

Interfaith marriage in the early modern Ottoman Empire: Legal and social aspects

Erken Modern Dönem Osmanlı İmparatorluğunda İnançlararası Evlilik: Hukuki ve Toplumsal Yönleri

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Abstract: Marriage in the Ottoman Empire was regulated by religious law, sultanic decrees, and local custom. In the multiethnic and multireligious realm of the sultans, men and women were expected to marry within their own religious community, according to the latter's rites and in conformance with its rules, observances, and traditions. This social expectation, however, did not preclude interfaith marriages as long as the latter were sanctioned by the religious authorities concerned or were concluded in a way permissible under Ottoman law, namely with an Islamic marriage contract registered at a kadi court. The most common kinds of interfaith marriage were unions of Muslim men with non-Muslim women and of European foreigners with local Christians. We know about such unions from a variety of sources and some aspects of the issue have already drawn the attention of historians. This article focuses on the early modern period and is concerned with the legal underpinnings that allowed interfaith marriages, the judicial practice concerning them and the stance of the Orthodox Church towards women married outside the faith. The article presents the preliminary results of an ongoing research based on Ottoman, Greek and European sources that investigates the power of the Orthodox Church to implement canon law and its prohibitions, which also includes the prohibition to marry a non-Orthodox person.

Keywords: Ottoman, Marriage, Family, Greek Orthodox Church, Sharia Court, Kadı Sicilleri, Canon Law, Islamic Law, Kebin, Nikâh

Öz: İnançlar arası evlilik, erken modern Osmanlı İmparatorluğu'nun farklı dinlerden toplulukların yaşadıkları şehir ve bölgelerinde gündelik hayatın bir gerçekliği idi. En yaygın inançlar arası evlilik türleri, Müslüman erkeklerin Müslüman olmayan kadınlarla ve Avrupalı yabancıların yerel Hristiyanlarla evliliği idi. Bu tür evlilikleri çeşitli kaynaklar aracılığıyla biliyoruz ve konunun bazı yönleri şimdiden tarihçilerin dikkatini çekmiştir. Bu makale, erken modern döneme odaklanır ve inançlar arası evliliklere imkân veren yasal dayanaklara, bunlarla ilgili mahkeme uygulamalarına ve Ortodoks Kilisesi'nin inanç dışında evli kadınlara karşı tutumu ile ilgilenir. Makale, Osmanlı, Yunan ve Avrupa kaynaklarına dayanarak, Ortodoks Kilisesi'nin kilise hukuku ve Ortodoks olmayan biriyle evlenme kısıtlamalarını da içeren yasaklarını uygulama gücünü araştırarak, sürmekte olan bir araştırmanın ön sonuçlarını sunmaktadır.

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Anahtar Kelimeler: Osmanlı, Evlilik, Aile, Rum Ortodoks Kilisesi, Şeriat Mahkemesi, Kadı Sicilleri, Kilise Hukuku, İslam Hukuku, Kebin, Nikâh.

Permissibilities and Prohibitions

Among the three religions of the Ottoman Empire, Christianity, Judaism and Islam, only the latter permitted interfaith marriages to an extent. The Sharia allows Muslim men to wed and stay married to women who practice a different religion, although it prohibits the opposite: no Muslim woman can be married outside the faith (Friedmann, 2003: 160-193). It is important to note that this prohibition is related not with religious incompatibility but with legal and social inequality – and the threat to the hierarchy of religions and social order that such unions entail. Islamic law expects wives to submit to their husbands and to adhere to their wishes and envisages as suitable husbands for a free Muslim woman only those who are her social equals or superiors. Given that non-Muslims are legally and socially inferior, marriage with a Muslim woman is an impossibility. A Christian or Jew wishing to marry a Muslim woman or stay married to his wife after her conversion to Islam, must become himself a Muslim. On the contrary, a marital union between a Muslim man and a non-Muslim woman does not present any problem. The wife is in a naturally subordinate position due to both her gender and religion; therefore, she is allowed to continue practicing her faith if she does not wish to convert.

Christian and Jewish religious laws, on the other hand, prohibit unions with persons outside the faith. Christian canon law forbids marriage with heretics, Jews and pagans, a category that also included Muslims (Freidenreich, 2009). The prohibition is grounded on doctrine and results from the sacramental nature of Christian marriage and its conception as not only a physical but also as a spiritual union between husband and wife¹. Given the repeated confessional splits and the mutual accusations of heresy, the Christian marriage prohibitions have traditionally extended not only to persons of a different religion such as Muslims or Jews but also to those of a different Christian denomination. Orthodox, Catholic, and Armenian men and women, to mention only the most populous denominations in the Ottoman realm, were in principle not allowed to have husbands or wives who belonged to a different confessional group.

Nonetheless, evidence from archival and narrative sources shows that intermarriage between Orthodox, Catholic and Armenians was not as rare as one might expect under the circumstances. In the case of the Orthodox, the general conscience did not regard marriage with other baptized Christians as really prohibited (Pitsakis, 2003: 13). Mixed marriages between

¹ It must be noted that the sacramental nature of marriage was contested by the Protestant theologians of the Reformation and is nowadays rejected by most Protestant denominations.

