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The Status of Women in Ottoman Courts**

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Gender and Justice: The Status of Women in Ottoman Courts

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ABSTRACT: This paper studies legal disparities between men and women in a patriarchal framework. Throughout history, women have confronted discrimination in matters of inheritance, property ownership, and various other legal rights. We examine the consequences of legal discrimination for women's differential engagement and success within legal conflicts, using data from Ottoman courts in the early nineteenth century. The results show that women were parties to approximately thirty percent of cases, with a modest gender gap of around eight to ten percentage points in terms of plaintiff win rates. The gap varied across courts and types of cases, consistent with gender disparities in legal knowledge and trial stakes in patriarchal societies. Notably, when litigating against male defendants, the disparity was more pronounced in provincial courts (Konya and Kütahya), as opposed to courts in the capital city (Galata and Üsküdar). Similarly, while the gender gap was greater in property and probate cases than those involving personal crimes and commercial exchange, the gap was reversed in family matters. The analysis suggests that a significant portion of the gender gap in litigation success can be attributed to disparities in evidence presentation (witness testimonies, written documents, and legal opinions).

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Gender and Justice:

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1. Introduction

Throughout history women have confronted a discriminatory legal environment. The spread of Roman Law in early modern Europe largely meant the placement of women in a dependent or secondary legal position, with restricted rights to own property, enter into contracts, bring suits to court, or serve as witnesses (Wiesner, 2000: Chapter 1). Under the English common law, the rules of coverture suspended a woman's identity into that of her husband. This principle, which shaped American jurisprudence into the early 20th century, denied married women the status of an independent legal person (Zaher, 2002). Ottoman women, in comparison, had superior legal rights, owing to their ability to independently inherit and own property, make contracts, and sue others. But they still faced systematic gender discrimination in terms of lower shares of inheritance, restricted rights to initiate divorce, and witness testimony worth half that of men (Jennings, 1975a; Peirce, 2003).

Women's agency within a discriminatory legal framework has recently been the subject of a growing literature in Ottoman historiography (Faroqhi, 2023). As a necessary first step in the study of women's legal position in Ottoman society, early contributions focused on documenting women's active participation in courts of law.¹ Contrary to popular beliefs that women were secluded from the public life and deprived of legal rights, these studies found that women frequently participated in courts of law to defend their rights and property.² Thereafter, scholars turned their attention to

¹ 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.

² In a pathbreaking contribution to the literature, Jennings (1975a) examined the court registers of the town of Kayseri in the seventeenth century and observed numerous incidents of women's

various other important questions regarding the relationship between gender and justice and the obstacles women faced while presenting their cases in court.³ The next step in this literature is to examine systematically how such obstacles affected women's differential engagement and success in litigation, how the gender gap varied across courts and types of cases, and whether the disparities in evidence presentation account for the gap in litigation success.

The Ottoman justice system provides an ideal setting to examine gender differences in litigation under a patriarchal social environment with discriminatory laws and procedures. Focusing on the Ottoman Empire has two main advantages. First, despite a discriminatory legal environment, all Ottoman women, married or not, could independently bring legal disputes to court. This amounts to a crucial advantage over using data from European or American courts, in which married women's dependence on their husbands would make it impossible to disentangle gender differences in litigation. Second, Ottoman courts kept a systematic summary of all court proceedings, providing researchers rich information regarding the basic characteristics of parties

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. For further references and a review of this literature, see Agmon (2004).

³ For example, using court registers for information, contributors to the volumes edited by Sonbol (1996, 2005) 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 (müfti) 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. Ergene (2010) likewise examined a woman's case in eighteenth century Kastamonu to demonstrate the contextual and socially-bounded nature of the court's actions. See also Coşgel and Ergene (2016) and Özer (2020) for economic analysis of Ottoman court records.

involved in each dispute, the case, and the outcome. The registers show whether the parties ended the dispute by reaching a settlement in court or by the decision of a judge; and, if the latter, what arguments and evidence were presented at trial and who won. A systematic analysis of this information would reveal gender differences in litigation engagement and success, variations by courts and case-types, and the role of disparities in evidence presentation.

In this paper, we examine three main questions regarding the consequences of gender disparities in litigation within the discriminatory legal framework of Ottoman society. The first question is whether men and women differed significantly in their engagement and success within legal conflicts. Here, we consider two alternative hypotheses. Given the legal discriminations confronting Ottoman women in courts, one might expect women to have lower likelihood than men for success in litigation. Though implicit and untested, this hypothesis seems to be dominant in the recent historical literature on the status of women in Ottoman courts (Ergene, 2010; Faroqhi, 2023; Tucker, 2008). Alternatively, since going to trial is costly, one might suppose women to take their disputes to court only if the expected benefits exceed the cost, adjusting the probability of success according to discriminatory laws and procedures. In this scenario, the selection of cases for trial might eliminate the gender gap in litigation success, as parties with weak cases, including the women disadvantaged by discrimination at the margins, choose to settle their disputes rather than litigate. This approach, based on insights from the law and economics literature (Priest and Klein, 1984), would suggest an alternative hypothesis, which is that we should not expect a gender gap in litigation success among disputes tried in Ottoman courts.⁴

Our second question concerns how the gender gap in litigation success varied across courts and types of cases. Although the alternative hypothesis stated above suggests a general trend towards a benchmark of no gender gap, we would anticipate the actual gap to deviate from this

⁴ For reviews of the economics literature on dispute resolution, see Cooter and Rubinfeld (1989), Kessler and Rubinfeld (2007), and Miceli (2009: ch. 8).

norm if there were significant differences between men and women in their ability to assess the merits of their cases or if they confronted unequal stakes from the litigation's outcome (Siegelman and Waldfogel, 1999; Coşgel and Ergene, 2016: Chapter 9). Regarding differential abilities, the observed gap in one court might contrast with that in another court if the two locales experienced substantial gender disparities in educational and socio-economic opportunities. For example, if the gap in the opportunities available to women relative to men was smaller in Istanbul than in the provinces, we would expect the gender gaps in legal abilities and litigation successes observed in the law courts of Istanbul to be likewise narrower than those in provincial courts. Regarding stakes from trial outcome, we would expect the gender gap in litigation success to depend on whether men and women were affected symmetrically by the judge's verdict in all types of cases. If the stakes were different in a certain type of dispute, the selection of cases for trial in such disputes might differ from other types, thus altering the gender gap in success. For example, in patriarchal societies in which men were expected more than women to be the breadwinners of the family, we might expect men to have greater stake differential relative to women in disputes related to property and inheritance than those related to personal crimes and commercial exchange (with non-monetary claims or lower disputed amounts). By the same token, we might expect women in such societies to have greater stake differential relative to men in family matters (e.g., divorce, child custody) than in other types of legal disputes. As a result, men with weak cases in property and inheritance disputes would choose to settle their disputes rather than go to trial, resulting in an overall higher success rate for men and a higher gender gap in such cases at trial. In contrast, the selection of cases in family disputes would result in a gender gap in favor of women.

For our third question, we turn to the role of the evidence presented in court and ask whether evidentiary discrepancies between men and women could account for the gender gap in litigation success. We first examine whether men and women differed in terms of evidence presented during trial in the form of witness testimony, written documents, and legal opinions. We

also examine how the gender gap in litigation success changes when we include evidence use in regression analysis. Combining this information allows us to delve deeper into the reasons behind the observed gap and assess the contribution of gender differences in evidence presentation.

For a quantitative analysis of these questions, we use data from the registers (*sicil*) of the Galata and Üsküdar courts in Istanbul and the provincial courts of Konya and Kütahya during the period between 1796 and 1844. Identifying the gender of the plaintiff and the defendant in each dispute, we categorize cases by gender combinations of parties and calculate the numbers of cases in each category that were filed, settled, and tried in court with or without evidence. We run regression analysis to estimate gender differences in settlement versus trial decisions and plaintiff win rates. We include in the analysis various other variables to control for their potential confounding effects on trial types or litigation outcomes. Specifically, the analysis includes variables that mark the year of litigation, whether the plaintiff or the defendant went to court as a representative, whether the father of the plaintiff or the defendant (not the litigants themselves because such titles were not available for women) had honorific military or religious titles, and whether the plaintiff or the defendant was a Muslim or non-Muslim. We explore how these decisions and court outcomes differed between the four courts of law and across five types of cases, namely those concerning matters related to family, personal crimes, property, probate, and commerce. In addition, we investigate the reasons behind the gender gap in litigation success by focusing on differences in evidence presentation during trial in the form of witness testimony, written documents, and legal opinions. Having examined our three main questions in the context of cases between individuals, in the last section of the paper we examine how the results change when we include collective parties in the analysis. Whereas the sample used for baseline analysis included only disputes between two individuals (for whom gender is well defined), we expand analysis by including in the dataset cases with collectives consisting of multiple individuals (e.g., a family or whole neighborhood) or corporate bodies like guilds and charitable foundations. This

allows us to examine gender's effect on litigation victory when men and women faced in court not just each other but collectives as plaintiffs or defendants.

