

Negotiating boundaries: Gender and social identities in the Ottoman Christian communities; the case of divorces (1647-1923)

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Abstract

The aim of this study is to identify the negotiation of boundaries between the social identities of gender. This process focuses on the prevailing perceptions of the social role of the man and the woman. It attempts to identify the different reasons for seeking divorce between men and women and the integration of these differences in a social context and determine the qualitative characteristics of the gender ratio of women and men that is articulated by the invocation of divorce. This research has a historical character and focuses on the period from 1647 to 1923 and is realized within the Ottoman Orthodox Christian communities and the divorces issued by these. This study uses content analysis to examine divorces. The most significant source of data collection, for the content analysis, constituted published and unpublished Codes of Metropolises from the Ottoman Christian communities, such as the Metropolitan Codes of: Larissa:1647-1868, Mytilini:1705-1773, Veria:1825-1862, Triikalon:1828-1865, Moglenon & Florinas:1901-1909. The process of divorce was a different function of the Spiritual Courts within a predetermined law. Issues, like alimony after the dissolution of marriage, dowry cases, disputes arising as a consequence of dissolution of marriage or betrothal, are listed in the Codes of the Spiritual Courts. In this study, the gender is used as a social and cultural construction. Also, it is argued that the social gender identity is formed through a process of 'performativity', namely, through adaptation on the dominant social ideals.

Keywords:Divorces, Ottoman Christian Communities, Stereotypes, Gender Identities, Social Identities.

Introduction

The dissolution of marriage from divorces augmented in frequency, since the Restoration until the 20th century. The history of divorce became an issue for international literature (Stone, 1990; Phillips, 1991; Stone, 1993; Seymour, 2006). As Riessman (1990), suggested, gender is linked with different perceptions of what a marriage should provide and differences on reasons of divorces. In this study, gender (Mpakalaki, 1993, 1994 & 2013) is seen as a social and cultural construction (Rosaldo & Lamphere, 1974; Leacock, 1978; Ortner & Whitehead, 1980; Papataxiarchis & Paradellis, 1992; Skouteri-Didaskalou, 1991; Evans, 2003; Maruani, 2005; Kantsa, Moutafi&Papataxiarchis, 2010). At the same time it asserts that gender converses with the concepts of class, race or ethnicity (Lord, 2005; Moore, 2006) and that the sense of social gender identity is formed through a process of 'performativity', ie adjusting the dominator in given society ideals (Butler, 1997). Specifically, the aim of this study is to evaluate, within the specific framework of the Orthodox Christian communities of the Ottoman Empire (Papastathis, 1984), and with field focus the divorces issued from these, the process of negotiating the boundaries between the social identities of gender. A process which takes into account the prevailing perceptions about the social role of man and woman, as members of specific kinds of religious communities, these of Orthodox Christian Communities, as formed and administrated in the Ottoman Empire. For the Orthodox Church, in the period of our study (1647-1923) the legality of divorce is given, if there are specific statutory preconditions allowing the dissolution of the marriage up to two times (Papadakis, 2008; Academic Dictionaries and Encyclopedias, 2014). The legislative framework

