

# ***Gender and Justice: A Quantitative Analysis of Women's Participation and Victory in Ottoman Courts***

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October 2021

For presentation at the SSHA Meetings in Philadelphia,  
November 11-14, 2021

**ABSTRACT:** We examine how gender affected justice in Ottoman courts. For a quantitative analysis of women's participation and victory in litigation, we use information from the registers of the Galata and Üsküdar courts in Istanbul and the provincial courts of Konya and Kütahya in the early nineteenth century. These courts varied significantly in client characteristics, case load and type, and administrative organization and importance. The results show that in seeking a resolution to disputes women used courts much less frequently than men. Regarding victory in litigation, a cursory comparison of the average win ratios shows that women were less likely than men to win at trial. The gender gap disappears, however, when we include evidence use (witness testimony, written documents, legal opinions) in the analysis. This indicates that women's disadvantage in litigation was due to a gap in their knowledge of trial rules and ability to take advantage of them. Our analysis shows how the results varied across regions and case-types.

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# ***Gender and Justice: A Quantitative Analysis of Women's Participation and Victory in Ottoman Courts***

A fundamental tenet of the recently growing field of women's legal history has been to demonstrate that women have been active participants in the legal process throughout history. Scholars have shown the variety of ways in which women have managed to defend their rights and protect their property, despite typically having an inferior legal status relative to men and facing systematic political and socioeconomic barriers in interacting with courts of law. Examples include women's interactions with courts of law in Britain during the period between 1300 and 1700 (Shepard and Stretton, 2019), advantages of the English legal system compared to the American colonies in the way women acted as plaintiffs and defendants during the seventeenth century (Moore, 2019), women's use of the court system in early modern France (Schneider, 2000), and various issues regarding women's legal history discussed from a global perspective (Batlan, 2012).

Historians of the Ottoman Empire have made significant contributions to the literature by extracting rich information regarding women's involvement in daily court proceedings, including litigations and business transactions, from the voluminous archival court registers (*sicil*), available from the sixteenth century onwards. In pioneering analysis of these registers, Jennings (1975) examined women's involvement in the court of Kayseri in the seventeenth century. He found that women participated in the court frequently by taking advantage of their guaranteed legal rights to initiate suits, take oaths, and defend themselves in litigation. They could own and inherit property, testify in court as witnesses, and enter legal contracts. Following Jennings' lead, scholars have

illustrated women's involvement in the courts of law of various other Ottoman towns and time periods.<sup>1</sup>

In this paper, we examine the role of gender in Ottoman justice in the central and provincial courts of law during the early nineteenth century. We use information from the registers of the Galata and Üsküdar courts in Istanbul and the provincial courts of Konya and Kütahya during the period between 1796 and 1844. These courts varied significantly in case load and type, client characteristics, and administrative organization and importance. Focusing on legal disputes, we examine women's participation in courts to seek resolution and analyze the factors affecting their tendency to reach a settlement without litigation and their chances of winning at trial.

Our analysis is guided by four objectives. First, we adopt a new analytical approach to examine not just women's participation in legal disputes, but their chances of settling and winning in courts of law. This approach allows us to address systematically the questions of not just whether and why women went to courts of law, but which factors affected their decisions to settle disputes without trial and which factors contributed to the likelihood of victory at trial. Second, we study women's involvement in legal disputes not in isolation but in relation to the gender of the other litigants. Identifying the gender of the plaintiff and the defendant in each dispute, we examine how women's chances of settling and winning legal disputes in courts of law varied according to the gender of the opposing party. Third, we show how women's legal status differed between the central and the provincial courts of law. Comparing the results of our regression analyses across the four courts, we observe how women's participation and rates of success in courts differed between the courts in the capital of the Empire (Galata and Üsküdar in Istanbul) and the provinces (Konya and Kütahya). Finally, we show how women's status in litigation depended on the type of disputes. Specifically, we group legal disputes into three broad categories by distinguishing among the

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<sup>1</sup> See, for example, Coşgel and Ergene (2016), Gerber (1980), Marcus (1983), Özer (2020), Peirce (2003), Tucker (1985), and contributions to Sonbol (1996, 2005) and Zilfi (1997).

criminal, civil commercial, civil non-commercial types. We examine how the factors affecting the rates of settlement and success in litigation varied across these types.

The results show that in seeking a resolution to disputes women used courts much less frequently than men. The plaintiff was a woman in less than a quarter of the 2,524 disputes constituting our dataset. Once the disputes reached the court, by contrast, the tendency of men and women to settle their disputes without formal trial differed in a limited manner, only in certain courts and case-types. Although the settlement ratio was systematically higher in the central courts than the provincial courts and likewise higher in criminal cases than civil cases, the differences were not as pronounced and systematic across gender combinations of disputants as they were across courts and case-types. These results indicate that gender did not play a major role in the settlement of legal disputes that were brought to court for resolution.

Regarding victory in litigation, our results show the importance of the ability to present evidence (witness testimony, written documents, legal opinions) as having a negative impact on women's chances of success at trial. A cursory comparison of the average win ratios shows that women were less likely than men to win at trial, an observation that holds in preliminary results of regression analysis that includes only the gender combinations of litigants as explanatory variables. The gender gap disappears, however, when we expand the analysis by including variables regarding the evidence presented in court. This finding indicates that the disadvantage that women seemingly had in trial outcomes was due to their inferior legal capability, a gap in their knowledge of trial rules and tools and in their ability to take advantage of them.

Our results are closely related to the literature on women's history based on Ottoman sharia court records (Agmon, 2004). We advance this literature by providing a systematic analysis of women's involvement in four different courts of law in the early nineteenth century. Going beyond observing women's participation in certain interesting legal disputes in isolation, we use data from a vast number of disputes to examine the role of gender in the likelihood of settling disputes rather

than going to trial and to determine the factors affecting women's chances of winning at trial against men and other women. In addition, we show how the results varied between the central and provincial courts and across the types of disputes. Although researchers have previously studied women's legal status in numerous Ottoman towns and case-types, comparability of results require controlling for various other factors that may have contributed to discrepancies. By incorporating four different courts into one study and categorizing case-types systematically, we are better able to control for confounding factors in isolating differences of interest.

Our analysis is also related to the growing general literature on women's legal history. We contribute to this literature various insights regarding the legal status of women in an Islamic society. Our results provide concrete quantitative evidence regarding women's participation in Ottoman sharia courts and the factors affecting their rates of settling disputes and winning trials in court. Our findings regarding how the gender gap in legal capability affected trial outcomes indicate a new avenue of research to scholars interested in investigating women's chances of success in litigation. Moreover, our approach provides a new analytical framework that can be applied to quantitative analysis of the relationship between gender and the rates of participation, settlement, and victory in courts of law in other societies and time periods in history.

Finally, our results contribute to the broad historical literature on the Ottoman Empire and Islamic societies by highlighting the economic and social roots of the gender gap in justice.<sup>2</sup> Our key results indicate that the overall gender gap in victory at trial can be explained by the lower legal capability of women in presenting their cases at trial, and that this explanation applies more to women's legal status in the provincial courts than in the capital. These findings raise important questions regarding why women were less capable of bringing evidence to the court and what other socio-economic outcomes than legal capability were affected by this differential, especially in

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<sup>2</sup> For general economic and social history of the Ottoman Empire and Turkey, see Pamuk (2018) and contributions to Inalcik and Quataert (1994).

the provinces. Since a satisfactory analysis of these questions require sources of information beyond court registers, we leave them to other researchers for further analysis.

