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zu Sprache und Literatur**

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Herausgegeben von Ulrich Marzolph

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Gender and Gender Relations in Petitions to Nāṣir al-Dīn Šāh (r. 1848–96)

Irene Schneider (Göttingen)

While current research on the position of women in Islamic societies focuses heavily on contemporary legal and social aspects, the historical dimension of these same aspects remains largely unknown. In the 1990s however, historical studies were published which, focusing on the micro level and based extensively on archival material, examined the social and economic situation of men and women, foremost in the Ottoman Empire.¹ The present article aims to contribute to this historical research by examining gender and gender roles in the Iranian cultural context,² based on a specific form of documentary material: petitions of women to the Iranian Shah.

The petitioning system in the Islamic world is based on the traditional institution of *maẓālim* (pl. of Arabic *maẓlama*, literally meaning »complaints«) and has only recently attracted the scholarly attention it deserves.³ It was an integral part of Islamic legal and political culture, deeply rooted in traditional Islamic and Iranian conceptions of power and kingship, a controlling system in legal and political matters which at the same time has to be regarded as an institution for safeguarding the rights of the subjects and implementing justice on their behalf.⁴

I will deal in this article with the differences between female and male petitions, concentrating on aspects such as the geographical origins of the petitions, the categories of complaints, the social profile of the petitioners, the decisions given by the Shah, the wording and style of the petitions and the petitioning procedure. Furthermore, I will analyse the gender roles and gender relations as reflected in these petitions and focus not only on the legal but in particular the political dimension of the petitioning system. I will therefore analyse a sample of 47 petitions (out of 850 petitions, that is 5%) submitted by women; these will be referred to as SFP (= Sample of Female Petitions).⁵ These petitions were presented

1 See e. g. Peirce 1993; the articles in Zilfi 1997 and Sonbol 1996.

2 For Iran, see Etehadieh 1989 and 1998.

3 See for Iran: Schneider 2006; Floor 2000; for the Ottoman Empire: Ursinus 2005; for the Mamluk era: Nielsen 1985 and 1991; for the reopening of this institution in Morocco in 2001 see Zirari-Devif 2001/2002.

4 Schneider 2006: 90–105.

5 This special sample of female petitions (SFP) has not yet been analysed so far. It belongs to a larger sample of petitions and reports from the years 1301/1883 to 1303/1886. This larger sample is not complete, displaying many gaps in terms of time and geographical distribution. The petitions themselves are not preserved, only the *ḥulāṣahā*, abridged versions or summaries written by the secretaries of the *divān al-maẓālim*, the institution responsible for receiving the petitions. However, these abridged versions still contain enough information for

to Nāṣir al-Dīn Šāh, the Iranian ruler, between 1881 and 1883. This sample will be compared to another sample, which I shall refer to as SC (= Sample for Comparison),⁶ petitions submitted mainly by men.

I shall attempt to analyse the differences between male and female petitions as to both their form and content by employing the category of gender – and wherever possible in combination with other categories such as religion, class and age. The concept of ›gender‹ is used here as an analytical category, in and through which people think and act socially. West and Zimmerman define ›sex‹ as a determination arising from the application of socially agreed upon biological criteria for classifying persons as females or males. Placement in a ›sex category‹ is achieved through application of the sex criteria. In contrast, ›gender‹ is the activity of managing situated conduct in the light of normative conceptions of attitudes and activities considered appropriate to one's sex category.⁷ The question in this context is: how are gender roles and gender attitudes reflected in the petitions? As it turns out, women in nineteenth-century Iran were far less inclined to exploit the petitioning system than men. Only 5% of the petitions were submitted by women. I shall try to furnish an explanation for this imbalance.

After defining the analytical concept of gender, West and Zimmerman go on to develop the category of ›doing gender‹, focusing on the dynamic aspect of action and interaction and any changes they may bring about to social circumstances. They argue that gender is not a set of traits, nor a variable, nor a role, but the product of social acting. Gender is constituted through interaction, while at the same time structuring this interaction. In acting individuals ›do‹ gender.⁸ This process of ›doing gender‹ can perhaps be relatively easily traced in present societies and social processes, observing this process in history on the basis of documentary material is clearly a far more difficult undertaking. Nonetheless, I shall try to take into consideration this dynamic process of establishing gender roles, for as I see it, these petitions reflect a mutual – and moreover dynamic – relationship between the petitioners and the Shah. The petitioning system symbolises mutual obliga-

the reconstruction of the cases and the social profile of the petitioner; see Schneider 2006: 40–44. These *ḥulāṣahā* are preserved on an old microfilm at the University Library of Tehran (no. 2929), the originals are, to the best of my knowledge, lost. Only rarely do we find the reports with regard to the further procedure in the case. Reconstruction of the process of petitioning is thus extremely difficult; see Schneider 2006: 51–52

6 This is a sample I have analysed already in Schneider 2006. The sample is made up of 120 petitions from Rabīʿ 1301/December 1883 until January 1884 – the chronologically earliest examples of the 850 petitions. Regrettably, I did not have a purely male sample for comparison and 12 petitions of the SFP are contained in the SC. However, as these 12 petitions reveal a very similar pattern with regard to the rest of the female petitions in SFP (the requests dealt with and the status of women as widows etc.), any remarkable differences have to be interpreted as a male contribution. A comparison with all male petitions out of the sample of the 850 documents would have been better, but this has proven impossible in this article.

7 West/Zimmerman 1991: 14.

8 *ibid.*, 14, 18.

tions: on the one hand, the Shah's obligation to implement justice (*'adāla*),⁹ to care for his subjects and protect them; on the other hand, the subject's obligation to remain loyal, to pay taxes and to perform military service. Wherever the petitioning system failed to function according to the petitioners' expectations,¹⁰ a certain dynamism becomes visible in the petitions: the petitioners point out the fact that they are submitting their second or even third petition and they not only complain about the Shah's failure to react, but threaten to cease invoking blessings for the Shah (*du'āgū'i*) – the symbolic acknowledgment of royal authority – if the Shah does not respond (positively) to their petition. In other cases, they even go as far as to threaten to leave the country and give up their status as subjects, with the consequence that they would no longer pay taxes.¹¹ As Lambton states:

»... justice, though it meant different things to different people, can be seen as the final authority behind the ruler, who is regarded ideally as the instrument of justice. It is for this reason, perhaps, that popular revolt has so often been ultimately provoked when it was felt that *ẓulm*, this opposite of justice, had reached intolerable lengths.«¹²

At this point, Foucault's concept of power¹³ can be used to analyse these power relations. Favouring fluidity over traditional notions of rigid verticality provides us with an explanation for how the population could exert pressure on the king through the petitioning system.¹⁴

The first section of this article (»1. Comparative analysis«) analyses the differences between the two samples SFB and SC with regard to geographical origins, categories of complaints, social profile, decisions given by the Shah, the wording and style of the petitions and procedure of petitioning. In the second section (»2. Gender, class and society as reflected in the petitions«), I shall try to reconstruct the gender roles and gender relations against the background of society.

Furthermore, as a way of general introduction I would like to refer to two studies on petitions submitted by female petitioners (a) in the Ottoman Empire and (b) in New Hampshire. Of course we need to keep in mind the striking difference in cultural and regional backgrounds represented by these two examples, not to mention their basis in different political systems. The two studies can therefore only be used to illustrate some interesting parallels.

For her part, Zarinebaf-Shahr focuses on female petitioners in the Ottoman Empire between 1680 and 1706, i. e. she is concerned with a historical period some two hundred years earlier than the Iranian sample under consideration. Guided by an interest in the strategies pursued by Muslim women from different social settings to gain a bargaining position in both domestic and public spheres of their

9 Lambton 1988: 99, 103.

10 Schneider 2008.

11 Farge/Foucault 1989: 9, 18; see Schneider 2006: 87–90.

12 Lambton 1988: 103; Leder 1998: 135, 140–141.

13 Foucault 1972: 98; see also Farge/Foucault 1989.

14 Schneider 2006: 95–105.

society, she asks whether women actively participated in the process of manipulating the existing legal limitations in order to improve their socio-economic standing.¹⁵ Only 8.24% of the petitions submitted in the seventeenth-century Ottoman Empire were by women.¹⁶ Although low, it is however a higher percentage than that of the Iranian sample. Nevertheless, Zarinebaf-Shahr believes it is justified to draw some general conclusions: that women enjoyed a certain degree of involvement in the social and economic life of their community, that across all social classes they took advantage of available legal mechanisms to protect their rights, and that they participated actively in the dynamic process of legal procedure whether through *qāḍī* courts or the Imperial Council.¹⁷ According to the petitions, widowed women were often exposed to abuse by authorities.¹⁸ They presented their petitions either directly, through a representative (usually a male relative) or the local *qāḍī*. The usual procedure was that they first presented their case to the local *qāḍī* who normally decided on familial matters.¹⁹ Hence, only very few petitions reached the Imperial Court which dealt with marital problems such as bride price, marriage and divorce.²⁰ When petitioning the ruler, the proximity of the seat of government in Istanbul helped in gaining access to the petitioning system.²¹ Zarinebaf-Shahr argues that the economic position of women depended on inheritance, bride price and dower,²² and that most cases were concerned with these forms of property.²³ Inheritance can thus be said to have been an important source of economic power for women. In cases of abuse, women were particularly vocal in defending their rights.²⁴ Interestingly, Zarinebaf-Shahr finds cases in which women participated in the economic life of the community by giving and taking loans.²⁵ The Ottoman petitions seldom represented women from the lower social strata who earned wages as domestic servants, weavers, agricultural workers, etc.²⁶ The number of petitions against officials (31%) exceeded those against relatives and husbands (23%);²⁷ there is also evidence that the officials in charge of the *šarī'a* courts took advantage of their positions and confiscated the possessions of defenceless women.²⁸

In her article »The Power of Petitions: Women and the New Hampshire Provincial Government, 1695–1770«, M. Schmidt Blaine examines the situation in

15 Zarinebaf-Shahr 1996: 83.

16 *ibid.*, 86.

17 *ibid.*, 94–95.

18 *ibid.*, 84.

19 *ibid.*, 86.

20 *ibid.*, 87, 91.

21 *ibid.*, 94.

22 *ibid.*, 87.

23 *ibid.*, 88.

24 *ibid.*, 89.

25 *ibid.*, 91.

