

ORIGINAL
ARTICLEA Female Surgeon in The 17th Century: Kupeli Saliha Hatun and an Evaluation of Consent Forms Related to Her Surgeries

ABSTRACT

Objective: As in many places in the world, surgical practices in the Ottoman Empire as well were performed not by physicians but surgeons. Even it seems that males from their appearance have dominated medicine and surgery, the literature shows that the appearances of female physicians and surgeons date back to old times. In this Study, based on the knowledge achieved on Saliha Hatun, lived in the 17th century and known with the name Kupeli, and on documents available in Uskudar Shari'a Court Records, consent notes of surgical interventions were evaluated in this study.

Methods: The consent documents of Saliha Hatun from Uskudar Shari'a Court Records were examined. The transcriptions of selected consent documents of Saliha Hatun were translated into Turkish and assorted. The documents were separately evaluated.

Results: Saliha Hatun was hazık in surgery and had a superior position among her peers. The consent forms we examined for the purpose of this study show that there was a female surgeon practicing in the 17th century, and she was performing surgeries and signing consent forms with her patients. The majority of patients visited her for the treatment of hernia. Saliha Hatun's patients were both Muslim and non Muslim. Shari'a records reveal that she requested minimum 400 and maximum 3000 akches for the surgical intervention concerned.

Conclusions: The documents of consent notes, supplied from Court Records, provides evidence of the presence of a female surgeon named Saliha Hatun in the 17th century. The consent forms examined for the purpose of this study show that Saliha Hatun was adept at hernia operations This evidence also shows that Ottoman females had effective roles and positions in these eras.

Keywords: Kupeli Saliha Hatun, Consent Form, Ottoman Empire, Surgical Practices, 17th Century

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17. Yüzyılda Bir Kadın Cerrah: Küpeli Saliha Hatun ve Cerrahileri İlgili Rıza Formlarının Değerlendirilmesi

ÖZET

Amaç: Dünyanın pek çok yerinde olduğu gibi, Osmanlı Devletinde de cerrahi uygulamalarhekimler tarafından değil cerrahlar tarafından gerçekleştirilmiştir. Tıp ve cerrahi, ortaya çıktıklarından bu yana erkeklerin tekelinde gibi görünsede, literatür kadın hekimlerin ve cerrahların da uzun bir geçmişe sahip olduğunu göstermektedir. Bu çalışmada, 17. yüzyılda yaşayan ve Küpeli adı ile bilinen Saliha Hatun hakkında bilgi edinmek ve Üsküdar Şer'iyeye Sicilleri'ndeki mevcut belgelere dayanarak, cerrahi müdahalelerle ilgili rıza senetlerini değerlendirmek amaçlanmıştır.

Gereç ve Yöntem: Saliha hatun hakkında literature taramasıyla bilgiler elde edildi. Üsküdar Şer'iyeye Sicilleri'nden Saliha Hatun'a ait rıza belgeleri incelendi. Seçilen belgelerintranskripsiyonları ve Türkçe çevileri yapılarak tasnif edildi. Belgeler ayrı ayrı değerlendirildi.

Bulgular: Saliha Hatun Cerrahide hazıktive meslektaşları arasında üstün bir pozisyonda idi. Bu çalışmanın amacı için incelediğimiz onam formları, 17. yüzyılda pratik yapan bir kadın cerrahın olduğunu ve hastaları ile ameliyatlar yaptığını ve onam formlarını imzaladığını göstermektedir. Hastaların çoğu fitık tedavisi için onu ziyaret etti. Hastaları içinde hem Müslüman hem de gayri müslimler vardı. İncelenen, şer'iyeye sicillerinde Saliha Hatun'un en az 400 en çok 3000 akçe ücret aldığı belirlenmiştir.

Sonuç: Şer'iyeye Sicilleri'nden bulunan rıza senetleri, 17. yüzyılda Küpeli Saliha Hatun isimli bir kadın cerrahın varlığına dair kanıt sağlamaktadır. Bu çalışmanın amacı doğrultusunda incelenen onam formları Saliha Hatun'un fitık ameliyatlarında ustalaştığını göstermektedir.