## The Relevant Literature

As a necessary first step in the study of women's legal position in Ottoman society, early contributions to the literature focused on documenting women's active participation in courts of law. A major motivation for these studies was to challenge misleading beliefs shared by many Orientalists (Said, 1978) regarding women's position in the history of Islamic societies. To examine these beliefs, scholars used archival information regarding women's legal involvement available from the voluminous court registers of the Ottoman Empire. Contrary to popular beliefs that women were secluded from public life and deprived of legal rights, these studies found that women were active participants in public courts of law and regularly defended their rights and property. In a pathbreaking contribution to the literature, Jennings (1975) examined the court registers of the town of Kayseri in the seventeenth century and observed numerous incidents of women's presence in the court as transactors, witnesses, and litigants. Gerber (1980) similarly studied the court registers of Bursa, a larger commercial center, in the same century, and found consistent evidence of women's frequent involvement in courts of law, such as to record transactions, inherit property, and plead their case in litigation. In other well-known early contributions to the literature for other regions and time periods, Marcus (1983) and Tucker (1985) studied women's involvement in the courts of Aleppo and Egypt in the eighteenth and nineteenth centuries.<sup>3</sup>

Once the early studies generally concluded that women actively participated in Ottoman courts, scholars turned their attention to various other important questions regarding the

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<sup>3</sup> For further references and a review of this literature, see Agmon (2004).

relationship between gender and justice and the obstacles women faced while presenting their cases in court. For example, using court registers for information, contributors to the volumes edited by Sonbol (1996, 2006) and Zilfi (1997) studied a variety of legal phenomena experienced daily by Ottoman women throughout the empire over the centuries, such as marriage and divorce, inheritance and property disputes, violence and domestic abuse, and norms of morality and social boundaries. In deeper analyses of some of these issues, Tucker (1998, 2008) analyzed court registers along with the Islamic law and legal opinions of jurists (mufti) for a gender-centered approach to study the Islamic law in Ottoman Syria and Palestine and to engage some of the most important questions in Islamic legal historiography, such as the interactions of the law with legal opinion and local practices in the implementation of recognized discriminations. In another influential contribution, Peirce (2003) studied law and gender in the Ottoman town of Antep by drawing on a single volume of court registers in 1540-41 to develop a novel micro-historical approach that emphasized the benefits of in-depth scrutiny of particular moments and the uniqueness of cases chosen for study rather than their typicality. These studies advanced the literature on gender and justice by developing novel methods of analysis and using the information from court registers to tackle challenging new questions.

Parallel significant developments took place in the literature on women's legal status in other regions of the world, especially in western Europe. Feminist legal theorists and liberal historians have long sought to identify and correct for gender inequalities and subordination in substantive law, such as in the differences between men and women in the right to vote, divorce, own property, and choose occupation.<sup>4</sup> Given the important historical implications of such discriminations, scholars have examined court registers to determine the extent of women's participation in courts, the strategies they used to present their cases, and the factors affecting their chances of success in litigation. In a recent special issue of the *Journal of British Studies*, for example,

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<sup>4</sup> See, for example, Conaghan (2013) and Bartlett and Kennedy (1991).

historians have discussed women's involvement in courts of law in Britain between the later Middle Ages and the eighteenth century.<sup>5</sup> Studying women as litigants and witnesses in various jurisdictions, they have shown examples of how women negotiated the legal system within the constraints of the law, local customs, and broader socio-economic considerations. In the same vein, for a comparative analysis of women's legal position in England and the American colonies, Moore (2019) has used the historical legal record to examine how the differences in legal culture shaped the strategies that women used to engage with the law in disputes during the seventeenth and eighteenth centuries. Other studies of women's experience in courts of law include Hardwicks' (1997) and Schneider's (2000) analyses of female litigants in civil disputes in early modern France and the contributions to an edited volume by Batlan (2012) based on a conference that provided various examples of women's involvement in courts of law over time and space from a global perspective.

Some of the recent studies show that women's disadvantage in court was not universal for all types of cases and legal environments. Contrary to the historically observed gender gap favoring men in civil litigations, the gap could be reversed in criminal cases. Starr (2015), for example, has recently found significant gender disparities in contemporary federal criminal cases in the United States, gaps favoring women throughout all stages, including arrest, conviction, and sentencing. With a historical focus, Bindler and Hjalmarsson (2020) have similarly found a persistent gender gap favoring females in jury convictions and judges' sentences in London trials during the period between 1715–1900. These studies indicate that the relationship between gender and justice may be complex and context-dependent and that it is important to examine case types separately.

In a recent development in the literature based on Ottoman court registers, Kuran and Lustig (2012) and Coşgel and Ergene (2016) applied economic theory and quantitative tools to the

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<sup>5</sup> See Shepard and Stretton (2019) for a review of the contributions to the special issue and references to the broader literature.



analysis of legal disputes. Although these studies have not focused on the relationship between gender and justice, their approach provides the framework for a systematic analysis of women's involvement in legal disputes in Ottoman courts. Using information from the Galata court in Istanbul in the seventeenth century, Kuran and Lustig (2012) used insights from the law and economics literature to study in the Ottoman context some of the institutionalized biases typically inherent in all courts, with the objective of determining how the religion of litigants affected the likelihood of victory at trial. With a focus on the court of Kastamonu, a typical mid-sized Ottoman town in Anatolia, Coşgel and Ergene (2016) likewise introduced new insights from the economics of the law literature and used quantitative tools to analyze the relationship between litigant characteristics, including gender, and court outcomes. Their results show that women were more likely than men to settle their legal disputes in Kastamonu and that gender played a nuanced role in the trial outcomes of certain types of disputes. Despite differences in context, these studies provide the basic framework for our analysis of how women differed from men in settling disputes and winning at trial, what other factors affected these differences, and how the influence of gender in litigations differed across case-types and between the central and provincial courts.

## The Data: Four Courts and Their Registers

For a quantitative analysis of the association between gender and justice, we use information from the registers of four different Ottoman courts of law during the early nineteenth century. Court registers typically consist of various types of documents prepared by local officials as well as those received from the imperial authorities in Istanbul or the provinces. The local documents include summary accounts of all disputes brought to court, copies of contracts, probate estate inventories, and records related to suretyship (*kefalet*), spousal support after divorce (*nafaka*), and guardianship (*vesayet*). Economic historians have used these registers for a variety of purposes, such as to learn about the application of laws and legal procedures, to gather information regarding

the socio-economic status of individuals and groups, to estimate the inequality of wealth, and to examine patterns in the resolution of disputes.<sup>6</sup>

We examine the registers of four different Ottoman courts to account for systematic variations in the characteristics of population and the legal and socio-economic environment. Specifically, we examine the registers of the Galata and Üsküdar courts in Istanbul and the Konya and Kütahya courts in the Anatolian provinces during the period between 1796 and 1844. We chose these courts because they represent the diversity within and across the central and provincial courts, as detailed below. We chose the years between 1796 and 1844 because of the continuous availability of the registers of our courts for most of this period. In addition, the period covers a sufficiently long span before the full implementation of the *Tanzimat* era legal reforms that altered the overall court system and legal procedures in the Empire.

**Figure 1:** The Locations of Galata, Üsküdar, Konya, and Kütahya



<sup>6</sup> For reviews of this literature, see Agmon (2004), Coşgel and Ergene (2016: Chapter 1), Ghazzal (1996), and Ze'evi (1998).