26 *ibid.*, 88.

27 *ibid.*

28 *ibid.*, 90.

North America, from a period historically earlier than our Iranian example (but contemporaneous with the Ottoman sample), from another region, and of course a completely different cultural context. Moreover, the scope of the sample is far greater (and its archival holding far more complete!). Although these differences preclude far-reaching or watertight conclusions, a series of interesting parallels emerges nonetheless. Generally, the discussion on petitions submitted by women in North America focuses on the political aspect in the petitioning process, for women were basically excluded from the formal channels of political participation. The lineaments of this situation are usually traced and argued on the basis of the submissive language employed in the petitions. Schmidt Blaine evaluates this somewhat differently, however, pointing to the fact that petitioning at least gave women a voice where they would otherwise have remained voiceless. Moreover, she argues that the petitions offered an opportunity for far greater female assertiveness and civic involvement.²⁹ Free, white, wealthy males dominated the Anglo-American hierarchy, but a certain degree of subservience was expected from all petitioners, regardless of their age, sex, or economic status, and whether they felt subservient or not.³⁰ Petitioning being an ›ancient right‹ in English society, the law did not guarantee female inhabitants of the province the right of petition, but women in New Hampshire clearly believed that the right applied to them.³¹ Most petitions were presented by a single person or a small group of persons, and the petitions were sent first to the provincial governor and then on to the provincial assembly.³² Petitioning also seems to have been a quite expensive undertaking.³³ Schmidt Blaine argues that women's petitions tended to be personal rather than political, while at the same time adding that this is a clear instance of the personal being political, thereby utilising a typical feminist argument.³⁴ She regards petitioning as an ›expression of familial leadership available to ordinary women during the colonial era‹.³⁵ Most women petitioned because of familial (request of divorce etc.) or property issues, while – as a second focus – difficulties emerging from the ›war‹ were also prevalent. In the latter case, women demanded financial aid after having been captured by indigenous Americans. Real or personal property issues made up 28% of petitions; those related to war 36%.³⁶ Although the language of the petitions was clearly one of subservience, she argues that in this respect there was no substantial but only a gradual difference to men's petitions.³⁷ Many women submitting petitions were widowed or without a male presence in

29 Schmidt Blaine 2001: 63.

30 *ibid.*, 62.

31 *ibid.*, 59–60.

32 *ibid.*, 60.

33 *ibid.*, 61.

34 *ibid.*, 59.

35 *ibid.*

36 *ibid.*, 65.

37 *ibid.*, 62.

their households.³⁸ They thus sometimes succeeded in receiving the legal status of *femme sole*, an unmarried adult, which granted greater freedom in trade.³⁹ Most women did not petition for actions which interfered with the duties and legal rights of their husbands. Such petitions were rarely successful. Women's petitions were far more frequent, and far more successful, whenever they requested action that would aid the entire family.⁴⁰

1. Comparative analysis

1.1. Geographical origins

Seventy percent of the petitions under consideration here come from the main cities in the north, northwest and northeast of Iran such as Rašt, Simnān, Malāyir, Gilān, Ḥuy, Nišābūr, Sabzavār, Tuysirkān, Nihāvand, Baštām, Zanḡān, Šāhrūd, Qazvin, Ādarbāyḡān, Ardabil, Šāh ʿAbd al-ʿAzīm. The petitions from the southern parts of Iran and Tehran are missing.⁴¹ The geographical distribution is the same in the SC.

1.2 Categories of complaints dealt with

There are roughly three main categories of petitions:

- a) Legal requests concerning civil and criminal law; some petitioners had previously gone to *šarʿ* or *ʿurf*- courts, i. e. to a religious or state court, before petitioning the king.
- b) Political requests concerning complaints about oppression suffered at the hands of state officials; statements of satisfaction are rare.
- c) Personal requests such as claims for tax reductions, pensions, alms.

55 % of the SFP are civil cases comprising inheritance and property claims and one case of divorce, while 13% concern criminal cases; 15% are complaints against state officials, 13% for pensions and employment, while 4% are concerned with various other topics.

In comparison: the SC consists of 31% cases of civil law, including several property and inheritance claims, 13% criminal cases, 27% complaints about state officials, 23% relating to tax reductions, pensions, salaries or employment, 6% deal with different issues.⁴² From among the petitions submitted by women, it may be concluded that the percentage of civil claims is about twice as high as in the

38 *ibid.*, 64

39 *ibid.*, 66.

40 *ibid.*, 67.

41 *ibid.*, 55–56.

42 Schneider 2006: 56–73: I counted the male petitions only. With regard to the claims against state officials there are 14% group petitions of males against state officials (including claims against taxes), 5% are reports on the basis of petitions, but it is not clear whether these were originally single or group petitions, and 8% of the petitions against state officials were submitted by single male persons.

mixed sample, the percentage of complaints with regard to criminal cases is about the same, while complaints against state officials are much less than in SC, as are the claims for pensions and salaries.

1.2.1. Legal requests

1.2.1.1 Civil cases: property and inheritance claims (civil claims):⁴³

Out of this group

- a) 25% are claims against relatives⁴⁴ and
- b) 30% are claims against a third party.⁴⁵

In category a) 50% of the women are widows, in category b) 46% are widows.

I will briefly summarise the cases to give an impression of the contents of these petitions and the position of women in society and family life:

- Ia/Ib/Ic Badrğahān from Garrūs: her claim is against her husband, who expelled her from the family home when she was ill, took her property and has neither provided her with living expenditure (*maḥārīg*) nor returned her dower (*mahrīya*). Her status as a married or divorced woman is therefore not clear.
- VII: from Hūy: a woman complained that a soldier had taken away her daughter-in-law, but it turns out that she had been legally divorced.
- XI: the wife of Muṣṭafā Qulī Hān from Sabzavār submits a petition. After her husband's death his brother, Ādīna Qulī Hān, has expelled her from the family home, taken her pension (*mavāğīb*) and killed her son (this is also a criminal case, see 1.2.1.2); even Hūğğat al-Islām Mullā Hāğğī Mīrẓā Ibrāhīm, a cleric, could not protect her.
- XII: the wife of Āqā Sayyid Ğa'far Lāğavardī from Kāšān is old and her son is disabled. Her nephew, Mīrẓā Šukr Allāh, has taken her property by deceitful means forging a letter of conciliation (*ṣulḥnāma*).
- XIV: this is a petition submitted by a man in the name of his wife – a rare example. Mullā 'Abd al-Ḥusayn from Zangān claims the inheritance rights of his wife against her brothers.
- XV: from Hūy: the daughter of Kāzīm Hān complains that her father wants to turn her property into a *tuyūl*⁴⁶ – a step she is unhappy about because she thinks that it will be ruined. According to law, while the father is responsible for the

43 These are 47 cases, see p. 226pp. Three cases are counted twice because they fall into two different categories. Thus XI is a property claim as well as a criminal case; the same is true for XVI a and b, and XXII is a property case as well as the request for a pension.

44 I a/I b/I c; VII; XI (see also criminal cases 1.2), XII, XIV, XV, XVIII, XXII, XXIII; XXVII, XXIX, XXXVI, XLV, XLVII; in these examples we have widows in: XI, XII (probably), XXII, XXIII, XXVII, XXIX, XLV.

45 III; IV, XVI a and b (see also criminal cases 1.2), XVII, XIX; XXV; XXVI, XXXI; XXXII; XXXIII; XXXIV; XXXV (actually four widows submitting a petition), XXXVIII, XXXIX, XLIII. The petitioners are widows in: III; XVI a and b, XVII; XXVI, XXXI; (XXXIV: a »grass« widow: her husband is temporarily away), XXXV, XLIII.

46 »Land assignment«, see: Lambton 1969: 442.

money of his children, he must take all care not to waste it. A royal order had already been issued in his case, stating that a change in the status of the property could only proceed upon the owner granting permission. The Shah remarks »very good« in the margin. This is thus not a petition but the report on the action taken with regard to an earlier petition.

- XVIII: is submitted by the wife of Karbalā'ī Ibrāhīm Šabbāg (the dyer) and is originally directed against her eldest son. He pawned the house without permission of the owners before he died. Now she is embroiled in a conflict with Sayyid Aḥmad Šaftī, who has bribed the officials. In spite of a judgment, the *farrāš*, warden, came and expelled her and the others from the family home.
- XXII: in Qazwīn, the wife of Mīrzā Buzūrg Ḥān complains that her husband, an officer (*sartīp*), left her a child who should be the inheritor, only for two of his co-wives to now claim money and property. She claims a job for her son (see also under 1.2.3.).
- In XXIII from Asadābād/Hamadān, the daughter of the late Mīrzā Raḥīm a minor taxation officer/*sarrištadār*, wife of the deceased Ḥāgḡī Ḥān, had been living together with her son from her father's pension. Now that he is dead she claims her husband's inheritance for herself and her son, which the other heirs are refusing.
- XXVII: a long petition from Garrūs, the wife (or: wives, family? Persian: *ahl*) and children of the late 'Abd Allāh Bīk Tufangdār (gunman). The petitioner states that the husband's brother, who assumed guardianship (*sarparastī*) of her children after her husband's death, is treating them very badly and wants to cut the »one bite of bread« (*luqma-yi nānī*) – by which she means the pension of her deceased husband. Without right and litigation (*bī ma'nā va-bidūn-i murāfa'a-yi šar'i*), he has destroyed her property. Furthermore, she wants 100 Tūmāns of the pension of the late 'Abd Allāh Bīk for his son and states that she has already petitioned for this, receiving a judgement (which, as it seems, was not carried out).
- XXIX: from Simnān, Ḥānum Kučak-i Simnānī writes a long petition telling her story. She and her daughter, who is now dead, had a garden from her dower (*šadāq*). She married a man from Tehran and after his death came back to Simnān to sell the garden. But Šayḥ Mahdī has taken, on the instigation of her nephews, half of the garden. There was a petition and a judgment giving her back the garden, but Šayḥ Mahdī has again managed to retake it. She and her minor children are dying from hunger (*man bā šaḡīr az gurusnagī talaf mišavīm*). »All know that this is my garden.«
- Šahrbānū from Simnān (XXXVI) inherited property from her father. Her mother turned the property into a *waqf* for *rawḡaḥvānī* (commemoration of the martyrs of Kerbela through professional readers). Her uncle was entrusted with the administration (*mutavallī*). Her husband, however, has stolen a letter of conveyance (*šulḥnāma*) which she wrote for her mother, erased her name, inserted his own, put the scholars' seal on it and thus appropriated her money.

