıyla ilgilenir.

Maaday-Kara’nın Altay’ına geri dönen boz kısarak, şekil de-

ğıştirir ve mavi bir inek olur. Mavi ineğin böğürmesiyle Altay'ın sahibesi olan yaşlı kadın ortaya çıkar. Yaşlı kadın perişan bir haldedir, ne üstünü başını örtecek bir şeyi ne de ağzına atacağı bir lokması vardır. Mavi inek buzağular, yaşlı kadın mavi ineğin sütünü içer ve incğe bakmaya başlar.

Bir gün yaşlı kadın bir çocuk sesi duyar. Kara dağın tepesine çıkar ve Maaday-Kara'nın orada bırakmış olduğu çocuğu bulur. Çocuğu kucağına alıp dağdan aşağı inerken bir fırtına çıkar, yaşlı kadın bir yana savrulur, çocuk da kucağından düşer. Kadın kendine geldiğinde çocuk ortalarda yoktur. Kadın ağlar. Bir de bakar ki iki yaşındaki çocuk çırılçıplak arkasında duruyor. Yaşlı kadın çocuğu evine götürüp besler. Çocuk yaşlı kadından demir kavakta duran küçük kuşları vurmak için kendisine bir ok ve yay yapmasını ister. Ardından okla kuşları vurur. Ondan sonra, dağın tepesinde yan yana duran yetmiş tavşanı bir ok atışıyla vurur ve pişirmesi için sürükleyip yaşlı kadına getirir. Bundan sonra, yine aynı şekilde doksan maral yakalar.

Derken korkunç sesler duyulur. Yerin sahibi yedi kurt ulumakta, Altay'ın efendisi dokuz kuzgun gökte çığlıklar atmaktadır. Kara-Kula'ya verdikleri sözü yerine getirmek üzere harekete geçmişlerdir. Niyetleri önce mavi ineği, sonra mavi buzağıyı, ondan sonra çocuğu, en sonunda da yaşlı kadını yemektir.

Kurtları yok etmek için çocuk bir tuzak kurar ve pusuya yatar. Gizlendiği yerden bir ok atar ve yedi kara kurdu öldürür. Doğarken elinde bulunan dokuz köşeli taşı da dokuz kara kuzguna fırlatır ve elmas tınaklı, rüzgâr nefesli, ay kanatlı kuzgunları da öldürür. Yaşlı kadın çok sevinir, çocuğa annesinin babasının kim olduğunu, esaret altında bulduklarını açıklar ve çocuğa Kögüdey-Mergen adını verir. Çocuğa ayrıca, bahadır kıyafetleri giydirir, bir de pamuk yeveli gök boz atı verir, nasihatlerde bulunur. Kögüdey-Mergen yaşlı kadına veda eder ve yola çıkar.

Kөгüdey-Mergen'in karşısına çıkan ilk engel, Erlik beyin elçileridir: Birbirine eş iki kara bahadır yeraltı yaratıklarıdır ve yedi yolun kavşağında nöbet tutup geleni geçeni yok etmektedir. Atının ikazına kulak veren Kögüdey-Mergen bu yaratıkları öldürür ve ilk engeli aşar.

İkinci engel, zehir sarısı bir denizdir. Bu deniz alt tarafından

ölüm ırmağı olan Toybodım'a (= "doymadım") bağlanmaktadır, üst tarafından da yeryüzünde mavi kayalara dayanmaktadır. Erlik beyin kızı, kocası Kara-Kula'nın ülkesini korumak için bu denizi yaratmıştır. Kögüdey-Mergen balıkçılardan yardım ister, keşifçi olarak iki kuzgun ve iki saksagan ortaya çıkar; ancak, bunların bir yardımcı olmaz. Geçit yeri bulunmayan bu denizi aşmak için Kögüdey-Mergen'in atı bir yıllık mesafeden hız alır ve kaynayan bu denizi atlayıp geçer.

Kara-Kula'nın ülkesine girmeyi zorlaştıran üçüncü engel, açılıp kapanan iki dağdır. Gece gündüz birbirini süsen iki boğa gibi bu iki kara dağ, ne canlılara ne de rüzgâra, ay ışığına geçit vermektedir. Kögüdey-Mergen üçüncü engeli aşmadan önce biraz dinlenir, rüyasında annesini ve babasını görür. Derken atı, bir sıçrayışta bu engeli de aşır Kara-Kula'nın ülkesine varır. Burada karşılaştıkları manzarayı yine pamuk yeleli gök boz at açıklar: Demir çitin içinde bulunan ak duman emsali ak davar, Kögüdey-Mergen'in annesinin babasının malıdır; tutsak bulunan ak yüzlü halk, kendi halkıdır; yaşlı kadın ve adam kendi annesi ve babasıdır. Kara bir boğaya binmiş olan kız ise Erlik Bey'in kızı, Kara-Kula'nın karısıdır. Erlik Bey'in kızı, Kara-Kula'nın yokluğunda ülkeyi yönetmektedir. Aynı zamanda, yeraltı dünyası hakkında bilgi sahibidir, bilinmeyeni bilmekte, sezilmeyeni sezmektedir. Kögüdey-Mergen'in ülkesine geldiğini, Kara-Kula'yı yeneceğini bilmektedir; ancak, buna mani olmayacaktır, yeryüzünde yaşamaya alışmış olan Erlik Bey'in kızı yeraltına dönmek istemektedir; niyeti, genç bahadır Kögüdey ile evlenmek ve yeryüzünde kalmaktır.

Kөгüdey-Mergen, çuval kürklü Tastarakay şekline dönüşür, atı da iki yaşında mavi bir tosun olur. Tastarakay türkü söyleyerek annesinin ve babasının yurduna yönelir. Erlik Bey'in kızı önce yetmiş köpeği üzerine saldırtır, sonra doksan iri kara boğayı dürtüp bunları boynuzlasın diye coşturur. Tastarakay bu saldırıları bertaraf eder, annesiyle babasının yürek büyüklüğündeki çadır yurduna gelir. Selamlaşmalardan sonra ona yılan ve kurbağa eti, bit sirkesi çorbası ikram ederler; çünkü Erlik Bey esirlere bundan fazlasını reva görmemektedir. Kögüdey-Mergen, Erlik Bey'in kızının kara boğasını ve deve sürüsündeki baş deveyi öl-

dürür; bu etler pişerken dinlenmek için uzanır, annesi ve babası iki kürek kemiğinin ortasında parmak büyüklüğündeki beni görürler ve Kögüdey-Mergen'in kim olduğunu tahmin edip ağlarlar. Kögüdey-Mergen kim olduğunu açıklar, onları kurtarmaya geldiğini söyler ve yedi lamayı bulup onlardan bazı bilgiler aldıktan sonra dönmek üzere veda eder.

Yedi lama insanların ömür süresini ve özgür yaşamının yolunu bilmektedirler. Yeniden Tastarakay kılığına giren Kögüdey-Mergen, çakırkeyif lamaların yurduna varır. Armağan olarak yetmiş çiçekten yaptığı *aracan* içkisi ile altmış çiçekten yaptığı *koroon* içkisini götürür ve "Şimdiki kağanlar hain, şimdiki kağanlar savaşçı, huzur içinde yaşamayı öğrenmeye geldim" der. Lamalar kendilerine iki gün çay hizmetinde bulunmasını söylerler. Maaday-Kara, Kara-Kula'nın sırrını öğrenir: üç kuşak göğün derinliklerinde Üç Maral'ın (dişi geyik) karnında altın bir kutu vardır, bu kutunun içinde birbirine eş iki bildircin yavrusu bulunmaktadır, bunlardan birisi Kara-Kula'nın diğeri ise Kara-Kula'nın atının ruhudur. Bu bildircinler öldürülürse, Kara-Kula da ölecektir. Üç Maral ise altmış çatal boynuzlu yavruları Andalbaa'nın feryadını duyunca yardımına koşup yeryüzüne ineceklerdir. Andalbaa, Maaday-Kara'nın Altay'ında gizlenmektedir.

Altay'a gelen Kögüdey-Mergen ve atı bir erkek sığın (alageyik) şekline girerler ve böğürerek Andalbaa'yı çağırırlar. Mücadele sonunda Andalbaa'yı yenerler, durumu anlatırlar ve yardım isterler. Andalbaa da Üç Maral'ı aşağı çağırır. Kögüdey-Mergen, ortanca maralı karnından vurup, bildircinleri yakalayıp cebine sokar ve Kara-Kula'nın ülkesine doğru yola çıkarlar.