Figure 1 shows the locations of the courts of Galata, Üsküdar, Konya and Kütahya in the Ottoman Empire. Whereas Galata and Üsküdar were neighborhoods in Istanbul, Konya and Kütahya were provincial towns in Anatolia. For reference, the map includes the frontier of the Empire in the year 1800 as well as the borders of today's countries.

The neighborhoods of Galata and Üsküdar housed two of the four courts of law in Istanbul, the capital city of the Ottoman Empire with an estimated population of about 500,000 at the beginning of the 19th century.<sup>7</sup> Located on the northern side of the Golden Horn and the European side of the Bosphorus, the Galata neighborhood contained a major port and gradually grew in economic importance as a commercial center with the expansion of international trade during the nineteenth century. During this period, a high fraction of its population consisted of foreigners and non-Muslim Ottomans, who were likely engaged in trade and finance.<sup>8</sup>

The Üsküdar neighborhood was located on the Asian side of the Bosphorus in Istanbul, densely populated with Muslims. Since the roads leading to Anatolia began there, Üsküdar too was an important center for commercial activities, though less so than Galata. The expansion of international trade in the nineteenth century affected the neighborhood's economy as well, causing a gradual shift from agriculture to trade. Population records show that a large proportion of the population in Üsküdar was engaged in trade and shipping, or worked in the textile industry, while a very small number was engaged in agriculture and stockbreeding during this period (Bostan, 2012: 367).

With the arrival of the Turks in Anatolia, Konya became a major political center and was included in the territories of the Ottoman State in 1397. It was one of Anatolia's larger cities, with

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<sup>7</sup> The other two courts were in the Eyüp and Istanbul Surici neighborhoods.

<sup>8</sup> According to Eldem (1992:59, the results of a census conducted towards the end of the 19th century show that 21.8% of the neighborhood's population were Muslims, 32% non-Muslims, and 47% foreigners.

an estimated population of about 28,000 in 1841 (Baykara, 2002: 185-87). Thanks to its size and strategic location, it had been an important political and commercial center to surrounding regions in many states and civilizations throughout history, known as Iconium during classical antiquity. Konya was also important for long distance trade, given its central location in the Anatolian road networks that provided transportation to cities such as Istanbul, Bursa, Adana, Kayseri, Aleppo, Damascus and Egypt. Culturally, it has been famous worldwide as the final resting place of Rumi (Mevlana), a Persian poet and mystic, whose followers established the Mevlevi Sufi order of Islam known popularly as the ‘Whirling Dervishes’.

Kütahya, like Konya, was also an important commercial center, but with a significantly smaller estimated population of about 18,500 in the 1840s (Varlık, 2002: 582). Kütahya has been famous for its long tradition of pottery, going back to the Phrygian period, with tiles and ceramics used in households throughout history and found in museums worldwide. Given Kütahya’s location at a major road junction in Anatolia, it has enjoyed intense commercial activity with Bursa, the old capital of the Ottoman Empire and the second largest city in Anatolia at the beginning of the nineteenth century. Goods coming from the interior and the Aegean coast were taken to Bursa via Kütahya.

We use the information from the court registers of Galata, Üsküdar, Konya, and Kütahya to build a dataset of legal disputes. The dataset includes all of the disputes found in the registers of Konya and Kütahya. For Galata and Üsküdar, we included a smaller subset (about 10%) of the available disputes, because of the enormous number of disputes brought to these courts in the imperial capital. To select the disputes for inclusion in the dataset, we conducted clustered sampling of the Galata and Üsküdar registers at 10 year intervals. Specifically, among all of the legal disputes available in the Galata court registers, we entered in our dataset all of those recorded in the years 1830 and 1840, and those recorded in the first 10 folios in the years 1800, 1810, and 1820. Likewise, among the legal disputes available in the Üsküdar registers, we included all of those

recorded in the years 1810 and 1820, and those recorded in the first 20 folios of the year 1800. Our sample for the Üsküdar court is smaller because the registers were not available for the years between 1825 and 1840.<sup>9</sup>

Our original dataset consisted of 3,170 legal disputes recorded in 38 registers of these courts. 1,071 of these observations came from the Galata court, 814 from Üsküdar, 765 from Konya, and 521 from Kütahya. A significant fraction of these disputes, however, involved parties for whom gender was not well-defined. This was true, for example, for neighborhoods, entire families, the state or its agents, or other corporate bodies like guilds and charitable foundations. Given our focus on gender, we dropped from the dataset all such disputes for whom gender could not be defined. and kept only those between two single individuals as disputants.

**Table 1. Legal Disputes between Individuals**

	<b>Number of Registers</b>	<b>Begin Year</b>	<b>End Year</b>	<b>Number of Trials</b>	<b>Number of Settlements</b>	<b>Total Records</b>
<b>Galata</b>	5	1800	1840	689	296	985
<b>Üsküdar</b>	4	1800	1820	484	221	705
<b>Konya</b>	12	1796	1844	415	54	469
<b>Kütahya</b>	17	1800	1842	305	60	365
<b>Total</b>	38			1,893	631	2,524

The final dataset consists of 2,524 legal disputes between *two individuals*, for whom gender could be determined. Table 1 shows the coverage dates of the registers used for the dataset and the breakdown of the disputes by settlements and trials across the four courts. As we detail below,

<sup>9</sup> Our dataset includes legal disputes recorded in the following court registers (Şer'iyeye Sicilleri) in Ottoman archives. Galata court registers numbered 552, 594, 633, 672, 702; Konya court registers numbered 67-74, 74 / F-4, 76, 83, 102; Kütahya court registers numbered 6-22; and Üsküdar court registers numbered 551, 571-2, 589. Portions of some of these registers can be found in transcribed form in the following publications: Demirkol (2016: 78-595), Kahveci (2014: 38-279), Şahin (2013: 91-299), Bildik (2010: 90-356), Dumluoğlu (2010: 30-318), Üçdemir (2010: 22-264), Yıldız (2010: 12-219), Özger (2007: 58-118), Karaca (2007: 21-205), Kutluğ (2006: 22-151), Ünlü (2005: 80-526).

about a quarter of all disputes in the dataset were settled in court and the remaining three-quarters were decided at formal trial.

In what follows, we will first examine the distribution of disputes by gender, based on women's roles as plaintiffs or defendants against men or other women. In subsequent sections, we will use regression analysis to examine factors affecting women's rates of settling disputes versus going to trial and factors affecting their rates victory in litigation.

## Gender and Disputes

For a simple description of women's involvement in legal disputes, we examine the distribution of parties by gender in relation to those with whom they interacted in court. For each dispute between two individuals, we determine the gender of the two parties and whether they were the plaintiff or the defendant. Determining the specific roles of the parties in a dispute is straightforward because the court registers always recorded the name of the plaintiff as the person making the accusation and the name of the defendant facing them in court. Although the court registers did not explicitly record the gender of the parties, we are able to make this determination indirectly from their names.

**Table 2: Gender Combinations of Disputants**

	<b>Galata</b>	<b>Üsküdar</b>	<b>Konya</b>	<b>Kütahya</b>	<b>Total</b>
Man vs. Man	718	490	292	255	1,755
Man vs. Woman	51	55	52	30	188
Woman vs. Man	162	108	115	72	457
Woman vs. Woman	54	52	10	8	124
Total	985	705	469	365	2,524

Table 2 shows the gender distribution of the parties in our courts. As seen in the table, the majority of legal disputes brought to court were between two men ("Man vs. Man"), constituting

about 70 percent of all cases. This proportion varied somewhat across courts, from about 62 percent in Konya to about 73 percent in Galata.