Descriptive statistics show that disputes between men dominated the courts, but women participated in about thirty percent of all disputes brought to court for resolution. About sixty percent of cases involving women were suits brought by a woman against a man. Interestingly, the fraction of such "woman vs. man" cases were higher in provincial courts (Konya and Kütahya) than in central courts (Galata and Üsküdar in Istanbul, the capital city), and consistently higher in all case-types than "man vs. woman" and "woman vs. woman" cases. Disputes between two women constituted the lowest fraction of all cases. The results of multinomial analysis regarding the selection of cases for trial show that the plaintiff's gender played a minor role in going to trials without evidence. The same was true for trials in which both parties or only the defendant presented evidence. Women were significantly less likely than men, however, to be the plaintiffs in cases going to trial with only plaintiff evidence rather than end with a settlement.

The results of our analysis show that women were somewhat less likely than men to win as plaintiffs among all disputes that reached trial. Specifically, the likelihood of their success as plaintiffs in litigation against male defendants was about eight percentage points smaller than men as plaintiffs, and about ten percentage points smaller against female defendants. The gender gap in litigation success varied across courts and types of cases. Notably, when litigating against male defendants, the gap was more pronounced in provincial courts than central courts. Similarly, the gender gap was more prominent in property and probate disputes compared to cases involving personal crimes and commercial disputes, and the gender gap was reversed in family disputes, as expected. The analysis suggests that most of the overall gap in litigation success can be attributed to gender disparities in evidence presentation.

Since our dataset consists of only cases brought to court, we obviously cannot make any causal claims regarding gender differences in the resolution of disputes in the Ottoman society as a

whole. Absent evidence regarding alternative methods of resolution, our results apply only to the way women were able to participate, settle, and succeed relative to men in formal litigation. We nevertheless believe that our research has uncovered important results regarding the behavior of men and women in court and the functioning of Ottoman courts in resolving legal disputes in a patriarchal discriminatory environment.

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 the first systematic analysis of women's involvement in litigation, with rich and extensive data covering four different courts of law and several types of cases in the early nineteenth century. Going beyond observing women's participation in select legal disputes in isolation, we use data from a vast number of disputes to estimate the overall gender gap in litigation success and examine factors affecting its variation between central and provincial courts and across different types of disputes. Finally, we investigate whether including evidence presentation in the analysis accounts for the gender gap in litigation success.

Our analysis is also related to the growing general literature on women's legal history. Similar to the literature on 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. Although women around the world typically had an inferior legal status relative to men and faced systematic political and socioeconomic barriers in interacting with courts of law, scholars have shown the variety of ways in which women have managed to defend their rights and protect their property.⁵ Feminist legal theorists and liberal historians have long

⁵ 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 (Hardwicks, 1997; Schneider, 2000), and various issues regarding the litigation of women in Europe (Phipps and Youngs, 2021) and in women's legal history discussed from a global perspective (Batlan, 2012).

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.⁶ 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 the likelihood of success in litigation. We contribute to this literature detailed quantitative evidence regarding women's involvement in Ottoman sharia courts, patterns of settlement, and potential sources of the gender gap in litigation victory. Our findings regarding the way discrimination in legal opportunities affected trial outcomes indicate a new avenue of research to scholars interested in investigating the likelihood of women's 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 success 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.⁷ Our results indicate that the gender gap in litigation success depended to a large extent on context, as the legal abilities and trial stakes of men and women varied systematically across locales and types of cases. Moreover, a large portion of the gap can be explained by the lower legal opportunities afforded to women in presenting their cases at trial. These raise important questions regarding what other contextual differences affected women's engagement and success in litigation, why they

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.

⁶ See, for example, Conaghan (2013) and Bartlett and Kennedy (1991).

⁷ For general economic and social history of the Ottoman Empire and Turkey, see Pamuk (2018) and contributions to Inalcik and Quataert (1994).

were less capable of bringing evidence to the court, and what other differentials in opportunities and stakes contributed to the gender gap in litigation, especially in the provinces. In addition, questions arise regarding broader debates in economic history, such as the implications of gender gap for economic development. Since a satisfactory analysis of these questions require sources of information beyond court registers, we leave them to future research for further analysis.

2. Women in Ottoman Courts

As an important characteristic of premodern legal systems, women typically confronted substantial discrimination in using courts of law to contest and resolve disputes. In colonial America, for example, in the same form as the English common law, a married woman “was prohibited from alienating property, entering into contracts, bringing lawsuits, or making a will without the consent and, often, the joint action of her husband.” (Dayton, 1995: 19).

Ottoman women had vastly superior legal rights than women in Europe and colonial America in several areas. Specifically, there were no absolute legal obstacles that prevented Ottoman women from participating in court independently and without representation. Like a man, a woman could go to court with a lawsuit, offer testimony, and bring witnesses. If sued, she could defend herself, provide evidence, and be held liable in case of failure.

Ottoman women nevertheless confronted gender discrimination in legal status. The legal codes and trial procedures used in Ottoman courts were based on a sharp distinction between men and women, with a clear advantage for men. In providing testimony, for example, female witnesses were generally used in “instances when theirs was the only reliable testimony to be had” (Peirce, 2003: 147). In addition, a woman’s testimony counted as half of a man’s in the sense that it took two female witnesses to equal the testimony of a single male, except in relation to circumstances of an all-female environment. Likewise, she had more restricted rights to initiate a divorce and her

share of inheritance was half of a male heir of the same relationship. There were various other ways in which women were disadvantaged by legal codes and procedures in Ottoman courts.⁸

Women's disadvantage in legal status alone, however, did not necessarily have to result in an observed gender gap in litigation success in court. This follows from the law and economics literature regarding the process governing the selection of disputes brought to court for resolution. In a seminal article on the topic, Priest and Klein (1984) formulated the hypothesis that under certain conditions plaintiff win rates at trial should tend towards fifty percent as the fraction of cases that go to trial approaches zero. The argument is based on a simple selection effect that follows from the observation that cases that wind up at trial are not a random selection of all disputes. Since litigation is costly, rational litigants would tend to settle cases in which one side is likely to be a clear winner, and they would go to trial only in difficult and uncertain cases with greater disagreement. As a result, the cases that go to trial would likely be the "toss up" ones that are won about half the time by the plaintiff and half by the defendant. As a corollary, although women's legal disadvantages would have diminished their status in the resolution of *all* disputes in the society, we need not observe a significant gender gap in court if informed men and women consider these disadvantages in deciding whether to settle a legal dispute or proceed to formal trial.

Despite being a useful standard for analysis, the fifty percent hypothesis requires a restrictive set of conditions regarding the litigation environment, which need to be relaxed to explain observed variations. In formulating the baseline argument regarding the selection of cases for trial, Priest and Klein (1984) were careful to note that the fifty percent hypothesis is a limiting case of a tendency and that in reality the observed average success rates would likely deviate from this benchmark. In the extensive literature that has developed, researchers have examined how

⁸ For detailed discussions and examples from other Ottoman courts, see Gerber (1980), Jennings (1975a), Peirce (2003: 147, 191-4), and Faroqhi (2023). See also Zarinebaf-Shahr (1996) for the involvement of women in the appeal process in the late seventeenth century Istanbul as recorded in opetitionary registers (*Şikayet Defterleri*). Tucker (2008: 24-37 and 133-49) discusses the gendered aspects of the Islamic Law in theory and practice.

actual rates have varied systematically from this limiting case and tried to reconcile the selection hypothesis with observed plaintiff win rates depending on actual trial conditions.⁹ It's not at all clear, therefore, whether the legal disadvantages of women in Ottoman courts necessarily resulted in a significant gender disparity in litigation success, or alternatively the selection of cases for trial eliminated the gender gap observed in court.

3. The Data: Four Courts and Their Registers

For a quantitative analysis of competing arguments regarding 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.¹⁰

We examine the registers of four different Ottoman courts to account for systematic variations in the characteristics of the population and the legal and socio-economic environment.

⁹ For a summary of these cases, see Kessler, Meites, and Miller (1996: 238-41) and Siegelman and Waldfogel (1999). See also Coşgel and Ergene (2014), Kuran and Lustig (2012), and Kuran and Rubin (2018) for the selection bias in Ottoman courts. For reviews of the economics literature on dispute resolution and the selection hypothesis, see Cooter and Rubinfeld (1989), Kessler and Rubinfeld (2007), and Miceli (2009).

¹⁰ For reviews of this literature, see Agmon (2004), Coşgel and Ergene (2016: Chapter 1), Ghazzal (1996), and Ze'evi (1998).

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



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.¹¹ 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.¹²

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 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

¹¹ The other two courts were in the Eyüp and Istanbul Surici neighborhoods.

¹² 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.