Christians in the Ottoman lands usually involved the marriage of local Orthodox women to men of European origin or marital alliances between merchant families of different religious denominations (examples in Dursteler, 2006: 143; Zarinebaf, 2018: 244-249). It should be noted that the marriage between Catholic and Protestant foreigners with Orthodox women was mainly a feature of islands, ports, and commercial cities. In the Rumelian and Anatolian mainland, marrying a foreigner was uncommon and marriage with a Christian belonging to a different confessional community usually involved conversion; as a rule, given the prevailing patriarchal mores, the conversion of the bride to the confession of the groom. Thus, in early seventeenth-century Kayseri, the Orthodox woman Meryem converted to the Armenian confession upon her marriage with an Armenian man, whereas Turfande, originally an Armenian, became an Orthodox in connection to her marriage (Jennings, 1978: 242).

Christian religious authorities may have frowned upon interfaith unions but were not always able or willing to prevent them. On the other hand, they were unwilling to sanction such marriages in contravention of canon law. Therefore, they often decided on an *ad hoc* basis whether a union was permissible or not and took into consideration the sociopolitical context when contemplating sanctions against men or women involved in canonically illicit unions. To give an example: During the protracted war between Ottomans and Habsburgs that followed the failed siege of Vienna (1683) and lasted until the peace of Karlowitz, several Orthodox women in Belgrade married Armenian men, probably recent immigrants who had not been able to find wives among the small Armenian community of the city. When normality returned, there was controversy among the religious authorities and the lay leadership of the Orthodox community about how to deal with these women whose husbands were “heretics”. Patriarch Dositheos of Jerusalem, to whom the people of Belgrade turned for advice, instructed the metropolitan of the city to apply the principle of ecclesiastical economy (*oikonomia*) and accept the Orthodox wives of Armenian men as full members of the Orthodox Church. The women, Dositheos argued, had married “due to the evilness of the time” in order to sustain themselves. In the future, however, no such marriages should be permitted. It should be publicly announced, upon the pain of anathema, that “henceforth any woman marrying an Armenian man would not be allowed in the Church, nor receive Holy Communion, nor be worthy of a [Christian] burial” (Delikanēs, 1905: 683-684). The double threat of excommunication, that forbids the participation in the rites of Christian worship, and anathema, that brings eternal damnation, should suffice as warning.

Marrying with *kebin*

“We have learnt”, writes Patriarch Dositheos in his letter to the metropolitan of Belgrade, “that the Armenians have them [as wives] with *kapini*; and if it is so, they should now make a religious wedding, but let them be married not by an Armenian priest but by an Orthodox priest”. *Kapini* or *kepini* (there are several variations of the word) is the Greek version of the Turkish *kâbin* or *kebin*. The expression “to get or have a wife / a husband with *kebin*” was used for marriages officiated by a kadi and is frequently found in Greek and European sources.

Kâbin/kebin is a word of Persian origin denoting the amount that the husband must pay to his wife if he divorces her against her wish or without valid reason, and is equivalent of the Arabic *mahr* (Ott. *mehr*), the dower given to the bride by the groom (Imber, 2002: 181). The payment of the dower is a requirement for marriage under the Sharia because, according to Islamic legal discourse, this is how the husband acquires ownership of his wife's sexual organs which is what distinguishes licit intercourse in marriage from illicit fornication (Siddiqui, 1995; Imber, 1996: 268). Hanafi jurisprudence foresees the division of the dower into two portions: one payable at the signing of the marriage contract and the other deferred, payable upon repudiation or at the time of the husband's death. It is important to note, however, that, contrary to the Arab provinces, in Rumelia, Anatolia, and the Islands the whole of the dower was as a rule deferred (Gara, 2007: 127-129). In other words, the groom did not pay anything upon marriage but pledged a certain amount of money to the bride, payable at the end of the marital union through divorce or death.

In European sources, the term *kebin* denotes as a rule the temporary marriage of a foreign traveler with a local Christian woman. It is described as a distinct type of marriage concluded at the kadi court and resembling more a service contract than a marital union. According to European descriptions, both parties married in the knowledge that the union would last for only a defined period of time or for as long as the husband wished; upon termination, the wife would receive the *kebin*, a preagreed sum of money registered in the marriage contract. Following such descriptions, historians have likened marriage with *kebin* to *mut'a*, the temporary marriage for pleasure that is accepted as lawful by the Twelver Shi'ites (Pantazopoulos, 1967: 93-102; Laiou, 2007: 246-247; 261).

Mut'a marriage is prohibited by all other schools of law, including the Hanafi school followed by the Ottomans. No evidence has been found yet in legal or judicial sources to suggest that Ottoman jurists considered permissible or that kadi courts upheld temporary marriage. A *mut'a* contract requires the specification not only of the amount of the dower but also of the duration of the marriage which could range from hours to years (Tucker, 2008: 58). Marriage

contracts registered at the Ottoman kadi courts, however, did not include such a component. As discussed below, registrations followed the exact same template, irrespective of the couple's religion, and used the same legal terminology, including *nikâh*, the Islamic term for marriage. Therefore, the European descriptions of *kebin* as a distinct type of lawful marriage solemnized by a kadi constitute a puzzle for Ottomanists.