Women were involved as individual litigants in the remaining 30 percent of all cases. Most of these disputes, about a quarter of all cases, were between men and women, rather than between two women. In disputes involving a man and a woman, more than twice as many of such cases were brought by women as plaintiffs against men (18% of all cases) than the other way around (7%). There were only 124 cases brought by women against other women, the smallest fraction (5%) of all cases.

The distribution of these cases by the gender combinations of disputant shows interesting patterns and systematic differences between the central and provincial courts. The proportions of cases involving two men were somewhat higher in the central courts (70-73 %) than in the provincial courts (62-70%). In contrast, the proportion of cases between a man as plaintiff against a woman was lower in the central courts (5-8%) than in the provincial courts (8-11 %). Furthermore, in disputes involving women as plaintiffs, the proportions brought against men were significantly higher in the provincial courts (20-25 %) than in the central courts (15-16%). By the same token, the proportion of cases between two women was significantly higher in the central courts (5-7 %) than in the provincial courts (2%).

Based on the systematic differences observed between the central and provincial courts, we will analyze them separately. Of course, the Galata and Üsküdar courts in Istanbul were different in clientele and the types and volume of cases, as were the provincial courts of Konya and Kütahya. Given our focus on gender, however, the differences between the central and provincial courts are clearly more relevant than those within them. We will therefore combine the data for the central and provincial courts to constitute two separate samples for comparison in regression analysis.

Table 3 shows the gender distribution of the parties by case-type. Although the original registers did not group disputes by type, we are able to categorize them based on the basic reason

given for the dispute in its recorded description. For a simple classification suitable for our analysis, we divide legal disputes brought to our courts into three broad categories, namely criminal, civil commercial, and civil non-commercial disputes. Criminal disputes consisted of various types of felony, such as rape, banditry, and murder; and various misdemeanors, such as theft, simple assault, and verbal insults and swearing. Commercial disputes could arise from numerous disagreements concerning loans, partnerships, production, and exchange. Examples included non-payment of debt, misreporting of profits, breach of contract, and delayed delivery or faulty quantity or quality of goods and services. Civil non-commercial is a catch-all category that consist of all types of non-criminal and non-commercial disputes. It includes legal disputes related to family matters (e.g., marriage, children, divorce), inheritance division, and property disagreements.

**Table 3: Gender and Disputes by Case-type**

	<b>Criminal</b>	<b>Commercial</b>	<b>Civil non-commercial</b>	<b>Total</b>
Man vs. Man	133	1,193	429	1,755
Man vs. Woman	12	81	95	188
Woman vs. Man	38	171	248	457
Woman vs. Woman	21	76	27	124
Total	204	1,521	799	2,524

Women's involvement in legal disputes varied significantly across case-types, as seen in Table 3. Civil commercial disputes were clearly dominated by men, as such disputes between two men constituted over three-quarters of the total. In commercial disputes between a man and a woman, the proportion of those with women as plaintiffs (11%) was more than twice that of men as plaintiffs (5%). There were 76 civil commercial disputes between two women, constituting about 5 percent of all such cases.

In criminal disputes too, those between two men were the dominant category, constituting about two-thirds of all such disputes. Interestingly, women were involved in disputes against men



significantly more as plaintiffs (19%) than as defendants (6%). Criminal disputes between two women constituted a somewhat high proportion, about 10 percent of total.

Women's involvement was the highest in the category of civil non-commercial disputes. Whereas the 429 non-commercial disputes between two men constituted the highest category (54%), the 248 disputes between women as plaintiffs against men were also significantly high, about 31 percent of all such cases. Civil non-commercial disputes between two women were infrequent, only 3 percent of total.

## Settlement or Trial

In this section we turn to the question of how gender affected the parties' decision to settle their legal disputes rather than pursue them in formal trial. Since it typically costs significantly more to go through a trial than to negotiate a settlement, most legal systems encourage parties to settle their disputes before trial.<sup>10</sup> Consistent with this principle, the first course of action for Ottoman judges was to facilitate a settlement between the parties before presiding over a formal trial. When a dispute was brought to court, they would initiate a settlement, either personally or by assigning intermediaries, by seeking to find a mutually acceptable resolution, such as in the form of the defendant agreeing to making a transfer payment or non-monetary action requested by the plaintiff.

For a quantitative analysis of the association between gender and the settlement of legal disputes, we use information from the archival records of the courts of Galata, Üsküdar, Konya, and Kütahya during the period between 1796 and 1844, as detailed in Table 1. Ottoman court registers provide the same type of information about settled and tried disputes. This information includes

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<sup>10</sup> According to empirical studies of settlement behavior in modern courts, only a small fraction of disputes are likely to wind up at trial. (Spier, 2007: 268; Kessler and Rubinfeld, 2007: 381–83). In the U.S., for example, about 2 percent of civil cases filed in federal courts go to trial, and less than 4 percent of those filed in state courts go to trial (Spier, 2007: 268).

the identities of disputants, a brief description of the dispute, the evidence presented in court, and the resolution. Consisting of abbreviated descriptions of the court proceedings, the records typically begin by identifying the parties through their full names and other distinguishing characteristics and describe the nature of the dispute, often through direct quotations from the disputants regarding accusations and responses. Depending on the resolution, the records show the terms of the settlement, or the judge's decision if the case winds up at trial.

Although the presence of information regarding both settlements and trials makes court registers a suitable source to examine the factors behind settlement decisions in court, the results obviously cannot be easily generalized to settlements that were never brought to court. Since settlements, unlike litigations, did not have to be registered in court to be legally binding, the disputes that ended up in court were selected systematically (Coşgel and Ergene, 2014). Unfortunately, we are unable to directly address the selection bias in our analysis of settlement-trial decisions in the courts of Galata, Üsküdar, Konya, and Kütahya, because we lack specific external information regarding women's involvement in the social and economic life of these locations. Absent this information, we take note of the selection bias in our data and urge caution in generalizing our conclusions regarding the overall settlement of legal disputes in Ottoman societies.

**Table 4: Gender and the Settlement Ratio by Courts and Case-types**

**(Average Settlement Ratio)**

<b>Variable</b>	<b>Whole Sample</b>	<b>Central courts</b>	<b>Provincial courts</b>	<b>Criminal</b>	<b>Civil commercial</b>	<b>Civil non-commercial</b>
Man vs. Man	0.26	0.31	0.14	0.44	0.27	0.15
Man vs. Woman	0.23	0.33	0.11	0.33	0.32	0.15
Woman vs. Man	0.21	0.25	0.15	0.40	0.22	0.18
Woman vs. Woman	0.35	0.38	0.17	0.38	0.37	0.26
<b>All</b>						

Table 4 shows how the average settlement ratios of different gender combinations of disputants varied between the central and provincial courts and across the three types of cases. As detailed in the previous section, we have lumped together the data from the courts of Galata and Üsküdar into a single category as representing the central courts, and we likewise lumped together the Konya, and Kütahya data as representative of provincial courts. In addition to providing brevity in presentation, this will allow us to overlook possible differences within the central and provincial courts for now and instead focus on broader differences between them. In regression analysis, we will include court fixed effects to control for differences at this level.