- In XLV, a petition from Tuysirkān, Humā, daughter of the late Ğahāngīr Ḥān Mīrzā and wife of Ḥāġġī ‘Alī, states that her brother-in-law has sold some property to her husband but now claims to have been cheated and wants to expropriate the property from her and her children. He is hounding her every day about this matter.
- XLVII: the daughter of the late Muḥammad Karīm Ḥān from Iṣfahān speaks of a 1000 Tūmāns dower (*mahrīya*), pension (*maḥārīġ*) and income (*uġrat*) from some inherited property, which she has been forced to give up because of her divorce. Apparently, she has previously obtained a letter from the Shah stating that her property be returned to her.

With regard to petitions addressing property and inheritance claims against third parties:

- In III a women from Rašt – Zīvar Ḥānum – complains that the *vakīl-i ra‘āyā*, the ombudsman, who should safeguard the interests of the town’s inhabitants, has taken a liking to her property. This property is the basis of her and her granddaughter’s livelihood. He is also harassing her.
- In IV the daughter of Ismā‘īl Ḥān in Rašt has lost her house to a man called Šayḥ Muḥsin.
- In XVI a&b from Kāšān, the wife of Mullā Abū l-Ḥasan (who is dying) complains about the injuries Mīrzā Naṣr Allāh inflicted on him (this is also a criminal case, see 1.2.1.2), but the perpetrator has also tried on the basis of *šar‘* and *urf*-judgements to take away her property. She has a letter of confirmation from the jurists of Kāšān.
- In XVII, a petition from Kāšān, the daughter of the late Āqā Sayyid Hāšim, wife of Āqā Muḥammad Ḥusayn, has inherited a house from him. As her husband had debts, the creditor wants to take the house from her and she asks for a delay and payment with deferral. She states explicitly that the creditor is a rich man possessing 50,000 Tūmāns.
- In XIX the wife of Ḥāġġī Ğulām Ḥusayn complains that Turkmen took away their herds, and she and six or seven children remain without any means of subsistence.
- XXV: in a petition from Sabzavār – Ma‘šūma –, the petitioner complains that she pawned (*bay‘-i šarṭ*) a day’s water supply from a fountain; the other person agreed, but now, after giving him the money and the interest on it, he is refusing to give back her rights to the water supply.
- In petition XXVI from Nihāvand, Ğavāhir accuses Šayḥ Mūsā of having usurped a garden which belonged to her husband and now – after his death – to her. She has a judgment, but he refuses to listen.
- XXXI from Simnān is a petition of the mother of ‘Alī Muḥammad, a shoemaker. Her husband has died. She has nothing but a house as inheritance for her child. The heirs of Ḥāġġī Ğa‘far sought to take it without litigation, and for this purpose prepared a *waqf-nāma* and took it to Tehran. They struck up a special relationship with the deputy governor (*nā‘ib al-ḥukūma*) and with his help

- appropriated the house, so that »this weak woman with her minor child has had to go to the mosque and nobody gives me justice«.
- XXXII from Nihāvand is a petition submitted by Marḍīya. She reports that she had inherited a part of a mill but the co-owner is trying to take it away from her.
 - In XXXIII from Nišāpūr, the relatives of Rustam Sulṭān complain that another person is intent on taking the property by deceitful means.
 - XXXIV is a petition from Gīlān. Maʿšūma's reports that her property lies in the same neighbourhood as that of a man called Ḥāḡḡī Mullā ʿAlī. As long as her husband was present, this man did not dare to touch the property or the annual income of this property (*iḡāra-yi imsāla*). Now that the husband is away, he is exploiting the situation and has extorted part of the income. She is afraid that he will represent the affair deceitfully (*muštabah*) to Mušīr al-Sulṭān, take the rest of the income and then the whole property. She asks for an order giving her back the part of the annual income he has already taken, to suspend this money or transfer it to government for safekeeping until her husband returns and litigation can commence.
 - In XXXV, a petition from Rašt, four widows complain that Ḥāḡḡī Āqā Riḍā has usurped and damaged their property without any right.
 - Document XXXVIII from Hamadān reveals the story of a – Jewish or Christian – family whose property was taken away while the sons were away for several months completing the harvest; the wife of one of the men was forced into converting to Islam in a Mullā's house and was about to be given into marriage to a Muslim after delivering her baby. The old woman was blind, the young woman in the house pregnant and, as it seems, both were equally unable to protect their property and their life.
 - In XXXIX from Rašt, the daughter of Mašhadī petitions that she has been deceived by Hāḡḡī Mīrzā Našīr, who wants to take her property.
 - In XLIII, a petition from Kāšān, the wife of the late Ḥāḡḡī ʿAlī Kabīr, a merchant, petitions for her son, imprisoned due to incurring debts. She asks for him to be set free so that he can try retrieve money owed him by creditors, or that the state should send someone to help him.

The high percentage of widows – between 46% and 50% – is striking. The women in these petitions have, generally speaking, several possibilities at their disposal to make a living: a pension, some rentable property, or their dower (in XLVII the woman had all three, only to lose all three). They felt moved to submit complaints upon losing these means. For this reason, the majority of petitions deal with property cases. More than 40% are complaints against relatives. Marital disputes play no role, with only one case (VII) submitted by a worried mother-in-law. Here the Iranian sample differs from the New Hampshire sample in which most petitions dealt with private issues but also among them property questions. In the Ottoman sample, most cases concern property disputes, with only a few disputes arising from marital problems. As far as the Ottoman Empire is concerned, this can be explained by the structure of the Ottoman system of jurisdiction: the women first

went with their marital complaints to the *qāḍī*'s court and the cases were decided at this level.

As many of the women presenting petitions were alone and without male protection, it seems that the major cause of their grievance was the greed of close relatives, their intimidation and efforts of male family members to exploit the situation, by throwing them out of the house etc. The petitions in this sample clearly contain as many complaints by women against relatives as in the Ottoman sample. There is only one case (XXII) with a complaint against other women. However, in the Ottoman sample the petitions against officials exceed those submitted against husbands and relatives. With respect to marital complaints or divorce, the petitions focus on the material aspect (see I a, XLVII).

1.2.1.2 Criminal cases⁴⁷

- VIII: in a petition from Huy, the son of an unnamed woman has been killed. An investigation followed. The woman suspects two different persons but cannot substantiate her accusation.
- X from Malāyir: the mother and wife of the murdered Ḥusayn Qulī Ḥān are here sending their third petition, complaining about the high costs demanded for telegrams; they wonder why the previous response they had received ordered them to find the murderers on their own. They ask whether the enforcement of justice (*iḥqāq-i ḥaqq*) depends on the petitioners or the concerted efforts of state officials.
- XI: the wife of Muṣṭafā Qulī Ḥān from Sabzavār complains because after her husband's death, his brother, Ādina Qulī Ḥān, has expelled her from the house, taken her pension (*mavāğib*) and later even killed her son; even the protection of Ḥuğğat al-Islām Mullā Ḥāğğī Mīrzā Ibrāhīm has not helped her. A *šar'*-judgment was issued but it has had no effect.
- In XVI a&b from Kāšān, the wife of the late Mullā Abū l-Ḥasan has not only lost her husband, but the murderer has also tried to appropriate her property on the basis of *šar'* and *'urf* judgements. She has a letter of confirmation from the *'ulamā'*, the scholars of Kāšān.
- In XX: a mother and the wife complain that Ġulām Maṣṣūr has killed their son/husband. After the murderers (sic!) could not be found, the women received – as inheritance – Ġulām Maṣṣūr's houses as »blood money« for the deceased. However, the *'ulamā'* as the *vakīl* of the murderers (sic!) could not show up, considered that they were unable to proceed and a special agent, who went there, was sent back. In his decision the Shah angrily remarks: »The old judgment should be applied. It is not necessary to have the judgment of a *mullā*. The judgment of the *dīvān* should be carried out!«

47 VIII, X, XI (see also property cases 1.1); XVI a and b (see also property cases, 1.1), XX, XXX. Widows are to be found in: X, XI, XVI a and b, XX; XXX (this woman is accused of having killed her husband).

- XXX: in this case a woman herself is accused of murder: this is not a petition but a report in a *rūznāma*, a »daily report« from Hamadān. According to this report, some days after being divorced by her husband, the wife invited him around for a meal; two minutes after eating the served meat he died. However, it was not the wife who had to go to prison on suspicion of murder, but her father. Medical doctors have examined the corpse but found no signs of poisoning. The decision passed down was to pursue the matter and bring it to an end according to *šarʿ*.

No criminal cases are contained in either the New Hampshire or Ottoman samples, although in North America there are many cases of women asking for help because of their capture by Native Americans. A similar case will be dealt with in the next section on complaints against state officials.

Perhaps not surprisingly, the number of widows in the criminal cases is higher than in civil cases: 83% of the petitions are submitted by widows or concern a widow (in the latter case [XXX] a woman was under suspicion of having murdered her husband). In three cases mothers of murdered men, sometimes jointly with the daughter-in-law, submitted petitions. As in the property claims (XI, XVI a & b, XX), the problem addressed by the petition is once again that of procuring a livelihood after the death of the husband/father. In XX, as a means for securing their livelihood, the women were granted the inheritance of the murderer's houses. From the perspective of Islamic penal law it is interesting that they were given the house »for his blood« (*dar ʿavaḍ-i hūn*) and thus act as representatives of his family. Furthermore, in XI a woman who had lost her son complained to the Shah, seeking to revenge the blood of her son (*mahḍ-i riḍā-yi hudā hūn hāhī šavad*). In practice, these women act as *valī al-dam*, the one who takes revenge for the blood of the murdered person, a role normally attributed to the male agnates of the family of the murdered person.⁴⁸ X reveals problems in how the criminal justice system conducted its investigation, for the women wondered whether they, and not the state, were to enforce justice, whereas XX, a report, reveals that the Shah wanted to control the penal judiciary system, including the jurisdiction of the *mullās*.⁴⁹

1.2.2. Political requests

- II a/ II b/II c, a somewhat complicated case, is a petition submitted by Zīvar Ḥānum, wife of ʿAbd al-Ḥusayn, the former governor of Bandpay, who had been deposed and had to leave the town. Zīvar Ḥānum accuses Gurḡī, the former *pīškār* (chief financial officer), of harassing her. According to II a, her house was surrounded by him and his men and all her personal belongings were taken away; she was forced to flee to safety. In II b – a report on the affair – it is said that her husband incited her to make these claims. The case is not

⁴⁸ Peters 2005: 45: according to the Shiites, the spouse relict is not allowed to be *valī al-dam*.