Kara-Kula ne olduğunu bilmeden hasta bir vaziyette kıvrılmaktadır. Karısı ne olduğunu anlamıştır; yeraltından şaman Tordoor'u çağırarak şaman töreni yaptırmak ve Kara-Kula'yı karmak ister. Kögüdey-Mergen Tastarakay kılığında Kara-Kula'nın ülkesine gelir; anne babasının evine gider.

Kara-Kula, şaman Tordoor'u çağırır. Kögüdey-Mergen kül renkli bir sıçan olup Kara-Kula'nın evinde konuşulanları dinler. Tordoor, Kara-Kula'ya hastalanmasının sebebini anlatır. Kögüdey-Mergen bu sefer kara bir ayı olur, gürleyip kükreyerek Tordoor'un kafasını parçalar. Ardından, Tastarakay kılığından sıyrı-

lıp Kögüdey-Mergen şekline girer ve Kara-Kula'nın karşısına çıkar. Dövüş başlar, Kögüdey-Mergen cebinden çıkardığı bildircin yavrularından birini ortasından parçalar, Kara-Kula'nın atı ölür. Kara-Kula diğer bildircini kapar, bu bildircin kendi ruhu, kendi hayatıdır. Kögüdey-Mergen bu bildircini da ortasından parçalar ve Kara-Kula korkunç çılgınlık atarak ölür.

Kөгüdey-Mergen demir ağılı açıp ak davarı dışarı çıkarır, demir zindanı açıp halkını kurtarır. Kara-Kula'nın topraklarına zarar verilmemesini zira toprağın bir kusuru bulunmadığını söyledikten sonra Erlik Bey'in kızının ve hayvanların gerisin geri yeraltına gönderilmesini emreder. Erlik Bey'in kızı, Kögüdey-Mergen'e yanaşıp onunla birlikte yeryüzünde kalmak istediğini açıklar, ancak Kögüdey-Mergen kızın yüzüne tükürür ve onu kovar. Erlik Bey'in kızı reddedilmeyi kendine yediremez, fena halde kızar ve yedi gün içinde intikamını alacağını, Kögüdey-Mergen'i yeraltına çekip onun ruhuyla yaşamını sürdüreceğini söyler ve yeraltına iner.

Kөгüdey-Mergen Altay'a dönmek için yola çıkar. Erlik Bey'in kızı bir büyü yaparak atını güçten kuvvetten düşürür. Kögüdey-Mergen de sadık atını terk edip vadilere yayılan nefis atlardan birine biner. Al donlu at uçarcasına Kögüdey-Mergen'i Erlik Bey'in kapısına getirir. Erlik Bey'in kızı alaylı bir şekilde onu karşılar ve vücudunu yakıp ruhuyla yaşayacağını söyler. Başına nöbetçiler diker. Bu arada, Kögüdey-Mergen'in pamuk yeleli gök boz atı dört kanatlı bir kartala dönüşür ve Kögüdey-Mergen'i uçurup kurtarır, Altay'a geri getirir.

Kөгüdey-Mergen halkına kavuşur. Hayat huzur içinde geçmektedir. Kögüdey-Mergen babasına evlenmek istediğini söyler ve nasıl bir kız seçmesi gerektiği konusunda fikir sorar. Babası, Ay Kağan'ın kızı Altın-Küskü'yü önerir. Ay Kağan'ın ülkesi uzaktadır, oraya varmak için yetmiş ulu dağı aşmak, doksan ulu ırmağı geçmek, yedi büyük engel ile karşılaşp yetmiş yıllık yol almak lazımdır. Ayrıca, Altın-Küskü'nün birçok talibi vardır, Erlik Bey'in oğlu da bunlardan birisidir.

Kөгüdey-Mergen, bahadır kıyafetlerini giyinir, atını hazırlar ve yola çıkar. Yedi yolun kavşağında yolun üzerine uzanmış bir şeyler dinleyen bir bahadır ile karşılaşır. Ses dinleyen bu bahadır

Kögüdey-Mergen'i beklemektedir. Kendisi Kögüdey-Mergen'in, atı ise Kögüdey-Mergen'in atının tıpatıp eşidir. İki birlikte yola devam ederler. Karşılaştıkları ikinci bahadır, dağları yerinden oynatmaktadır; üçüncü bahadır oradan oraya sıçramaktadır, dördüncü bahadır kazların küyruğunu kesmektedir, beşinci bahadır göllerin suyunu içmektedir, altıncı bahadır ise taşları bir yerden başka bir yere taşımaktadır. Bahadırların hepsi Kögüdey-Mergen'in tıpatıp eşidir; atları da Kögüdey-Mergen'in atının bir eşidir. Kögüdey-Mergen ile birlikte birbirine eş yedi bahadır olmaktadır.

Yedi bahadır Ay Kağan'ın ülkesine vardıklarında düğün hazırlıkları başlamıştır. Erlik Bey'in oğlu da kızı da gelmiştir. Erlik Bey'in kızı yedi bahadırdan haberdardır ve yedisini birden öldürmeyi tasarlamaktadır. Bu maksatla demirden bir zindan yaptırmış, içki ve tütüne zehir katmıştır. Kendisi de yaşlı bir kadın kılığına girmiştir. Bahadırlar zehirli içkiyi ve tütünü içmezler. Demirden zindana girerler ama göl suyu içip gölleri kurutan bahadır körüklerle yakılan ateş ile kızdırılan demir zindanı soğutmayı başarır. Üçüncü seferde zindan yedi parçaya ayrılır, yedi bahadır kurtulur. Bu defa da yeri havaya kaldıran Tenek-Bökö ile boy ölçüşürler, Taş-toplar ve Dağ-göçüren bahadırlar Tenek-Bökö'yü alt ederler. Erlik Bey'in kızının son hilesi, Ay Kağan'ın yurdunda kazdirdığı çukur ve üzerine yerleştirdiği beyaz minderdir. Bahadırlar bu tuzağa da düşmezler.

Ay Kağan kızını vereceği bahadın belirlemek üzere bir yarış tertipler: Yetmiş dağın yanından, yetmiş ırmağın kenarından, yer ile göğün kavuştuğu yerden, demir dağın yamacından bir avuç kara kum getirecek olan ilk bahadıra kızını verecektir. Diğer yarışmacılar at üzerinde yola çıkarken, Kögüdey-Mergen'in tıpatıp eşi Hep-sıçrar, iki sıçrayışta dağa ulaşır ve bir avuç kara kumu alır. Ancak, Erlik Bey'in kızı yaşlı kadın kılığına girmiş, dönüş yolunda beklemektedir. Hep-sıçrar'a zehirli içki içirir ve içki kâsesini kulağının üzerine kapatır. Ay Kağan'ın ülkesinde Yer-dinleyen bahadır Hep-sıçrar'ın başına gelenleri duyup öğrenir, aynı zamanda, diğer yarışçıların geri dönmekte olduklarını atlarının ayak sesinden anlar. Bunun üzerine Kaz-vuran bir ok atar ve Hep-sıçrar'ın kulağındaki kâseye isabet ettirip onu kırar. Hep-sıçrar uyanır ve bir sıçrayışta Ay Kağan'ın ülkesine geri gelir.

Ay Kağan ikinci yarışı açıklar: doksan dağın berisine, doksan ırmağın ötesine, dokuz köşeli ölümsüz dağın tepesine altın bir parmak koyacak, bir de çuvaldız doğrultacaktır; tam ortasından okunu geçiren bahadıra kızını verecektir. Kögüdey-Mergen bu yarışı da kazanır.

Üçüncü yarışta, kara kayayı parçalayan bahadır yarışı kazanmış olacaktır. Yine Kögüdey-Mergen galip gelir ve Altın-Küskü'ye talip olur.

Erlık Bey'in kızı köpürmüştür. Lanetler savurur, Kögüdey-Mergen'in ayağına dolanacağını, yurdunu darmadağın edeceğini, annesini babasını yeraltına götüreceğini söyler. Ve nitekim, Altın-Küskü ortadan kaybolur. Ay-Kağan, Altın Küskü'yü Erlık Bey'in kızının kaçırdığını bildirir; doksan yıl sürecek düğün, yapılmadan biter; yetmiş yıl sürecek şenlik, şenlik olmadan sona erer. Kögüdey-Mergen, Altın-Küskü'yü dokuz köşeli kara dağın içinde bulur. Pamuk yeleli gök boz atı atsineğine dönüşür, Kögüdey-Mergen ise bir sinek olur, birlikte dağın içine dalarlar. Ancak, Erlık Bey'in kızı da şekil değiştirmiştir, kendisi Altın-Küskü olmuş, Altın-Küskü'yü de yaşlı kadın şekline dönüştürmüştür. Pamuk yeleli gök boz atın uyarmasıyla Kögüdey-Mergen bu durumu öğrenir.