(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. Given the enormous number of disputes brought to the courts of Galata and Üsküdar in the imperial capital, our dataset includes a smaller subset (about 10%) of the available records from these courts. To select the disputes from the Galata and Üsküdar courts, we conducted clustered sampling of 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 1840.¹³

¹³ Our dataset includes legal disputes recorded in the following court registers (Şer’iyye 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

Our original dataset consisted of 3,166 legal disputes recorded in 38 registers of these courts. 1,069 of these observations came from the Galata court, 813 from Üsküdar, 765 from Konya, and 519 from Kütahya. A significant fraction of these disputes, however, involved collectives for whom gender was not well-defined. This was true, for example, when one of the parties to a dispute was a whole neighborhood, entire family, the state or its agents, or a corporate body like a guild or a charitable foundation. Given our focus on gender as an individual characteristic, in the baseline analysis we dropped from the dataset all disputes involving such collectives and kept only those between two single individuals as disputants. As an additional advantage, this allowed us to include in the analysis certain characteristics of litigants as controls, such as their religion, economic status, and use of representatives in court. In the final section of the paper, we will relax this restriction by including in the analysis collectives that consist of multiple individuals and corporate bodies.

Table 1: Legal Disputes between Individuals

	Number of Registers	Begin Year	End Year	Number of Trials	Number of Settlements	Total Records
Galata	5	1800	1840	689	296	985
Üsküdar	4	1800	1820	484	221	705
Konya	12	1796	1844	415	54	469
Kütahya	17	1800	1842	305	60	365
Total	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,

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.

4. 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 genders of parties, we are able to make this determination indirectly from their names and the use of *bin* (son of) versus *bint* (daughter of) in reference to their parents.

Table 2: Gender Combinations of Disputants by Court

	Galata	Üsküdar	Konya	Kütahya	Total
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

Note: The entries show the numbers of cases litigated in each court between the corresponding gender combinations of parties.

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 cases¹⁴. Most of these disputes, about a quarter of all cases, were between men and women, rather than between two women. Interestingly, 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%). This may be an indication of the broader injustices confronting women in their interactions with men in society, such that are forced to seek a legal remedy by bringing a disproportionately high fraction of resulting disputes to court. There were only 124 cases brought by women against other women, the smallest fraction (5%) of all cases.

When we compare the Galata and Üsküdar courts in Istanbul jointly with the provincial courts of Konya and Kütahya, interesting patterns and systematic differences emerge. 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%).

Table 3 shows the gender distribution of the parties by case-type. These categories are somewhat arbitrary, because the original court records did not formally classify cases by type. We are nevertheless 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 divided legal disputes into five broad categories, namely disputes concerning family matters, personal crimes, property,

¹⁴ This figure compares favorably with the fraction of total cases that women were involved in England and the colonies during the seventeenth and eighteenth centuries, which ranged between 6 and 16 percent (Moore, 2019: 40).

probate, and commerce.¹⁵ In the family category, we included disputes related to marriage, divorce, children, and associated obligations (e.g., alimony, custody, mahr). Personal crimes consist of various types of felony, such as rape, banditry, and murder; and various misdemeanors, such as theft, simple assault, and verbal insults and swearing. Given our focus on gender differences between individual litigants, we include in this category only cases brought to court by aggrieved parties, not by a government official. Property disputes could arise from numerous disagreements concerning real estate, arable land, water rights, and rights to various other types of fixed and moveable property. We grouped all legal disputes concerning the division of estate and appropriation of inheritance shares into the probate category. In the final category, commercial disputes consist of 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.

Table 3: Gender and Disputes by Case-type

	Family	Personal Crime	Property	Probate	Commercial	Total
Man vs. Man	40	133	241	148	1,193	1,755
Man vs. Woman	28	12	18	49	81	188
Woman vs. Man	128	38	59	61	171	457
Woman vs. Woman	2	21	12	13	76	124
Total	198	204	330	271	1,521	2,524

Note: The entries show the numbers of cases in each case-type between the corresponding gender combinations of parties.

Women's involvement in legal disputes brought to court for resolution varied significantly across case-types, as seen in Table 3. The proportion of women's involvement was the highest in the category of family disputes. Commercial disputes were clearly dominated by men, as such disputes between two men constituted about three-quarters of the total. In commercial disputes

¹⁵ For a similar categorization, see Ergene (2003: Chapter 4).

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%). In personal criminal disputes too, those between two men were the dominant category, constituting about two-thirds of all such disputes. Family disputes between two women were infrequent, only 2 cases.

5. The Selection of Cases for Trial

The econometric analysis of women's engagement and success in courts of law has to grapple with a multi-layered selection problem. First, there is the question of whether the legal disputes brought to court comprise a representative sample of all disputes that took place in Istanbul, Konya, and Kütahya during our period. Individuals entered into our records because they established some kind of a relationship (e.g., contract, exchange, marriage) with each other and the relationship broke down. This raises concerns regarding the representativeness of our sample, which clearly matter for the interpretation and external validity of the results. We obviously have no direct knowledge of the legal disputes that were never brought to court. Likewise, we do not have comprehensive information regarding the wealth and occupations of parties, as this information was recorded only when necessary, such as in the resolution of disputes concerning the breach of a contract or the division of an estate. Nevertheless, we can use other indicators to discuss how closely the fractions in our sample resemble broader patterns of the relative involvement of men and women in economic activities, and similarly use some of the information (e.g., honorific titles) as proxies to compare the socio-economic status of men and women in our records.

The Ottoman tax records and other official registers typically do not provide direct evidence regarding the extent of women's presence in social and economic life, but we can use the known fractions of women participating in certain activities as proxy indicators. As a matter of law, women could purchase or inherit property and freely engage in business. To determine women's

involvement in business, Ağır (2020) examined two sets of registers that contained the transactions of *gediks*, entitlements to rents generated by the guilds. In the first set of registers, dated 1802, out of the 299 *gedik* transactions that took place, 71 (24%) involved a woman as the buyer, seller or creditor. In the second set of registers, women were involved in 160 (27%) of the 596 transactions that took place between 1816–1818. These figures suggest that the fractions of commercial disputes (22%) and all disputes (30%) involving women reported in Table 3 may be proportional to women’s presence in business.

Another set of records that provide indicators of women’s involvement in socio-economic life are the registers of charitable foundations (*waqf*). According to Fay (1997: 35), 25 percent (126/496) of the *waqfs* in Cairo were established by a woman. The percentage was the same in Jerusalem at the beginning of the nineteenth century (Baer, 1983: 10). Other examples of the extent of female participation as benefactor in *waqfs* include 20 percent in Edirne in the fifteenth and sixteenth centuries and 36 percent in Aleppo in the eighteenth century (Ağır, 2020: 416). Özvar and Yıldırım (2022) have similarly found the rate to be 32 percent (327/1017) in Istanbul for the period 1796 -1844. As indirect measures of women’s socio-economic involvement, these figures too suggest that the gender combinations of the disputes found in our sample may be representative of those prevalent in Ottoman society during this period.

Given the gender imbalance (30/70) observed in Ottoman courts, the remaining question regarding the representativeness of our sample is whether men and women in our records came from different wealth segments of the population. One might argue that the smaller fraction of women who participated in courts likely came from narrower segments of the population than the higher fraction of men who represented broader segments. Specifically, the women in our records could be more likely than men to have come from the wealthier and more educated segments. To examine this presumption, we have used information regarding the honorific titles of individuals for a proxy of their relative wealth and prominence (Coşgel and Ergene, 2016: 49-61). Although

women typically did not have titles, court records include the titles, if any, of their fathers. The same information is available for the titles of men's fathers. Our calculations based on the defendants show no gender difference in the fractions of fathers with titles. Our data includes 145 defendants whose fathers had a title. The fractions of such defendants were about the same between genders, 5.8 percent for women and 5.7 percent for men. Among the 193 plaintiffs whose fathers had a title, the fractions were higher (9.1 percent) among women than men (7.2 percent)¹⁶. To control for any potential bias generated by asymmetric gender representation of the population, we include the titles of litigants' fathers in the regression analysis of factors influencing litigation success, as detailed below.

The second layer of the selection problem concerns the selection of disputes into settlement and trial and into evidence use. 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. 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). Consistent with this principle, we would expect many of the legal disputes in the Ottoman Empire to be settled before formal trial, for example in the form of the defendant agreeing to make a transfer payment or non-monetary action requested by the plaintiff.

A unique nature of the data from Ottoman courts is the presence of entries regarding settlements. The fraction of settlements filed in court, however, is only 25 percent, as seen in Table 4. The low incidence of settlements among court records suggests that many more disputes were

¹⁶ Our finding seems to contrast with that of Peirce (2003) in a different context, who argued that it was mainly the villagers and lower and middle class urban women, rather than the elite, who participated in the Aintab court in the sixteenth century. See also Tucker (1985) for a study of women of the peasant and urban lower classes in Egypt in the nineteenth century based on court records.

resolved informally without reaching the court, and the formal settlement data is special in some way. Since the registration of settlements in court was also costly in terms of time and fees, another layer of selection must have been at work here, as some settlements were never recorded in court registers. This selection likely resulted in recorded formal settlements being closer to litigations than informal settlements. The parties could also be aiming to record a current agreement to prevent future litigation. Unfortunately, court records do not include sufficient information for us to determine the nature of this selection process.