⁴⁹ For the problem of the dual system of justice see Schneider 2005.

- clear, but seems to have a political background. The petitioner emphasises that she is the daughter of the famous Mulk Ārā⁵⁰ as well as a relative of the state (*ḥānazād-i dawlat*) and the honour of the king (*nāmūs-i malik*) and his purity (*‘iṣmat*).
- VI: here three women – Gawhar Ḥānum, Āmina Ḥānum and Nisā’ Ḥānum – complain that the *amīn al-vaḏā’if* (trustworthy person in charge of pensions) has deceitfully taken away their deceased father’s pension and given it to his own son.
 - IX: because their husbands have left the village of Avriḡ in Baštām to work in Astarābād and Māzandarān, the women are seeking the status of »subjects« (*ra‘īyati*). They pay taxes and are subject to the extorting practices of Muḥammad Ḥān, the local tax collector. The petition is sealed with the seal of the men.
 - XXI is a petition from Malāyir. The daughter of the late Sālār, wife of Šir ‘Alī Ḥān and the subjects of the village of Nanḡ and Širīnābād⁵¹ complain about the oppression of Gulām Našir and Maṣūr, and point out that the special agent Ismā‘īl Tufangdār is not doing his job. The woman said: »The subjects are the honour of the Shah« – as a way of concluding her petition with the statement that they as subjects were about to lose honour (*‘ird, nāmūs*) and property (*māl*).
 - XXVIII is a petition from Gilān. Women from the village of Kaysam complain about the harassment of Ḥāḡḡī Mullā Mīrzā Ḥasan and the children of ‘Abd al-Vahhāb Mustawfī, who, together with ‘Alī Ḥān Sarhanq, Nā’ib ‘Abd Allāh *farrāš*/warden and others robbed them and set fire to their house. Several petitions have yet to be responded to. The Shah reacts angrily: »Nā’ib al-Saltāna⁵² should be advised. The *vālī* (governor) of Gilān should be informed and asked what this situation is. Why should people be oppressed by other people? Surely a just order and ruling should be given!«
 - XL is from Bandar-i Gaz, where a man named Ḥabīb ‘Āḡiz asks for help for his sister, captured by the Turkmen in Astarābād. She managed to escape and flee to Āq Qal‘a. However, the Turkmen entered the town and bribed the governor with money and carpets – and took the girl again by force (?).⁵³ Mother and daughter are prisoners at different places and cry. »Help is needed«.
 - XLIV is from Malāyir: Gawhar Mulūk Ḥānum complains bitterly that one of the most wicked men in the province, Taymūr Mīrzā, has bribed Yaḥyā Mīrzā – presumably the governor – and become *pīšhidmat bāšī* (chief deputy administrator). Exploiting this position, he has molested and oppressed the

50 Sulaymānī 1959–60: 170, Mulk Ārā was a brother of the Shāh.

51 This seems to be the name of another village which could not be identified.

52 Kāmārān Mīrzā, son of Našir al-Dīn Šāh, was governor of Tehran in 1871, later war minister and governor of different provinces, Sulaymānī 1959–60: 193.

53 The Persian text is not clear. The verb follows in the singular which would mean that the governor – and not the Turkmen – took the girl. This does not make much sense, however, because the Turkmen had paid for her.

people, entered her house drunk and even attempted to rape her daughter. She calls for his dismissal. The Shah demands a »hard judgment« (*ḥukm-i saḥti*) against the man.

These cases concern the political aspect of the institution of *mazālim*, comprising complaints against the oppression practiced by governors and tax collectors. Women also made use of this institution, meaning that they acted politically. In the Ottoman sample the petitions against officials as guardians or *qāḍīs* were also often taken to the Sultan. There is no information about widows in these documents. Women often formed groups to complain about state officials (IX, XXI, XXVIII), and in these cases they considered themselves – because the men were away somewhere – *ra‘āyā*, »subjects«. However, usually whole communities submitted a petition, thus obviously comprising both men and women.⁵⁴ XXI is somewhat unusual, for one woman seems to have been speaking on the behalf of the whole village: her familial affiliation is given. In two cases women identify themselves explicitly as *ra‘āyā*. (IX, XXI). In both II a and XXI the two women reminded the Shah of his honour. The concepts of *nāmūs* (in the Persian context), *‘ird* (Arabic) and, to a lesser extent, *‘iṣmat* are deeply rooted in society but only rarely reflected in texts. *Nāmūs*⁵⁵ – meaning explicitly the female members of the family and at the same time »honour« – relates to the women’s conduct: the regard men were held in depended on the sexual honour of the female members of their family, which meant that they thus had a duty to defend and secure the highly valued *nāmūs*; once it was violated or flouted, because it reflected on them, their own honour was also lost. This placed an obligation to respond upon the male members of a family and restore honour, mostly by killing the woman involved in the affair.⁵⁶ Here the petitioner wrote however: *ra‘īyat nāmūs-i pādīšāh ast*: the subjects are the honour of the Shah. The implications of this concept will be discussed below.

One case comparable with those from New Hampshire is XL. Here a man’s sister had been captured by the Turkmen.⁵⁷ Schmidt Blaine reports similar cases of captured women who asked for help to be »redeemed«. In the Iranian sample, women appealed to the state (or Shah), recalling the responsibility of authority to protect inhabitants and borders. Whereas for the New Hampshire sample we know that the state often reacted and tried to help women in this situation, we learn that the Iranian governor of Aq Qal‘a would seem not to have protected the woman who took refuge there. Regrettably, the text is difficult to understand and – on the institutional level – there is no information on how the affair unfolded.

54 Schneider 2006: 73–74.

55 Haim 1997: *nāmūs*: a principle of law; chastity; the female members of the family; reputation, esteem, honour; *‘ird*: reputation, honour; *‘iṣmat*: chastity, purity, immunity from something; women’s privacy, protection.

56 Casimir/Jung; Petersen 1985: 11.

57 The petition is quoted here because the man clearly petitions for his mother.

1.2.3. Personal requests⁵⁸

- V: in Nīšābūr the daughter of Muṣṭafā Bīk Ġulām-i Rikāb states that after her father's death she has become desperate. She does not request his salary (*mavāğib*) but demands a favour.
- XIII is a petition from Tuysirkān where Ğawhar Mulk complains that she has 25 Tūmāns *mavāğib* and property for which she has had to pay taxes. She asks for a reduction.
- XXII (see also among civil cases 1.2.1.1): in a petition from Qazvīn the wife of Mīrzā Buzūrg Ḥān complains that her husband, an officer (*sartip*), has left her with a child who should be entitled to inheritance, but that two of his co-wives have tried to take away money and property. She also asks that her son be given a job in the Foreign Ministry.
- XXXVII: here very detailed claims are made by the wife of the late Ḥāğğī Mīrzā Muḥsin, formerly a *laškar-nivīs* – a secretary of the military – in Āḍarbāyğān. Following his death, his son 'Alī Riḍā succeeded him in this post, only to then die as well. She now proposes that her other son should receive 200 Tūmāns. Her second request is the payment of the pension granted to her grandson worth 75 Tūmāns, his father Mīrzā Ḥasan having also died. Amīr Nižām has prevented this. Also Ismā'īl, another grandson of Muḥsin, has died and his salary (*mavāğib*) should be given to his children. The Shah advises the responsible person to answer.
- XLII is a petition from 'Abd al-'Aẓīm, submitted by the wife of the late Dū l-faqār Ḥān Sarhang (officer). Her husband had a good salary (*mavāğib*) but its payment has ceased since his death and she has not received anything. She asked for herself and for a pension.
- XLVI: Hāğir Sultān, daughter of the late Muḥammad Ibrāhīm Ḥān Mu'tamid al-Mulk, had – as her two sisters – always received a pension of 250 Tūmāns (72 for each, she states), which has been reduced however. Her sisters in Tehran have succeeded in reclaiming the full sum, whereas she, being far away from Tehran, submits this petition for this purpose.

Not surprisingly, at 50%, the ratio of widows is again high. All women come from families of state officials. It seems that a certain type of pension for the family of a state official was not unknown, for many raise complaints referring to how they are no longer being paid out or are being drawn by others. Regrettably, parallel cases from neither the Ottoman nor the American samples are reported.

Other cases:

- XXIV the wife and family of Muḥammad Riḍā Ḥān Zādagān have spent time in an asylum. The document is not a petition but a report. It is too short for a reconstruction of the case.

58 V; XIII; XXII (see also 1.1); XXXVII; XLII; XLVI.

- In XLI the women of ʿĀliš Gurgānrūdī complain that their husbands and brothers (*riḡāl-i mā*) had gone to the royal court to submit a petition three years ago. Many of them were beaten and subsequently died, all of them were desperate (as it seems, they could not submit the petition). The women demand an investigation to restore their rights.⁵⁹

1.3. Social profiles (age, profession/basis of livelihood, place of residence) of the women submitting petitions

About 45% of the petitioners are widows, while one petition is submitted by a woman whose husband is absent but still alive (XXXIV). Widows make up the majority of petitioners in New Hampshire as well, where petitions were handed in either by widowed women or by women without a male presence in their household. The same is true for the Ottoman sample. This seems to be a cross-cultural parallel. I have not come across a petition of a male petitioner who described himself as a widower. A second result reflected in the petition is that women living alone and having no male person to defend them seem to have been ›normal‹ targets for harassment and intimidation.

About 30% of the petitions were submitted by relatives, wives, daughters, or sisters of state officials (47% of them widows). Often these men had served in the army. No woman was herself active in state service. Furthermore, in the SFP 4% of the petitioners are wives of *mullās*, while one woman is the mother of a shoe smith (XXXI, this is 2%), another that of a dyer (XVIII, also 2%) and one the wife of a merchant (XLIII, again 2%). It is not always possible to reconstruct the social background of the women. It can be stated, however, that a certain proportion of female petitions (but a smaller percentage than in petitions submitted by males), i. e. 9% as compared to 14% in the SC⁶⁰, comes from rural areas.