Bu aynı zamanda, Osmanlı kadınlarının bu çağlarda sahip olduğu etkin rol ve pozisyonu gösteren önemli bir kanıt niteliğindedir.

Anahtar Kelimeler: Küpeli Saliha Hatun, Rıza Formları, Osmanlı Devleti, Cerrahi Uygulamalar,17.Yüzyıl

INTRODUCTION

In the Ottoman era, female physicians working in the palace and paid for their job, who were known as *tabibe* or *hekime*, were distinguished in terms of function from midwives known as *kabile*. Besides female physicians, there were also medicine women who only dealt with drug formulation or treatment diseases through solely traditional methods. Among them were women who cured *alaz*, an eczema-like disease characterized by itchy and crusting patches on children's faces, women who specialized in the treatment of only baldness or women who cured ranula characterized by sores and aphtha in the mouth. In the 15th century, there were also women, known as *Keyci Hatun*, who used cauterization (*key*) as a method of treatment and also female ophthalmologists, known as *kehhal*, who used copper ointments and drops for the treatment of eye diseases and also performed eye operations (1,2).

In the past, as it was the case in many parts of the world, in the Ottoman State as well, surgical interventions were performed not by physicians but by surgeons. For centuries, among the medical interventions of surgeons were opening, draining and cauterization of abscesses, fixation of broken bones, treatment of dislocation and taking blood; and the techniques related to these interventions were discussed in the medical practice (3,4).

Although medicine and surgery seem to have been in the monopoly of men since their emergence, historical reviews show that female physicians and surgeons also have a long history (5,6,7).

Ser'iyye (Sharia Court) Records: The Ottoman State had adopted the principle of local administration (the administration of *kazas*) based on the Islamic law (Sharia) since its launch. One of the two officials appointed by Sultan Osman, the first sultan of the Ottoman State, was a qadi. Subsequently, a qadi was appointed to each administrative center conquered by the State, which ultimately led to the establishment of the Ottoman Judicial Organization Structure. This organization is known as the Sharia Court, in each of which one qadi was employed (8).

Kaza, a word whose lexical meaning is cutting and separating, terminologically refers to reign and sovereignty. The Ottoman jurists define "qadi" as the person appointed by the highest executive authority of the State in order to settle the cases and disputes between people on the basis of Sharia provisions. In the Ottoman State, each administrative center, apart from towns and villages, was at the same time a center of justice. In the administrative center where they were employed, the qadi – the cornerstone of the Ottoman judicial organization – was the judge, the mayor, the chief of police, in some cases the administrative authority and the social security

authority to whom people could consult about any issue (9).

Şer'iyye records, presenting information related to a period of about five centuries, extending from the second half of the 15th century to the first quarter of the 20th century, are significant sources of information for research related to the structure of society. It is possible to find in these records all life dynamics related to the period concerned. They were also known as qadi logs and records since they were kept by qadis, as court records (being related to legal cases) and as sharia court records and *Sicill-i Mahfuz* (10). *Şer'iyye* records are firsthand resources for the study of the Ottoman State history with all its institutions. *Şer'iyye* records are precious sources of information in that they present a large number of documents, originals or copies of which cannot be found anywhere else. Archive documents have always been main sources of information on the Ottoman history. In this respect, *şer'iyye* records are of primary importance (11).

In sum, these records present the documents, including those related to all kinds of verdicts, deeds, power of attorney, testament, estate, decree and charter, recorded by the qadi in accordance with a procedure known as *sakk-ı şer'i*.

Şer'iyye records cover information on incidents concerning all people, without any discrimination based on language, religion, race and skin color, as well as court decrees and administrative regulations related to these incidents (12).

Uskudar Ser'iyye Records: Istanbul *şer'iyye* records are the mirror of not only Istanbul but the whole Ottoman society. These records allow us to learn the secret and dynamics of peace that the Ottoman State, with its cosmopolitan structure in terms of language, religion, sects and ethnic origin, established (13).