Kөгüdey-Mergen, Altın-Küskü'yü babası Ay Kağan'ın yurduna geri götürür. Ay Kağan, Kögüdey-Mergen'i yeniden sınava alır. Dünyayı ayakta tutan birbirine eş iki balinadan birinin altın kanadını alıp gelmesini ister. Ay Kağan'ın ülkesine getirilen altın kanat felakete yol açar ve geri götürülmesi gerekir. İkinci sınavda Kögüdey-Mergen demir dağdaki iki kara ayıdan birini zincire vurup getirir. Ayı da Ay Kağan'ın ülkesinde sıkıntı yaratır ve yine Ay Kağan, Kögüdey-Mergen'e ayıyı geri götürmesi için yalvarır.

Nihayet, Kögüdey-Mergen Altın-Küskü'yü alır ve Altay'a doğru yola çıkarlar. Altın-Küskü babasının ak davranından hayvan almaz, halkından kimseyi de yanında götürmez. Yolda giderlerken Ay Kağan arkalarından gelir, Kögüdey-Mergen'e bir kama, Altın-Küskü'ye de bir kamçı verir. Az sonra Ay Kağan'ın sürüleri ve halkı peşlerinde belirir. Yine pamuk yeleli gök boz atın uyarmasıyla kamayı ve kamçıyı yere atarlar, hayvanların ve halkın peşlerinden gelmesini önlerler.

Yolda giderken yorulan genç çift birbirleriyle cilveleşir; Altın-Küskü'nün teklifi üzerine, Altın-Küskü şekil değiştirip saklanır, Köğüdey-Mergen de onu arar. Altın-Küskü önce beyaz bir kelebeğe dönüşür, Köğüdey-Mergen de kanatları altın sarısı mavi bir kuş olup peşine düşer, Ak deniz sahilinde onu yakalar. Bu sefer Altın-Küskü altın bir balık olup denize atlar, Köğüdey-Mergen de altın bir susamuru olup onu yakalar. Eski şekillerine dönüşüp gülüşürler.

Altay'a gelince hasret giderilir, düğün yapılır. Huzurlu bir yaşam sürerlerken bir gün altın yapraklı bereketli kavağın batıdan yöne eğildiğini görürler. Bunun anlamı, Köğüdey-Mergen'in annesi ve babası için ölüm demektir, Erlik Bey'in kızı tehdidini yerine getirmiştir. Ağlaşırlar, cenaze töreni yapılır.

Kөгüdey-Mergen rüyasında Erlik Bey'in kızını görür. Erlik Bey'in kızının ifadesine göre, Maaday-Kara hem Köğüdey-Mergen'i hem de karısı Altın Küskü'yü yeraltına getirmesini istemiştir. Köğüdey-Mergen köpürür ve Erlik Bey'in kızını öldürür. Ondan sonra atının eyerini ters bağlayıp yeraltına iner. Yol boyunca, hayattayken çeşitli günahlar işlemiş insanların ve hayvanların ne tür azap çektiğini görür.

Sarhoş taklidi yaparak Erlik Bey'in kapısına varır. Erlik Bey'i yakalayıp bağlar, sonra da yakıp kömüre dönüştürür. Oku ile Erlik Bey'in adamlarını vurur. İyi insanları yeraltından kurtarır, kötülerini orada bırakır.

Aylı güneşli Altay'a geri dönen Köğüdey-Mergen alaca tüylü ak sürüleri çoğalmış, ak yüzlü halkı artmış bulur. Halkına huzur ve sükûn içinde bir aile gibi yaşamalarını, çoluk çocuğu doyurmalarını, yeryüzünü kinle yöneren şeytan kağanı yok ettiğini söyleyip mutluluklar diledikten sonra halkını korumak için yıldız olup göğe çıkacağını ve insanları oradan kollayacağını bildirir. Eşi Altın-Küskü ile birlikte yıldız olup uçar.

Gökteki "Yedi Kağan" adıyla bilinen yedi yıldız, birbirine eş yedi Köğüdey-Mergen'dir, Kutupyıldızı dediğimiz yıldız ise Altın-Küskü'dür. "Üç Maral" dedikleri takımyıldızın üstünde tek başına duran kırmızı bir yıldız vardır, bu da Köğüdey-Mergen'in ortadaki maralın karnını yardığı kanlı oktur. Köğüdey-Mergen'in altınları gümüşleri Altay'ın toprağında saklıdır; sürüleri ise Altay'da otlamaktadır. Köğüdey-Mergen'den yadigâr kalanlar işte bunlardır.

APPENDIX 3

Er Samır Destanının Özeti

Destanın açılışında adı verilmeyen muhayyel bir coğrafyada yaşayan, Er Samır'ın babası Ak Bökö, Ermen Çeçen adlı eşiyile huzur içinde ömür sürerken , Altın Tana ile evli Er Samır adlı oğluna malının yarısını bölerek verir. Bir süre sonra canı sıkılan Er Samır eşine, kendi tahtına kardeşi Katan Mergen'i bırakarak ava gitmek istediğini söyler. Endişelenen Altın Tana, Er Samır'ı bu kararından vaz geçirmek isterse de başarılı olamaz.

Avlanmaya giden Er Samır'ın peşine düşen Katan Mergen ağabeyini bulur. Birlikte avlanmak isterler, fakat av bulamazlar. Katan Mergen geri döner. Tek başına avlanmaya devam eden Er Samır hiç bir av hayvanına rastlamaz. En son çıktığı dağı yıkar. Bir otlakta dinlenip, Ak Sarı adlı atını otlatır. Sonunda Ak dağa çıkarak etrafı inceler.

Ak dağdan uzaklara bakan Er Samır kaynaşan mallar ve insanlar görür. Buraya yaklaşıncı başka kağanın yerine geldiğini düşünürken, babasının Ak Boro adlı atını görür, şaşırır. Atını at direğine bağlayarak, konuşmak için babasının sarayına girer. Annesinin hazırladığı yemekten yer. Bu arada uyuklayan babası uyanır. Eşini Erlik'in yardımcılarının kaçırdığını öğrenen Er Samır anne ve babasıyla vedalaşp, hayır dualarını isteyerek Erlik'in adamı olan Kara Bökö'yle savaşmak için yola çıkar.

Bir süre sonra kendi yurduna gelen Er Samır'ı tebaası ağlayarak karşılar. Kara Bökö'nün, Altın Tana'yı kaçırdığını söylerler. Yiyecek ararken sandığın içinde iki geyiğin etiyle rakı bulur. Onları yiyip, içtikten sonra eşi ipucu bırakmış mı diye etrafı kolaçan eder. İkinci bir sandıktan iç içe geçmiş iki kâğıda eşinin kendisine yazdığı iki mektup bulur. Bu mektuplarda Altın Tana başına gelenleri yazmıştır. Mektupları okuyan Er Samır dışarı çıkarak, tebaasına kardeşi Katan Mergen'i sorar. "Birlikte avlanmaya gittiğinizden bu yana dönmedi" cevabını alan Er Samır yarım yıl kardeşini bekler.

Sonunda Kara Bökö'yle tek başına savaşmak için yola çıkmaya karar verir. Tebaasının hayır dualarını alır. Ayı ve güneşi selâmlar. Hiç durmadan gece gündüz yol gider. Bir süre yol aldıktan sonra karşısına altı kara saray

Samır'a fırlatan Kara Bökö'nün yayı taşa değmiş gibi kayarak yere düşer. Uyanıp Kara Bökö ile kavgaya tutuşan Er Samır Kara Bökö'yü yener ve karından Sokor Kağan'ın gözlerini çıkarır. Geri dönen Sokor Kağan'ın gözlerini yerine yerleştirir. Kağan eskisinden daha iyi görmeye görmeye başlar. Er Samır'a şükrederek yurduna döner.

Er Samır Kara Bökö'nün sarayına döner. Eşi Altın Tana Kara Bökö'nün esirlerini serbest bırakmıştır. Er Samır Kara Bökö'nün sarayını yerle bir eder. Bu sırada Altın Ergek ile Kümüş Tana Er Samır'ın yanına gelirler. Sonra hep beraber yola çıkarlar. Dönüşte Altın Saçar ve Altın Topçı'yı da yanlarına alarak yola devam ederler.

Eğlenceli bir yolculuktan sonra Er Samır'ın yurduna varılır. Büyük şenlikler düzenlenir. Altın Saçar ve Altın Topçı iki saraya yerleştirilir. Fakat Katan Mergen ortalıkta yoktur. Onun geri dönmediğini işiten Er Samır kardeşini aramak için tekrar yola çıkar. Kardeşini arayarak yol alan Er Samır yaşlı bir kadından onun yeraltına Erlik Biy'in yanına gittiğini öğrenir. O da yeraltına gitmek için yola çıkar.

