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Orders and Disorders of Marriage, Church, and Empire in Mid-Nineteenth-Century Ottoman Armenia

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Abstract

The Ottoman state and the Armenian Patriarchate of Constantinople during the mid-19th-century Tanzimat reform era relied on ethno-confessional and gendered differences, new administrative organization, and coercive institutions like the police to centralize and expand their power. Yet Armenian men and women used those same tools of power to seek justice in ways that created instances of disorder for their families, local community, the church, and the Ottoman state. Attending to the voices and experiences of Armenians through untapped petitions from Erzurum, Mush, and Van, this article highlights the ways in which provincial Armenians interacted with and navigated their diverse ethno-confessional milieus.

Keywords: Ottoman Empire; marriage; Armenian Patriarchate; Ottoman Armenians; Tanzimat

On February 16, 1860, thirty-five people, including a celibate priest in Mush, a city in the Ottoman East, lower-ranking priests, the *milletbaşı* (lay head of the local Armenian community), Armenians with the title *mahdesi* (haji), and many others without titles, signed a petition addressed to the Constantinople Patriarch.¹ This petition written in Armenian employed a colloquial language that was peppered with many Turkish words, including *haber* (news), *sabi* (child), *taraf* (side), *tabanca* (handgun), *mahpus* (prisoner), and *hükümet* (government), as if projecting the cacophony of voices of the petitioners. They jumped right to the matter at hand, recounting that ten to twenty days earlier an Armenian woman had gone to the Catholic priest and converted to Catholicism.

Catholicism among Ottoman Armenians had appeared in the 17th century, but in Mush and Van the presence of Catholics remained small throughout the 19th century.² Despite their small numbers, interconfessional conflicts did arise in the region. Catholic

¹ Bibliothèque Nubar (hereafter BNU), Archives du Patriarcat de Constantinople, Correspondance des provinces (hereafter APC/CP) 15/15, 006, 16 February 1860. *Mahdesi* literally means those who had made a pilgrimage to Jerusalem. In petitions with multiple signatories, names were listed following a hierarchy. The names of individuals with the title *mahdesi* often appeared alongside the names of individuals with the titles of elites like *agha* and *ishkhan* (prince). First the names of ecclesiastics appeared, then came the names of individuals with titles, and finally those without any titles. Hagop Levon Barsoumian mentions that *mahdesi* was one of the titles used to refer to *amiras*, who were a group of Armenian elites in Istanbul, largely moneylenders with significant influence on the patriarchate until the 1850s; *The Armenian Amira Class of Istanbul* (Yerevan: American University of Armenia, 2007), ix.

² According to the 1880 census of the Armenian Patriarchate there were 10,000 Catholic Armenians and 1,000 Protestant Armenians, compared to 110,000 Apostolic Armenian in Erzurum. In the Van, Bitlis, and Mush region there were 500 Protestants, 2,000 Catholics, and 250,000 Apostolic Armenians. Fuat Dünder, *Kahir Ekseriyet: Ermeni Nüfus Meselesi (1878–1923)* (Istanbul: Tarih Vakfı Yurt Yayınları, 2012), 266.

Armenians at this point did not just represent a different creed and confession, but they had become a recognized millet (an ethno-confessional community in the Ottoman Empire). In 1831, the Armenian Catholic representative in the Ottoman Empire had also received a berat (edict) from the sultan bestowing the Catholic Armenian community with the same privileges regarding marriage as the Armenian Apostolic Patriarch.³ In this issue regarding the woman from Mush, the Ottoman state had to consider the legal privileges of each community.

Her husband had gone to the local Armenian priest saying that his complaint was not that his wife converted to Catholicism, but that his children had remained without a mother as his wife had not returned home. After his complaint, his wife was first sent to the court (which court is unclear), and then she along with Catholic and Armenian clerics and assembly members (*milletvekilis*) were called by the local assembly (*meclis*) overseen by the local Ottoman pasha. There, both the Catholic and Armenian Apostolic sides confirmed that their regulations did not allow divorce. Therefore the district governor (*kaymakam*) Huseyin ordered the Catholic priest to take the woman back to her husband. However, a few days passed, and the woman had not returned home. This exploded into a street fight between Catholics and Armenians with swords and guns. The quarrel was finally dispersed by the district governor. Thereafter, the case turned into an investigation of who had incited the violence and damaged the property of the Catholic Church.

The local Apostolic Armenians blamed the woman for the conflict that had erupted and sarcastically asked, “What kind of a government (*hükümet*) is this that is not able to return the woman to us?”⁴ After uttering this question, randomly, and in no obvious connection to the Catholic community, they blamed the American Johannes, likely a missionary, for wanting to destroy the Armenian community, and the Ottoman governor for moving according to the whims and wishes of the American. The mention of the American was intended as a strong blow to the governor for being unable to maintain Ottoman sovereignty in the region, which was not exceptional. In the 18th century, Armenians had garnered state support by dubbing Catholics as Franks, as supporters of a foreign power, whereas the Armenian Patriarch appointed by the sultan positioned the Armenian Apostolic faith as a confession close to the state.⁵ The petitioners were writing to the patriarchate to divert any blame that may have been laid on them, and to seek the patriarchate’s advice and help. For the petitioners, inability to maintain physical control of the wife expressed not only the weakness of the husband and the weakness of the Armenian Church and community, but also the weakness of the Ottoman state at keeping order within the family and the community. Gendered, communal, and imperial power dynamics were interlaced in the worldviews of the provincial Armenian residents.