A close look at the sources, however, reveals inconsistencies that raise doubts about the European understanding of *kebin* as essentially different from regular marriage. One of the most cited authors, the English consul Paul Rycout, has three different references to the term. The best known one describes *kebin* as “a sort of half marriage” between foreign men and local women, concluded before the kadi for a limited period of time and in exchange for a price payable to the woman (Rycout 1686: 293)². Elsewhere, however, he mentions *kebin* in a completely different social context: this time he refers to the dower pledged to an Ottoman princess by her highly placed husband at their marriage (Rycout 1686: 133)³. In yet another work, and in a section entitled “Greek Women making *Kabin* with *Turks* in the *Morea* and *Romania*” (1679: 314), Rycout associates *kebin* with mixed Christian-Muslim marriages concluded under Islamic law⁴. Another seventeenth-century author who describes *kebin* as a distinct type of marriage is the French traveler Jean Thévenot (1665: 104-105). However, a careful reading of his description reveals that what made marriage with *kebin* different from regular marriage is that it was solemnized by a kadi and was devoid of religious ceremony and the usual marital customs.⁵

Greek sources, on the other hand, consistently associate the term *kebin* not with temporary marital unions but with all-Orthodox or interfaith marriages concluded under the Sharia and

² “There is also another sort of half Marriage amongst them (the Turks), which is called *Kabin*, when a man takes a Wife for a Month, or for a certain limited time: and an agreement is made for the Price before the *Cadee* or Judge: and this Strangers oftentimes use, who have not the Gift of Continency, and are desirous to find a Wife in all places where they travel, and is the same which they term in *Spain* to be *Emancibado*, or *Casado de Media Carta*, only the act there is not made allowable by the Laws as in *Turkey*.”

³ “Before the Espousals, what Money, Jewels or rich Furs she (the princess) sends for, he (the pasha) must with complement and cheerfulness present, which is called *Aghirlick*; besides this, he makes her a Dowry called *Kabin*, of as much as Friends that make the Match can agree; when the *Kabin* is concluded and passed before the Justice in form or nature of a Recognisance; the Bridegroom is conducted to the Chamber of his Bride by a Black Eunuch ...”

⁴ “That it hath been usual for the *Turks*, especially in the parts of *Greece* called now *Romania*, and in Turkish *Rumeli*, to take *Greek* Women to Wife, marrying them according to the *Mahometan* Law; which Custome was become so frequent, that the Christian Women, little regarding that Caution given them by the Apostle, of being unequally yoked, freely entered into *Kabin* with the *Turks*, and without scruple designed the fruit of their Bodies to the service of Antichrist ...”

⁵ “Les Turcs peuuent auoir trois sortes de femmes, car ils peuuent épouser des femmes legitimes, ils en peuuent prendre au *Kebin*, & peuuent auoir des femmes esclaves. Pour les premieres, ils ne les voyent qu’apres que le mariage est fait. Quand quequ’un veut se marier de cette premiere façon, il accorde avec les parents de la fille qu’il a enuie d’épouser, combine de dot il donnera à leur fille, afin qu’elle soit sa femme, auquel marché se trouue le Cady avec deux tesmoins, & ledit Cady escrit les conditions du mariage, & le douaire qu’il donne à la femme. ... Pour les femmes au *Kebin*, il n’y a point tant de façons, on va trouuer vn Cady auquel on dit qu’on prend vne telle femme, à laquelle on promet de payer tant en la repudiant, le Cady écrit cela, & le donne à l’homme ; lequel apres cela garde cette femme tant qu’il veut, & la chaffe quand il luy plaist, en luy payant ce qu’il a promis, & nourrissant les enfans qu’il a eus d’elle.”

registered at the kadi court (Alexander, 1985; Zelepos, 2013; Yavuzer, 2022: 154-158). One of the earliest mentions of the term is in an encyclical letter of Patriarch Maximos III from 1477 that circulated throughout the empire, which explicitly condemned the Orthodox who were “married with *kebin* in the way of the pagans”, i.e. like Muslims (Païzi-Apostolopoulou & Apostolopoulos, 2006: 63; Blanchet, 2020: 6). Referring to such an illicit marriage between two of his coreligionists, the Orthodox priest Synadinos from the Rumelian town of Serres (Ott. Siroz) uses the expression *ekopsen kepini* (Odorico, 1996: 160), a literal translation in Greek of the Turkish *kebin kesti* or *kebin kıydı*. The latter expression (*kebin kıymak*) is found in the letters of the female dervish Asiye Hatun from Skopje, also from the seventeenth century (Başaran, 2021: 59). Although unknown in modern standard Turkish, the expression *kebin kesmek* survives in Anatolian dialects and in the Azeri language in the sense of *nikâhlamak*, i.e. marrying according to Islamic law (Özder, 1981; Yıldız, 2006), whereas in Urdu the word *kebinnâme* means the marriage document (Başaran, 2021: 58).

Additional evidence for the association of *kebin* with regular marriage, i.e. marriage under the Sharia, comes from a divorce litigation between Muslims adjudicated in the kadi court of Nicosia in 1610 (Jennings, 1993: 166). Fatma bint Abdullah, evidently a convert woman, complained that her former husband had divorced her but not given her the *kebin*. He, in turn, contested his obligation to pay by claiming that the divorce was of the *hul* type, meaning that it had been requested by his wife. It is obvious that the divorced couple was disputing over the deferred dower (*mehr-i müeccel*), to which they referred by the name of *kebin*: contrary to repudiation, a *hul* divorce entailed the waiving by the wife of the deferred dower (Tucker, 2008: 110-111). This is the only occurrence to my knowledge of the word *kebin* in an Ottoman judicial record and it is not by coincidence that it comes from the religiously and linguistically mixed island of Cyprus.