for the divorces, of the Ottoman Christian communities, is divided into three main periods: 1. Early judicial institutions in privileged communities (1647-1774): in 1453, after the conquest of Istanbul, Ottomans recognized the Orthodox Christian church the privilege of keeping the same law, as well as the judicial jurisdiction, on matters of family and inheritance law (Paparrigopoulos, 1955; Pantazopoulos, 1947; Pantazopoulos, 1968). 2. Gradual establishment of the bourgeoisie (1775 - 1856): The organization of the ecclesiastical court was not uniform, it varied by district and determined by local customs and Regulations. The Orthodox church, apart from judicial powers, gained, with the passage of time dietary jurisdictions as well, which were recognised indirectly by the Ottoman power. (Pantazopoulos, 1947). In insular Greece, in some cases, thanks to privileges granted by the Sultan 'achtinamedes', Community Courts developed as well. (Siatras, 1997; Bakalopoulos, 1991; Zotos, 1938). 3. Development of the Community institutions and nationalism (1857-1923): The jurisdiction of the ecclesiastical courts, which were once widespread, limited during the period of Tanzimat, when the power went to institutional organized communities (Papastathis, 1984; Theotokas, 1897). Attempts to homogenize the administration of justice by the Community courts occurred during the period of the Ottoman reforms, the General Regulations of the Patriarchate and the Synodical Circulars of 17 January 1891 and 31 January 1891. According to 'veziriki Circular 17 January 1891' Patriarchal courts, the period of the Tanzimat reforms, were three: Spiritual Ecclesiastical Court, the Holy Synod and the Permanent Gross Council. The provincial ecclesiastical courts were two kinds: Spiritual and Gross introduced at the headquarters of the Metropolis. They judged first instances, the differences of Christians and also, on appeal, the judicial decisions of the first instance court cases, given in the courts of the bishops who belonged to the Metropolis. The courts were located in the headquarters of Metropolis and Bishops were set up in accordance with the customs on site and Regulations. The Provincial Spiritual Courts comprised of between two and four clerics, while the Metropolitan or his Commissioner presided. The Members of the Spiritual Courts were appointed by the on site Metropolitan, amongst the most educated clergy. The Spiritual Courts judged in camera. Their responsibilities were: on the betrothal, on the formation and termination of marriage, alimony after the dissolution of marriage, and on the issues related to marriage. The Gross Courts comprised of between five to six members of the populace and from one or more clerics. The members of the populace of these Courts were elected by the habitants of their region and the clerics were appointed by the Metropolitan and publicly judged the material matters falling under the jurisdiction of the Ecclesiastical Courts. These judicial matters related to wills, votive papers (vakfıge), alimony after the dissolution of marriage, trachoma cases and dowry, disputes arising, as consequences of the marriage or betrothal dissolution or, intestate succession cases, demands of the parties, cases of legalization and adoption of childcases, issues of will and codicil, monastic disputes, custody and guardianship issues, issues its own clergy and monks, on the grounds that they were material differences. The divorce proceedings were a separate operation of Spiritual Courts which fell within an identified case, defined by the Circular on divorce of the years 1882 and 1894. The claim presented under Commercial Law (articles 1-2) in which was stated: treatment exposed dispute writings on duty. The jurisdiction of the ecclesiastical courts in matters of divorce included: a) separation from table and bed, b) the sentence of divorce, c) the reconstitution of a dissolved marriage. The separation from table and bed or otherwise, the local dimension of husbands was different from that in force in the Western Church. The Spiritual Court drew the grant within 15 days in order to create the conditions for reconciliation and if the deadline expired without achieving the desired result, the Court imposed 3, 6 or 9 months separation on them, defining the place of residence of the wife and requiring the husband to pay for the amount of time required for maintenance and for the maintenance of their children. The obtaining of the divorce was realised if the woman was invited three times in writing and refused to appear, assuming of course that there were compelling and legitimate reasons that justified the disjunction. In these cases the spiritual court could proceed to the obtaining of the divorce even in absentia. But it must notify its decision to the woman and indicate that they had the right to request reopening. If they did not, then the divorce was considered intact and valid (Theotokas, 1897). In case of a marriage dissolution at fault with a man, the woman took back her dowry, the premarital donation and part of the estate of her husband, which was an amount equal to one third of the pre-nuptial donation (Proceedings of Holy Synod, 11 December 1869, Proceedings of Holy Synod, 25 October 1871). The laws under which the administration of justice was, were: a) The Rules of the Apostles, local and Ecumenical Councils, b) Roman law, Justinian, in the mean time per Vasilikois and Armenopolou, c) conditions, volumes, sigils, notes, evidence of the Ecumenical Patriarchate, d) prevailing local customs and traditions and e) Ottoman commercial procedure, Annex of commercial law and the law on the capital of Civil Procedure (Theotokas, 1897).