The group petition from women of Avriḡ/Biṣṭām reveals that the men had to work somewhere else because the land was barren (IX), meaning that the women and children were left behind in the village. In petition XXXVIII the (Jewish or Christian) men had to leave for the silkworm harvest. In one petition the wife of Ḥāḡḡī Ġulām Ḥusayn, originally from Kirmān but now living in Šāhrūd, complained that Turkmen abducted their animals (XIX). Zarinebaf-Shahr's remark on the Ottoman sample applies here too: the petitions seldom represented those women from lower classes who earned wages as domestic servants, weavers, agricultural workers etc.⁶¹

Forty percent of the women in the SFP owned land, property or at least a house. Sometimes the women only speak of property without further specifica-

59 The precise reason what the men petitioned for and why they were unsuccessful cannot be reconstructed.

60 Schmidt Blaine 2001: 60. Petitions were presented by a single person or a small group in New Hampshire as well.

61 Zahrinebaf-Shahr 1996: 88.

tion.⁶² From Nihāvand, Marḍīya complained (XXXII) that she owned 1/6 of the stone of a mill in the village of Lower Varāmīn, which she had received as inheritance from her father. It seems to have been her sole source of income (*māya-yi ma'īšyat va-gudharān*). The other owner, Muḥammad Ḥān, put pressure on her and threatened to seize her share of the property as compensation for tax payments. She asked for orders to be given that – as before – she should pay no tax for this property, and could quietly practice *du'āgū'i* (symbolic prayers for the Shah). To summarize, women submitting petitions either lived on incomes from some property or some pension they received.

With one exception, where Jews or Christians were involved (XXXVIII), all petitions were submitted by Muslim women. The exception reveals that harassment of religious minorities took place and targeted in particular the women of these minorities: Ismā'il, Mahdī and Šam'ūn with their blind mother were the joint petitioners. They stated that the sons of the family had gone away for 10 months to take part in the silkworm harvest (*pīlavari*), leaving their blind mother with Sham'ūn's wife in their house. On their return, they found the house empty: gold and furniture had disappeared. It turned out that under the persuasion of two women, Bībī and Sulṭān Ḥayyāt, everything had been given to Ğa'far Kašikčī, the watchman, and his son Sulaymān. The petitioners were worried about Ša'ūn's pregnant wife, who had been carried off to the house of Mullā 'Abd Allāh and (forcibly?) become a Muslim. She had then been sent to Ğa'far's house. The petitioners seem to believe that there is a danger of her being married to his son Sulaymān after giving birth. With the help of agents of the provincial government they were able to find some of their possessions in the house of Bībī and Sulṭān Ḥayyāt. The rest had disappeared. They requested that the law be implemented (*iḥqāq-i ḥaqq*). Unfortunately, no answer or remark of the Shah is preserved. Cases of religious minorities are rare among the petitions.

1.4. Wording and style of the petitions

With regard to New Hampshire in the 18th century Schmidt Blaine writes:

»While women used term such as ›powerless‹ and ›helpless‹ far more often than men, the wording men chose, which usually concentrated on their economic weaknesses, conveyed a similar message of need. Therefore, in individual petitions, when women petitioned for their ›fatherless children‹ or asked the government to aid them due to ›poor circumstances‹, the meaning of the wording in their petitions did not vary tremendously from the wording men used«⁶³

For the Ottoman sample, Zarinebaf-Shahr states without any detailed investigation into the semantics of the petitions:

62 See III, IV, XV, XVII, XVIII, XXII, XXV, XXVI, XXIX, XXXI, XXXII, XXXIII, XXXIV, XXXV, XXXIX, XLV, XLVII.

63 Schmidt Blaine 2001: 62.

»Women who petitioned the court were careful to make a point of their vulnerability and defencelessness.«⁶⁴

In the Iranian sample women spoke of themselves – and began their petitions – with terms such as *ḡaʿīfa* (»the weak«), *kamīna* (»your humble one«), *faqīra*, (»the poor«), as well as *kanīz* and *ḡāriya*, both originally meaning a female slave. Women often combined these terms to stress their humbleness such as *kamīna ḡāriya* etc. I have not come across similar combinations among male petitions. More often women gave their familial and not their first names; they are »wife of« or »daughter of« someone. Some examples can be found in which women referred to themselves or were referred to by their first name beside the familial affiliation (I a, II a, VI, XXV, XXVI, XXXII, XXXIV, XXXVI, XLIV, XLV, XLVI) – which is normal in case of male petitions. In the male petitions of SC, men always gave their full name and familial affiliation at the beginning of the petition and terms of humbleness such as *čākir* (»obedient servant«), *ḡān naṭār* (»devoted, ready to sacrifice oneself«) were only used in the text.⁶⁵ The terminology is not equal, i. e. only some of the terms were used in the same way by men and women (e. g. *faqīr*, *faqīra*), while others are gender specific.

As these documents are not the original petitions but summaries by clerks, the question arises whether the documents reflect the terminology originally used by the petitioners or whether the secretaries used a standard terminology. I would argue that these petitions largely represent the original wording and style (not only contents) of the petitions, for several reasons:

An analysis of the petitions – or better: summaries – reveals on the one hand a certain standard structure and a categorization which surely was used by the secretaries when summarizing the petitions: the place is named first, then the petitioner's name (in case of women: not the first name but mostly the familial affiliation) is given, followed by the subject matter and the final demand. On the other hand, the documents vary considerably in length, style (use of first-person report, information additionally given to the case, personal assessment of the case, personal dismay) and thus reveal individual traits. In some petitions the case story is related in the first-person singular and direct speech, which surely was taken from the original petitions. In other cases the third-person is used as expression of politeness and humbleness to the Shah (»the one who is invoking blessings on the Shah« or »this weak woman«). Often the same documents combine first-person-reports and reports in the third person. These differences in length, style, wording and information would be an argument for the preservation of much of the original petitioners' use of terminology etc. by the clerks.⁶⁶

Both women and men try through their wording to express their desperate situation. In this sample women speak of *qalīl milkī*, »a bit of property«, and they complain that the provincial government does not care about »poor people like us«

64 Zarinebaf-Shahr 1996: 84.

65 See the examples in Schneider 2006: 106–203.

66 *ibid.*, 40–44.

(IV *amṭāl-i mā fuqarā*); they »ventured to submit a petition« (V: *bi-ʿarḍ-i ʿarīḍa ḡasārat kardam*) or even (as a group in the village) did not venture to personally submit the petition in fear of the oppression of Muḥammad Ḥān when the king rode through the village (IX: *dar ʿubūr-i mawkīb-i Maṣṣūr ... bi ʿarḍ-i taʿaddiyāt-i Muḥammad Ḥān ḡasārat naraft*), deciding it safer to send it afterwards; they stated that money was taken from »these two old women who were incapable of surviving« (X: *az in du ʿāḡaza ki qādir bar quvvat lā yamūt nistīm*) and demand that the Shah intercedes, so that they and their minor children would not be homeless in winter (XVII: *in ḡāriya bā čand nafar awlād-i ṣaḡīr dar in zimistān āvāra našavīm*); a woman asked that an order be given to force »this irreligious old man to obey the law and to give this humble woman who prays for the Shah relief from his oppression« (XXVI: *istidʿā ānki muqarrar šavad in šayḥ-i ḡayr-i mutadayyin-rā bi iṭāʿat-i šarʿ va-ʿurf maḡbūr namāyad va in kamīna-yi duʿāḡū-rā az taʿaddi-yi-ū āsūda dārad*). They also asked for just royal orders (*amr-i ʿadalāna-yi mulūkāna*) and the implementation of the right (*iḥqāq-i ḡaqq*). In particular the terms used at the conclusion of petitions are parallel to those of male petitions.

Despite these devout and humble personal attributes, the style and wording was, however, not always humble, often expressing self-confidence.⁶⁷ In other words: the style of the petitions varies according to the personality of the petitioners and not according to their sex. Whereas one could suggest that women are more humble, cautious and ignorant of the procedure, there are also humble petitions from men and self-confident petitions from women. Some examples are given below:

Male example:⁶⁸

He says:

From Šīrāz Mīrzā Ḥasan Ṭīhrānī has submitted a petition via the post. He has been living for five years in Šīrāz, suffering misfortune, without work (*bī-kār*), indebted (*maqrūḍ*) and poor (*parišān*), so that he cannot move anywhere else: I ask for orders from his Majesty's grace to give a salary or gratuity (*anʿām*) to this obedient servant (*čākir*), so that from the Excellency, the Shadow of God on Earth, may our souls be sacrificed to him, he could live with his wife and children quietly and practice prayers for the ruler (*duʿāḡūʿi*).

Example of a female petition: XI

The wife of the late Muṣṭafā Qulī Ḥān, after describing her husband's job at the cavalry of Sabzavār and his death in the battle against the Turkmen, writes:

One hundred Tūmāns of his salary were stipulated in my right. Ādīna Qulī Bīk, Muṣṭafā's brother, whose bad character and wickedness all

67 *ibid.*, 42–43, for an example of a female petitioner. For the example of a humble male petitioner see p. 41.

68 *ibid.*, 143: petition 7B.

people in the province know, took this pension and did not give one Dīnār to me. He behaved very badly. I did not have the power to resist because my child was small. He expelled me from my inherited house. I rented a house next to the house of Ḥuḡḡat al-Islām Ḥāḡḡī Mīrzā Ibrāhīm and lived there. What I had owned was taken away. One evening, when I was sleeping, Ādīna Qulī Bīk came from the roof and stabbed my son with a knife in his shoulder, he bled a great deal and fainted. I went to Ḥuḡḡat al-Islām and told him what happened. Four to five months I spent nursing my son, just in these days the only child I had passed away. Several judgments were given by the *šarʿ*-court that Ādīna Qulī is the murderer, but I had to take the affair to the just Royal Court for avenging the blood of my son.

In both petitions the (male and female) petitioners complain about their misfortune, desperate situation and helplessness. Accordingly, the style of the petitions is despondent and distraught.