Uskudar and its surroundings were seized by Orhan Gazi upon the help request of the Genoese, defeated by the Venetians, after which the Ottomans started residing in this region. It is unknown when a qadi was first appointed to the region to tackle the cases of the Muslim community in Uskudar, under the reign of the Ottoman State. It is known that the qadi of Istanbul was, for some time, responsible for the administration of Uskudar.

Historical studies show that a qadi's office was launched in Uskudar in 1550s. One of the most regular and organized *şer'iyye* records, documenting legal and administrative activities of the Ottoman courts, belong to the qadi's office in Uskudar (14).

Ser'iyye Records and Medical Practices: The documents available in *şer'iyye* records generally fall under two categories. In the first category are decrees, edicts, charters or orders sent

by government and state authorities. The second category covers the documents issued and registered by qadis, including verdicts, deeds and correspondence.

Şer'iyye records include thousands of documents related to sharia and legal procedures, e.g. marriage, sharing of heritage, protection of orphans' goods and lost goods, appointment and dismissal of a guardian, observation of whether rules related to legacies and foundations are respected and criminal and murder cases as well as documents related to many fields including health, culture, economics, agriculture and commerce (9).

The records provide documents concerning the treatment of some diseases, local names of diseases, consent forms signed between patients and physicians or surgeons, orders related to health sent from the central administration and forensic medicine (15). In *şer'iyye* records, there are also documents concerning medical history, deontology and clinical ethics. *Şer'iyye* records are of particular importance in that they provide detailed information on the practical aspect of medicine.

The studies with *şer'iyye* records fall under three categories: cataloguing, transcription of texts

and studies based on the content of records. The studies that do not refer to *şer'iyye* records lack authentic sources of data and are questionable in terms of reflecting the truth. The studies based on *şer'iyye* records mostly allow researchers to give up subjectivity. The studies based on *şer'iyye* records are also important since they unveil the position of women in the Ottoman social life, in many cases, surprising the western researchers (11).

The purpose of this study is to provide information on Saliha Hatun, who lived in the 17th century and was known under the name of K peli, and to evaluate the consent forms related to her surgical interventions, based on the documents available in the Usk dar *şer'iyye* records.

MATERIAL AND METHODS

The consent documents of Saliha Hatun from Usk dar Shari'a Court Records were examined. In the survey of *şer'iyye* records, first the consent forms belonging to Saliha Hatun were selected, each form was transcribed, and finally the consent forms listed in the table were evaluated individually.