In any case, another decision in the process was the parties' choice of what, if any, evidence to bring to litigation. Previous studies have found that parties could significantly enhance the likelihood of their success in Ottoman courts by presenting strong supporting evidence (Coşgel and Ergene, 2016: Chapter 8). The main forms of evidence consisted of oral testimony, written documents, and legal opinions (*fetva*). If evidence was presented in a case, court registers included the specifics briefly, such as the names and abbreviated testimonies of the witnesses, types of written agreements or other documents, and favorable legal opinions provided by jurisprudents (*müfti*).

The important thing for the selection of cases for trial is that parties did not independently choose whether to settle or not, and then decide what evidence to bring. These decisions were made simultaneously. In deciding whether to take the case to trial (instead of settlement), the plaintiff presumably assessed what evidence they could provide and decided whether to bring that evidence. Therefore, our econometric analysis must consider simultaneously various options available to parties, namely whether to settle the dispute, go to trial with evidence, or go to trial without evidence.

For a quantitative analysis of the association between gender and settlement/trial decisions with and without evidence, 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.

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. For settlements, the records show the terms of the agreement. If the case goes to trial, the record shows the evidence presented in court and the judge's decision.

Table 4: Ratios of Settlement, Trial, and Evidence Use

	Settlement	Trial with Plaintiff Evidence	Trial with Defendant Evidence	Trial with Pl. and Def. Evidence	Trial with No Evidence	Number of Cases
Man vs. Man	0.26 (0.44)	0.14 (0.35)	0.13 (0.34)	0.01 (0.09)	0.46 (0.50)	1755
Man vs. Woman	0.23 (0.42)	0.18 (0.38)	0.15 (0.36)	0.01 (0.10)	0.43 (0.50)	188
Woman vs. Man	0.21 (0.41)	0.10 (0.30)	0.16 (0.37)	0.002 (0.05)	0.52 (0.50)	457
Woman vs. Woman	0.35 (0.48)	0.05 (0.22)	0.07 (0.26)	0 (0)	0.53 (0.50)	124
All	0.25 (0.43)	0.13 (0.34)	0.14 (0.34)	0.01 (0.08)	0.47 (0.50)	2524

Note: The figures show the mean and standard deviations (in parentheses) of the ratios of settlement and trial corresponding to gender combinations of parties. Evidence refers to whether the parties presented witness testimony, written document, or legal opinion at trial.

Table 4 shows the means and standard deviations of the rates of settlement and trial (with and without evidence) corresponding to gender combinations of disputants. Specifically, for each gender combination of parties it shows the fractions of cases that were settled, tried with evidence from only the plaintiff, tried with evidence from only the defendant, tried with evidence from both parties, and tried with no evidence. Regarding settlement, the figures show that the highest rate of settlement was achieved when both parties were women. Interestingly, among cases that were tried with evidence from only the plaintiff, the fractions were higher for male than female plaintiffs. This is consistent with the higher obstacles women face in presenting evidence in court. The

discrepancy seems to apply more to the evidence presented by the plaintiff than the defendant, however, as the fractions are closer (0.15 vs. 0.13) between a male and female defendant in trials against a male plaintiff. The plaintiff's gender clearly plays a role here, as the lowest fraction in this category is between two women (0.07). The fraction of trials in which both parties presented evidence is very small (0.01). The high fraction of cases in which neither party presented evidence is due in part to the inclusion of admissions of guilt or wrongdoing in this category. Notably, the fractions in this category are significantly higher when the plaintiff is a woman (0.52 and 0.53) than when it is a man (0.46 and 0.43).

For an econometric analysis of gender differences in settlement and trial decisions with and without evidence, we use multinomial logit to estimate the following equation:

$$Y_i = \beta_1 + \beta_2 MW_i + \beta_3 WM_i + \beta_4 WW_i + \mathbf{X}_i' \boldsymbol{\lambda} + u_i, \quad (1)$$

where Y_i is an unordered categorical variable that takes on values depending on whether the dispute i was settled without formal trial, or tried with evidence from the plaintiff, from the defendant, from both parties, or with no evidence. MW , WM , and WW are the key independent variables that correspond to the gender combinations of the plaintiff versus the defendant, such that MW , denotes a dispute between a male plaintiff and female defendant. To avoid multicollinearity, we drop the MM combination as the reference category, so that the coefficients of all other gender combinations show the difference from disputes between two men.

In addition, we include in the analysis a vector of variables, $\mathbf{X}$, to control for various features of the litigation environment and other personal characteristics of the litigants that could potentially have confounding effects on settlement/trial decisions. Regarding the litigation environment, we include three sets of categorical variables that were discussed in Tables 1-3 to account for the way temporal, spatial, and legal differences among cases could shape both the gender combinations of litigants and the outcomes in question. Specifically, we include categorical variables coded for the year of litigation, four court locations, and the five different types of cases.

We similarly include three sets of litigant characteristics in the analysis (Appendix A shows the variations of these variables by gender combinations of parties). The first set of variables concern the use of representatives in court (Jennings, 1975b; Coşgel and Ergene, 2016: 246-51). Parties were sometimes unable to go to court in person for a variety of reasons, such as sickness, pregnancy, old age, or physical disability. In that case, there was no formalized system of legal representation in the sense of paid lawyers, but the Ottoman law allowed parties to designate a relative or acquaintance to serve as their representative (*vekil*) in litigating disputes in court. To account for the effect of using representatives in court, we include in the analysis variables that mark whether the plaintiff or the defendant who presented the case went to court as a representative.

Another characteristic of litigants that could have affected the likelihoods of settlement and trial is religion. Since Muslims and non-Muslims had different status under Ottoman law, these differences could affect the parties' behavior in court. Moreover, non-Muslims had various other alternatives for resolving disputes among themselves, for example by taking them to consulates or their own denominational courts. We control for religion's effect on settlement decisions by including variables that denote whether the plaintiff or the defendant was Muslim or non-Muslim.

Finally, we include variables to account for the socio-economic status of litigants. Since court registers did not record direct information regarding wealth or occupation consistently, researchers have used the honorific titles of individuals as proxy (Coşgel and Ergene, 2016: 49-61). As noted above, however, women typically did not have titles, so we have to use the titles, if any, of the fathers of litigants, which are available for both men and women. If the individuals with titled fathers had greater legal opportunities (e.g., via their superior education or ability to purchase knowledge or representation), then we would expect a difference from other individuals in their ability to estimate the quality of their cases and thus tendency to settle. To control for these

possibilities, we include in the analysis variables that mark whether the father of the plaintiff or the defendant had honorific military or religious titles.

Table 5: Gender and Settlement/Trial with Evidence

	(1) Trial with Plaintiff Evidence	(2) Trial with Defendant Evidence	(3) Trial with Both Pl. and Def. Evidence	(4) Trial with No Evidence
Woman vs. Man (Contrast: Man vs. Man)	-0.538** (0.226)	0.0841 (0.215)	-1.751 (1.136)	0.128 (0.153)
Woman vs. Woman (Contrast: Man vs. Woman)	-1.156** (0.521)	-0.469 (0.508)	-	-0.0761 (0.285)
Observations	2,524	2,524	2,524	2,524
R-squared	0.16	0.16	0.16	0.16
Representative Use	x	x	x	x
Religion	x	x	x	x
Honorific Titles	x	x	x	x
Year	x	x	x	x
Case-type	x	x	x	x
Court	x	x	x	x

Notes: The dependent variable is an unordered categorical variable that takes on values depending on whether the dispute was settled without formal trial (the base category) or was tried in one of the evidence-variant circumstances given in the top row of columns (1)-(4). Evidence refers to whether the parties presented witness testimony, written document, or legal opinion at trial. The treatment group in gender combinations of litigants is the plaintiff so that the contrast combination for "Woman vs. Man" is "Man vs. Man" and the contrast combination for "Woman vs. Woman" is "Man vs. Woman." Representative use refers to binary variables regarding whether the plaintiff or the defendant went to court as a representative. Religion refers to binary variables regarding whether the plaintiff or the defendant were non-Muslim. Honorific titles consist of binary variables concerning whether the father of the plaintiff or the defendant had religious or military titles. Year is a categorical variable referring to the year of litigation. Case-type and Court are categorical variables for the five types of cases and four courts described in text. Full results are presented in Appendix B. Robust standard errors in parentheses. *** $p < 0.01$, ** $p < 0.05$, * $p < 0.10$.

Table 5 shows the results of multinomial logit analysis of gender differences in settlement and trial decisions with and without evidence. The base category in the analysis is settlement, so that the coefficients measure the change relative to the settlement option. All columns include the full set of control variables (full results are presented in Appendix B). Regarding gender

combinations of litigants, after estimating the model, we used the “Contrast” function of Stata to calculate the coefficients and standard errors of only two case pairings by taking the other two as the control group. Specifically, taking the plaintiff as the treatment group, we show the results for “Woman vs. Man” as compared to “Man vs. Man,” and likewise we show the results for “Woman vs. Woman” as compared to “Man vs. Woman.”

Out of various trial possibilities with or without evidence, gender differences are significant only for trials with plaintiff evidence, as seen in the first column. Regardless of whether the defendant was a man or a woman, women as plaintiffs were significantly less likely than men to go to trial with evidence (only by the plaintiff) rather than settle without formal trial. On the flip side, the greater likelihood of men as plaintiffs to go to trial as the only litigant with evidence indicates a key advantage for men in legal disputes in Ottoman courts. After examining the gender gap in litigation success in the next section, we will return to the question of whether the evidentiary advantage of men account for the gender gap in litigation success.