Yeraltına inen delikten geçerek, Erlik Biy'in yurduna varır. Çok karanlık olan bu yerde yolunu aydınlatmak için cebinden çıkardığı iki küpeyi atı Ak Sarı'nın iki kulağına ilişdirir. Yolu aydınlanır. Katan Mergen'in izini sürer. Erlik Biy'in koyduğu engelleri kardeşinin süt saçıp, bez bağlayarak aştığını anlayan Er Samır kendisi de aynı işleri yapar ve engelleri aşarak Erlik Biy'e ulaşır. Erlik'e kardeşini soran Er Samır ondan "görmedim" cevabını alınca kavgaya tutuşurlar. Erlik'i yenen Er Samır ona ikinci kez kardeşini sorar. O da kamışlıklı ak dağa çıkmasını söyler. Bu dağa çıkan Er Samır burada kardeşinin atı Kara Kaltar'ın izini görür. Bu izi takip ederek hızla yol alır.

Takip ettiği iz Er Samır'ı kendi yurduna getirir. Atından inmeden tebaasına kardeşinin dönüp dönmediği sorar. Onlardan, kardeşinin gelip kendisini sorduğunu, fakat tekrar ayrıldığını öğrenir. Er Samır hiç vakit kaybetmeden yine yola çıkar.

Çöller, dağlar geçer. Öldürülmüş insanlar, dağıtılmış yurtlar görür. Er Samır yoluna devam ederken kardeşinin atı Kara Kaltar görünür. At, Er Samır'a Katan Mergen'in Kün Kağan'ın kızı Bayan Sılu'yla evlendiğini fakat eşini terkedip insanlara zulme başladığını, bunun üzerine Katan Mergen'in yaptığı zulmü engellemek için kendisinin Kün Kağan'la birlik olup Katan Mergen'i öldürdüğünü söyler. Bunu işiten Er Samır Kün Kağan'ın yurduna varır. Katan Mergen'in ölüsünü doksan kulaç yeraltından çıkarırlar. Kün Kağan'ın ilâçları Katan Mergen'i diriltemez. Er Samır aldığı ilâçlarla kardeşini diriltir. Onun delirmiş olduğunu düşünerek dikenle döver. Daha sonra yurtlarına gitmek için hep beraber yola çıkarlar.

Er Samır'ın yurduna vardıklarında tebaası onları sevinçle karşılar. Dağ gibi et, deniz gibi içki yığılarak düğün, eğlence düzenlenir.

ile bir ak saray çıkar. Bunlar kötü düşünceli altı kardeş ile; onların iyi düşünceli Altın Topçısı adlı kız kardeşlerinin sarayıdır. Er Samır altı kardeşle kavgaya girer. Üçünü alıp göğe yükseltir. Diğer üçünü de yere filâtır. Erlik Biy'in adamları olan bu kardeşlere; Erlik'e gidip Er Samır'ın onu bulacağını söylemelerini ister. Bu arada atı Ak Sarı da altı kardeşin atını öldürmüştür. Altın Topçısı'ya kağan yapan Er Samır burada iki yıl kaldıktan sonra yoluna devam eder.

Uzun bir süre yol alan Er Samır'a dağlar, dereler yol verir. O bu şekilde yol alırken karşısına dokuz kara saray ile bir ak saray çıkar. Bunlar da Erlik Biy'in adamları olan kötü kalpli dokuz kardeşle onların Altın Sağan adlı iyi kalpli kız kardeşlerinin sarayıdır. Dokuz kardeşle kavgaya tutuşan Er Samır onları da yener. Atı Ak Sarı'da dokuz atı öldürür. Altın Sağan'ı kağan yapan Er Samır burada yarım yıl kaldıktan sonra yoluna devam eder.

Hiç dinlenmeden, hızla yol alan Er Samır bir ayın sonunda zirveleri ağarmış bir dağa varır. Er Samır kendisine yol vermeyen bu dağı yıkarak atına yol açar. Bir yıl sonra ise; atı samandan, eşi çok çirkin ve yaşlı, evi bir baraka kadar kötü, at direği ise bir kaval gibi olan birisiyle karşılaşır. Bu tuhaf kişi Er Samır'ı evine davet eder. Er Samır girmek istemez. Fakat atı bu eve girmesi için ısrar eder. Er Samır eve girince, tuhaf kişi bir bahadır, eşi güzel bir gelin, kötü evi göğe kadar yükselen bir saray, at direği de altın bir direğe dönüşür. Bu erkek Er Samır'ın kayını Altın Ergek, kadın da onun eşi Kümüş Tana'dır. Bu durum karşısında Er Samır oturup kayını ve onun eşiyle sohbet eder. Altın Ergek, Er Samır'a kız kardeşi Altın Tana'yı Kara Bökö'den geri almak için yaptığı savaşı anlatarak, Er Samır'a ne yapması gerektiğini söyler. Er Samır burada iki ay kaldıktan sonra yoluna devam eder.

Nihayet Kara Bökö'nün sarayına ulaşan Er Samır, burada Erlik Biy'in kızı, Kara Bökö'nün eşi Sarı Koron'u yalnız bulur. Er Samır eşini kurtarıp, Sarı Koron'u döverek at direğine baş aşağı asar. Fakat Sarı Koron ölmez. Er Samır kuzgun ve saksagan gibi öter. Kuzgun ve saksagan gelerek Sarı Koron'un etlerini gagalayıp, kemiklerini oyar. Eşi Altın Tana ise Er Samır'a geri dönmesi için yalvarır. Er Samır geri dönmez. Biraz dinlenip karnını doyurduktan sonra Kara Bökö'nün izini izleyerek yola çıkar.

Yol boyunca kara denizler ve kara kumlu çöller geçen Er Samır bir taş balbalın yanında durur. Atını dinlendirir. Kendisi de uykuya dalar. Bu arada esir aldığı kağanlara ve onların tebaasına işkence ederek sarayına geri dönmekte olan Kara Bökö'nün atı Er Samır'ın varlığını sezer ve huylanır. Önce atına sinirlenen Kara Bökö, daha sonra sarayının ve eşinin hâlini görünce öfkelenir. Gözünü oyup atının kuyruğuna bağladığı Sokor Kağan'ın inlemesinden bir şey duymadığı için kağanı serbest bırakır.

Er Samır'ın yanına ulaşan Kara Bökö ona palasıyla vurur. Fakat Er Samır'a bir şey olmadığı halde palası kırılır. Bunun üzerine yayını Er

APPENDIX 4

Ak Tayçı Destanının Özeti

Destan kahramanı Ak Tayçı'nın babası Ak Bökö bereketli bir coğrafyada yaşamaktadır. Onun eşi Altın Topçı gençliğinde bir erkek çocuk doğurmuş, fakat o çocuğu Erlik Biy çalmıştır. Altın Topçı yıllar sonra yaşlandığında bir erkek çocuk daha doğurur. Ak Bökö buna çok sevinir. Çocuğuna kundak yapmak için samur, beslemek içinse geyik avlamaya çıkar.

Ak Bökö birçok hayvan avlayıp eve dönerken altmış kulaç kıyruklu bir kurt (Ak Börü) yolunu keser, canına karşılık ne vereceğini sorar. Ak Bökö eşini ve atını teklif eder. Ak Börü bunları kabul etmez, yeni doğan çocuğunu ister. Ak Bökö çaresiz kabul eder. Evine gelip olanları eşine ve yönettiği halkına anlatır. Onun yiğitleri çocuğu Ak Börü'ye vermek yerine savaşmak isterler. Ak Börü'nün geleceği yolun üzerine yemesi için kulunlu kısıraklar konutur. Kendileri de pusuya yatarlar. Ak Börü bu kısıraklara bakmadan doğruca Ak Bökö'nün sarayına yönelir. Ak Bökö ve askerleri ona karşı koyamaz. Ak Börü çocuğu alıp kaçıtır.

Çocuğu kendi yaşadığı dağa getiren Ak Börü onu bestemeleri için iki maral getirir. İki maralın beslediği çocuk iki günde anne, altı günde baba deyip yürümeye başlar. Bunu gören Ak Börü oynaması için çocuğa sırasıyla iki tilki ve iki ayı getirir. Çocuk tilki ve ayıları hırpalayarak bitap düşürür. Bu arada Ak Börü de sürekli Erlik'in çocuğu kaçırmaması için yeraltına açılan deliğin ağzını kontrol eder.