Table 1. Kupeli Saliha Hatun and Consent Forms Related to Her Surgeries

Document No.	<i>Şer'iyye</i> Record No.	Date of <i>Şer'iyye</i> Record	Patient's Name	Patient's Residential Address	Surgical Intervention Performed	Fee for Surgical Intervention
1	Usk�dar <i>Şer'iyye</i> Records 144/1a	20/8/1033 7.6.1624	Envav Veled-i Piro	Province of Rumelia, Verace Village	Hernia operation	800 Akches 500 Akchesin advance
2	Usk�dar <i>Şer'iyye</i> Records 144/6b	11/10/1032 8.8.1623	Arif Osman	Province of Anatolia, Yenişehir	Hernia operation	400 Akches
3	Usk�dar <i>Şer'iyye</i> Records 144/9	25/10/1032 22.8.1623	Mustafa bey İbn-i Abd�lmenan	Usk�dar, Neighborhood of Akseyrani	Hernia operation	1200 Akches 200 Akches in advance
4	Usk�dar <i>Şer'iyye</i> Records 144/18	2/12/1032 27.10.1623	Ali bin Mehmed	Province of Anatolia, İneg�l	Hernia operation	2000 Akches
5	Usk�dar <i>Şer'iyye</i> Records 144/1b	20/8/1033 7.6.1624	Yani Veled-i kabela	Province of Rumelia, District of Terta, Pulur Village	Hernia operation	400 Akches
6	Usk�dar <i>Şer'iyye</i> Records 144/25	16/1/1033 9.11.1623	Andrei Veled-i Lika	Neighborhood of Unkapani	Tumor in the left part of head	300 Akches
7	Usk�dar <i>Şer'iyye</i> Records 144/27	26/1/103 19.11.1623	Yusuf bin Abdullah	Province of Rumelia, District of K�rce	Hernia operation	500 Akches
8	Usk�dar <i>Şer'iyye</i> Records 144/23	4/1/1033 28.10.1623	Murad bin Mehmed	Province of Anatolia, Erzurum	Hernia operation	3000 Akches 600 akches in advance
9	Usk�dar <i>Şer'iyye</i> Records 144/32	6/4/1033 27.1.1624	Mehmed Beşe bin Hakki	Dergah-ı Ali	Hernia operation	1200 akches 200 Akches in advance
10	Usk�dar <i>Şer'iyye</i> Records 144/6b	10/10/1032 8.8.1623	Şaban bin İbrahim	Usk�dar, Neighborhood of Hasanağa	Hernia operation	400 Akches
11	Usk�dar <i>Şer'iyye</i> Records 139/59b	25/10/1031 2.9.1622	Yani Veled-i Yorgi	Ağriboz Ayayorgi Vilage	Hernia operation	500 Akches
12	Usk�dar <i>Şer'iyye</i> Records		Andre-i Velede Dimo	Province of Rumelia, Sanjak of Morea, Town of Kalavrita	Hernia operation	550 Akches
13	Usk�dar <i>Şer'iyye</i> Records 144/22	29/12/1032 24.10.1623	Hasan bin Yusuf	Province of Anatolia, District of Derebozak	Hernia operation	500 Akches 200 Akches in advance
14	Usk�dar <i>Şer'iyye</i> Records 144/25	16/1/1033 9.11.1623	İsrto Veled-i Yani	Chios	Hernia operation	500 akches

RESULTS

A Female Surgeon in the 17th Century: K peli Saliha Hatun: We have limited information related to the life of Saliha Hatun. She was known under the name of K peli. She earned a reputation as a skillful and knowledgeable surgeon. The fact that she was of Coptic origin [Document 1] did not play a negative role in how she was perceived in the society. This is an important finding as it shows the significance of merit and expertise in the Ottoman period (1,16).

The consent forms examined for the purpose of this study show that Saliha Hatun was adept at hernia operations [Document 2, 3]. *Hazıkis* an attribute used to refer to physicians who were skillful, expert and knowledgeable in science and arts. She was *hazık* in surgery and had a superior position among her peers.

The consent forms we examined for the purpose of this study show that there was a female surgeon practicing in the 17th century, and she was performing surgeries and signing consent forms with her patients. The consent forms dated 1622, 1634 and 1624 suggest that she was at or over the middle age in those years (13,17,18).

The fact that there was another person named K peli, who was granted a medical license in 1768 and died in 1784, probably indicates that the profession was continued by other family members.

Consent Forms: Among the most significant documents recorded and archived by qadis are forms, indicating that the physician was not responsible for any negative consequences of treatment, signed before the qadi and witnesses between a surgeon and a patient to be operated or in some cases between a physician and a patient that required a risky treatment (15,19).

As is known to all, the most basic and indispensable right of human beings is the right to live. The protection of life and bodily integrity, in order to enable people to live in a peaceful and secure environment, has been important since the earliest days of humanity and guaranteed by various sanctions. The right to live is the compulsory prerequisite to make use of other rights. In this respect, there has been some conditions stipulated for physicians so that they are responsible for any damage and harm they cause.

The first condition is that prior authorization from the patient is required for the treatment. All consent forms included the following expression: "In the event that I cannot recover from the disease mentioned and lose my life, by divine command, because of the intervention of the lady concerned, Saliha Hatun should not be held responsible for my death and should not be sued."¹This authorization

removing the responsibility of physicians in case of any negative consequence may be interpreted as tolerating a small harm for the sake of preventing a serious harm.