6. Success at Trial

We now focus on the 1,893 disputes that wound up at trial and use the information from court registers to examine gender differences in litigation success. Quantitative analysis of the factors affecting the trial outcome typically use the plaintiff’s success as the dependent variable. Following this procedure, for a preliminary description of gender differences in litigation victory, we report in Table 6 the means and standard deviations of plaintiff win ratios corresponding to different gender combinations of disputants. These figures suggest that women as plaintiffs were at a notable disadvantage compared to men in Ottoman courts. Overall, 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.

Table 6: Plaintiff Win Ratio

	Win Ratio
Man vs. Man	0.53 (0.50)
Man vs. Woman	0.51 (0.50)
Woman vs. Man	0.47 (0.50)
Woman vs. Woman	0.43 (0.50)
All	0.51 (0.50)

Note: The figures show the mean and standard deviations (in parentheses) of plaintiff win ratios.

For a regression analysis of gender differences in litigation victory, we run OLS to estimate the following equation:

$$V_i = \gamma_1 + \gamma_2 MW_i + \gamma_3 WM_i + \gamma_4 WW_i + \mathbf{X}_i' \boldsymbol{\phi} + v_i, \quad (2)$$

where V_i is a binary variable that takes on the value of 1 if the plaintiff wins the case i , and 0 otherwise. As in equation (1), MW , WM , and WW are the key independent variables that correspond to the gender combinations of the plaintiff versus the defendant, and $\mathbf{X}$ is a vector of various features of the litigation environment (case-type, court, and year of litigation) and additional litigant characteristics that control for the effects of being a representative at trial, religion (Muslim vs. non-Muslim), and socioeconomic status (proxied by the honorific titles of the fathers of parties since women typically did not have titles).

Table 7: Gender and Litigation Success

	(1) Litigation Success
Woman vs. Man (Contrast: Man vs. Man)	-0.0782** (0.0313)
Woman vs. Woman (Contrast: Man vs. Woman)	-0.104 (0.0690)

Observations	1,893
R-squared	0.101
Representative Use	x
Religion	x
Honorific Titles	x
Year	x
Case-type	x
Court	x

Notes: The dependent variable is a binary variable that equals 1 if the plaintiff won the case and 0 if the plaintiff lost. The treatment group in gender combinations of litigants is the plaintiff so that the contrast combination for “Woman vs. Man” is “Man vs. Man” and the contrast combination for “Woman vs. Woman” is “Man vs. Woman.” Representative use refers to binary variables regarding whether the plaintiff or the defendant went to court as a representative. Religion refers to binary variables regarding whether the plaintiff or the defendant were non-Muslim. Honorific titles consist of binary variables concerning whether the father of the plaintiff or the defendant had religious or military titles. Year is a categorical variable referring to the year of litigation. Case-type and Court are categorical variables for the five types of cases and four courts described in text. Full results are presented in Appendix B. Robust standard errors in parentheses. *** $p < 0.01$, ** $p < 0.05$, * $p < 0.10$.

Table 7 shows the results of regression analysis of influences on litigation success. As in Table 5, after estimating the model we used the “Contrast” function of Stata to calculate the coefficients and standard errors of only two case pairings by taking the other two as the control group. That is, taking the plaintiff as the treatment group, the results show the coefficients and standard errors for “Woman vs. Man” as compared to “Man vs. Man,” and likewise the results for “Woman vs. Woman” are relative to “Man vs. Woman.” All columns include the full set of control variables (full results are presented in Appendix B).

The results show that among the disputes that reached trial women were less likely than men as plaintiffs to win their cases. Specifically, the likelihood of their success as plaintiffs in litigation was about eight percentage points smaller than men against male defendants, and about ten percentage points smaller against female defendants. Although this is a modest gap, it nevertheless raises the questions of which litigation environments were more likely than others to contribute to its existence.

7. The Variation of Gender Gap across Courts and Case-types

We now turn to the question of how the overall gender gap in litigation success varied across courts and case-types. To put this question in context, we provide in Table 8 detailed information regarding the frequencies and mean plaintiff win ratios of all trials by court and case-type. This information allows us to observe the types of cases involving women, their rates of success at trial, and differences in rates across courts and case-types. For example, a high fraction of cases in Istanbul were commercial, with the exception of a high fraction of family disputes among “Woman vs. Man” cases. Likewise, the plaintiff win ratios in commercial cases and overall were higher in the capital than in provincial courts. The prevalence and high success rates of women against male defendants in family disputes is also striking. Such observations make it clear that the gender distribution of cases across courts and case-types was not random.

Table 8: The Frequency and Mean Plaintiff Win Rates of Trials by Court and Case-type

Court	Parties' Gender	Personal					Total
		Family	Crime	Property	Probate	Commercial	
Galata	Man vs. Man	7 (0.43)	13 (0.15)	28 (0.25)	1 (0.00)	441 (0.59)	490 (0.56)
	Man vs. Woman	7 (0.86)	1 (1.00)	4 (0.00)	1 (1.00)	21 (0.67)	34 (0.65)
	Woman vs. Man	50 (0.74)	5 (0.60)	6 (0.17)	3 (0.33)	66 (0.46)	130 (0.55)
	Woman vs. Woman	1 (0.00)	1 (0.00)	5 (0.60)		28 (0.50)	35 (0.49)
	Total	65 (0.71)	20 (0.30)	43 (0.26)	5 (0.40)	556 (0.58)	689 (0.56)
Üsküdar	Man vs. Man	2 (0.50)	26 (0.58)	18 (0.39)	10 (0.30)	288 (0.66)	344 (0.63)
	Man vs. Woman	5 (0.80)	1 (1.00)	1 (1.00)	9 (0.22)	21 (0.67)	37 (0.60)
	Woman vs. Man	27 (0.59)	5 (0.20)	5 (0.80)	5 (0.40)	30 (0.73)	72 (0.63)
	Woman vs. Woman		8 (0.38)	2 (0.00)	3 (0.00)	18 (0.56)	31 (0.42)
	Total	34 (0.62)	40 (0.50)	26 (0.46)	27 (0.26)	357 (0.66)	484 (0.61)
Konya	Man vs. Man	17 (0.47)	11 (0.46)	105 (0.46)	63 (0.43)	62 (0.27)	258 (0.41)

	Man vs. Woman	12 (0.17)	1 (1.00)	4 (0.50)	23 (0.48)	7 (0.43)	47 (0.40)
	Woman vs. Man	26 (0.62)	5 (0.20)	27 (0.33)	22 (0.18)	21 (0.29)	101 (0.36)
	Woman vs. Woman		1 (0.00)		7 (0.29)	1 (1.00)	9 (0.33)
	Total	55 (0.47)	18 (0.39)	136 (0.43)	115 (0.38)	91 (0.30)	415 (0.39)
	Kütahya Man vs. Man	9 (0.67)	24 (0.17)	57 (0.56)	46 (0.57)	79 (0.33)	215 (0.44)
	Man vs. Woman		5 (0.00)	6 (0.33)	9 (0.56)	6 (0.50)	26 (0.39)
	Woman vs. Man	6 (0.50)	8 (0.00)	8 (0.00)	19 (0.37)	17 (0.47)	58 (0.31)
	Woman vs. Woman		3 (0.33)		2 (0.00)	1 (1.00)	6 (0.33)
	Total	15 (0.60)	40 (0.13)	71 (0.48)	76 (0.50)	103 (0.37)	305 (0.41)

Note: The entries show the frequencies and the mean plaintiff win ratios (in parentheses) of cases litigated between corresponding gender combinations of parties by court and case-type.

For a systematic analysis of the variation in the gender gap across courts and case-types, we use insights from the law and economics literature on dispute resolution. We noted above that although the fifty percent hypothesis of Priest and Klein (1984) suggested a trend towards a benchmark of no gender gap, we would anticipate the actual gap to deviate from this norm depending on the litigation environment. To explain observed variations in plaintiff win-rates, Siegelman and Waldfogel (1999: 101) identified in the Priest/Klein model three structural parameters, namely “the decision standard, parties’ uncertainty in estimating case quality, and the degree of stake asymmetry across parties.” Using this framework, here we seek to explain differences across court locations and types of cases by focusing on two main characteristics of the litigation environment in Ottoman society, namely gender differences in the parties’ ability to estimate case quality and in the degree of stake asymmetry.

The ability to estimate case quality would clearly depend on the litigants’ knowledge of not just the specific dispute in question but also the applicable legal code and trial rules and procedures. We would expect this knowledge to vary significantly across court locations depending on gender differences in opportunities for education and socio-economic activities. In general,

educational opportunities for women were virtually nonexistent in Ottoman society during the pre-Tanzimat period (Aydınlık and Kenan, 2021). The situation seems to be substantially different, however, in Istanbul. Akiba (2019: 21) estimated for the year 1811 that “approximately one-fifth of the girls living in Istanbul received elementary schooling”. Faroqhi (2023: 129) similarly noted that “[p]erhaps the growing availability of primary education [in the 1700s and 1800], at least to a minority of Istanbul girls, increased the likelihood that women would pursue their rights in the qadi’s court”.