Ak Börü tarafından büyütülen çocuk kısa sürede yiğit olur. Ak Börü ona savaş elbiseleriyle birlikte silâhlarla donatılmış bir at getirir. Bu atın adının Ak Boro, çocuğun adının ise Ak Tayçı olduğunu ve onun artık kendi yolculuğuna çıkması gerektiğini söyleyerek öğütler verip gönderir.

Yola çıkan Ak Tayçı yolda ilk olarak birbirine benzeyen yüz geline rastlar. Onlarla tanışıp konuştuktan sonra yoluna devam ederken yüz yiğit karşı gelir. Onlarla da tanışıp konuşan Ak Tayçı onlara Teneri kağanın kızını babasına almaya gittiğini söyler. Yüz yiğitten ayrılan Ak Tayçı yola devam ederken önüne çok geniş bir kavak ağacı çıkar. Ak Tayçı Ak Börü'nün söylediği gibi parmağını kanatır, kargısına kan sürerek naralar atar. Onun bu hareketleriyle birden hava soğur, fırtına çıkar. Atı bir ayıya dönüştürerek kazdığı çukura girer. Ak Tayçı da kavak ağacına girerek ak börünün verdiği içkiyi içer.

Bir süre sonra kavak ağacından çıkan Ak Tayçı ağaç boyunda kar yağdığını görür. Büyük bir ateş yakar, kargısını bu ateşe tutar. Birden hava ısınır, bahara döner. Nereye gideceğine karar veremez. Tekrar Ak Börü'nün yerine dönmek üzere yola çıkar. Ak Tayçı yolda yüz gelinin ve yüz yiğidin donup öldüğünü görür. Yolda rastladığı güzel bir kıızı da yanına alarak geri döner.

Ak Tayçı Ak Börü'nün yerine gelir. Getirdiği kıızı Ak Börü'ye vermek

ister. Ak Börü bunu kabul etmez. Ona anne ve babasının kim olduğunu söyler. Ak Tayçı yolda yanına alıp sonra da kendisine eş yaptığı Altın Tana ile babasının evine gelir. Ak Bökö ve Altın Topçı oğullarını tanıyamazlar. Nihayet Altın Topçı Ak Tayçı'nın gözünü kendi gözüne, sesini de Ak Bökö'ye benzetir. Omuzundaki benden oğullarını tanırlar. Eğlence başlar.

Eğlence devam ederken Ak Tayçı'nın atı Ak Boro, yeraltı kağanlarından Temir Bökö'nün Elçe Ködükey adlı elçisinin yeraltındaki düğüne davet için geldiğini söyler. Çare olarak da davete diğer atını göndermesini tavsiye eder. Ak Tayçı da halk içinde bindiği sıradan atını sihirle bahadır atı yaparak Elçe Ködükey'le gönderir. Yolda bu ata binen Elçe Ködükey atın belini kırarak öldürür. Daha sonra Temir kağan ikinci elçisi Sokor Kara'yı gönderir. Sokor Kara ile yeraltındaki düğüne gitmek üzere yola çıkan Ak Tayçı yolda Sokor Kara'yı öldürerek yeraltına atar. Evine dönüp huzurla yaşamaya devam eder. Sonra Temir Kağan üçüncü elçisi Çanmak Bökö'yü gönderir. Ak Tayçı gitmek istemez, onu da yener.

Atı Ak Boro gelerek Ak Tayçı'ya Erlik Biy ile Temir Kağanın onun peşini bırakmayacaklarını söyler. Çare olarak Ak Tayçı Ak Börü'den yardım istemeye gider. Ak Börü de yeraltından başka biri daha çıkmadan Ak Tayçı'nın yeraltına inmesi gerektiğini söyler. Dönüp annesi, babası ve eşi Altın Tana ile vedalaşan Ak Tayçı yeraltına gitmek için yola çıkar.

Yeraltına inen Ak Tayçı Temir Kağan'ın taş sarayına girer. Burada bir süre durduktan sonra düğünün nerede yapıldığını öğrenip saraydan çıkar. Atı ona düğün davetinin yalan olduğunu söyler. Ak Tayçı yolda gördüğü ak saraydan içeri girer. Temir Kağan'ın kızı içeridedir. Ona tükürür ve çıkar. Gümüş saraya girer. Orada yer üstünden zorla getirilen yedi güzel gelini görür. Bu arada sırasıyla kurt, ayı, yılan ve Temir Kağan'ın adamları gelerek Ak Tayçı'ya saldırırlar. Ak Tayçı onların hepsini yener. Daha sonra Temir Kağan'ın sarayına döner. Temir Kağan'ın sarayına gelen Ak Tayçı Temir Kağan'ı ve oğlunu yener, onlara bir daha yeryüzüne çıkmayacaklarına dair yemin ettirir.

Ak Tayçı yer üstünden zorla getirilen yedi gelini çakmak taşına çevirip cebine koyar. Bu durumu farkedene Erlik onu yakalamak için peşinden halat atar. Ak Tayçı'nın atı halatla birlikte Erlik'i de yer üstüne çıkarır. Ak Tayçı Erlik'i dövmeye başlar. Erlik yalvarır, bir daha yeryüzüne kötülük göndermeyeceğine yemin eder. Onu tekrar yeraltına gönderir. Bu arada Temir Kağan'ın kızı Temene Koo'nun aslında Ak Börü'nün eşi olduğu anlaşılır. Hep beraber Ak Bökö'nün yurduna gelirler. Burada Ak Börü kendisinin onların kaçırılan ilk çocuğu olduğunu söyler. Anne ve babası da ona doğduğunda Omok Mergen adını vermiş olduklarını söylerler. Aile tekrar bir araya gelir. Büyük bir toy düzenlenir.

Appendix 5

Altay Buuçay Destanının Özeti

Destan kahramanı Altay Buuçay eşi Ermen Çeçen, kızı Caraa Çeçen ve küçük oğlu Erkemel ile Ak denizin kıyısındaki Ak dağda yaşamaktadır. Onun Bar Çookır, Kayçı Cereen ve Kamçı Cereen adlarında üç atıyla birlikte iki doğanı ve iki de köpeği vardır.

Bir defasında Altay Buuçay otuz yıl boyunca avlanmak için ava çıkar. Fakat altmış yıl geçtiği hâlde dönmez. Eşi Ermen Çeçen kızına altı köşeli sihirli bir ayna vererek dağa çıkıp, bu aynayı etrafa tutmasını, gördüklerini gelip kendisine anlatmasını söyler. Kızı söyleyenleri yapar, iki vadinin kavşağında Aranay, Şaranay adlı iki kardeş kağanın yaşadığını söyler. Ermen Çeçen bu kağanlara bir davet mektubu yazarak kızıyla gönderir.

Bu mektubu alan Aranay ve Şaranay hiçbir zaman yenemedikleri Altay Buuçay'ın öldüğünü düşünüp, servetini ve ailesini alacakları için çok sevinirler. Altay Buuçay'ın yurduna gelirler. Onlar burada eğlenirken Altay Buuçay avdan döner. Eşi ve kızı ona ihanet eder. Onların da yardımıyla iki kardeş kağan Altay Buuçay'ı ve oğlu Erkemel'i öldürüp cesetlerini birkaç parçaya ayırırlar. Fakat Altay Buuçay'ın ricasıyla hayvanlarını öldürmezler. İki kağan eşini, kızını ve hayvanlarını alarak kendi yurtlarına doğru yola çıkarlar.

Altay Buuçay'ın hayvanları bir şekilde Aranay ve Şaranay'ın elinden kurtulurlar. Altay Buuçay ile oğlu Erkemel'in cesetlerini korunaklı bir yere getirirler. Diğer hayvanları, cesetleri korumak için bırakan atı Kamçı Cereen onları diriltmenin bir çaresini bulmak için yola çıkar.

Bu amaçla Yer Ana'ya gelerek ondan yardım ister. O, Kamçı Cereen'i kızıl tilkiye gönderir. Kızıl tilki de dokuz yolun kavşağında yaşayan Celbegen adlı bir dev olduğunu, o devin başında üç koyun büyüklüğünde bir ben bulunduğunu Altay Buuçay'ın ancak onunla dirileceğini söyler. Kamçı Cereen çeşitli kurnazlıklar, sihir ve büyülerle devin benini alır, getirip Altay Buuçay'ın ağzına koyarak onu diriltir.