There were interesting systematic variations in the settlement ratio between the central and provincial courts and across the three types of cases. Across all gender combinations of disputants, the settlement ratio was significantly higher in the central courts than the provincial courts. Likewise, in all gender combinations, the ratio was the highest in criminal cases and generally lower in civil non-commercial cases than others.

The differences were not as pronounced and systematic across gender combinations of disputants as they were across courts and case-types. Although the overall average settlement ratio was the highest in disputes between two women, the gap between this and other combination of disputants was higher in central courts than provincial courts and in civil cases than criminal cases. Likewise, in cases involving a man and a woman, when women were the defendants the settlement ratio was the lowest in provincial courts and in criminal cases. When women were the plaintiffs, by contrast, the settlement ratio was lower in central courts and in civil commercial cases.

Given the seemingly nuanced association observed between gender and settlement ratios, we run regression analysis to control for other variables and tease out the signs and significance levels of the coefficients of differences across gender combinations of disputants. The dependent variable in this analysis is a binary variable that takes on the value of 1 if the dispute was settled without formal trial, 0 otherwise. The key independent variables of interest are the four gender

combinations of disputants, as examined above. To avoid multicollinearity, we drop the “Man vs. Man” type as the reference category, so that the coefficients of all other gender combinations show the difference from disputes between two men.

To see how the association between gender and settlement varied across courts and case-types, we run the regression analysis separately for the central and provincial courts and for the criminal, civil commercial, and civil non-commercial case-types. We include year fixed effects in all regressions to control for annual changes in factors affecting settlements in courts. In addition, we include court fixed effects to control for differences between the Galata and Üsküdar courts in Istanbul and between the Konya and Kütahya courts in the provinces.

**Table 5: Gender and the Settlement of Disputes**

VARIABLES	(1)	(2)	(3)	(4)	(5)	(6)
	CENTRAL COURTS			PROVINCIAL COURTS		
	Criminal	Civil commercial	Civil non-commercial	Criminal	Civil commercial	Civil non-commercial
Man vs. Woman	-0.042 (0.220)	0.080 (0.062)	-0.116 (0.084)	-0.375** (0.178)	-0.038 (0.126)	-0.028 (0.049)
Woman vs. Man	0.080 (0.105)	-0.052 (0.041)	-0.119* (0.062)	-0.167 (0.195)	-0.001 (0.067)	0.037 (0.038)
Woman vs. Woman	-0.128 (0.146)	0.083 (0.059)	0.004 (0.126)	-0.410 (0.273)	-0.038 (0.052)	0.078 (0.138)
Observations	135	1,292	263	69	229	536
R-squared	0.155	0.014	0.081	0.347	0.250	0.080

Notes: The dependent variable is a binary variable that equals 1 if the case is settled and 0 if it goes to trial. All columns include year fixed effects and court fixed effects. Robust standard errors in parentheses  
 \*\*\* p<0.01, \*\* p<0.05, \* p<0.1

The results of regression analysis reported in Table 5 show the effect of gender on settlement decisions. We report the results separately for different types of courts and cases, for reasons discussed above. Two coefficients stand out as indicative of the nuanced association between gender and settlement in cases involving a man and a woman. The coefficient of “Man vs. Woman” is negative and significant in criminal cases in provincial courts, indicating that in such

cases the likelihood of settlement was 37.5 percent smaller when women were defendants. When women were plaintiffs against men, by contrast, the likelihood of settlement was significantly lower in another context, specifically by 11.9 percent in civil non-commercial cases in central courts. The results clearly show the complex, situation-dependent tendency of Ottoman women to settle their disputes in court rather than display a uniform (e.g., culture or tradition-determined) attitude in all courts and case-types.

## Gender and Victory at Trial

We now focus on disputes that wound up at trial and use the information from the court registers to examine the effect of gender on victory. Quantitative analysis of the factors affecting the trial outcome typically use the plaintiff's victory as the dependent variable. Following this procedure, we report in Table 6 how the average plaintiff win ratios of different gender combinations of disputants varied between the central and provincial courts and across the three types of cases.

**Table 6: Gender and Victory at Trial**  
(Average Plaintiff Win Ratio)

	<b>All courts</b>	<b>Central courts</b>	<b>Provincial courts</b>	<b>Criminal</b>	<b>Civil commercial</b>	<b>Civil non-commercial</b>
Man vs. Man	0.53	0.59	0.42	0.35	0.57	0.46
Man vs. Woman	0.51	0.62	0.40	0.38	0.62	0.44
Woman vs. Man	0.47	0.58	0.34	0.22	0.49	0.49
Woman vs. Woman	0.43	0.46	0.33	0.31	0.54	0.25

These figures seem to show a striking disadvantage that women may have had compared to men as plaintiffs in Ottoman courts. The average win ratios in the first two rows, corresponding to trials in which men were the plaintiffs, are higher than the bottom two rows, in which women were

the plaintiffs, in all but the last columns. The only exception to women's disadvantage as plaintiffs seems to be the slightly higher average win ratio in the civil non-commercial cases against men as defendants. Based on this preliminary comparison, one might be inclined to reach a cursory conclusion that women did not do as well as men as plaintiffs in Ottoman courts.

It may be very misleading, of course, to reach such a conclusion based merely on a simple comparison of average win ratios. The observed averages could be affected by various other factors, some of which possibly correlated with both the gender of litigants and the trial outcomes, causing a bias in observed averages. This could be the case, for example, if women were less capable of presenting evidence in court than men, and such evidence, when presented, significantly increased a litigant's chances of winning. The omission of this information from the analysis would obviously put a downward bias to women's chances of winning at trial, something that should properly be attributed to differences in evidence use rather than gender in the abstract. To avoid a biased interpretation of the relationship between gender and plaintiff win ratios, we need to explore this possibility, first by examining the importance of evidence in litigation.

Previous studies have found that the evidence presented at trial had a significant influence on the parties' chances of victory in Ottoman courts (Coşgel and Ergene, 2016). The main forms of evidence presented in Ottoman courts consisted of oral testimony, written documents, and legal opinions (*fetva*). The registers carefully recorded information regarding not just the identities of litigants and the nature of the dispute but also the supporting evidence submitted to court, if any, such as the full names and testimonies of the witnesses, written agreements or other documents, and details regarding the favorable legal opinions provided by jurisprudents (*müfti*).

We use the evidentiary information from court registers to generate several additional variables for inclusion in our analysis. Specifically, we generate six binary variables that mark whether the plaintiff or the defendant presented any witnesses, documents, or legal opinions, as

seen in Table 7. The variable “Witness, plaintiff,” for example, equals one if the plaintiff presented any witnesses, 0 otherwise.