Method

As they testify the inquiring questions that were reported, the management of subject presupposes the coupling of two methods: a) the historical hermeneutics (Cohen & Manion, 1994) which develops the sources of the historical period and as well as, b) content analysis (Berelson, 1952; Kyriazi, 2011) of reasons of divorces that is included in the Code of

Intellectual Courts (1901-1909). Tables developed for a more detailed and systematic presentation of quantitative data (Bell, 1993). This historical research was based on a random sample, determined by already existing data (Cohen & Manion, 1994), as a consequence cannot be evaluated as reliable (Bell, 1993) as to capture the whole picture of divorces of Orthodox communities in Ottoman Empire. This study, even without generalizable results, is a first attempt to approach the issue in a wide geographical and temporal context. Also, research can reliably provide us important information about individual study areas.

Research subject

Particularly extensive is the geographical boundaries of research, designed to study exclusively Orthodox communities of the Ottoman Empire. Specifically, the study includes areas: a) insular Greece and specifically the area of the Aegean (Mytilene), b) from central Greece (Larissa and Trikala), and c) from Macedonia (Florina and Veria). These geographical regions of the Ottoman Empire, were divided into two categories: a) those who finally were included in the Greek State and are studied on the issue of divorces the period before their integration in Greece: Larissa (1647-1868) and Trikala (1828-1865) which were included in Greece in 1881, Mytilene (1705-1773), Veria (1825-1862) and Florina (1901-1909) included in Greece in 1912 (History of Greek Nation, 1977), and b) those who finally were included in Turkey as Adrianople (1856-1923), which is studied on the issue of divorces until the dissolution of the Ottoman empire and the establishment of modern Turkey in 1923 (Fragoulis, 2012), in which eventually forms the city. The period 1647-1911, which was chosen to study the divorces, spans four centuries, from the 17th century until the 20th. This period was divided according to distinct historical sections, on subperiods: a) 1647-1774 season early judicial institutions unprivileged communities, b) 1775 – 1856 period the gradual establishment of the bourgeoisie, and c) 1857-1911 after the Tanzimat period of growth Community institutions and nationalism.

Materials

Research was based on primary sources of data, published and unpublished: a) unpublished: 1) Code of Daniel (1825-1862) Veria, 2) 'GAK, ABE 27 ΣΑΕ 198', Code of Decisions of Spiritual Court 1901-1909. His title is: 'Codex of Decisions'. 3) GAK, Historical Archive of Macedonia, GRGSA-IAM_REL003, Holy Metropolis of Adrianople [1856 – 1944]. Retrieved from <http://arxeiomnimon.gak.gr/>. And b) published: 1) Spanos, A. (2006). Codex A' of Holy Metropolis of Mytilene (18th century.). Mytilene: Publications of Holy Metropolis of Metilene, 2) Kaloussios, D. (2009). The Codex of Metropolis of Larissa, EBE 1472: 1647-1868. Larissa: Thessalian Calendar, 3) Nimas, Th. (2013). The B' Codex Trikkis (Trikalon) or Codex Barlaam, number 287, The religious, social, economic and educational history of Trikala from 1828 to 1865. Trikala: Literary Historical Association (F.I.L.O.S.) Trikala.

Results

The main aim of this study was to evaluate if divorces are an attempt of a renegotiation and reconstruction of gender identities and for this reason the examination of those divorces in the codes of the Metropolises is of exceptional interest. In individual research, goals attempted: a) the identification of different reasons for seeking divorce between men and women and the integration of these differences in social context, and b) the mapping of the qualitative characteristics of the gender ratio of women and men which was articulated by the invocation of the divorce.

Findings of Bishops

Divorces recorded in Codices:

1. Metropolis of Larissa (1647-1868): The total number of divorces in the code is 21 and extend over a period of 221 years (1647-1868). The average ie the submission of a recommendation for divorce is 0,09 a year.
2. Metropolis of Mytilini (1705-1773): The total number of divorces in the code is 28 and extend over a period of 68 years (1705-1773). The average ie the submission of a recommendation for divorce is 0.41 year.
3. Metropolis of Veroia (1825-1862): The total number of divorces in the code is 56 and extend over a period of 37 years (1825-1862). The average ie the submission of a recommendation for divorce is 0,66 year.