Dirilen Altay Buuçay giderek Aranay, Şaranay adlı kardeşleri, karısını ve kızını öldürür. Bu arada Kamçı Cereen de Erkemel'i diriltmenin çaresini aramaktadır. Bu amaçla tekrar Yer Ana'ya gider. O da çare olarak; Teğeri Kağan'ın kızının Erkemel'i diriltilebileceğini söyler. Kamçı cereen göğe çıkarak Temene Koo'yu kaçırıp yeryüzüne indirir. Temene Koo Erkemel'i dirilterek tekrar göğe çıkar. Fakat babası lânetli yerde bulunduğu için kızını kabul etmez, onu yeryüzüne kovar. Teğeri kağanın kızı Temene Koo tekrar geri döner. Altay Buuçay'la evlenirler. Aranay ve Şaranay'ın halkını da alarak Altay Buuçay'ın yurdunda yaşarlar.

Appendix 6

Közüye Destanının Özeti

İki dost olan Karatı Kağan ve Ak Kağan kara ve ak dağın eteğinde huzur içinde yaşamaktadırlar. Bir gün iki kağan birlikte ava gider. Ak Kağan bir geyik görür, öldürmek ister. Fakat geyik dile gelir, Ak Kağan'a doğurmak üzere olduğunu, hatta Ak Kağan'ın eşi Erke Tana'nın da bir erkek çocuğu doğurmak üzere olduğunu söyler. Ak Kağan geyiği vurmaz. Dönerken Karatı Kağan'a rastlar. O da boş dönmektedir. Ona da bir geyik rastlamış, benzer sözler söylemiş, fakat Karatı Kağan'ın bir kızı olacağını bildirmiş. Birbirlerine yaşadıkları olayları anlatan iki kağan bunun gerçekleşmesi durumunda çocukları beşik kertmesi yapmaya söz verirler.

Yurtlarına dönen kağanlar gerçekten de geyiğin söylediği gibi çocukların doğmuş olduklarını görürler. Halk toplanır, eğlence başlar. Halkın içinden çıkan aksakal, erkek çocuğa Közüye adını verir. Yaşlı bir kadın ise kız çocuğuna Bayan adını verir. Eğlence artarak devam ederken Ak Kağan atından düşerek ölür. Karatı Kağan babasız kalan Közüye'nin iyi yetişemeyeceğini düşünerek, kızını Közüye'ye vermemek için başka bilinmez bir yere taşınır.

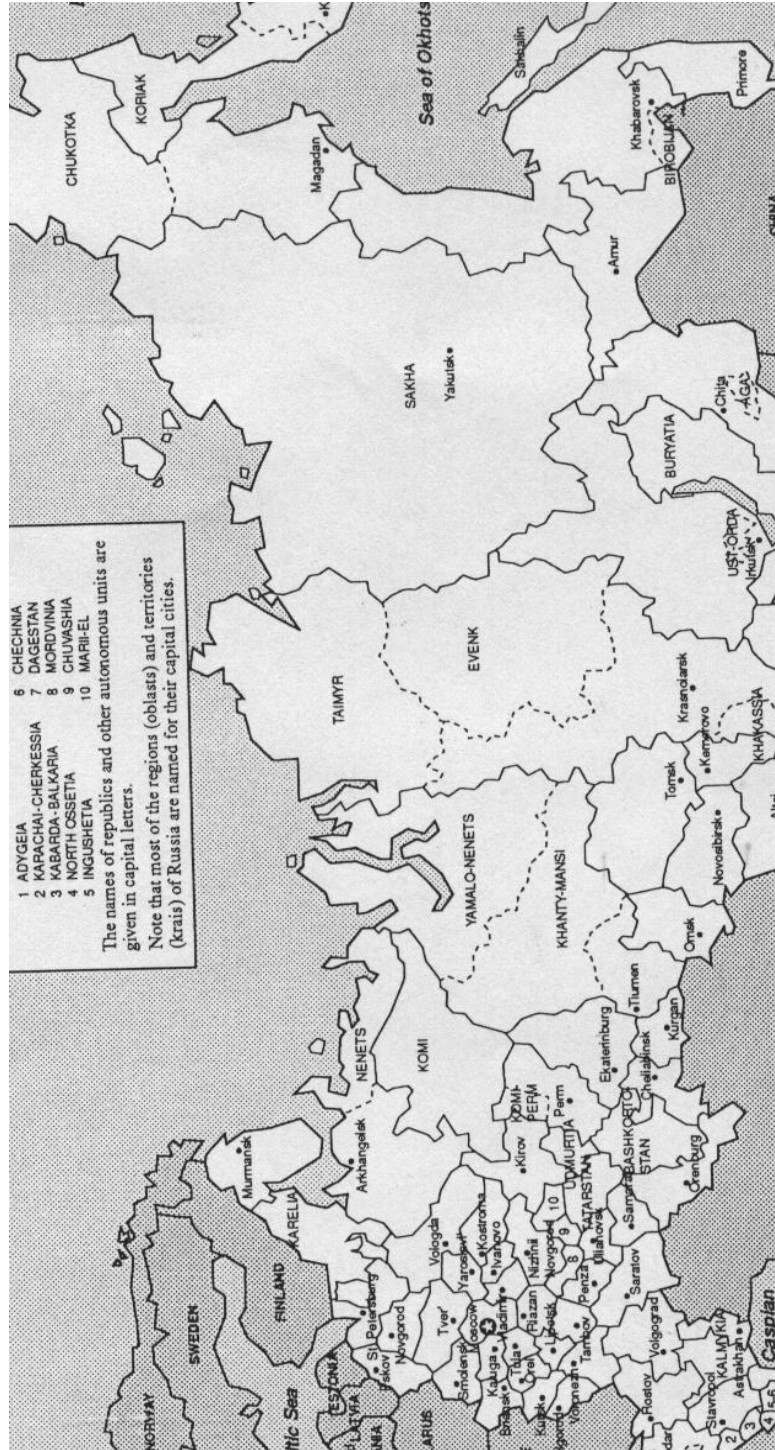
Bir süre sonra büyüyen Közüye yaşlılarından beşik kertmesi Bayan'ı öğrenir. Durumu annesine sorar. Annesi istemeyerek de olsa geçmişteki olayları anlatır. Daha sonra Közüye kendisine ad veren ihtiyara giderek kendisiyle birlikte doğan atını, silâhlarını ve giysilerini alır. Annesinden ayrılarak Karatı Kağan'ın yurduna doğru yola çıkar. Yolda önüne çirkin ayı ve kurdu öldürür. Postlarını yüzüp alır. Çok zaman geçmeden zirvesiz, geçidi olmayan bir dağa varır. Atını hem kendi hem de atının annesinin durumunu öğrenmek için gönderir. Kendisi de geçit aramak için dağda kahr.

Közüye dağda kaval çalıp dinlenirken sırasıyla kuzgun, karga ve saksakal gelerek onunla alay ederler. Közüye üçünü de öldürür. Sonra turna, ağaçkakan ve kaz gelir. Onlar Közüye'ye yardım için dağda geçit ararlar. Turna ve kaz geri dönerler. Geçit bulamadıklarını söyleyip yorgunluktan ölüverirler. Ağaçkakan da dönüp, Karatı Kağan'ın kızına düğün yaptığı haberini verir. Bu arada Közüye'nin atı döner. Annelerinin durumlarının iyi olmadığını, fakat onları biraz olsun avuttuğunu söyler.