In the Islamic law, the right to live precedes freedom of will. That is why a patient's authorization for the practice of intentionally ending one's life in case of an incurable disease is invalid while an authorization for the removal of an aching tooth or a stone in the bladder is valid. A physician was authorized in the presence of the qadi and witnesses because the consequences of a surgical intervention were unknown due to technical restrictions. At this point, written and verbal consent of a patient was not considered sufficient, and patients were asked to consent and confirm their authorization before witnesses in the court in order to avoid any subsequent conflicts (15).

K peli Saliha Hatun's Patients: When examined carefully, the consent forms available in * er'iyye* records indicate that Saliha Hatun's patients were of various backgrounds. There was nevertheless no women among her patients. This leads us to think that hernia was more common among men than women.

Among her patients were both Muslim [Document 4] and non-Muslim [Document 5] people. There are archival documents and consent forms in * er'iyye* records showing that, in the Ottoman culture, not only in the palace but also in the society, Muslim and non-Muslim people offered medical service to each other without any discrimination based on race or religion (1).

The majority of patients visited her for the treatment of hernia. There was only one patient [Document 6] who came for the removal of the tumor in the left part of his head.

Saliha Hatun's patients were from the four corners of the Ottoman territory, i.e. the Province of Rumelia [Document 7], Erzurum [Document 8] and Chios. The consent forms show that there were also Janissaries among her patients [Document 9]. These were probably young patients. The consent forms included information on the name and place of residence of patients, their complaints, information related to the treatment, amount of payment and consent given before the witnesses that Saliha Hatun would not be sued in the case that they lost their lives. The information provided show that the patients were people from different parts of the society.

Treatment Methods: The consent forms with same dates include different expressions

maraz-ı mers meden ifakat bulmayup hel k olursam veresemden ve  hardan mezb re Saliha Hatun'u dem-i deynime m teallik rencide id p dava ve niz  eylemes nler."

¹ The original text reads as follows: "Bi-emrill hi Te l  mezb re hatunun m b  ereti sebebiyle

related to the treatment of hernia. For instance, some consent forms include the expression “she can treat me with whichever method is the best” (Konya *şer’iyye* records nr. S-126) while others include only the expression “because I need treatment for hernia” (Uskûdarşer’iyye records nr. 168/9 and 168/2). In the consent forms, it is possible to find answers to the questions whether a surgical intervention was carried out and what sort of an operation was performed.

In some consent forms, with respect to hernia operations, there are references to three actions, i.e. cutting, incising and suturing (18).

The following expression in the consent forms of Saliha Hatun, known for her treatments of hernia, suggests that she personally performed interventions on the patient’s body by touching the patient: “in the event that I cannot resuscitate / recover and lose my life, by divine order, due to the intervention”.² It may be concluded that the expression of “ifâkat bulma” (resuscitating) in the sentence refers to the root meaning of the word in Arabic, implying that the patient would be anesthetized.

Clarifying the issue, in leaves 190a and 190b of his book *Kitâb-ı Cerrâhiyetü’l-Hâniye*, Sabuncuoğlu (1386?-1470?) talked about anesthesia in the surgical operations he performed. It was mentioned that surgical interventions consisted of cutting, incising and burning, and that while some people endured the pain of these interventions, others were given a drug named “Murkid” to be anesthetized on an empty stomach. In the latter, the surgical intervention was carried out when the patient fell asleep unconsciously. It was advised that the drug named Murkid should be used in smaller doses for children. This book was considered the major reference for long years in the Ottoman medicine and played a guiding role in the training of many physicians and surgeons. Although it is not strong enough to perform all kinds of surgical interventions performed today, Murkid was used as of the 15th century for anesthesia purposes in short and surficial surgical interventions. The main ingredient used in the formulation of Murkid was Mandragora Officinarum. It was used both externally and internally for the purpose of pain killing, anesthesia and sedation (20).