An example of a complete different style of petitioning is XXI from Malāyir: Malāyir: the daughter of the late Sālār, wife of Šīr ʿAlī Ḥān and the subjects of the village of Nanḡ and Šīrinābād and ... :

Because of the evil deeds and profligacy of Ġulām Nāšīr and Ġulām Maṣūūr we submit a petition. Ismāʿīl Ḥān Tufangdār has been instructed (to investigate the matter). He knows what we are suffering. Among the judgments we have is one of Ġanāb-i Mullā Mīrzā Muḥammad Muḡtahīd, who was about to die. The documents have been sent to the honourable state officials of the royal state, a confirmation of the noblemen of the province we have in hand. But Ismāʿīl Ḥān is confused because of his prejudice. When state officials tolerate such a clear case of injustice – where will the affair of the poor subjects end up? The summary of Ġanāb-i Mullā Mīrzā Muḥammad’s judgement is clear. The subjects are the king’s honour (*raʿīyat nāmūs-i pādīšāh ast*): this is even truer of his government! The brazenness of the two Ġulāms Nāšīr and Maṣūūr to the Navvāb cannot remain unknown and is reason for mercy. When the governor’s stick is not there, the drunken black man (from Zanzibar) will vomit in the Kaʿba (*aḡar čūb-i ḡākim nabāšad zi pay, konad zangī-ye mast dar Kaʿba qay*: In short: money and esteem (*ʿird*) and honour (*nāmūs*) disappear in the urban and rural areas (*ḡāḡīr wa-bādī*).

The Shah’s remark: report the details to ʿAlāʾ al-Dawla, so that he can reprimand the responsible persons and can pass a resolution that this kind of injustice will not be repeated.

This petition not only describes the situation soberly and gives all the information needed but also – although written in a desperate situation – reveals the petitioner’s anger and fury as well as the ›empowerment‹; her standing up for her rights is palpable. The *nāmūs* aspect will be discussed below. Here it has to be pointed

out that despite the self-confident style the woman does not give her name but a double familial affiliation as daughter of Sālār and wife of Šīr ‘Alī Hān.

Another example for this style is XXXV:

Four widowed women write:

These slaves have a little bit of inherited property which is the means of their living and is vital for their survival. Hāğğī Āqā Riḍā, son of Hāğğī Mullā Mīrzā Ḥasan, has without any right (*bidūn-i hič ḥaqq u ḥisābī*) usurped our property. A certain amount is destroyed, he has placed us in hard circumstances and made us poor (*parišān va-nāčiz*). We request orders that if he has a case according to *šar‘* and *‘urf*-law against us, he should first have litigation with us and then, whatever the judgement, it should be implemented, and prior to litigation he should cease to molest us!

Again information is combined with anger and fury about the usurpation and clear knowledge about the petitioners’ legal rights and the procedural steps which have to be first taken. The petitioners advise them (and therefore the Shah) to deal with the matter in a legally correct way, i. e. in litigation, that the judgement be adhered to, and they should no longer be molested.⁶⁹ Again the petitioners name themselves with humbleness (»these slaves«) and do not use their first names – despite the self-confident style of the petition.

1.5. Decisions given by the Shah

With regard to legal cases and requests, the ruler had the theoretically-founded, i. e. on the basis of the normative literature on state craft,⁷⁰ possibility and power to decide legal questions himself and/or to enforce already existing judgments. Nāṣir al-Dīn Šāh normally did not take judgements on his own, possibly because he lacked the necessary judicial training. He either issued orders to enforce already existing decisions or delegated the decision to the provincial ruler – normally with the remark to »enforce the right« (*iḥqāq-i ḥaqq*).⁷¹ Furthermore, in all cases concerning women the ruler either wanted already existing judgements to be carried out or he ordered the governor – as judge – to take the decision. An exception is I a/I b/I c: the petitioner, Badrğahān from Garrūs, had complained about the bad behaviour of her husband. He had expelled her from the house when she was ill and had taken all her personal belongings. He gave her neither living expenses (*maḥāriğ*) nor her dower (*mahrīya*). As a consequence, she had neither the status of a wife nor of a divorced woman (with her *mahrīya* to live off). Muḥammad ‘Alī Hān Sartīp helped her husband. She wants her case to be investigated but makes no mention of an already existing judgment, quite possibly because she wanted to conceal the decision handed down. The Shah ordered his

69 *ibid.*, 21–22: *‘urfī*, which in 19th-century Iran means »state law«.

70 As reflected for instance in Māwardī 1960: 77–95.

71 Schneider 2006: 61–65.

son, the Nā'ib al-Salṭana, Kāmrān Mīrzā⁷² to tell Sartīp not to side with the husband and to reinstate her right (*ḥatman dar ḥaqq-i in ḍa'ifa qarārī dāda urā āsūda kunad*). This is quite exceptional and has to be taken as one of the rare cases in which the Shah – for reasons not given – abandoned his usual practice, interceding in the case and giving his own decision.⁷³ In this case we also have one of the rare examples of a report on the petition in I b and I c. In I b it is asked which order had been given. It is stated that letters had been written to the governor of Garrūs and to Sartīp.

In another case the wife of Āqā Ğa'far Lāğavardī from Kāšān (XII), an old woman with a disabled son, accused some men/relatives to have faked a deed of conveyance (*ṣulḥnāma*) to harm her. In this case, too, the Shah ordered that a letter be written to the governor of Kāšān »to end this oppression« (*raf'-i ta'addī*). The »end of this oppression« could also be understood as a general hint to find out the truth of the matter. The Shah's personal decision is thus not as clearly discernible as in the case above. On the other hand, in XVII a woman described her bleak situation after her husband had died, leaving her with the burden of his debts. The creditor wanted to expel her from the house but she asked for time, and Nāṣir al-Dīn Šāh wrote: »According to the *šar'* law, the right of the creditor should be fulfilled with an extension of time and moderateness«. In this case he was anxious to stick to *šar'*- law and avoided giving the impression of making arbitrary decisions, but he tried to support her with regard to the extension of time.

The political cases concerning state officials, governors or tax collectors are different: here the Shah normally interceded, reprimanded, punished and even dismissed these persons from office. In XXVIII a group of women complained about the oppression of officials. They had already petitioned the provincial government but had not received an answer. The Shah ordered that the Nā'ib al-Salṭana be informed and that a letter be sent to the governor of Gīlān to ask him about the situation. While the tone of his statements resonates with anger, there is no clear decision in favour of the women. The same is true for XLIV, where Gawhar Mulūk Ḥānum complained that Taymūr Mīrzā, a state official, attempted to rape her daughter. The Shah's rhetoric was harsh and he talked of a »hard judgment« (*ḥukm-i saḥt*) on the governor of Malāyir, but he obviously did not depose him.

These examples may be sufficient to show that the petitions seem to reveal the Shah's aim of siding with women's complaints, perhaps even more so than he normally did with petitions submitted by men, albeit, as it seems, more on the rhetorical level. It seems that only in one case was his decision not made on the basis of an earlier judgment. If this case really contains an independent decision by the Shah, then this is remarkable. In this context it has to be taken into consideration that according to the normative literature – the »mirrors of the princes« – it was not only the Shah's obligation to restore justice, but it was also

72 Sulaymāni 1959–1960: 193.

73 In Schneider 2006: 64, I did not realize this aspect of this petition.

his special duty to take care of the weak and oppressed, particularly orphans and widows.⁷⁴ Responding in a special style of ›care‹ thus could have been a part of the discourse. The Shah might have referred to this normative obligations – at least rhetorically – thus stressing the traditional roots of his office and trying to present himself on a symbolic level, as the ›ideal ruler‹ depicted in the »mirror for princes« literature.⁷⁵ On the other hand, the rhetoric is not followed by a corresponding action. There is thus a discrepancy between the Shah's conduct with regard to legal and political petitions. It needs to be kept in mind, however, that the legal case which the Shah decided alone might well be an exception.

1.6. Procedure of petitioning

The petitions cited here were submitted by women. Also included in the sample were three petitions submitted by men in the name of a female relative as sister/wife/mother.⁷⁶ In one case (XIV) a husband, Mullā 'Abd al-Ḥusayn from Zanġān, submitted a petition for his wife helping her against her brothers. In XXXVIII three sons submitted a petition together with their old and blind mother. In XL a man asked for help for his sister who had been captured by the Turkmen. Women normally petitioned for their children and family. While they normally did not ask on behalf of their husbands, there are cases in which women petitioned for male relatives, especially sons (see XXXVII). The female petitioner in this document actually sought to receive pensions for several of her (male) children and grandchildren.

With regard to the petitioning process, we only have two examples (I a/I b/85 A I c and II a/II b/II c) where the petitions and the reports on the cases are presented. Reconstructions of the petitioning process is thus unfortunately not possible.

From XLVI it becomes clear that direct petitioning in Tehran was possible and, furthermore, that women – the sisters of the petitioner – could and did exploit this procedure; petitioners living outside of Tehran may have found it difficult to claim their rights. Only in one case is it clear that the petitioning procedure was an expensive undertaking, although there is no information on the precise amount of money involved (X).

2. Gender, class and society as reflected in the petitions

The differences and parallels between male and female petitions can be summarized as follows:

74 Ghazālī 1982: 115–118.

75 Lambton 1981 und 1988. For a more general introduction into the literature of the mirrors see Leder 1998.

76 Not included were the high numbers of petitions in which men ask generally for help for themselves and for their family.

2.1. Parallels

- 2.1.1. The geographical distribution accords with the petitions submitted by men.
- 2.1.2. Women submitted the same percentage of petitions with regard to criminal cases (SFP: 13% vs. SC: 13 %).
- 2.1.3. The use of a terminology of humbleness is not connected to gender: this individual style and wording can be equally self-confident or subordinate in male as well as female petitions.

These parallels demand an interpretation: whereas the geographical distribution of the petitions (2.1.1.) owes its character to the whole sample, female petitions with regard to criminal cases (2.1.2.) differ not in their number but in their contents. Criminal justice all over the world is gendered, as women only rarely act as offenders. In this sample there is, however, one case of an accused female murderer (XXX) but not a single case of a female victim. Women are present in the petitions as relatives of the victims. This aspect is interesting because it becomes obvious that women did act in criminal cases as *valī al-dam*, a role which in Šī'ī law was normally not possible for the spouse, but allowed for female members of the family. They therefore acted as representatives of the family, in particular for males who were unavailable or not present.