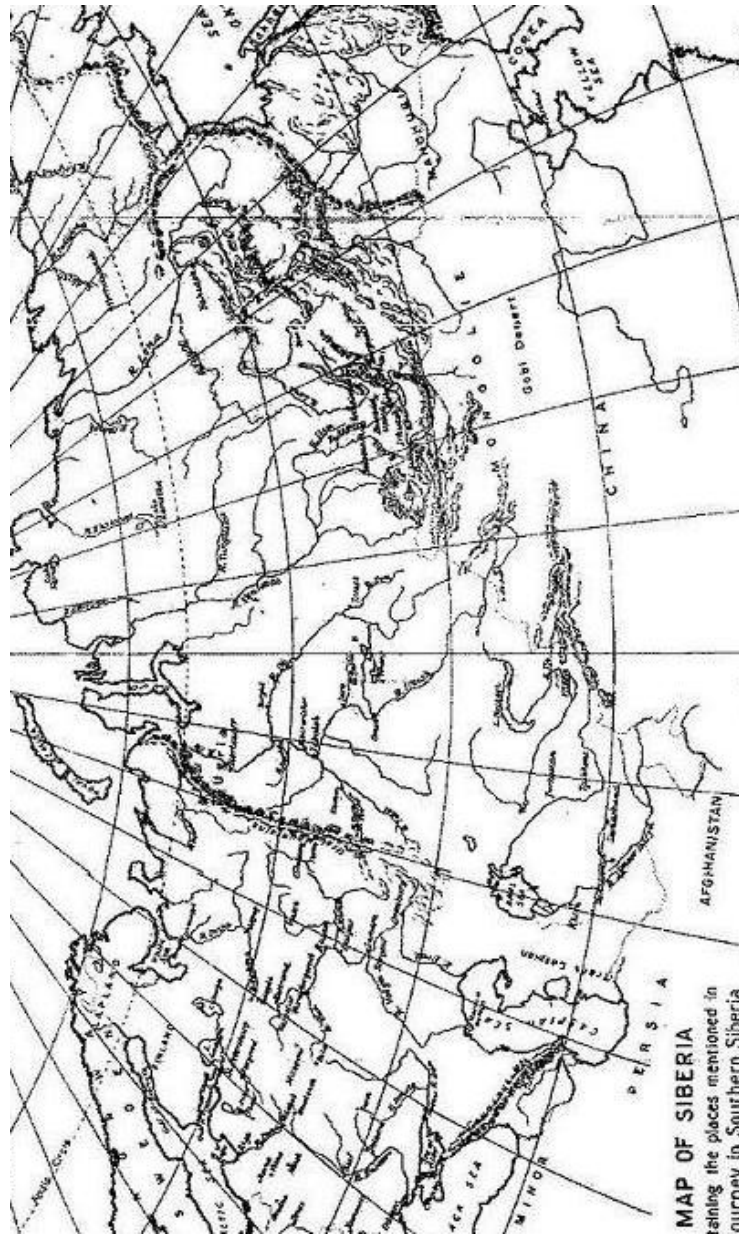
Közüye dağı aşar, Karatı Kağan'ın yerine gelir. Dilenci kılığında düğüne katılır. O perişan hâliyle dururken şarkı söylemeye başlar. Herkes onun sesinin güzelliğine şaşırır ve dikkatle dinler. Karatı Kağan onu yanına alıp, ikramda bulunur. Közüye şarkı söylerken düğün yerinin havasını değiştirip çok soğuk düşürür. Soğuktan düğün dağılır. Közüye sandıktan Bayan'ı çıkarır ve birleşirler. Bir süre sonra soğuktan dağılanlar geri gelirler. Karatı Kağan, Közüye'yi sarayına davet eder. Amacı onu zehirlemektir. Közüye bu tuzaktan ağaçkakanın yardımıyla kurtulur. Fakat zehirli okla ayağından yaralanır. Közüye ilaç getirmesi için ağaçkakanı Bayan'a gönderir. Ağaçkakanın getirdiği ilaçlar fayda vermez. Ağaçkakan ikinci kez gittiğinde, Karatı Kağan onu yakalar ve öldürür. En son Karatı Kağan ve dönürleri yaralı Közüye'yi öldürmek için saldırıya geçerler. Onların saldırısından değil, fakat aldığı zehirli ok yarasından Közüye ölür. Onu diriltmeyi başaramayan Bayan iki gün eşinin cesedinin başında ağlar. Üçüncü gün bıçağı kalbine saplayarak kendisini öldürür. İki ceset iki kayaya dönüşür.

MAPS

Map 1. Countries of Northerly Societies



Map 2. Altai Mountains and Northern Parts of Inner Asia



FIGURES

Figure 1. Alan-gho'a

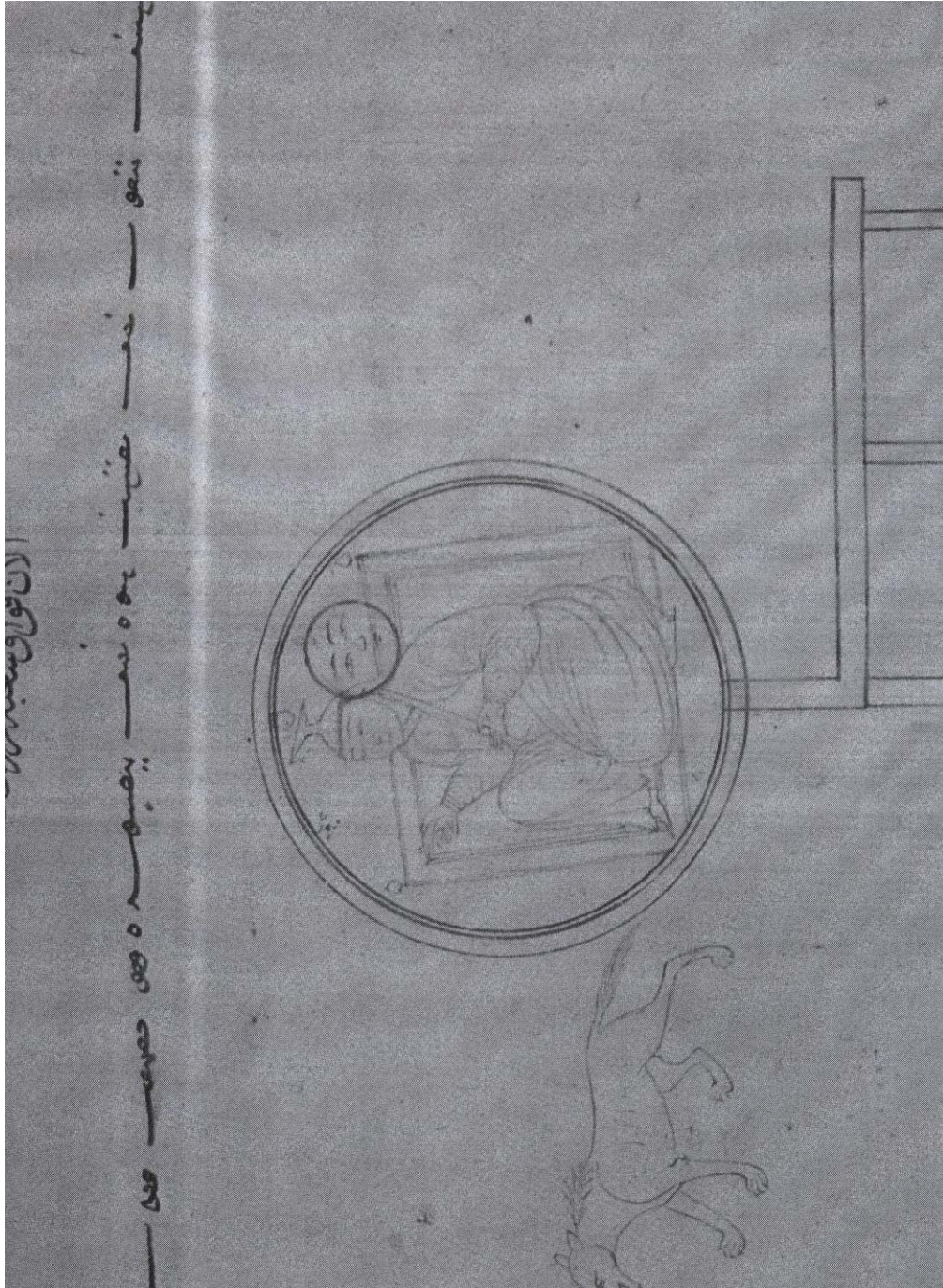


Figure 2. Khan and Khatun (Ilkhan)