Differences between Istanbul and the provinces in women’s education and socio-economic opportunities have direct implications regarding the court locations in which we should expect the gender gap in litigation success to be greater than others. Given the complexity of the rules and processes of litigation in Ottoman courts, women living in the provinces would have greater difficulties than those in Istanbul, relative to men, to estimate the likelihood of their success in litigation. The selection of cases for trial would then mean that women with weak cases in Istanbul would be more likely than those in the provinces to settle their disputes than go to trial, all else being the same. Consequently, the gender gap in Istanbul courts would be narrower than those in the provinces.

Table 9: Gender and Litigation Success Across Courts

VARIABLES	(1) Galata	(2) Üsküdar	(3) Konya	(4) Kütahya
Woman vs. Man (Contrast: Man vs. Man)	-0.0592 (0.0592)	0.0400 (0.0741)	-0.112* (0.0595)	-0.157** (0.0673)
Woman vs. Woman (Contrast: Man vs. Woman)	-0.150 (0.118)	-0.216* (0.118)	0.0311 (0.192)	0.102 (0.193)
Observations	689	484	415	305
R-squared	0.074	0.085	0.194	0.255
Representative Use	x	x	x	x
Religion	x	x	x	x
Honorific Titles	x	x	x	x
Year	x	x	x	x

Case-type	x	x	x	X
Court				

Notes: The dependent variable is a binary variable that equals 1 if the plaintiff won the case and 0 if the plaintiff lost. The treatment group in gender combinations of litigants is the plaintiff so that the contrast combination for “Woman vs. Man” is “Man vs. Man” and the contrast combination for “Woman vs. Woman” is “Man vs. Woman.” Representative use refers to binary variables regarding whether the plaintiff or the defendant went to court as a representative. Religion refers to binary variables regarding whether the plaintiff or the defendant were non-Muslim. Honorific titles consist of binary variables concerning whether the father of the plaintiff or the defendant had religious or military titles. Year is a categorical variable referring to the year of litigation. Case-type is a categorical variable for the five types of cases described in text. Full results are presented in Appendix B. Robust standard errors in parentheses. *** $p < 0.01$, ** $p < 0.05$, * $p < 0.10$.

To see how the gender gap in litigation success varied across court locations, we run the same regression equation (2) separately for the subsamples of each of the four courts. The results, reported in Table 9, show that the gender gap was indeed greater in provincial courts than central courts when litigating against male defendants, consistent with the above discussion regarding regional differences in men and women’s abilities to estimate case quality. When litigating against female defendants, however, the gap was greater in the Galata and Üsküdar courts in Istanbul than in provincial courts. This may be due to the difference between Istanbul and provinces in terms of the predominant types of cases in which women were defendants. Whereas in Istanbul courts a high fraction of disputes with female defendants were commercial cases (49/69 in Galata and 39/68 in Üsküdar), such cases constituted a substantially smaller fraction in the provinces (8/56 in Konya and 7/32 in Kütahya). In commercial cases in Istanbul, men as plaintiffs were particularly more successful than women against female defendants, as seen in the plaintiff win ratios reported in Table 8. In the provincial courts of Konya and Kütahya, by contrast, most of the cases with female defendants were property and probate cases, in which male plaintiffs had an advantage, as discussed below.

The second main characteristic of the litigation environment that we focus in our analysis is the variation in stake asymmetry between litigants, which we believe is useful to explain differences across types of cases (Siegelman and Waldfogel, 1999). The fifty percent hypothesis as

applied to gender gap in litigation success would depend on men and women facing the same stakes from trial outcomes in all types of cases. However, in a patriarchal society in which men were expected more than women to be the breadwinners of their family, the stakes might be greater in disputes related to property and inheritance than in those related to personal crimes and family matters. The disputes in the latter two categories are either non-monetary or they typically involve smaller amounts in claimed damages than the stakes in property and probate disputes. Therefore, given the higher stakes of losing property and inheritance disputes, men would be more likely in such cases than others to settle their disputes. Consequently, the selection of cases for trial would ensure a pool of stronger cases for men than women in such disputes, resulting in a greater gender gap in property and inheritance disputes than others.

Table 10: Gender and Litigation Success by Case-type

	(1)	(2)	(3)	(4)	(5)
VARIABLES	Family	Personal Crime	Property	Probate	Commercial
Woman vs. Man (Contrast: Man vs. Man)	0.277* (0.154)	-0.0659 (0.119)	-0.145* (0.0856)	-0.221** (0.0860)	-0.0563 (0.0472)
Woman vs. Woman (Contrast: Man vs. Woman)	-0.851*** (0.139)	-0.0374 (0.256)	0.275 (0.260)	-0.183 (0.173)	-0.147 (0.100)
Observations	169	118	276	223	1,107
R-squared	0.362	0.427	0.241	0.349	0.104
Representative Use	x	x	x	x	x
Religion	x	x	x	x	x
Honorific Titles	x	x	x	x	x
Year	x	x	x	x	x
Case-type					
Court	x	x	x	x	x

Notes: The dependent variable is a binary variable that equals 1 if the plaintiff won the case and 0 if the plaintiff lost. The treatment group in gender combinations of litigants is the plaintiff so that the contrast combination for "Woman vs. Man" is "Man vs. Man" and the contrast combination for "Woman vs. Woman" is "Man vs. Woman." Representative use refers to binary variables regarding whether the plaintiff or the defendant went to court as a representative. Religion refers to binary variables regarding whether the plaintiff or the defendant were non-Muslim. Honorific titles consist of binary variables concerning whether the father of the plaintiff or the defendant had religious or military titles. Year is a categorical variable referring to the year of litigation. Court is a categorical variable for the four court locations described in text. Full results are presented in Appendix B. Robust standard errors in parentheses. *** p<0.01, ** p<0.05, *

$p < 0.10$.

The results reported in Table 10 provide strong support for the implications of stake asymmetry in accounting for gender differences in litigation success across case-types, at least for cases with male defendants. Specifically, the gender gap in such cases was more prominent in property and probate disputes compared to cases involving personal crimes and commercial disputes, as seen in columns 2-5 of the first row. Moreover, the gender gap was reversed in family disputes, as expected, corresponding to the reversal of stakes in such cases, with advantage shifting to female plaintiffs as compared to men. Although this argument may seem to be contradicted by the negative and significant coefficient of the contrast between women and men against female defendants in family cases, there is only one “Woman vs. Woman” family case in our records (Table 8), too small to generalize.

8. Evidence Use and Litigation Success

The remaining question is whether the gender gap in litigation success can be attributed to the way men and women differed in presenting evidence in support of their cases at trial. We saw in our analysis of the selection of cases for trial (Tables 4-5) that women were significantly less likely than men as plaintiffs to present evidence at trial, against both male and female defendants. This comparison suggests that gender differences in evidence use might account for the gap in litigation success if evidence was a significant contributor to winning a trial, as one would expect.

To get a sense of how gender differences in evidence presentation contributed to the gap in litigation success, we first estimate the association between trial outcome and evidence presentation by the plaintiff and the defendant. This is to make sure that evidence presentation by

parties had a significant influence on litigation victory, as stipulated. Next, we include evidence presentation as an additional variable in the analysis of the gender gap in litigation success. By comparing the resulting estimates of the gender gap here with those obtained in Table 7, we would see the importance of evidence presentation in accounting for the gap. If the gender gap falls significantly or disappears altogether, we can conclude that evidence presentation accounted for much of the gap. Table 11 shows the results of this analysis in terms of three regressions for comparison. Column 1 shows the original estimates of the gender gap reported in Table 7, copied here for comparison. Columns 2 and 3 show the results for the two sets of estimates discussed here.

Table 11: Evidence Presentation and Plaintiff Victory

VARIABLES	(1)	(2)	(3)
Woman vs. Man (Contrast: Man vs. Man)	-0.0782** (0.0313)		-0.0231 (0.0265)
Woman vs. Woman (Contrast: Man vs. Woman)	-0.104 (0.0690)		-0.0543 (0.0587)
Evidence use, plaintiff		0.493*** (0.021)	0.489*** (0.021)
Evidence use, defendant		-0.418*** (0.022)	-0.420*** (0.022)
Observations	1,893	1,893	1,893
R-squared	0.101	0.373	0.374
Representative Use	x	x	x
Religion	x	x	x
Honorific Titles	x	x	x
Year	x	x	x
Case-type	x	x	x
Court	x	x	x

Notes: The dependent variable is a binary variable that equals 1 if the plaintiff won the case and 0 if the plaintiff lost. The treatment group in gender combinations of litigants is the plaintiff so that the contrast combination for “Woman vs. Man” is “Man vs. Man” and the contrast combination for “Woman vs. Woman” is “Man vs. Woman.” Evidence refers to whether the plaintiff or the defendant presented witness testimony, written document, or legal opinion at trial. Representative use refers to binary variables regarding whether the plaintiff or the defendant went to court as a representative. Religion refers to binary variables regarding whether the plaintiff or the defendant were non-Muslim. Honorific titles consist of binary variables concerning whether the father of the plaintiff or the defendant had religious or military titles. Year is a categorical variable referring to the year of litigation. Case-type and Court are categorical variables for the five types of cases and four courts described in text. Full results are presented in Appendix B. Robust standard errors in parentheses. *** $p < 0.01$, ** $p < 0.05$, * $p < 0.1$

The results displayed in Column 2 show that evidence presented by the plaintiff had a positive and highly significant effect on their chances of victory at trial, as expected. Likewise, the evidence presented by the defendant had a negative and highly significant effect on plaintiff victory, also as expected. Moreover, when evidence presentation is included in the baseline analysis of the gender gap in litigation success, the magnitude and statistical significance of the coefficients of both gender combinations dropped substantially, as seen in the last column. A comparison of the coefficients of “Woman vs. Man” and “Woman vs. Woman” between the first and last columns suggests that evidence presentation may indeed account for a large fraction of the gender gap in litigation success.