With regard to style and wording (2.1.3.), the petitions differ according to the petitioners' individuality and not according to sex. However, as style and wording are difficult to evaluate here, a more thorough investigation will be necessary. As I demonstrated above on the basis of some examples there are self-confident petitions with petitioners knowing their legal rights, not only from men but also from women. At the same time not all men submitted self-confident petitions.

2.2. Differences

- 2.2.1. The number of female petitions is lower (5% of the whole sample are female petitions, including single and group petitions).
- 2.2.2. There are differences with regard to the social status of the female and male petitioners: about 45% of the petitioners are widows (there is to my knowledge no male petitioner stating explicitly that he is a widower); in 8%⁷⁷ of the cases the women state themselves, or it becomes obvious from the contents of the petition that the women were on their own because their husbands were temporarily absent. The high percentage of widows is also evident for the Ottoman and American samples.
- 2.2.3. There are differences with regard to the number of civil claims, which is about twice as high as among the male petitions (SFP: 55% vs. SC: 31%), comprising an important number of petitions against relatives.
- 2.2.4. The number of petitions for pensions and jobs is lower among females (SFP: 13% vs. SC: 23%).

77 XXXIV, IX, XXI, XXXVIII

- 2.2.5. Nine percent in the SFP, as compared to 14% in the SC are petitions from rural areas.
- 2.2.6. The number of complaints against state officials («political complaints») is lower (SFP: 15% vs. SC: 27%).
- 2.2.7. About 30% of the petitions were submitted by relatives, wives, daughters, sisters of state officials (47% of them widows), compared to 12% state officials in SC.⁷⁸
- 2.2.8. With regard to the terminology, wording and style, it can be observed that all men gave their first names and familial affiliations and used the terminology of humbleness in the text only, whereas women more often gave their familial affiliation (only rarely their first name) in conjunction with the terminology of humbleness, often by combining two expressions; sometimes women even used terms of humbleness instead of their first name. They clearly used more terms of humbleness than men – as in the Ottoman and American samples.
- 2.2.9. With regard to the Shah's decisions, it seems to have been his aim to help (at least rhetorically), especially the «widows and orphans», and this was, according to the literature of state craft, his special religious duty. In one or two cases (I a/I b/ I c; XII)⁷⁹ of female petitions concerning legal questions, he seems to have made a decision on his own, which he, as far as I can see, never did in cases of male petitions. Perhaps more so than in male cases, he expressed his anger at the maltreatment of women or his wish to help.

What do the differences between the male and female petitions reveal about the construction of gender and gender roles in the petitions? The low percentage of female petitions (2.2.1.) (5%) as well as explicit statements of women that they were either widowed or left alone by their husbands (2.2.2.), shows that women only submitted petitions in special situations, i. e. when they were on their own – a fact corroborated also by the American and Ottoman samples, which surely reflects common features of patriarchal societies in eighteenth-century North America, the Ottoman Empire and 19th-century Iran. In fact, in a patriarchal society normally husbands, brothers etc. were considered responsible for submitting petitions for the family. In cases where women were widowed or lived alone they became – in civil as well as criminal cases – the representatives of their families.

However, there are no examples of women in the petitions who earned their livelihood themselves, with the exception of the women from the villages whose' husbands were not available (IX). The explanation could be that in a traditional and patriarchal society such as the Iranian society of the 19th century, women's work was not socially accepted and was seen as an exception (even if in practice women, especially in the countryside, had to work often and hard and a high percentage worked!). This is perhaps the reason why women such as midwives etc.

⁷⁸ Here only the male petitioners were counted. In two cases the brother/son of a state official submitted a petition.

⁷⁹ In Schneider 2006 I overlooked these two cases.

do not appear in petitions, neither as petitioners themselves nor are they referred to in the male petitions. As long as these women had a family, so one might suggest, they were included in the male petitions for ›my family‹ and not referred to individually. In this case, however, the males did not regard it as necessary (or even thought it to be against their ›honour‹?) to mention those females among the family members who had to work. The high percentage of widows⁸⁰ and women living alone (2.2.2.) also explains the high rate of civil claims, especially property claims. The social situation of women – often widowed, mostly living off a piece of land – is reflected in the legal cases, which are to an overwhelming degree claims of property (2.2.3.), and which also play an important role in the criminal cases. Forty percent of women in the SFP owned land, specified property like mills or unspecified property or at least a house, whereas in comparison the figure of men in the SC amounts to only 15%,⁸¹ a significant difference. But in most cases, this property of women did not enable them to earn their living. Furthermore, women living alone seem to have attracted the special attention of male relatives and greedy neighbours, rapacious brother-in-laws or brothers etc. as well as state officials, as the petitions of women from this sample as well as those from the Ottoman Empire show. Women almost exclusively had to defend their rights and properties against men, very often against close relatives. Whereas theoretically male relatives were financially responsible for the females of their family, according to the petitions this obligation was often ignored. The women often fought for property in the sense that they had to fight for their survival and that of their children. Only rarely do the petitions reveal the opposite picture, a male petitioner accusing a female relative of avarice.⁸² This fact of course reflects the strong economic position enjoyed by men vis-à-vis women. On the other hand, there are quite a few examples of male petitioners asking for help to ensure the survival of their families and children.⁸³ Women were dependent on their dower, inheritance or pensions (2.2.4.), and it is interesting to see that a surprisingly high percentage of women applied for their husband's or father's pensions. There is a strong connection to the high percentage of wives/daughters of state officials, whereas males normally applied for their own pensions. The quite high percentage of wives of state officials claiming their husband's pensions shows that the payment of pensions to the family of a deceased state official seemed something usual. The low percentage of women's petitions from the rural area (2.2.5.) and the low percentage of female petitions against state officials (2.2.6.) are interdependent, because also 14% of the petitions from the rural area in the SC are group petitions against the oppression of state officials. These group petitions were normally – as it seems – submitted by the village's whole community, which was

80 The number varies because, on the one hand, several cases cannot be counted double (XVI a and b, XXII and XI), while on the other, four widows submitted petition XXXV.

81 Here only the male petitioners were counted.

82 I have come across one example: Schneider, 2006: 190, document 14 C. It is a claim against the petitioner's stepmother.

83 Schneider 2006: 70–71.

surely led by the male representatives of the village but included men as well as women. Solely women's groups are rare. If, as stated above, women acted only in case men were absent as representatives of their family, this case was even more seldom in case of village communities. Still, there are two examples of solely female group petitions from the rural area (IX, XXVIII).

As petitions against state officials belong to the political aspect of the petitioning system, it seems interesting to ask whether women also took advantage of this aspect of the institution and how they used it.

Here a strange division according to the female petitioner's position in society is reflected in the petitions, which is of course no reflection of the actual distribution of women in society: about 30%⁸⁴ were submitted by wives or daughters of state officials (2.2.7.; compared to 12% of state officials in SC),⁸⁵ about half of them widows;⁸⁶ 4% of the petitions are from wives of *mullās*, but 9% of women from the rural areas⁸⁷ (in comparison to 14% group petitions from the rural areas in the SC).⁸⁸ Thus, the social strata are not equally represented in the petitions, reflecting instead the 'poles' of the upper classes (families of state officials) and the rural poor. Although the latter are only represented in a few examples, these are, as I hope to show below, nonetheless interesting cases. For the moment though, the basic dichotomies need to be looked at.

Beside that of social class, other dichotomies are evident in the two groups of petitions: upper class/town/single petition⁸⁹ on the one hand, and lower class/rural area/group petition⁹⁰ on the other. With regard to the contents of the petitions, the upper class/town/single petitions concentrate on property and personal requests, in particular requests for pensions,⁹¹ whereas the lower class/rural area/group petitions interestingly concentrate on political requests.⁹² This, however, is true for the male group petitions from rural areas as well: they are also mostly complaints about state officials.⁹³

In the two cases where the petitions of upper class women from towns were qualified as 'political requests', one stands out as unique: Zīvar Ḥānum (II a) accused the chief financial officer of harassing her, but the related document II b claims that it was her husband who was behind the complaint, himself a state official and former governor. In VI however, three women, and thus a group, com-

84 I a, II a, VI, XI, XIII, XV, XXII, XXIII, XXVII, XXXIII, XXXVI, XLII, XLV, XLVI.

85 Here only the male petitioners were counted. In two cases the brother/son of a state official submitted a petition.

86 XI, XIII, XXII, XXIII, XXVII, XLII, XLV. 12% of SC male petitioners are state officials.

87 IX, XIX, XXI, XXVIII.

88 Here the female group petitions of the sample were not counted.

89 Exception is VI, a group petition by three women.

90 Exception here is XIX, which contains a property claim and a single petition.

91 I a, XI, XV, XXII, XXVII, XXXVI, XXXIII, XLV, representing 54%; personal requests are in XIII, XLVI, XLII, representing 20%. VI and II a are political requests, II a is a case that is difficult to judge.

92 IX, XXI, XXVIII. VI is from Simnān – either the town or the area.

93 Schneider 2006: 78.

plained about the deceptive practices of the *amin al-vazā'if*. In the case where a petition from the countryside is a single petition and deals with a property claim (XIX), a farmer's wife complained against Turkmen abducting her herds. Both groups, i. e. the group of women from upper class/town with single petitions and a concentration on property as well as the group of women from the lower class/rural area/presenting group petitions and political request, again have one common feature: there were no husbands or brothers to submit petitions on behalf of the women. In the first group, 47% of the women were widowed, in the second group 75% of the petitions were submitted by women whose husbands and male relatives were absent at the time because they were working elsewhere. However, the examples we have and especially the group petitions by women from the rural areas reveal an interesting perspective hitherto neglected in research literature: the political aspect of the institution of petitioning, for these petitions concern complaints against state officials and tax collectors. Women acted politically by submitting a petition in certain situations, for example when men, i. e. male relatives, were not available. While on the one hand playing the card of helpless and shameful females not daring to stand up and submit the petition to the Shah as he rode through the village, at the same time the women of Avriğ/Bistām (IX) had no problem whatsoever in sending their petition to the court and presenting themselves as subjects, *ra'āyā*. This seems to differ from the American sample in which most petitions concern private claims, while possibly representing a parallel to the Ottoman sample, which also contains a high percentage (31%) of complaints against state officials who used their position to exploit women living alone. By focusing on the social and economic role played by women, and so ignoring the political aspect of the petitioning system, Zarinebaf-Shahr (1996, 1997) unfortunately fails to clarify if these cases were personal or female group petitions where women represented the rural community. Furthermore, the low number of these petitions has to be kept in mind. Nevertheless, as examples of political statements made by women, these petitions are interesting and deserve to be analysed. Is there a political power of bargaining in these petitions?