**Table 7: Gender, Evidence, and Victory at Trial**

VARIABLES	(1) Whole sample	(2) Whole sample	(3) Whole sample
Man vs. Woman	-0.021 (0.044)	-0.011 (0.045)	-0.025 (0.035)
Woman vs. Man	-0.054*	-0.070**	-0.013
Woman vs. Woman	-0.096* (0.057)	-0.102* (0.057)	-0.069 (0.052)
Witness, plaintiff			0.503*** (0.020)
Witness, defendant			-0.422***
Document, plaintiff			0.292*** (0.047)
Document, defendant			-0.161***
Legal opinion, plaintiff			0.244*** (0.077)
Legal opinion, defendant			-0.291*** (0.039)
Observations	1,893	1,893	1,893
R-squared	0.003	0.083	0.363
Year FE		x	x
Case-type FE		x	x
Court FE		x	x

Notes: The dependent variable is a binary variable that equals 1 if the plaintiff wins the trial, 0 otherwise. Robust standard errors in parentheses. \*\*\* p<0.01, \*\* p<0.05, \* p<0.1

Table 7 shows the results of regression analysis of the relationship between gender and victory at trial. We run the analysis for the whole sample here for the simple objective of examining the sensitivity of results to the inclusion of evidentiary variables and other controls. We will consider the variation in results across courts and case-types in more detail below (Table 8). The

dependent variable in this analysis is a binary variable that equals one if the plaintiff wins at trial, 0 otherwise. Our key variables of interest are the various gender combinations of litigants. We drop the “Man vs. Man” from analysis to avoid multicollinearity, so the coefficients of other gender combinations show the difference from this omitted reference category. In addition to evidentiary variables, three types of fixed effects are included in the analysis, namely the year of litigation, case-type, and the specific court venue.

The first two columns of Table 7 seem to reinforce the cursory observations made above, in relation to Table 6, based on simple averages without controls. The coefficients of “Woman vs. Man” and “Woman vs. Woman” in the first column are negative and significant, indicating a lower plaintiff win ratio for women relative to trials between two men. The coefficients of these variables remain negative and significant in the second column, when we include the year, case-type, and court fixed effects. This makes sense, because the lower win ratio for women that we observed in Table 6 held true in all courts and case-types, so that including these variables as controls had little effect on the analysis.

The results presented in the last column, however, show that the cursory observations were indeed misleading. The coefficients of our key variables of interest drop substantially in this column and lose significance when we include evidentiary variables in the analysis. The coefficients of these variables are all in expected directions. Presenting oral testimony, written documents, and legal opinions all significantly boosted a litigant’s chances of victory at trial, either as the plaintiff or the defendant. The coefficients of presenting witnesses, documents, and legal opinions by the plaintiff are all positive and highly significant, as expected. The coefficients of the evidence presented by the defendant, on the other hand, were negative and highly significant, indicating that they reduced the plaintiff’s chances of winning and boosted that of the defendant. Clearly, the explanatory power that we initially attributed to differences in the gender combinations of litigants was misplaced, now taken up by evidentiary variables.



Before turning to the question of whether men and women differed in presenting evidence in Ottoman courts, we examine how the results obtained from the whole sample (Table 7) vary across our subsamples. Table 8 reports the results of the same regression analysis run separately for the subsamples of central and provincial courts and the criminal, civil commercial, and civil non-commercial case-types. The dependent and independent variables included in this analysis are the same as in Table 8, except we additionally include case-type fixed effects in the analysis of central and provincial courts in the first four columns, and likewise include court fixed-effects in the analysis of criminal, civil commercial, and civil non-commercial case-types in the remaining six columns. We report the results of two separate regression analysis for each subsample. The first includes no evidentiary variables, and the second includes the full set of variables.

**Table 8: Gender and Plaintiff Victory across Courts and Case-types**

VARIABLES	(1) Central courts	(2) Central courts	(3) Provincial courts	(4) Provincial courts	(5) Criminal	(6) Criminal	(7) Civil commercial	(8) Civil commercial	(9) Civil non- commercial	(10) Civil non- commercial
Man vs. Woman	0.060 (0.059)	0.067 (0.054)	-0.049 (0.066)	-0.078* (0.041)	0.236 (0.163)	-0.028 (0.110)	0.046 (0.067)	0.004 (0.065)	-0.021 (0.066)	0.006 (0.045)
Woman vs. Man	-0.021 (0.045)	-0.022 (0.043)	-0.102** (0.045)	-0.004 (0.030)	-0.032 (0.137)	-0.035 (0.134)	-0.043 (0.047)	-0.012 (0.043)	0.013 (0.047)	0.085** (0.035)
Woman vs. Woman	-0.099 (0.063)	-0.070 (0.060)	0.003 (0.125)	-0.005 (0.091)	-0.082 (0.181)	-0.027 (0.185)	-0.073 (0.077)	-0.064 (0.071)	-0.236** (0.113)	-0.138 (0.084)
Witness, plaintiff		0.393*** (0.026)		0.605*** (0.032)		0.627*** (0.147)		0.433*** (0.026)		0.560*** (0.034)
Witness, defendant		-0.495*** (0.035)		-0.329*** (0.032)		-0.247** (0.111)		-0.443*** (0.036)		-0.397*** (0.033)
Document, plaintiff		0.268*** (0.054)		0.342*** (0.080)				0.301*** (0.058)		0.291*** (0.083)
Document, defendant		-0.307*** (0.056)		-0.080* (0.047)		0.026 (0.093)		-0.282*** (0.072)		-0.129*** (0.046)
Legal opinion, plaintiff		0.177** (0.079)		0.248*** (0.090)				0.487*** (0.141)		0.203** (0.099)
Legal opinion, defendant		-0.109 (0.116)		-0.262*** (0.039)		-0.023 (0.126)		-0.272*** (0.078)		-0.321*** (0.050)
Observations	1,173	1,173	720	720	118	118	1,107	1,107	668	668

R-squared	0.051	0.202	0.127	0.633	0.328	0.467	0.089	0.258	0.090	0.560
Year FE	x	x	x	x	x	x	x	x	x	x
Case-type FE	x	x	x	x						
Court FE	x	x	x	x	x	x	x	x	x	x

Notes: The dependent variable is a binary variable that equals 1 if the plaintiff wins the trial, 0 otherwise. Robust standard errors in parentheses. \*\*\*  $p < 0.01$ , \*\*  $p < 0.05$ , \*  $p < 0.1$

The results regarding the effect of supporting evidence on plaintiff victory show interesting variations across the courts and case-types. The signs and significance of the coefficients of witness use by litigants and defendants are consistent across all courts and case-types. There are noteworthy differences among them, however, in the way documents and legal opinions affected victory at trial. The coefficient of “Legal opinion, defendant” in the second column, for example, is still negative but insignificant, indicating the reduced importance of such opinions for the defendants in the types of cases litigated in central courts. Regarding differences across case-types, criminal cases clearly stood out as being distinct in the use of evidence at trials. Specifically, the plaintiffs did not present documents or legal opinions in criminal cases, and such evidence had reduced significance in boosting the cases of defendants. This makes sense because criminal cases presumably depended primarily on witness testimony for supporting evidence rather than documents or legal opinions.

The results show a systematic difference between the central and provincial courts in the way gender combinations of parties mattered for victory at trial. Interestingly, the magnitudes and significance of the coefficients of gender combinations remain about the same between the first two columns, indicating that the inclusion of evidentiary variables in the analysis had almost no effect on the effects of gender on victory in the central courts. In the provincial courts, however, the coefficients of the gender combinations of parties changed substantially after the inclusion of evidentiary variables. Specifically, whereas the coefficient of “Woman vs. Man” was negative and significant in the third column, the magnitude of this variable fell greatly and its significance

disappeared with the inclusion of evidentiary variables in the fourth column. Likewise, the coefficient of “Man vs. Woman” changed signs towards negative and became significant, a change in favor of women’s chances as defendants. Clearly, both of these changes indicate that the omission of evidentiary variables created a downward bias against women in the effects of gender combinations on victory in provincial courts. Overall, by comparing the results between the central and provincial courts, we see that the broad results obtained in Table 7, regarding the shift in importance from the gender combinations of litigants to the use of supporting evidence, applied more to provincial courts than the central courts.