In view of the above, there are sufficient grounds to hypothesize that Ottoman Turks had been originally using metonymically the Persian word *kâbin/kebin* to refer to marriage under the Sharia and that, after the generalization of the Arabic *nikâh*, under the influence of the legal terminology used in marriage contracts, the word remained in use colloquially and in dialectal environments. If marriage with *kebin* equals *nikâh*, there was nothing inherently temporary about it. The Sharia, however, grants husbands unrestricted rights to repudiate their wives, which makes divorce an easy matter for men and marriage a potentially temporary union (Imber, 1996: 266-267; Kermeli, 2013: 501-502). It is easy to understand how marrying at the kadi court could be manipulated to serve the needs of foreign travelers who wished to acquire — and could pay for — the sexual and domestic services of a woman. Marriage at the kadi court, which involved the

registration of an amount of money as deferred dower payable upon divorce, permitted foreigners to lawfully cohabit and have sexual relations with local women during their sojourn in the Ottoman lands and to separate from them equally lawfully before leaving.

From a broader viewpoint, given the Christian and Jewish prohibition of interfaith unions, marriage at the kadi court (marriage with *kebin*) was popular among couples of different religions not necessarily because of the facility to obtain divorce but because it was practically the only way to conclude a lawful marriage. It was also the only option at the disposal of couples who belonged to the same faith but were not allowed to marry because of religious impediments. The principle of the superiority of Islamic law and the kadi court's role as embodiment of sultanic justice gave to Ottoman judges the right to officiate at marriages and divorces irrespective of the couple's religion. On the one hand, the Sharia took precedence over customary and Christian or Jewish canon law; on the other, the kadi court was open to all the subjects of the sultan (Kermeli, 2007; Anastasopoulos, 2013). Evidence from the *kadı sicilleri* and other sources shows that not only mixed couples, but also all-Christian and all-Jewish ones resorted at times to the Ottoman court to register a marriage or a divorce. This way the couple could sidestep the prohibitions of their respective community's religious law and enter a new marital union or terminate an existing one in a legally valid manner.

Marriage Contracts

From a legal viewpoint, the disregard for the faith of the spouses manifested in Ottoman judicial practice is largely a consequence of the way that marriage is construed in Islamic law, namely as a contractual relationship. Marriage under the Sharia is a binding legal contract between a man and a woman (or, in the case of minors, between their legal guardians) which must meet certain conditions in form and content (Tucker, 2008: 41). Like any other contract, a properly witnessed marriage was legally valid and did not require formal registration. As long as a couple was regarded as married by family, friends and neighbors, and no religious or communal authority raised any objection, the union was understood as lawful marriage. During Ebussuud Efendi's tenure as *şeyhülislam* (1545-1574), a sultanic decree was issued commanding the Muslim population not to conclude any marriages without the cognisance of a kadi (Imber, 1997: 165; Düzdağ, 1998: 56-57). This, however, did not lead to the establishment of a general practice of marriage registration at the kadi court. Systematic registrations are known as yet only from Jerusalem, Bosnia-Herzegovina, Crete and Trabzon (Tucker, 2008: 60; Gara, 2007: 117-120; Adıyeke & Adıyeke, 2006: 55-91; Kolovos, 2008; Kermeli, 2013; Mamaş, 2019); in other places marriage registrations were sporadic.

The main function of the marriage contract was to validate a couple's marital union by registering the names of the witnesses and the amount of the dower. The surviving documents show that Ottoman court scribes followed specific templates that changed in the course of time. A comparison between marriage registrations from Mostar (Herzegovina), dating from 1633 (Mujić, 1987), and from Candia (Ott. Kandiye, today's Heraklion Crete), dating from 1669-1673,⁶ suggests that registrations in the *kadı sicilleri* were initially very brief and simple but later became lengthier and more elaborate through the inclusion of various legal formulas. The registrations from the second half of the seventeenth century diligently adhere to the template of a formal valid contract that follows a formula made up of an offer from the bride's side, and an acceptance from the side of the groom, and take care to register in proper fashion the various agents and witnesses (cf. Appendix).

No interfaith marriages were recorded in Mostar in the year 1633. In Crete, on the contrary, such marriages were the rule during the island's conquest (1645-1669) and continued to be very common even after the establishment of a sizeable Muslim community. The earliest extant court record of Kandiye, which covers the period 1669-1673, includes a total of 82 marriage contracts. 48 of them record all-Muslim marriages, 25 concern mixed marriages between Muslim men and Orthodox women, and there are also nine all-Orthodox Christian marriage contracts (Karantzikou & Photeinou, 2003: ξγ-ξδ). The registrations display no difference whatsoever in the phrasing or the legal formulas used, which supports the conclusion that the kadi court treated all marriages in the same way, irrespective of religion. The only elements that change are placenames, personal names and titles (cf. Appendix, Docs 2-4).

Orthodox religious discourse regards the marriage of Christian women to Muslim men as both shameful and sinful. It is therefore all the more noteworthy the frequent presence of Christians as agents and witnesses in marriage registrations, especially in those of Crete. This occurs not only in mixed but also in all-Christian marriages; in some registrations from Candia the only Muslims are the witnesses of the procedure (*şühudu'l-hal*). Interestingly, some documents also record the presence of priests as witnesses or agents. For example, the priest Angeli, son of the priest Yani, acted as the groom's agent in an all-Christian marriage in the Cretan village of Siva recorded in April 1672 (Karantzikou & Photeinou, 2003: 202). In another marriage, this time from the island of Sykinos and dating from 1629 (Kolovos, 2006: 253), the bride, Margarita, and the groom, Hüseyin, did not use agents; they were both present at court. Their marriage, however, was witnessed not only by the legally prescribed two Muslim witnesses but also by the priest

⁶ I wish to express my gratitude to Dr. Marinos Sariyannis for giving me access to unpublished transcriptions of Ottoman kadi court records from the archive of the Institute of Mediterranean Studies (Rethymno, Crete).