The bargaining for power with the Shah can be made explicit on two different levels: First, on the normative level of state theory, the invocation of blessings for the Shah plays an important role. Performed every day, it is a symbolic act acknowledging and reaffirming the subject's loyalty to the king. Like men, women point to their invocation of blessing for the Shah (*du'āgū'ī*) in 8.5% of the cases.⁹⁴ Being a symbolic display of loyalty to the ruling dynasty in general and the Shah personally, invoking the blessing also evinces a response from the ruler: the Shah is reminded that he is obliged to protect his subjects against injustice and restore justice immediately. The legitimacy of his rule depends on this protection and on *'adāla*, justice.⁹⁵ Although a symbolic act, as a kind of prayer the invocation of

94 XII, XXVI, XXXII; for the SC: 5% of the male petitions, see Schneider 2006.

95 See Ghazālī 1982: 101, Ghazālī's reflection on *du'āgū'ī*. In Schneider 2006: 87–105, I have tried to show how different forms of concealed, symbolic and open resistance against the ruler were

blessing is at the same time a religious act of acknowledgment of the king as the ›Shadow of God on earth‹. In terms of Foucault's concept of power, it can be explained as a means of exerting pressure on the Shah in the hands of the people, a way of evoking a response and getting justice restored, and so an opportunity to save the legitimacy of his rule. Whether or not these ›threats‹ were carried out, or whether or not the Shah actually responded to the specific demands, for example by deposing a governor, is another question. Second, the petitions examined here reveal an additional aspect of this dynamic of power relations, one that, although not on the level of religion and Islamic theory of the state, is nonetheless also a highly symbolic act, situated however on the level of society and custom. In two cases (4%) women used the words *nāmūs* and *ʿirḍ*, honour, and thus referred to the customary code of honour. I have not come across a male petitioner using this terminology. As stated above, *nāmūs* relates normally to the conduct of women: men depending on the sexual honour of the female members of their family have the duty to defend, secure and restore the highly valued *nāmūs*. A woman's behaviour reflects on their honour, which, should it be disregarded or violated, will be lost.⁹⁶ The relationship between honour and dishonour is thus clearly gendered: through their actions women are responsible for the honour of the family, and any violation of established codes can cloud this honour or even end in its humiliating loss; for their part, men are responsible for restoring tainted honour, and this restoration demands action, usually the killing of the woman (and not the seducer). Whereas in II a the female petitioner belonged to the Shah's family, and thus could be said to have actually belonged to ›his *nāmūs*‹, this was not the case in XXI. Here the concept of honour was used by the petitioner and the subjects in a different meaning: at the end of the petition the women stated that the petitioners have lost all honour (*ʿirḍ*, *nāmūs*) and property.⁹⁷ She thus used the term *nāmūs* not as a sexual concept (or a concept of sexual honour) but as one of personal honour, which one is also capable of losing, and demands protection (and restoration) like the subject's property. Responsible for the protection and restoration is the state. According to this concept of honour, both men and women – being parts of the *raʿīyat* – possess *nāmūs* and *ʿirḍ*. As a concept of honour applying equally to both sexes, here *nāmūs* signifies personal not gendered dignity. On a second level, the daughter of Sālār defined the subject as the Shah's honour and pointed to the responsibility of the Shah for the safety of his (male and female) subjects. She wrote: *raʿīyat nāmūs-i pādīšāh ast*: the subjects are the honour of the Shah. She thus fused the aspect of family honour (*nāmūs*) with a collective concept of *nāmūs*, meaning that women are responsible for the family's honour which is to be restored by the male patriarch of the family, and this is in turn

used in the petitions to exert pressure on the Shah and thus induce him to react positively to the petition.

⁹⁶ Petersen 1985: 11; Casimir/Jung 2009.

⁹⁷ Compare the *ḥadīṭ* in Wensinck 1962 IV: 187: »The muslim is for the muslim forbidden: his blood, his property (*māl*) and his honour (*ʿirḍ*)«. There is, as far as I see, no research on the concept of ›honour‹ in the pre-modern Islamic legal literature.

related to the Shah, to the restoration of justice. Defence of the *ra'iyat's nāmūs* is justice, *ʿadāla*. She thereby established a parallel between women as the upholders of the honour of men and the subjects as the upholders of the honour of the Shah: this fundamentally changed the character of the term, from a social one practiced normally in society, although unacknowledged in the legal literature, into a highly political one, again eliminating the gendered aspect of this concept. In this way it is lent a symbolic importance parallel to the religious concept of *du'āgū'i*, for it obliges or even forces the Shah to react and restore the honour of his subjects. He has to defend the honour; he has to restore the lost honour by punishing the responsible state officials. The connection to the religious concept of kingship becomes even more obvious when we look at the proverb used at the end of the petition: when the governor's (or: the Shah's, the ruler's) stick is not there, the drunken black man (from Zanzibar) will vomit in the Ka'ba (*agar čūb-i ḥākim nabāšad zi pay, konad zangī-ye mast dar Ka'ba qay*):⁹⁸ This rather disgusting image, used by a woman, invokes the vision of a shocking act, the desecrating of the most important religious symbol in the Islamic world, the Ka'ba, and thus of the religion itself. The Shah has to prevent this through his very authority over his governors. As the concept itself is deeply gendered, it is surely no surprise that we find this example in a female petition and not in a petition submitted by a man.

It seems even feasible to go a step further and argue that this example reveals the process of ›doing gender‹. Sālār's daughter, Šīr 'Alī's wife (we do not even know her first name!) reconfigured both the (gendered) semantic of the term *nāmūs* into a semantic of individual and personal dignity (equally for both sexes) as well as the social concept of *nāmūs* into a collective political one, also equally applicable to both sexes.

Thus, whenever the male family members were not available, women not only acted as representatives of the family, submitting petitions and, in criminal cases, demanding blood revenge, but also as representatives of the local (rural) community, the *ra'iyat*. In this situation the women in this example bargained for their position by redefining the gendered semantic of an important social concept, thus trying to exert pressure on the Shah and force him into responding. Of course this petition is one single example – but it is, as it seems, a particularly interesting one.

Schmidt Blaine has stated for the American women submitting petitions in the 18th century that their petitions were private, arguing that the private was at once also political. However, she also assigned women a political role through the petitioning process, arguing that petitions, often being individual expressions of opinion, not only allowed the voices of any private subject to be heard in a way no other political device could, but also that petitions may be viewed as powerful

98 Beside the political implication of this proverb, in this context the allusion to the ›drunken black man‹ reveals obvious racial prejudice. Here is not the place to elaborate further on this. See Lewis 1990.

tools for the disenfranchised, among them women.⁹⁹ For the Iranian context, we do have examples of women acting explicitly politically, and not in the private area but in direct relation with state power. And we have this interesting example of a petition submitted by a woman, which reveals at the same time anger and fury as well as empowerment, political consciousness and a resolute determination to change prevailing political conditions and resist social oppression.

The gender-power aspect has to be discussed from the other perspective, too: from that of the Shah. The decisions reveal the Shah's (2.2.9.) aim to help (at least rhetorically), especially the ›widows and orphans‹ and this was, again according to the literature of statecraft, his special religious duty. In some legal cases he suspended his customary delegation procedure and even formulated his own decisions; in other cases he expressed more clearly than he would have done in cases petitioned by men his anger at the maltreatment of women and his wish to help. Are his decisions thus gendered and differentiate between female and male petitioners? In this context it would be necessary to reconstruct the whole petitioning process to see whether his decisions were carried out. This is unfortunately not possible.

An important gender difference with regard to the style and semantic of the petitions (2.2.8.) can be seen in the fact that men gave their personal name and familial affiliation at the very beginning of the petition, whereas women normally introduced themselves as daughters/wives of a certain person, thus pointing to their status of dependence. The patrilineal affiliation surely reflects the habits of a patriarchal structured society and the clear hierarchical gender relation. It seems plausible, however, to argue that by using this construction women at the same time were seeking to attract the Shah's attention to their position in society, which was defined through their familial affiliation to male relatives and their relationship with either the royal family or state officials. We have to keep in mind that quite a high percentage of female petitions (30%, about half of them widows) came from the families of state officials. Another difference can be seen in the fact that women employed expressions of humbleness at the beginning of the documents, i. e. in place of their personal name they designated themselves as ›the humble one‹, ›the weak one‹ (*kanīza*, *ḍa'īfa*). This never happens in the case of a male petition (SC). The question arising here is whether this difference is, as Schmidt Blaine argues for the American context, only a gradual one, or whether the use of such semantics might reveal a – conscious or unconscious – strategy employed by women to attract attention. A more detailed analysis of the terminology would be useful here, but as argued above there are, I think, reasons to see the patrilineal affiliation as an instrument in the hand of women to bargain their position in the petitioning system. This is corroborated by the fact that these expressions of humbleness were obviously considered necessary by both men and women when approaching the Shah. They did not – again for both sexes – correlate necessarily to a devout style or prevent the petitioners from criticising the

99 Schmidt Blaine 2001: 63.

petition system. This is illustrated by the petition of Sālār's daughter, who did not give her first name when invoking and redefining the concept of *nāmūs*. Furthermore, we have seen with reference to the normative literature that the Shah seemed ready to respond to female petitions more positively than to male petitions. Here is perhaps another example of ›doing gender‹, with women consciously or unconsciously exploiting stereotypes of the poor widow who would starve if she was not helped – and thus perpetuating these stereotypes so as to receive a positive decision from the king. In addition, the semantics of exploitation (especially by close relatives) might have helped. This does not mean that the petitions do not express the grievance, oppression and exploitation of women living on their own, but that the gendered differences in the semantics were in a dynamic process used to exert more pressure and push through demands. This might be seen as yet another example of ›doing gender‹, i. e. the reconstruction of gender identities in the social process; while it seems possible to trace the contours of this in these documents, a certain reservation is always called for when the archival material is as fragmentary as in the Iranian sample. Nonetheless, it is clear that the petitions reveal a kind of discourse between the bottom and top of society, the *ra'āyā* and the king. This discourse is at once legal and political, it is dynamic – and it is clearly gendered.

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