Based on the resources, it may be concluded that Saliha Hatun used such a drug to anesthetize her patients and then perform the interventions required. In the consent forms examined, there is no further information on surgical methods, surgical instruments and drugs used.

Treatment Costs: It is found that Saliha Hatun asked for different amounts of fees for hernia operation. It is seen on the forms that she requested minimum 400 [Document 1] and maximum 3000 [Document 8] akches (silver coins) for the surgical interventions concerned. The amount of fee varied according to risk factors in an operation as well as the social status of patients, which indicates that the economic status of patients played a role in the bargain (21). Saliha Hatun agreed in the form that she received the total sum of treatment cost in advance [Document 10] or some of it in advance and the remaining when the patient gained consciousness [Document 8].

Almost all consent forms include the following expression: “..... I, suffering from hernia, hired Saliha Hatun, paying Ottoman akches in cash, as written above, so that she remedies the aforementioned disease”.³ In this expression, the verb “icar eylemek” usually refers to a lease agreement in the Islamic law; however, in this context, it refers to hiring or in other words a service agreement (11).

A consent form signed between a patient and a surgeon not only eliminated the criminal responsibility of surgeons but also aimed to play a guiding role in the settlement of conflicts that were likely to arise when the patient died or the treatment did not yield expected results.

Mostly in the case of treatments that resulted in the death of patients, the patient’s relative were reluctant to pay the treatment costs; however, the rights of surgeons were protected given that they deserved to be paid for a treatment administered appropriately (22).

CONCLUSION

The consent forms available in the *şer’iyye* records we studied provide evidence for the existence of a female surgeon named Küpeli Saliha Hatun in the 17th century. This is also one of the evidences showing the effective role and position that the Ottoman women had in those ages.

Since Saliha Hatun carried out more than one operations in a day [Document 1, 5], she was likely to have performed more operations than the ones mentioned in this study. Her patients, all men, were from a wide range of Ottoman territories and age groups.

In the Ottoman State, people who offered private medical services had mostly learnt the profession from a master and had an office that they used as a clinic. This is probably how Saliha Hatun learned the profession.

² The text originally reads as follows: “mübâşereti sebebiyle ifâkat bulmayup bi-emrillâh-i te’âlâ fevt olursam”

³ The original text reads as follows: “..... ben fitk marazına mübtelâ olup, muâleceye muhtâc olmağın zikr olunan maraza ilâc eylemek için nakd-i râyic-i fi’l-vakit fizza-yı Osmânî akçe ücret ile mezbûre Saliha Hatun’u isticâr idüp ol-dahi nefsinî vech-i muharrer üzere icâr eyledikten sonra”

Although Saliha Hatun's name was not mentioned in *şer'iyye* records within the context of the treatments and surgeries performed by her husband Surgeon Deniz, she started doing surgeries and treatments on 25 Cemaziyelahir 1032 (i.e., March 27, 1623), three years after the death of Surgeon Deniz on 27 Zilkade 1029 (i.e., March 24, 1620). It is inferred from the *şer'iyye* records that Saliha bint-i Küpeli was also an expert in treatment of hernia, as her husband. During the lifetime of Surgeon Deniz, it is understood that Saliha Hatun accompanied and helped him during the surgeries and treatments. It is very likely that *Saliha bint-i Küpeli* mastered surgery by this means from her husband (23).

The consent forms available in the *şer'iyye* records indicate that the patient consented in advance a treatment that the physician was to administer. The fact that consent forms were

frequently signed in the presence of witnesses before a surgery in the Ottomans is of particular importance in showing the progress the Ottoman State had made in terms of medical ethics, given that the same practice started in the West only in the 19th century (10,24). The consent forms are important in that they document the responsibility of physicians in medical interventions. The forms, at the same time, eliminated the legal responsibility of physicians/surgeons, arising from medical interventions. The consent forms examined indicate that patients and their relatives declared that they would not sue the physician/surgeon for compensation and that their application would be invalid even if they claimed compensation before the court. It is also found that the physician would not be responsible for the death of a patient in a surgery or due to the drug she/he used.

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