9. Litigations Involving Collective Parties

Finally, we include in our analysis collective parties involving multiple individuals and corporate bodies as plaintiffs or defendants. The sample used in the preceding analysis included only disputes between two individuals, for whom gender was well defined. The question remains whether gender differences extended to the parties’ interaction with collectives consisting of groups of individuals, such as a family or a whole neighborhood, or corporate bodies like guilds and charitable foundations. To examine this question, we expand the sample by adding disputes that involved collectives with a shared legal objective in litigation.

Table 12: Cases Involving Collective Parties

	Galata	Üsküdar	Konya	Kütahya	Personal					Total
					Family	Crime	Property	Probate	Commercial	
Man vs. Man	718	490	292	255	40	133	241	148	1,193	1,755
Man vs. Woman	51	55	52	30	28	12	18	49	81	188
Man vs. Collective	34	42	97	60	6	36	74	50	67	233
Woman vs. Man	162	108	115	72	128	38	59	61	171	457
Woman vs. Woman	54	52	10	8	2	21	12	13	76	124
Woman vs. Collective	3	6	27	16	1	10	12	17	12	52
Collective vs. Man	33	37	98	52	1	22	84	51	62	220
Collective vs. Woman	2	7	16	8	0	1	5	22	5	33
Collective vs. Collective	12	16	58	18	1	12	63	14	14	104
Total	1,069	813	765	519	207	285	568	425	1,681	3166

Note: The entries show the numbers of cases between combinations of parties (including collectives) by courts and case-types.

Table 12 shows the breakdown of all cases involving individuals and collectives by court and case-type. These numbers show that women were generally less involved than men in disputes with collectives, consistent with their overall less frequent participation in courts. The majority of cases between men and collectives, both as defendants and plaintiffs, were in property and commercial cases. By contrast, women's involvement in such cases were mostly in probate cases, likely against other family members.

To examine how the inclusion of collective changes our results, we run OLS to estimate equation (2), but with appropriate modifications. Specifically, we expand the list of all possible litigant combinations to include the collectives. In addition, we drop from the vector X all individual-level control variables regarding representatives, religion, and honorific titles, because these characteristics are not well-defined for collective parties.

Table 13. Gender, Collective Parties, and Litigation Victory

VARIABLES	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
	Total	Galata	Üsküdar	Konya	Kütahya	Family	Personal Crime	Property	Probate	Commercial
Woman vs. Man (Contrast: Man vs. Man)	-0.0637** (0.0311)	-0.0493 (0.0580)	-0.0806 (0.0588)	-0.146** (0.0684)	0.0381 (0.0714)	0.0544 (0.134)	-0.0331 (0.133)	-0.135* (0.0793)	-0.163* (0.0840)	-0.0421 (0.0469)

Woman vs. Woman (Contrast: Man vs. Woman)	-0.0970 (0.0702)	-0.146 (0.118)	-0.0294 (0.202)	0.0781 (0.201)	-0.189 (0.118)	-0.842*** (0.136)	-0.263 (0.211)	0.00930 (0.249)	-0.293* (0.173)	-0.134 (0.0995)
Woman vs. Collective (Contrast: Man vs. Collective)	-0.144* (0.0772)	0.00513 (0.305)	-0.280*** (0.105)	-0.0476 (0.156)	0.111 (0.198)	-0.255 (0.278)	-0.103 (0.187)	-0.166 (0.163)	-0.218 (0.155)	-0.0841 (0.173)
Woman vs. Man (Contrast: Collective vs. Man)	-0.0451 (0.0483)	-0.194 (0.120)	0.00572 (0.0786)	-0.0333 (0.0949)	0.0197 (0.124)	-0.244** (0.101)	-0.0382 (0.207)	-0.0390 (0.0959)	-0.111 (0.104)	-0.0929 (0.0923)
Woman vs. Woman (Contrast: Collective vs. Woman)	0.129 (0.101)	-0.167 (0.230)	0.251 (0.205)	0.290 (0.266)	-0.323 (0.203)		1.222*** (0.279)	0.206 (0.304)	-0.0930 (0.194)	-0.187 (0.238)
Woman vs. Collective (Contrast: Collective vs. Collective)	-0.223*** (0.0844)	-0.422 (0.321)	-0.200 (0.118)	-0.171* (0.179)	-0.139 (0.213)	-0.649** (0.281)	-0.00316 (0.207)	-0.365** (0.166)	-0.0232 (0.210)	-0.0391 (0.203)
Observations	2,399	747	563	667	422	178	182	470	351	1,218
R-squared	0.085	0.063	0.054	0.099	0.202	0.312	0.294	0.139	0.235	0.088
Year	x	x	x	x	x	x	x	x	x	x
Case-type	x	x	x	x	x					
Court	x					x	x	x	x	x

Note: The dependent variable is a binary variable that equals 1 if the plaintiff won the trial, 0 otherwise. The treatment group in combinations of litigants is “Woman” as the plaintiff. The contrast group is “Man” in the top panel (first three rows) and “Collective” in the bottom panel (next three rows) as plaintiffs against a male, female, and collective defendant corresponding to rows 1-3 in each panel. Year, Case-type, and Court are categorical variables for the year of litigation, five types of cases, and four courts, as described in text. Robust standard errors in parentheses. *** p<0.01, ** p<0.05, * p<0.1.

Table 13 shows the results of analysis that includes the collectives in the sample. For consistency with previous tables, after estimating the full model, we used the “Contrast” function of Stata to calculate the coefficients and standard errors of only the relevant case pairings by taking others as control groups. Given our interest in comparing women’s performance as plaintiffs against other groups, in this analysis we include contrasts with collectives in addition to those with only men as plaintiffs. Specifically, we report in the table two sets of contrasts. The treatment group in both sets is “Woman” as the plaintiff. The top panel (first three rows) takes “Man” as the contrast group so that, for example, the coefficient and standard deviation of “Woman vs. Man” shows the results of the contrast with “Man vs. Man” as the reference category. Similarly, the results in the second panel (next three rows) consider collective plaintiffs as the reference category for contrasts, so that the coefficient and standard error of “Woman vs. Man” in row 4 show the results of contrast

with “Collective vs. Man.” For space considerations, we include the overall results and all variations across courts and case-types into a single table.

As seen in the first two rows of Table 13, including collectives in the analysis did not substantially alter our basic conclusions regarding gender differences between individuals. The coefficients of “Woman vs. Man” and “Woman vs. Woman” in the first panel, original variables of interest, are still negative, with magnitudes and statistical significance very close to those estimated in the baseline model. In addition, we obtain from this analysis interesting new results regarding men and women’s legal interactions with collectives. Specifically, the coefficients “Woman vs. Collective” is negative and significant overall and in the Üsküdar court, indicating a gender gap relative to men as plaintiffs against collective defendants. The gap is prevalent in all case-types. As another interesting result, the coefficient of “Woman vs. Collective” in the second panel (row 6) is also negative (and highly significant overall) in all courts and case-types, indicating another gender gap that women as plaintiffs had as compared to man in suits against collective defendants.

10. 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 examine the differential involvement of men and women in legal disputes brought to court, differences in their tendency to take their disputes to trial with or without evidence, the likelihood of their success at trial, and the importance of evidence presentation in accounting for the gender gap in litigation success.

The results show that the legal disputes among men dominated the courts, but women were still involved in about thirty percent of cases. In the selection of cases for trial, whereas the

plaintiff's gender played a minor role in litigations without evidence, the plaintiff was less likely to be female than male in cases going to trial with only plaintiff evidence. The gender gap in litigation success was modest, as the likelihood of women's success as plaintiffs against male defendants was about eight percentage points smaller than men as plaintiffs, and about ten percentage points smaller against female defendants. The gap varied across courts and types of cases, in a manner consistent with gender disparities in legal knowledge and trial stakes in discriminatory and patriarchal societies. Moreover, the analysis suggests that most of the overall gap in litigation success can be attributed to gender disparities in evidence presentation. According to these results, women were less successful as plaintiffs than men at trial in certain legal environments not because of an abstract unexplained gender gap in justice, but because of their inferior opportunities to present evidence. Our findings are robust to the inclusion of collective parties in the analysis.