Philotheos. The presence of priests in mixed marriages is eloquent testimony of how difficult it was to enforce ecclesiastical discipline in the seventeenth century.

Contextualizing Muslim-Christian Marriages

The lack of systematic marriage registration in most regions makes it impossible to estimate the frequency of mixed Muslim-Christian marriages in the Ottoman Empire. The available evidence suggests, however, that Muslim men preferred to marry Muslim women (whether Muslim-born or converts) and that most interfaith marriages came into being after the husband's conversion to Islam. That is why we find a high proportion of Muslim husbands with Christian wives at times and places with an ongoing conversion process, for example Crete (Kolovos, 2008; Kermeli, 2013) or Albania (Skendi, 1967; Chelaru, 2012), and only very rarely in regions with consolidated Muslim communities. After all, interfaith marriages entailed many difficulties in everyday life, which made them rather undesirable in places with no lack of Muslim brides. Thus, unions between Muslim men and Christian women had become very unusual in Mostar already by the early seventeenth century. The marriage registrations of 1633, which I have analyzed, do not contain any interfaith couples. There is a fair amount of converts among grooms and brides (21.7 per cent of the men; 13 per cent of the women), most of whom married born Muslims (Gara, 2007: 125). Evidently, mixed marriages were considered socially unacceptable in Mostar at that time.

The case of Crete lends weight to the hypothesis that marriages between Muslim men and Christian women was a phenomenon largely connected with conquest and conversion. Although no archival records survive, there is evidence that there was a long tradition of mixed marriages going back to the Turkish settlement of Anatolia (Vryonis, 1969/1970: 287-288) and that the marriage between Muslim soldiers and Christian women had been sanctioned by sultanic decrees. According to the Chronicle of Epirus, the men assigned as a garrison to the fortress of Ioannina (Ott. Yanya) after the town's surrender to the Ottomans in 1430 petitioned the sultan to permit them to marry local girls. He responded by sending an imperial rescript authorizing the conclusion of such marriages even if the brides' parents did not consent (Historia Politica, 1849: 244-245).

The authorization for the marriage of the garrison soldiers of Ioannina with local girls was not a unique case. There is reference to a similar decree in a completely different type of source, the biography of Grand Admiral Hızır, better known as Hayreddin Barbarossa. Hızır/Hayreddin was a native of Mytilene (Ott. Midilli) and the offspring of a marriage between a Muslim *sipahi* stationed in the island and a Christian noblewoman. After the conquest, the young soldiers, one of whom was the grand admiral's own father, petitioned the sultan to authorize their marriage to local girls. Here is the soldiers' petition and the sultan's order as recorded in Barbarossa's biography

(Gallotta, 1981: 5r-5v).⁷ Note the legal terminology, which makes clear that the sultan was authorizing only lawfully contracted marriages.

The soldiers' petition: "Since it was ordered to station us in this place, at least look after our affairs. For what will our situation be here, since we are a troop consisting only of bachelors? As to this place, it is an island. Are we going to pass our lives here in celibacy or is there a solution, and of what kind? There is no Muslim community in the vicinity with which we could have transactions and find a remedy for our plight. In short, it is a great injustice (*zulm*) to us to stay here in this manner and we do not consent to this injustice."

The sultan's order: "By my sacred order, my young servants who reside in this castle may ask to marriage from the infidels of the above-mentioned castle any suitable girl they like; and it is my sacred order that, if they (their fathers) do not give them, they (the soldiers) may take them with force and marry them at once, make a marriage contract and wed them according to the Sharia (*anı nikâh ediverüb şer-ile akd ve tezvic edüb*); and they (their fathers) must give them (the brides) and deliver them fully and definitely to them (*anlara verüb teslim-i küllî edeler*). Let no one hinder and oppose this. Thus, Muslims and infidels will get used to one another and have good relations between them, which will result in the better guarding of the castle."

The soldiers petitioned the sultan because they could not find suitable wives or marry local girls without their fathers' permission. Had they taken them forcibly as wives, on their own initiative, they would have been perpetrating oppression (*zulm*) against the sultan's taxpaying subjects (*reaya*). Furthermore, their marriages would have been neither valid nor licit; Islamic law, namely, requires the consent of the bride or of her legal guardian (Tucker, 2008: 42-43). The sultan's decree, however, had the power to supersede the prohibition of forceful marriage. His authorization guaranteed the permissibility and validity of the unions, as well as the legitimacy of the offspring.

The last sentence of the decree, as cited in Barbarossa's biography, presents the rationale behind Mehmed II's decision to authorize the soldiers' marriage to local girls, even without their fathers' permission. The purpose was to forge relationships between the Muslim garrison force and the Christian inhabitants of the recently conquered island, in the hope of enhancing its defense against potential enemies. For such a policy to succeed, of course, the girls should not convert to Islam or be otherwise alienated from their religious community. The brides needed to remain Christian. The examples of Ioannina and Mytilene show that the marriage of Ottoman Muslim

⁷ I am grateful to Nicolas Vatin for allowing me to consult his unpublished transcription.

soldiers with local Christian girls were not isolated phenomena but a conscious policy aiming at the consolidation of Ottoman rule.