Regarding differences across case-types, our results show that the gender combinations of litigants affected victory at trial only in civil non-commercial trials. The coefficients of these variables are insignificant in criminal and civil commercial cases, with or without the inclusion of evidentiary variables. In civil non-commercial cases, whereas the coefficient of “Woman vs. Woman” was negative and significant at first, the coefficient fell and significance disappeared when we included evidentiary variables. Perhaps more interesting, the coefficient of “Woman vs. Man,” which was positive but insignificant first, now rose in magnitude and became significant. This result is consistent with our preliminary observations in Table 6 regarding the distribution of average plaintiff win ratios in civil non-commercial cases.

## Gender and Evidence

The remaining question is whether women behaved differently than men in presenting evidence at trial. As discussed above, the plaintiff or the defendant could support their cases in court by presenting witness testimony, written documents, or legal opinions. The specific evidence used at trial would obviously depend on various case characteristics and whether a litigant was the plaintiff or the defendant at trial. To simplify this setup for regression analysis, we focus on the plaintiffs

here and consider evidence use as a general binary variable, without further differentiating across witnesses, documents, and opinions. The dependent variable of this analysis thus equals one if the plaintiff presented any kind of evidence at trial, and zero otherwise. We show in Appendix A that the results are consistent when we shift the basis for the dependent variable from the plaintiffs to the defendants or to both litigants jointly.

**Table 9: Evidence Use by the Plaintiffs**

	(1) Whole sample	(2) Central courts	(3) Provincial courts	(4) Criminal	(5) Commercial	(6) Civil noncommercial
<b>VARIABLES</b>						
Man vs. Woman	0.005 (0.029)	0.009 (0.032)	-0.002 (0.056)	0.220* (0.129)	-0.016 (0.033)	-0.006 (0.051)
Woman vs. Man	-0.069*** (0.018)	-0.032* (0.019)	-0.114*** (0.036)	-0.025 (0.040)	-0.030 (0.024)	-0.119*** (0.034)
Woman vs. Woman	-0.073*** (0.022)	-0.064*** (0.019)	-0.062 (0.105)	-0.043* (0.025)	-0.056** (0.028)	-0.110* (0.059)
Observations	2,524	1,690	834	204	1,521	799
R-squared	0.096	0.025	0.103	0.379	0.048	0.161
Year FE	x	x	x	x	x	x
Case-type FE	x	x	x			
Court FE	x	x	x	x	x	x

Notes: The dependent variable is a binary variable that equals one if the plaintiff presented evidence (witness, document, legal opinion) at trial, and zero otherwise. Robust standard errors in parentheses. \*\*\*  $p < 0.01$ , \*\*  $p < 0.05$ , \*  $p < 0.1$

Table 9 shows how the evidence use by the plaintiffs in different gender combinations of litigants varied between the central and provincial courts and across the three case-types. The reference category is “Man vs. Man,” as before, so the coefficients of other gender combinations of litigants show the difference from this category. Columns (1)-(3) of Table 9 include year, case-type and court fixed effects, while columns (4)-(6) account for only year and court fixed effects.

The results clearly show that as plaintiffs women were systematically less likely than men to present evidence during trial. The coefficients of “Women vs. Men” and “Women vs. Women” are

all negative and mostly significant, indicating a lower likelihood of evidence presentation in such cases than in trials between two men. In the same vein, the coefficients of “Man vs. Woman” are either insignificant, or significant but positive, indicating that men as plaintiffs either had the same (non-criminal cases) or greater (criminal cases) tendency to present evidence against women than men as the opposing defendant.

## Conclusion

This paper examined the association between gender and justice in Ottoman courts of law during the early nineteenth century. Our analysis is based on data from the registers of the Galata and Üsküdar courts in Istanbul and the provincial courts of Konya and Kütahya during the period between 1796 and 1844. We have examined the differential involvement of men and women in legal disputes brought to court, the nuances in their tendency to settle their disputes without formal trial, and the factors affecting their chances of winning at formal trial.

Altogether, our results show that on average women were less successful than men at trial in Ottoman courts not because of an abstract unexplained gender gap in justice, but because of the inferior ability of women to present evidence in court. A cursory examination of the average win ratios seems to show that women were less likely than men to win at trial, an observation that holds in both the central and provincial courts and in the criminal and commercial but not the non-commercial cases. The gender gap disappears, however, when we run regression analysis that includes the evidence (witness testimony, written documents, legal opinions) presented in court. The results show that evidence presentation had a positive and significant effect on trial outcomes. Moreover, there was a significant gender gap in evidence presentation, as women were less capable than men in supporting their cases with witnesses, documents, or legal opinions.

We believe that our results highlight the importance of the economic and social roots of the gender gap in justice in Ottoman courts. The inferior ability of women to present evidence at trial presents an important question to Ottoman historians regarding the sources of this gap. The gender gap in legal capability could be rooted in the substantive law or discriminatory legal standards used in court proceedings, longstanding social norms that privileged the rights of men over that of women, or various gender-based divergences in available educational and economic opportunities. Since a systematic analysis of these questions would require information beyond those obtained from the court registers, we leave it to future research to delve deeper into these issues.

## References

- Agmon, Iris. 2004. "Women's History and Ottoman Sharia Court Records: Shifting Perspectives in Social History." *Hawwa* 2:2, pp. 172-209.
- Bartlett, Katherine and Rosanne Kennedy. 1991. *Feminist Legal Theory: Readings in Law and Gender*. Westview Press.
- Batlan, Felice. 2012. "Women's Legal History: A Global Perspective-Symposium Introduction: Making History." *Chicago-Kent Law Review* 87:2, .
- Baykara, Tuncer. 2002. "Konya". *TDV İslam Ansiklopedisi*, 26:184-87. Ankara. Bildik, Ferhat. "1837-1840 Tarihlerinde Konya'nın Sosyal ve Ekonomik Durumu (83 numaralı Konya Şer'iyye Siciline Göre)". Master's thesis, Selçuk University, 2010.
- Bindler, Anna and Randi Hjalmarsson. 2020. "The Persistence of the Criminal Justice Gender Gap: Evidence from 200 Years of Judicial Decisions" *Journal of Law and Economics*, 63(2): 297-339.
- Bostan, M. Hanefi. 2012. "Üsküdar". *TDV İslam Ansiklopedisi*, 42:367. İstanbul.
- Conaghan, Joanne. 2013. *Law and Gender*: Oxford University Press.
- Coşgel, Metin and Boğaç A. Ergene. 2014. "The Selection Bias in Court Records: Settlement and Trial in Eighteenth-Century Ottoman Kastamonu" *Economic History Review*, 67(2): 517-534.
- Coşgel, Metin and Boğaç A. Ergene. 2016. *The Economics of Ottoman Justice: Settlement and Trial in the Sharia Courts*. Cambridge UK ; New York: Cambridge University Press.
- Demirkol, Mehmet. "1837 M.(1253 H.) Tarih ve 20 Numaralı Kütahya Şer'iyye Sicili". Master's thesis, Fırat University, 2016.
- Dumluoğlu, Enbiya. "7 No'lu Kütahya Şer'iyye Sicili Defterinin (1. Bölüm) Transkripsiyonu ve Değerlendirmesi". Master's thesis, Dumlupınar University, 2010.
- Eldem, Edhem. 1992. "Galata'nın Etnik Yapısı", *İstanbul Dergisi*, 1: 58-63.
- Gerber, Haim. 1980. "Social and Economic Position of Women in an Ottoman City, Bursa, 1600-1700" *International Journal of Middle East Studies*, 12(3): 231-244.
- Ghazzal, Zouhair. 1996. "Colette Establet and Jean-Paul Pascual, Families Et Fortunes à Damas: 450 Foyers Damasains En 1700 (Damascus: Institut Français De Damas, 1994). Pp. 226" *International Journal of Middle East Studies*, 28(3): 431-432.
- Hardwick, Julie. 1997. "Women" Working" the Law: Gender, Authority, and Legal Process in Early Modern France" *Journal of Women's History*, 9(3): 28-49.
- Inalcik, Halil and Donald Quataert. 1994. *An Economic and Social History of the Ottoman Empire, 1300-1914*. Cambridge U. Pr.
- Jennings Ronald, C. 1975. "Women in Early 17th Century Ottoman Judicial Records--the Sharia Court of Anatolian Kayseri." *Journal of the Economic and Social History of the Orient* 18:1, pp. 53-114.
- Kahveci Yüngül, Seda. "9 No'lu Kütahya Şer'iyye Sicili (1812-1813 M. / 1227-1229 H.)". Master's thesis, Dumlupınar University, 2014.
- Karaca, Serkan. "Kütahya Şer'iye Sicilleri 22 Numaralı Defterinin Transkripsiyonu ve Değerlendirilmesi". Master's thesis, Dumlupınar University, 2007.