4. Metropolis of Trikkis (1828-1865): The total number of divorces in the code is 8 and extend over a period of 37 years (1828 to 1865). The average ie the submission of a recommendation for divorce is 0.21 year.

5. Metropolis of Moglenon and Florinas (1901-1909): The Spiritual Courts functioned from 1901 in Florina on Metropolitan Ioannikios ('GAK, ABE 27 ΣΑΕ 198', Code of Decisions of Spiritual Court 1901-1909. His title is: 'Codex of Decisions'), while the community (Iliadou-Tachou, 2003-2004; Iliadou-Tachou, 2004; Andreou & Iliadou-Tachou, 2007) had already established in 1905 on Metropolitan Anthimos (Iliadou-Tachou, 2001). The decisions of Spiritual and Gross Courts were recorded in the Code of Spiritual and Gross Courts of Metropolis Moglenon and Florina ('GAK, ABE 27 ΣΑΕ 198', Code of Decisions of Spiritual Court 1901-1909. His title is: 'Codex of Decisions'), The total number of divorces in the code is 32 and extend over a period of 9 years (1901-1909). The mean ie the submission of a recommendation for divorce is 3.55 year. The number seems excessive, not in proportion to the polulation (The Greek Orthodox community of Florina consisted, in accordance with the electoral list in 1914-1915 in many communities: the population group was superior to that of Muslims who accounted for 54.2% of the total population, second largest religious group was the Christians who accounted for 42.8% of the population. The point, however, must be stressed that the group was split into the Orthodox community which recognized the jurisdiction of the Bishop Moglenon and exarchate community which was under the jurisdiction of the Bulgarian Exarch, although exarchikos Metropolitan did not exist in the city, but in relation to the cultural context of the region which distinguished: a) the asymmetry of gender relations, b) for the dominant discourse of the Church, which viewed divorce as a threat to the existence of society, and c) for traditional power structures within the family.

6. Metropolis of Adrianople (1856-1923): The total number of divorces in the code is 20 and extend over a period of 67 years (1856 to 1923). The average ie the submission of a recommendation for divorce is 0.29 year.

Finding on dissolution of Engagements

In Larissa we have a dissolution of Engagement (1752) due to the abandonment of fiancée. The dissolution was a request of the fiancée due to four year abandonment (Kaloussios, 2009).

In Mytilene we have a dissolution of Engagement (1759) due to the abandonment of fiancée. The dissolution was a request of the fiancée due to three year abandonment (Spanos, 2006).

In Florina we have a dissolution of Engagement (1907) due to the will of fiancée. The dissolution of engagement was judged against the fiancée, because of false accusations against the fiancée ('GAK, ABE 27 ΣΑΕ 198', Code of Decisions of Spiritual Court 1901-1909. His title is: 'Codex of Decisions').

In Adrianople we have a dissolution of Engagement (1893) due to will of fiancée (unknown reason), (GAK, Historical Archive of Macedonia, GRGSA-IAM_REL003, Holy Metropolis of Adrianople [1856 – 1944]. Retrieved from <http://arxeiomnimon.gak.gr/>).