Whether by the sultan's order or on a voluntary basis, interfaith marriages accompanied Ottoman conquests throughout Southeastern Europe and the Eastern Mediterranean (see also Krstić, 2011: 65-67). Only after the emergence of Muslim communities in the conquered provinces were Muslim brides available to the sultan's military. Even then, in places with an ongoing process of conversion to Islam like Crete or Albania, converts were rather more likely to find wives within their community of origin than marry Muslim-born women. Elias Kolovos, who studied the marriage patterns in the makeshift town of İnadiye in the early 1660s during the prolonged siege of Candia, found out that it was very rare for converts to wed Muslim-born women whose father had not been himself a convert (Kolovos, 2008: 121). This is hardly surprising given that Hanafi legal discourse on the concept of *kafa'a* (suitability) had included from early on as criterion for ascertaining a suitable husband the length of time a man's family had been Muslim (Tucker, 2008: 44). Kolovos' findings imply that converts in seventeenth-century Crete were not treated as equal by their Muslim-born compatriots, at least in the marriage market. The difference of social prestige between new and old Muslims has ramifications for the issue of interfaith marriage that should not be underestimated. In times and places with a high rate of male conversion to Islam, the proliferation of interfaith marriages may have resulted not only from the preference of convert men for women of their own sociocultural background but also from their inability to marry Muslim-born women who were socially superior to them.

Complications in Family and Social Life

In interfaith marriages, non-Muslim wives were allowed to practice their religious rites and conduct their religious duties as long as this did not disrupt the everyday routine dictated by the habits of the husband, but the household was a Muslim one and the children of the couple were raised in the Muslim religion (Friedman, 2003: 174-175; 187-190). If there were children, an interfaith marriage could give rise to various complications at the time of the death of one of the spouses or in the case of divorce. Some of these complications are dealt with in the collection of *fetvas* of *şeyhülislams* and regard the custody of the children and the inheritance of the deceased mother.

Ottoman jurists and judges upheld the right of the mother to retain custody of her young children even if she was a non-Muslim (Ali Efendi, 1995: 89; Tucker, 1998: 129-130). This right lapsed at the age of seven, in which children were considered to become conscious of religion, but daughters could continue to remain under their mother's care. Evidence from the Sharia court

records shows that Ottoman kadis would let a Muslim child under the care of his Christian mother but appoint a Muslim legal guardian unless the mother converted to Islam. In latter case, she could be appointed guardian (Laiou, 2007: 251-252). In regard to the inheritance of a deceased non-Muslim mother, her Muslim children had no claim on her estate because of the general rule that Muslims could not inherit from non-Muslims and vice-versa. Disputes about inheritance arising from conversion are common in the kadi court records, but I have not yet encountered any relating to a non-Muslim mother's estate. The following legal response (*fetva*) of Ebussuud Efendi, however, shows that it was indeed possible for such disputes to arise if the Christian wife had personal wealth and landed property (Düzdağ, 1998: 147):

Question: If the Christian (*zimmiye*) Hind, while on her deathbed, ignores her other inheritors and donates all her possessions and property to her three-year old Muslim daughter Hatice, can the other inheritors say after her death: "We do not accept the above-mentioned donation"? Answer: They take the surplus of the one third (they are entitled to the two thirds of the estate).

The *fetva* implies that the dying Christian mother had tried to circumvent the impediment to inheritance by transferring property as gift to her Muslim daughter. Ebussuud Efendi could neither invalidate the gift nor exclude the Christian inheritors. Therefore, he applied the Hanafi rules of inheritance and reduced the gift to the one third of the estate. The other two thirds would have to go to the Christian relatives who were the legal heirs of the deceased. These were no doubt the persons who had requested the *fetva* in the first place.

The Christian wives of Muslim men were more often than not an embarrassment to their families and social relations. The Orthodox Church may have been circumspect in its reaction but never gave up fighting against mixed marriages, using as a weapon the denial of sacraments and of Christian burial. Canon law prescribes the penalty of excommunication for marrying outside the faith, which also incurs the ban on Christian burial (Pitsakis, 2003: 1-2). The penalty was invoked in the encyclical letter from 1477 that forbade priests to administer absolution and officiate at the burial of persons married with *kebin*,⁸ which implicitly also included the wives of Muslims. This notwithstanding, given the frequency of mixed marriages in the first centuries of Ottoman rule, it is doubtful that the penalty was often enforced. In the eighteenth century, however, as the Church grew more secure and powerful, metropolitans and bishops became more inclined to apply pressure to families and local communities that tolerated interfaith marriage (Pitsakis, 2003: 14-17). The Church might have preferred to see the Christian wives of Muslim men convert

⁸ "We do not give absolution to those who have left the Church and the Church's blessing and have married with *kebin* in the way of the pagans (*ethnikō tropō kapēniazomenous*) as having denied the faith; and they shall not be worthy of burial unless they repent."

to Islam than condone the breach of canon law and sanction a way of life that went against the precepts of Christian doctrine. There are no quantifiable data, but the available evidence indicates that by the late eighteenth century the social expectation was that Christian women married to Muslim men would convert. With time, interfaith marriage became a marginal phenomenon.