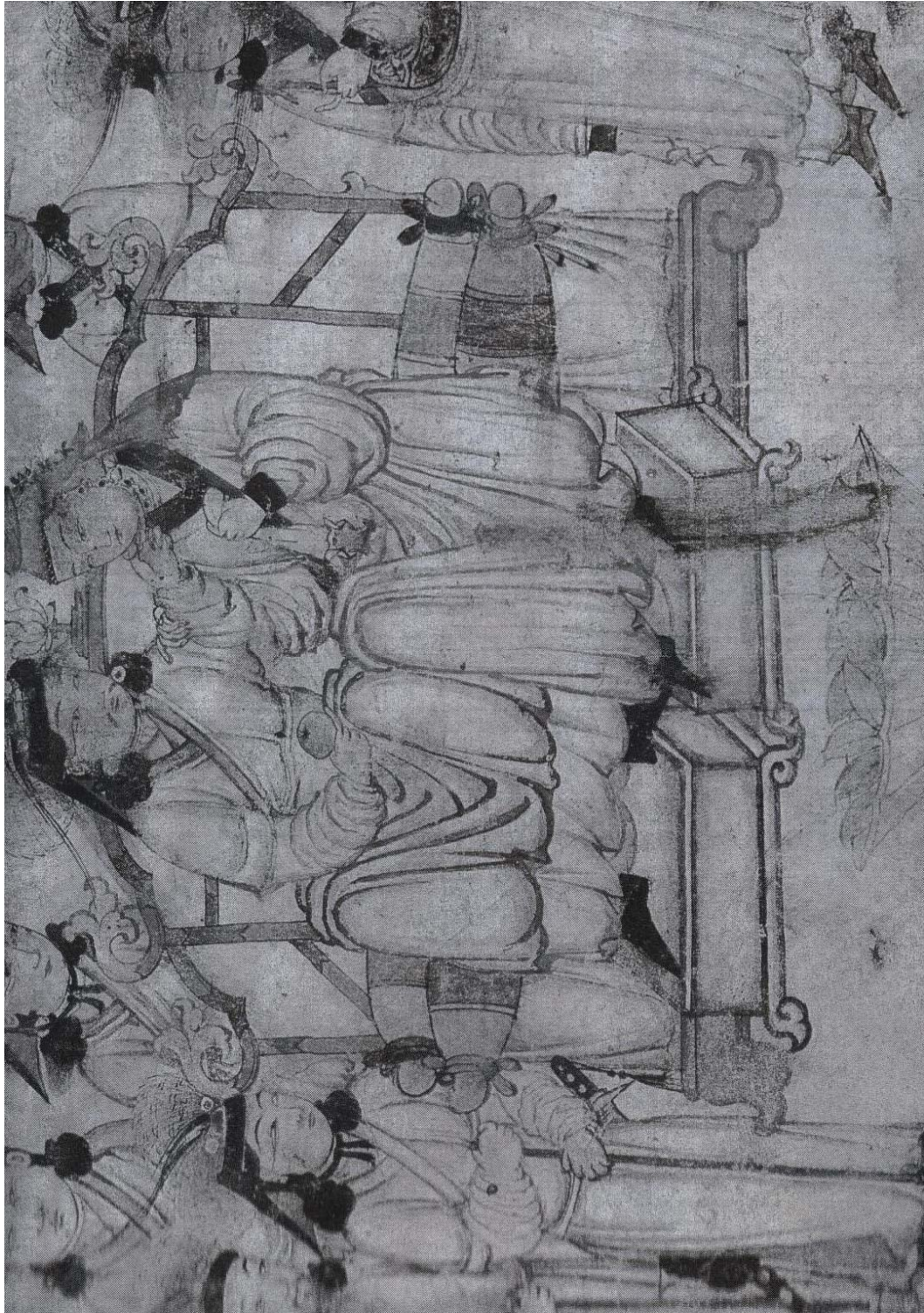


Figure 3. Khan and Khatun (Ilkhan)



ÖZET

ONÜÇÜNCÜ VE ONALTINCI YÜZYILLAR ARASINDA ORTA ASYA VE ANADOLUDA KADIN-ERKEK ROLLERİ VE KADINLARIN STATÜSÜ

Bu Çalışmada, çeşitli Türk ve Moğol Toplumlarında kadın-erkek rolleri ve Kadının statüsü yasa/töre ve şeriat uygulamaları açısından ve karşılaştırmalı olarak incelendi.

Orta Asya'da yaşayan Türk ve Moğol toplumları İslam Kültür ve medeniyeti etkisi altına girmeden önce töre ve Cengiz Han Yasasına göre yönetildi. Yasalar ve töreler toplumların ihtiyaçlarına göre şekillendiği için, sürekli olarak yeniden yapılandırıldı. Orta Asya'da yaşayan bu toplumlar ve kabileler birbirlerinden farklı siyasi sosyal ve ekonomik tecrübeler yaşadılar. Kuzey'de Sibirya'nın güney bölgelerinde yaşayan toplumlar Güney'in hareketli siyasi ve sosyal değişimlerinden uzakta, antik kültür ve medeniyetlerini koruyarak günümüze kadar gelmelerine rağmen, Güney bölgelerde, Çin ile komşu olan, bazı Türk toplumları daha milattan önceki yüzyıllardan başlayarak pek çok devlet ve imparatorluklar kurmuşlardır. Komşu yerleşik medeniyetlerle zaman zaman savaşmış, zaman zaman da ticaret yapmışlardır. Askeri hiyerarşik devlet yapısı, ticaret, savaşlar ve barışlar, tüm bunlar bu toplumların kendi antik eşitlikçi yapılarını terk etmelerine ve daha erkek egemen bir yapı oluşturmalarına sebep olmuştur. Daha öncede belirttiğimiz gibi, bu değişimler her bölgede ve her toplumda aynı olmamıştır. Dolayısı ile töreler de bu doğrultuda şekillenmiştir. Kuzey toplumları erkek egemen ve babasoylu toplumlar olmalarına rağmen, kadın ve erkek arasında büyük oranda eşitlik olduğu, tek eşliliğin yaygın olduğu ve kadınsı değerlere büyük önem verildiği gözlenmektedir. Buna karşın, Güney toplumlarının daha erkek egemen olduğu ve çok eşliliğin yaygın olduğu, erkeksi değerlerin kadınsı değerlerden üstün tutulduğu görülmektedir. Bu da göstermektedir ki İslam kültür ve medeniyeti altına girmeden önce, Orta asya

Türk ve Moğol toplumları siyasi, sosyal, ekonomik ve kültürel olarak birbirlerinden farklı idiler ve bu doğrultuda, kadın erkek rolleri ve kadının statüsü de büyük farklılıklar göstermekte idi.

İslam kültür ve medeniyeti etkisi altına girdikten sonra, ki bu yüzyılları bulan bir süreçtir, İslam öncesi gelenek ve göreneklerini muhafaza etmişler, iki medeniyet bazen çatışarak bazende sentez oluşturarak var olmuşlardır. Burada şeriat'ın oluşumu ve uygulanması konusunu anlamak önem kazanmaktadır. Öncelikle şeriat, özünü Kuran'dan almakla beraber, yeni kurulan İslam devlet ve imparatorluklarını ihtiyaçlarına göre düzenlenmiş bir kurallar bütünüdür. Çünkü Kuran genel olarak etik konulara değinmiştir. Şeriat kuralları yeni oluşan bu karmaşık toplumların ihtiyaçlarına göre şekillendirilmiştir. Bu yönü ile ataerkil özellikler taşır ancak, kadına belli hak ve özgürlükler getirmesi bakımından töreye nazaran kadınların daha çok lehine olmuştur.

Burada İlhanlı, Timur ve Osmanlı imparatorlukları incelendi. İlhanlılar, İslam dünyasına Müslüman olmadan ve büyük Moğol imparatorluğunun bir parçası olarak İslam dünyasına hüküm ettiler. İlhanlılar kendi egemenlik ve üstünlüklerinin sembolü olan yasa'yı şeriat'dan üstün tuttular ve kadın erkek ilişkilerini yasaya göre belirlediler. Bu sebeple, kadınlar hiyerarşik konumlarına göre, bazen köle bazen de effendi oldular.

Timur Müslüman ama Cengiz Han'ın varisi ve takipçisi olma iddiasıyla, yasa ve şeriat'ı yanyana ustalıkla kullanmayı başardı. Timurlu kadınlar eşine az rastlanacak büyük bir güç ve prestije sahip idiler. Bunun sebebi ne yasa idi ne de şeriat. Sebebi Timur devlet yapısında ailenin merkezi bir konumda olması idi.

Osmanlılar kendi farklı siyasi ve sosyal farklılıklarına paralel olarak, kadın erkek ilişkilerinde, töre'yi yani örf-i sultani'yi sisteme hakim kıldılar ve şeriat sultan'ın mutlak otoritesi altında yer aldı. Osmanlı sistemi cariyelerle evlilik sistemini getirerek ana soyunu devre dışı bırakmıştır. Bu kadınların pasif oldukları anlamına gelmemektedir. Hürrem Sulta'na kadar valide sultanlar daha sonra padişahların eşleri de siyaset ve toplum hayatında etkin roller oynamışlardır. Ama burada Osmanlı'yı farklı kılan, baba soyunun hakim olması, kadın ve erkeklerin bu kaynaktan meşruiyet ve güç almalarıdır.

Burada, hem İslam kültür ve medeniyetini kabul etmede önce hemde kabul ettikten sonra, toplumların farklı olmaya devam ettiklerini, ve kadın erkek ilişkilerinin ve kadının konumunun da büyük farklılıklar gösterdiğini ortaya koymaya çalıştım.

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1998-2003	High Schools	English Teacher
1996-1997	Detay (Economy Magazine)	Translator

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PUBLICATIONS

1. Dalkesen N. "15 ve 16. Yüzyıllarda Anadolu' nun Dini ve Kültürel Hayatındaki Etkileri; Kızılbaş Kimliğinin Oluşumu", *Kırk Budak; Anadolu Halk inançları Araştırmaları*, (1), 20-50 (Winter 2005).

HOBBIES

Photographing, Miniatures, Trekking, Walking, Traveling