Discussion

According to table 2, the gender distribution on 165 requests of divorces examined, suggests that the common request of divorce accounts only a percentage of 16,38%. It is clear that divorces were probably result of contest, in a percentage of (83,63%), between husbands. Furthermore, it is indisputable that on the one hand women represented the main percentage of requests, almost one to two requests (56%), and on the other hand men account for almost one per third of requests (30,30%). The percentages, of the 'gendered' requests of divorces, allow us to identify the divorces as 'female' and 'male'. However, the quantitative dominance of 'female' requests of divorce, against 'men' requests, does not allow us to identify divorce as feminine. Although, even the approximate equivalence-of-'female' and 'masculine' divorce, is given, it requires interpretation. We made the hypothesis, that could be interpreted on the basis that the man has a greater interest in preserving marriage, than the woman after marriage and we focus in this context in the spearhead of gender imbalance and with the institutional imposition of male hegemony. In contrast, the 'female' divorce predominance over the 'male', which should be mainly attributed to a dire relationship of women in this cultural context, is not necessarily attributed to a dynamic awakening. It is interesting to examine the main reason of a woman siking divorce. The main reason for woman divorces was 'abandonment' of the wife by the husband (37,50%), while 'abandonment' of the wife represented only the 16% of husband requests. The most common reason of 'female' divorces are dropping of women by their husbands, mainly due to migration, which is in line with the socio-cultural context of space. It is also interesting that abandonment of fiancée seems to be a significant reason for betrothal dissolution. Even so, the ratio of 'female' divorce indicate a female attempt to rebuild the social contexts within a new marriage after the 'abandonment'. The implementation of the provision of the

Spiritual Courts, lies in the existence of a significant social need: the pursuit of a second marriage from the women's side, in order to survive. It is therefore obvious that the marriage which demonstrates the magnitude of asymmetry of gendered identities, serves in this case as a life boat for the weak social woman, which after the divorce, falls to new forms of dependency. Reasons for women seeking a divorce are usually due to: wife abuse (10,23%) and husband's inability to provide basic everyday expenses (13,64%). Generally in divorces, it is seen that low living standards, renders unrealistic the establishment of alimoni, allowances etc. for the satisfaction of women persecuted, while it is clear that some of the compromises that men accept, should be attributed to their inability to pay their own expenses, or alimony, due to a low social - economic status. The reasons for men seeking a divorce differ to those that women seek a divorce. It is also very important that men, in their turn, when requests divorces, use the social construction of gender in order to make sense of realities of gender relations in their daily life and to enhance their hegemony. Men claim management of the sexuality of women, denouncing adultery (24%), as well as their ability to perform housework (8%). Another parameter in 'male' divorces is the impossibility of childbearing women (10%). Having children is connected with the idea of masculinity, as this is perceived in specific cultural contexts. It is also, worth mentioning, that the religious differences (Orthodox-schismaticos) act decisively: the 'female' divorces are easier when directed against schismatic spouse, something laid down by the case law, namely that the change of religion, and the accession for example in the exarchate of one of the spouses after marriage, is a cause for divorce. A general observation would be that during the procedure of divorces the intervention of priests and notables is allowed, intervention is a kind of public opinion with witness features on outcome of the divorce. Neighbors finally function as witnesses and their opinion is weighty. The intrusion but the above mentioned, not only contributes to the fragmentation of the dominant discourse and the creation of alternatives, but borrows the same cultural components and replicates the hierarchy gender identities in the communities.

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Tables

Table 1. Number and requests of divorces

| Metropolis | Years | Number of divorces | Average year per | Request of divorce | | |
|---------------------|-----------|--------------------|------------------|--------------------|------|-----------------|
| | | | | Husband | Wife | Common decision |
| Larissa | 1647-1868 | 21 | 0,09 | 6 | 10 | 5 |
| Mytilene | 1705-1773 | 28 | 0,41 | 10 | 14 | 4 |
| Trikkis | 1828-1865 | 8 | 0,21 | 1 | 0 | 7 |
| Moglenon & Florinis | 1901-1909 | 32 | 3,55 | 12 | 19 | 1 |
| Andrianople | 1856-1923 | 20 | 0,29 | 8 | 12 | - |
| Veroia | 1825-1862 | 56 | 0,66 | 13 | 33 | 10 |
| Total | | 165 | | 50 | 88 | 27 |

Table 2. Percentages of the number of requests of divorces

| | Number of divorces | Percentage of Divorces |
|-----------------|--------------------|------------------------|
| Husband request | 50 | 30,30% |
| Wife request | 88 | 53,33% |
| Common decision | 27 | 16,36% |
| Total | 165 | 100,00% |

Graph 1: Number of requests of divorces per men, women and a common decision