The effort of the Church and of communal authorities to put an end to mixed marriages was not a smooth process but one fraught with obstacles and resistances. We have already seen two examples of mixed marriages where Orthodox priests appear as agents or witnesses, sanctioning with their presence a canonically forbidden union. There are also sources showing that the wives of Muslim men reacted to the pressure of the Church, sometimes in unexpected ways. For example, in June 1720, the Christian woman Katelou asked the kadi court of Tuzla (today Larnaca, Cyprus) to certify that she had not changed her religion.

Christian Katelou daughter of Solomon, from the inhabitants of the quarter of Agios Ioannis, of the quarters of the city of Larnaca, made an oral statement in the esteemed Sharia court, which must be honoured, and said that “I am married to my husband Süleyman. Until now I did not join the eternal guidance; until now I was not honoured with the glory of Islam, because I wasted my life with the false religion. Hereafter, when I die by the order of the exalted God, the priests and the other doubting unbelievers, saying that ‘you were the wife of a Muslim’, will not bury me according to our unbelieving rites. I came to the public court of justice so that [it is known] hereafter [that] not an odour of a faint indication of Islam has been felt [by me] until now so that I am an infidel”. When she admitted and confessed that she has a right to the fire of hell and she is attracted to suffering torment, and after the legal confirmation, what took place was recorded in writing after a request. 11-20 Şaban 1132 (Stavrides, 2016: 115).

Katelou was afraid that she would be denied a Christian burial because of her marriage to a Muslim man. The kadi satisfied her request and gave her the certificate she was asking for. There is no way to know for certain whether Katelou’s wish was fulfilled. But given the supremacy of Islam and of Ottoman institutions, it is highly probable that the kadi court’s confirmation was enough to bend ecclesiastical and social pressure and guarantee her a Christian burial.

Conclusion

Interfaith marriage was an everyday reality in the religiously mixed towns and regions of the early modern Ottoman Empire. Information about marriages between persons of different Christian denominations or of different religions appears in a variety of sources: chronicles, travelers’ accounts, ecclesiastical sources, collections of *fetvas*, kadi court records. Taken together, the sources indicate that the majority of religiously mixed marriages in the Ottoman corelands involved Orthodox women married either with Muslim men or with Catholic or Protestant

merchants of European extraction. The latter group included both permanent residents in life-long unions with local women and travelers who married for convenience at the kadi court and divorced their wives before leaving for their homelands.

Evidence suggests that until the late eighteenth century the Orthodox Church was rather lenient toward unions with members of other Christian denominations even though she condemned them. Time and again the Church found ways to accommodate marriages with Catholics, Protestants or Armenians, whom she regarded as heretics, in the spirit of ecclesiastical economy. The Church was also obliged to tolerate the marriage of Orthodox women with Muslim men that had a long tradition in the Ottoman Empire. This kind of interfaith marriage was lawful under Islamic law, which permits the unions of Muslim men with non-Muslim women, and had also been sanctioned by sultanic decrees at the time of the conquest. Operating under the rules of a Muslim state, the Church had no means to prevent or put an end to such marriages. She tried to discourage them, however, by threatening women who entered into such unions with excommunication and with the prohibition of a Christian burial.

The marriage of Christian women to Muslim men may have been lawful under the Sharia but was not necessarily socially desirable or acceptable to local Muslim societies. Evidence suggests that such marriages occurred frequently only at times and places where no suitable Muslim brides were available, especially at the early stages of a region's conquest, and among populations with a high rate of male conversion. In consolidated Muslim communities, religiously mixed marriages were infrequent or even marginal. In such social environments, Christian women wishing to marry Muslim men were expected to convert to Islam.

Ottoman judicial and legal sources suggest that from a legal viewpoint there was no difference between all-Muslim and mixed marriages concluded under the Sharia. They were both valid under the same terms and contracted in the same way. The same is true about all-Christian and all-Jewish marriages solemnized at the kadi court, including marriages between European merchants and travelers with local Christian women. Despite European descriptions of the so-called *kebin* marriage as a distinct type of temporary marital union, the Ottoman kadis solemnized only one kind of marriage, *nikâh*. Marriages registered at the kadi court, irrespective of the couple's religion, were in principle for life. But, given that men had unrestricted access to divorce, many unions were meant from the start to last for only a limited period of time. Given the lack of systematic registrations of marriages and divorces, however, there is no way to find out whether a particular interfaith marital union was permanent or temporary.

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Appendix

Doc. 1. Mostar, 12 November 1633. Translated by the author from a photocopy in Mujić, 1987: 113 (Serbocroatian summary on p. 195).

The husband: Mustafa bin Memi. His agent: Süleyman bin Abdullah. The wife: the adult virgin Ümm Gülşüm bint Mustafa from the neighborhood or Nezir Ağa. Her agent: Piyale ibn Abdullah. Their capacity as agents was established by the testimony of Musa bin Gazi and Osman bin Nezir. Deferred dower: 2,000 akçe. On the 10th of the month Cümada'l-ulâ of the year 1043. Witnesses of the procedure: İsmail Çelebi, İbrahim Beşe.

Doc. 2. Kandiye (Heraklion), 9 August 1671. Translated by the author from an unpublished transcription at the archive of the Institute of Mediterranean Studies (Rethymno, Crete). Greek summary in Karantzikou & Photeinou, 2003: 25.