- Kessler, Daniel P. and Daniel L. Rubinfeld. 2007. "Empirical Study of the Civil Justice System" *Handbook of law and economics*, 1: 343-402.
- Kuran, Timur and Scott Lustig. 2012. "Judicial Biases in Ottoman Istanbul: Islamic Justice and its Compatibility with Modern Economic Life" *Journal of Law and Economics*, 55(3): 631-666.
- Kutluğ Bozkurt, Öznur. "Kütahya Şer'iyeye Sicilleri 8 Numaralı Defterinin Transkripsiyonu ve Değerlendirilmesi". Master's thesis, Dumlupınar University, 2006.
- Marcus, Abraham. 1983. "Men, Women and Property: Dealers in Real Estate in 18th Century Aleppo" *Journal of the Economic & Social History of the Orient*, 26(2): 137-163.
- Moore, Lindsay R. 2019. "Women as Plaintiffs and Defendants: The Common Law, Equity and Ecclesiastical Jurisdictions," in *Women before the Court*. Manchester University Press, pp. 39-56.
- Özer, Emre. "Osmanlı Mahkemelerindeki Sulh ve Davaların Nicel Analizi: Merkez ve Taşra Karşılaştırması (1800-1840)." PhD diss., İstanbul Medeniyet University, 2020.
- Özger, Betül. "74 / F-4 Numaralı Konya Şer'iyeye Siciline Göre Sosyal, İdarî, Dinî, Hukukî ve Kültürel Açından Konya". Master's thesis, Selçuk University, 2007.
- Pamuk, Şevket. 2018. *Uneven Centuries*: Princeton University Press.
- Peirce, Leslie P. 2003. *Morality Tales : Law and Gender in the Ottoman Court of Aintab*. Berkeley, CA: University of California Press.
- Şahin, Mustafa. "Konya'da Tanzimat'ın Uygulanması (1840-1843 Tarihli 76 Numaralı Konya Şer'iyeye Siciline Göre)". Master's thesis, Selçuk University, 2013.
- Said, Edward. 1978. "Orientalism: Western Concepts of the Orient" *New York: Pantheon*.
- Schneider, Zoë A. 2000. "Women before the Bench: Female Litigants in Early Modern Normandy" *French Historical Studies*, 23(1): 1-32.
- Shepard, Alexandra and Tim Stretton. 2019. "Women Negotiating the Boundaries of Justice in Britain, 1300-1700: An Introduction." *Journal of British Studies* 58:4, pp. 677-83.
- Sonbol, Amira El-Azhary. 1996. *Women, the Family, and Divorce Laws in Islamic History*. Syracuse University Press.
- Sonbol, Amira El-Azhary. 2005. *Beyond the Exotic: Women's Histories in Islamic Societies*. Syracuse University Press.
- Spier, Kathryn E. 2007. "Litigation" *Handbook of law and economics*, 1: 259-342.
- Starr, Sonja B. 2015. "Estimating Gender Disparities in Federal Criminal Cases" *American Law and Economics Review*, 17(1): 127-159.
- Tucker, Judith E. 1985. *Women in Nineteenth-Century Egypt*. Cambridge University Press.
- , 1998. *In the House of the Law: Gender and Islamic Law in Ottoman Syria and Palestine*. Univ of California Press.
- , 2008. "Women, Family, and Gender in Islamic Law" *Cambridge: Cambridge*.
- , 2020. *Women, the Family, and Divorce Laws in Islamic History*: Syracuse University Press.
- Üçdemir, Ersin. "Kütahya Şer'iyeye Sicilleri 7 Numaralı Şer'iyeye Sicilinin (2.Bölüm) Transkripsiyonu ve Kritiği". Master's thesis, Dumlupınar University, 2010.
- Ünlü, Nuri. "70 Numaralı Konya Şer'iyeye Sicili (1814-1816 M./1230-1232 H.)". Master's thesis, Fırat University, 2005.
- Varlık, Mustafa Çetin. 2002. "Kütahya". *TDV İslam Ansiklopedisi*, 26:580-84. Ankara.



- Yıldız, Onur. "Kütahya Şer'iyye Sicilleri 21 Numaralı Şer'iyye Sicilinin Transkripsiyonu ve Kritiği". Master's thesis, Dumlupınar University, 2010.
- Ze'evi, Dror. 1998. "The use of Ottoman Sharī'a Court Records as a Source for Middle Eastern Social History: A Reappraisal" *Islamic Law and Society*, 5(1): 35-56.
- Zilfi, Madeline C. 1997. *Women in the Ottoman Empire: Middle Eastern Women in the Early Modern Era*. Leiden ; New York: Brill.

## Appendix A

### Evidence Use by the Defendant

	(1) Whole sample	(2) Central courts	(3) Provincial courts	(4) Criminal	(5) Commercial	(6) Civil noncommercial
<b>VARIABLES</b>						
Man vs. Woman	-0.018 (0.026)	0.005 (0.024)	-0.053 (0.053)	-0.109* (0.062)	-0.067*** (0.022)	0.046 (0.054)
Woman vs. Man	0.010 (0.019)	-0.027* (0.015)	0.035 (0.040)	-0.064 (0.040)	0.002 (0.022)	0.030 (0.039)
Woman vs. Woman	-0.028 (0.025)	-0.002 (0.021)	-0.181* (0.110)	-0.032* (0.018)	-0.032 (0.021)	0.035 (0.095)
Observations	2,524	1,690	834	204	1,521	799
R-squared	0.209	0.089	0.134	0.363	0.230	0.166
Year FE	x	x	x	x	x	x
Case-type FE	x	x	x			
Court FE	x	x	x	x	x	x

Notes: The dependent variable is a binary variable that equals one if the defendant presented evidence (witness, document, legal opinion) at trial, and zero otherwise. Robust standard errors in parentheses. \*\*\* p<0.01, \*\* p<0.05, \* p<0.1