Both of the hypotheses discussed in the introduction receive partial support from our analysis. Although we find a gender gap in litigation success, its magnitude was modest. This finding substantiates at once both the historian's expectation of a lower likelihood for women than men to succeed in litigation and the economist's expectation that the selection of cases for trial would set in motion a process that would reduce, if not completely eliminate, the gender gap observed in court.

We believe that our results regarding the variation of gender gap across courts and case-types highlight the importance of the economic and social roots of the gender gap in justice in Ottoman courts. Although the gender gap was modest, it was still present and can be attributed to systematic discrimination confronting women on a daily basis in terms of inferior legal and socio-economic rights and asymmetric patriarchal stakes. The inferior opportunities of women to present evidence at trial presents an important question to Ottoman historians regarding the sources of this gap and implications for economic development. The gender gap in legal opportunities 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 deeper 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.

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APPENDIX A

Table A1: Representatives, Religion, Honorific Titles in Court (Ratios)

Variable	Representative, plaintiff	Representative, defendant	Non- Muslim, plaintiff	Non- Muslim, defendant	Father with military title, plaintiff	Father with military title, defendant	Father with religious title, plaintiff	Father with religious, defendant
Man vs. Man	0.11	0.06	0.30	0.35	0.01	0.01	0.06	0.05
Man vs. Woman	0.16	0.06	0.14	0.18	0.02	0.01	0.10	0.06
Woman vs. Man	0.08	0.07	0.09	0.13	0.00	0.00	0.09	0.07
Woman vs. Woman	0.05	0.03	0.10	0.12	0.01	0.00	0.06	0.04
All	0.11	0.06	0.24	0.29	0.01	0.01	0.07	0.05

Notes: The entries show the ratios of parties with additional characteristics included as control variables in regression analyses reported in Tables 5, 7, and 9-11. Representative use refers to whether the plaintiff or the defendant went to court as a representative. Religion refers to whether the plaintiff or the defendant were non-Muslim. Honorific titles refer to whether the father of the plaintiff or the defendant had religious or military titles.

APPENDIX B

Table A2 (Table 5, Full Version): Gender and Settlement/Trial with Evidence

VARIABLES	(1) Trial with Plaintiff Evidence	(2) Trial with Defendant Evidence	(3) Trial with Both Pl. and Def. Evidence	(4) Trial with No Evidence
Man vs. Woman	-0.00828 (0.273)	-0.196 (0.298)	0.423 (1.005)	-0.0544 (0.210)
Woman vs. Man	-0.538** (0.226)	0.0841 (0.215)	-1.751 (1.136)	0.128 (0.153)
Woman vs. Woman	-1.164** (0.462)	-0.665 (0.438)	-94.99 (.)	-0.130 (0.215)
Representative, plaintiff	-0.223 (0.238)	-0.101 (0.238)	-0.100 (0.808)	-0.225 (0.185)
Representative, defendant	0.111 (0.267)	-0.899*** (0.310)	-1.147 (1.230)	-1.252*** (0.262)
Non-Muslim, plaintiff	-0.226 (0.235)	-0.348 (0.279)	-95.59 (.)	-0.119 (0.144)
Non-Muslim, defendant	-0.137 (0.228)	0.0306 (0.265)	1.377 (1.040)	-0.00492 (0.143)
Father with military title, plaintiff	0.833 (1.143)	0.354 (1.154)	-92.97 (.)	1.083 (1.084)
Father with military title, defendant	12.03 (218.1)	15.31 (1569.4)	9.273 (16.58)	12.07 (298.2)
Father with religious title, plaintiff	0.570* (0.295)	-0.106 (0.332)	-0.167 (1.249)	0.434* (0.236)
Father with religious title, defendant	-0.193 (0.348)	0.334 (0.323)	1.096 (0.872)	-0.0964 (0.257)
Observations	2,524	2,524	2,524	2,524
R-squared	0.157	0.157	0.157	0.157
Year	x	x	x	x
Case-type	x	x	x	x
Court	x	x	x	x

Notes: The dependent variable is an unordered categorical variable that takes on values depending on whether the dispute was settled without formal trial (the base category) or was tried in one of the evidence-variant circumstances given in the top row of columns (1)-(4). Evidence refers to whether the parties presented witness testimony, written document, or legal opinion at trial. The omitted category in gender combinations of litigants in "Man vs. Man." Representative use refers to binary variables regarding whether the plaintiff or the defendant went to court as a representative. Religion refers to binary variables regarding whether the plaintiff or the defendant were non-Muslim. Honorific titles consist of binary variables concerning whether the father of the plaintiff or the defendant had religious or military titles. Year is a categorical variable referring to the year of litigation. Case-type and Court are categorical variables for the five types of cases and four courts described in text. Robust standard errors in parentheses. *** p<0.01, ** p<0.05, * p<0.10.

Table A3 (Tables 7, 9-10, Full Versions): Gender and Litigation Success

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
VARIABLES	Total	Galata	Üsküdar	Konya	Kütahya	Family	Personal Crime	Property	Probate	Commercial
Man vs. Woman	-0.014 (0.045)	0.082 (0.078)	0.025 (0.086)	-0.021 (0.089)	-0.059 (0.107)	0.233 (0.165)	0.052 (0.174)	-0.077 (0.116)	0.008 (0.112)	0.041 (0.067)
Woman vs. Man	-0.078** (0.031)	-0.059 (0.059)	0.040 (0.074)	-0.112* (0.060)	-0.157** (0.067)	0.277* (0.154)	-0.066 (0.119)	-0.145* (0.086)	-0.221** (0.086)	-0.056 (0.047)
Woman vs. Woman	-0.117** (0.057)	-0.068 (0.094)	-0.191** (0.093)	0.010 (0.179)	0.044 (0.172)	-0.618*** (0.190)	0.014 (0.195)	0.198 (0.252)	-0.175 (0.173)	-0.106 (0.078)
Representative, plaintiff	0.028 (0.038)	0.043 (0.084)	0.014 (0.087)	0.042 (0.070)	-0.020 (0.076)	0.307** (0.123)	0.412** (0.169)	0.095 (0.117)	-0.053 (0.083)	-0.029 (0.062)
Representative, defendant	0.139*** (0.053)	-0.502*** (0.072)	0.116 (0.127)	0.241*** (0.080)	0.129 (0.114)	0.405** (0.192)	-0.579* (0.306)	0.121 (0.143)	0.352*** (0.093)	-0.033 (0.092)
Non-Muslim, plaintiff	0.049 (0.036)	0.053 (0.050)	0.059 (0.060)	-0.024 (0.165)	0.085 (0.129)	-0.495 (0.321)	0.336* (0.181)	0.075 (0.194)	-0.287 (0.231)	0.041 (0.039)
Non-Muslim, defendant	-0.115*** (0.034)	-0.047 (0.050)	-0.152*** (0.058)	-0.088 (0.140)	-0.253** (0.102)	0.338 (0.257)	-0.396** (0.157)	0.117 (0.178)	0.201 (0.239)	-0.094** (0.038)
Father with military title, plaintiff	0.228* (0.120)	0.449*** (0.097)		0.318 (0.195)	-0.080 (0.170)	0.058 (0.336)		-0.012 (0.232)	0.250 (0.309)	0.616*** (0.139)
Father with military title, defendant	0.147 (0.114)	0.423*** (0.064)		0.016 (0.159)	0.321 (0.277)	0.595*** (0.192)		0.272 (0.205)	0.040 (0.154)	0.112 (0.167)
Father with religious title, plaintiff	0.123*** (0.042)	0.169** (0.074)	0.168** (0.082)	0.202** (0.088)	0.053 (0.093)	-0.095 (0.175)	-0.197 (0.197)	0.230** (0.115)	0.181 (0.140)	0.134** (0.056)
Father with religious title, defendant	-0.123** (0.050)	-0.059 (0.121)	-0.209* (0.122)	-0.080 (0.092)	-0.124 (0.097)	-0.208 (0.145)	0.281 (0.178)	-0.127 (0.135)	-0.151 (0.143)	-0.148* (0.077)
Observations	1,893	689	484	415	305	169	118	276	223	1,107
R-squared	0.101	0.074	0.085	0.194	0.255	0.362	0.427	0.241	0.349	0.104
Year	x	x	x	x	x	x	x	x	x	x
Case-type	x	x	x	x	x					
Court	x					x	x	x	x	x

Notes: The dependent variable is a binary variable that equals 1 if the plaintiff won the case and 0 if the plaintiff lost. The omitted category in gender combinations of litigants is “Man vs. Man.” Representative use refers to binary variables regarding whether the plaintiff or the defendant went to court as a representative. Religion refers to binary variables regarding whether the plaintiff or the defendant were non-Muslim. Honorific titles consist of binary variables concerning whether the father of the plaintiff or the defendant had religious or military titles. Year is a categorical variable referring to the year of litigation. Case-type and Court are categorical variables for the five types of cases and four courts described in text. Robust standard errors in parentheses. *** p<0.01, ** p<0.05, * p<0.10.