The adult virgin Fatıma bint Osman Beg, who lives near the noble mosque (*mescid*) of the late Muhammed Paşa in the city of Candia, is represented by her father, the aforementioned Osman Beg, whose capacity to act as her agent in the present case is legally established by the testimony of Ali Beşe ibn Abdullah and Salih Beşe ibn Receb, who know her person in a canonically licit way (*mezburenin zatını ma'rifet-i şer'iyeye ile ârifan olan*). Ali Beşe ibn Abdullah is represented by Muhammed Beşe ibn Abdullah, whose capacity to act as his agent in the present case is legally established by the testimony of the aforementioned Ali Beşe and Salih Beşe. Osman Beg (the bride's agent) declared before the noble court of law to which honor is due, in the presence of Muhammed Beşe (the groom's agent): “In my capacity as her agent, I have given to marriage (*tezvic ve inkâh eyledüm*) my daughter, the aforementioned Fatıma to the aforementioned Ali Beşe, in the presence of the Muslims whose names are written at the bottom of the document, for a deferred dower of 6,000 *akçe*”. On his part, the aforementioned Muhammed Beşe said: “In my capacity as his agent, I have accepted the aforementioned Fatıma as wife for the aforementioned Ali Beşe (*tezevvüc ve kabul eyledüm*) with the aforementioned deferred dower”. What happened was recorded by request. On the 3rd day of Rebiü'l-âhir of

the year 1082. Witnesses of the procedure: Receb Beg ibn Ali, Muhammed Beşe ibn Veli çukadar, Haydar Beg ibn Veli, Muhammed Beşe ibn Ali, and others from those present.

Doc. 3. Kandiye (Heraklion), 13 June 1672. Translated by the author from an unpublished transcription at the archive of the Institute of Mediterranean Studies (Rethymno, Crete). Greek summary in Karantzikou & Photeinou, 2003: 121.

The Christian woman (*nasraniye*) Mariya bint Mihali, inhabitant of the village of Pulye in the district of Rizo, a dependency of the city of Candia, is represented by the Christian (*zimmi*) Yorgi, her brother from the same father, whose capacity to act as her agent in the present case is legally established by the testimony of Mustafa Beşe ibn Abdullah and Receb Beşe bin Abdullah, members of the local artillery corps (*yerli tobçuları*) in the aforementioned city, who know her person in a canonically licit way (*mezburenin zatını ma'rifet-i şer'iyeye ile ârifan olan*). Murad Beşe ibn [] is represented by Mustafa Beşe ibn Hüseyin, whose capacity to act as his agent in the present case is legally established by the testimony of the aforementioned Mustafa Beşe and Receb. Yorgi (the bride's agent) declared before the court, in the presence of Mustafa Beşe (the groom's agent): "In my capacity as her agent, I have given to marriage (*tezviç ve inkâh eyledüm*) the aforementioned Mariya to the aforementioned Murad Beşe, in the presence of the Muslims whose names are written at the bottom of the document, for a deferred dower of 3,000 *akçe*". On his part, the aforementioned Mustafa Beşe said: "In my capacity as his agent, I have accepted the aforementioned Mariya as wife for the aforementioned Murad Beşe (*tezevviç ve kabul eyledüm*) for the aforementioned deferred dower". What happened was recorded by request. On the 16th day of the blessed Safer of the year 1083. Witnesses of the procedure: Muhammed Beşe bin Ahmed, Hüseyin Beg bin Mustafa, Receb Beg bin Ali, Yusuf Beşe çukadar, and others.

Doc. 4. Kandiye (Heraklion), 1 February 1672. Translated by the author from an unpublished transcription at the archive of the Institute of Mediterranean Studies (Rethymno, Crete). Greek summary in Karantzikou & Photeinou, 2003: 162.

The Christian woman (*nasraniye*) Franceskina bint Mihali, inhabitant of the village of Aya Yorgi in the district of Pedyá, a dependency of the city of Candia, is represented by the Christian (*zimmi*) Peri veled-i Vicenço, whose capacity to act as her agent in the present case is legally established by the testimony of the Christians (*zimmiler*) Yasif veled-i Mirato and Andon veled-i Andruli, who know her person in a canonically licit way (*mezburenin zatını ma'rifet-i şer'iyeye ile ârifan olan*). The Christian (*zimmi*) Canaki veled-i Nikolo is represented by the Christian (*zimmi*) Yorgaki veled-i Nikolo, whose capacity to act as his agent in the present case is legally

established by the testimony of the aforementioned Yasif and Andon. Peri (the bride's agent) declared before the court, in the presence of Yorğaki (the groom's agent): "In my capacity as her agent, I have given to marriage (*tezvic ve inkâh eyledüm*) the aforementioned Franceskina to the aforementioned Canaki, in the presence of the Muslims whose names are written on the bottom of the document, for a deferred dower of 500 *akçe*". On his part, the aforementioned Yorğaki said: "In my capacity as his agent, I have accepted the aforementioned Franceskina as wife for the aforementioned Canaki (*tezevviç ve kabul eyledim*) for the aforementioned deferred dower". What happened was recorded by request. On the 2nd day of the honorable Şevval of the year 1082. Witnesses of the procedure: Ali Çelebi bin Abdullah, Yusuf Beşe bin Abdullah çukadar, Hüseyin Beg bin Mustafa el- muhızır, and others.

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