The story of this unnamed woman who converted to Catholicism represents one of the many marriage-related disorders mentioned in letters and petitions found in the Armenian Patriarchate of Constantinople archive, now kept in the Nubar Library in Paris. I call these marriage cases disorders not only because they speak of marital conflicts, but because they challenged the church’s, state’s, and local communities’ confessional, gendered, administrative, and legal orders. Such plea letters, dating from the 1840s to the 1910s, are

³ Awetis Perperean, *Patmut’iwn hayots’: skseal i 1772 ame P’rkch’in minch’ew zamm 1860* (Constantinople: Tpagrut’iwn Poghos K’irishchean ew Ėnk., 1871), 217–22. The bestowing of privileges on an Armenian Catholic representative was meant to separate the Catholic subjects of the Ottoman Empire from Rome. Therefore, according to Ormanean, mixed marriages among Ottoman Catholics and Latins (in other words subjects of Rome) were prohibited by the sultan; Maghak’ia Ormanean, *Azgapatum Hay Ughghap’ar yekeghets’woy ants’k’erĕ skizbĕn minch’ew mer ĕrerĕ harakits’ azgayin paraganerov patmuwats* (Beirut: Tparan Sevan, 1961), 2435–37.

⁴ BNU, APC/CP15/15, 006, 16 February 1860.

⁵ Cesare Santus, “Sheikh Ūl-Islam Feyzullah Efendi and the Armenian Patriarch Awetik’: A Case of Entangled Confessional Disciplining?” in *Entangled Confessionalizations? Dialogic Perspectives on the Politics of Piety and Community Building in the Ottoman Empire, 15th and 18th Centuries*, ed. Tijana Krstić and Derin Terziođlu (Piscataway, NJ: Gorgias Press, 2022), 236, 249.

stored alongside other types of documents such as short reports and testimonies, organized according to place of origin: towns and villages within and outside the Ottoman Empire. In a different collection of the same archive, petitions can be found in files of letters of high-ranking priests who wrote on behalf of Armenians in their respective diocese. Other than marriage, the communication found in the patriarchate's archive deal with matters of inheritance, taxation, finances of monasteries, ecclesiastic politics, and acts of oppression. The mentioned individuals and signatories of these documents include priests and laymen of different ranks, community functionaries, and ordinary men and women from provincial towns and villages.⁶ Infamous characters (like the woman from Mush) and their colorful stories turned my attention toward marriage disorders, which as we see from this 1860 petition, often involved interreligious dynamics.⁷

With the use of petitions, letters, short reports, a memoir, and Ottoman Armenian periodicals, this article traces the Tanzimat-era social history of inhabitants in Ottoman Armenia in and around the cities of Erzurum, Mush, and Van, which had the highest concentration of Armenians in the Ottoman eastern borderland.⁸ The Tanzimat (1839–76) was a period of reform during which the Ottoman state initiated a reorganization of its political and legal systems.⁹ It was also at this time that the Ottoman state nominally recognized equality among its subjects regardless of religion. As part of the Ottoman state reforms, the Armenian Patriarchate of Constantinople also implemented changes to enforce its authority in the provinces.¹⁰ Although centralization had begun in the 18th century, it became increasingly formalized over the course of the 19th century, and culminated with the reinstitution of an elaborate Armenian National Constitution in 1863 that organized the Armenian communities of the Ottoman Empire into a single top-down diocese system.¹¹ Efforts also were made to centralize and standardize the process of consecrating marriages and resolving marriage-related problems.¹² Marriage was to fall under the patriarchate's jurisdiction,

⁶ For more on the Nubar Library archive see Talin Suciyan, "Contesting the Authority of Armenian Administration at the Height of Tanzimat: A Case of Incest, Adultery and Abortion," *Reflektif Journal of Social Sciences* 2, no. 1 (2021): 32.

⁷ My approach of orders and disorders is inspired by the work of Arlette Farge and Michel Foucault, *Les désordre des familles: Lettres de cachet des Archives de la Bastille au XVIIIe siècle*, revised ed. (Malesherbes, France: Gallimard, 2014).

⁸ I call this region Ottoman Armenia because in the mid-19th century Armenians increasingly referred to it as their fatherland (*hayrenik*). See Dzovinar Derderian, "Mapping the Fatherland: Artsvi Vaspurakan's Reforms through the Memory of the Past," in *Ottoman Armenians: Life, Culture, Society*, vol. 1, ed. Vahé Tachjian (Berlin: Houshamadyan, 2014), 145–69.

⁹ The years 1839 and 1876 are the traditional dates bracketing the Tanzimat era, however various historians have shown that changes of integration, centralization, and standardization connected to the Tanzimat began much earlier than 1839 and continued throughout the Hamidian era after 1876. See Christine May Philliou, *Biography of an Empire: Governing Ottomans in an Age of Revolution* (Berkeley, CA: University of California Press, 2011), xxx; Richard Antaramian, "Confessionalism, Centralism, Armenians, and Ottoman Imperial Governance in the 18th and 19th Centuries," *International Journal of Middle East Studies* 54, no. 2 (2022): 321. The reason I start in 1839 is because the patriarchate's archives at the Nubar Library begin with 1840, which of course marks the centrality of the Ottoman state in shaping the archive. I stop in 1876 because interreligious and interethnic relations in the eastern provinces changed significantly after the 1877–78 Russo-Ottoman war. Matthew Ghazarian provides an overview of reasons for the deterioration of ethno-religious relations in the late 1870s in "A Climate of Confessionalization: Famine and Difference in the Late Ottoman Empire," *International Journal of Middle East Studies* 54, no. 3 (2022), 484–504.

¹⁰ Richard E. Antaramian has provided an in-depth analysis of the parallel and interlinked processes of the Ottoman state's and the patriarchate's efforts of centralization and standardization in *Brokers of Faith, Brokers of Empire: Armenians and the Politics of Reform in the Ottoman Empire* (Stanford, CA: Stanford University Press, 2020), 49–61.

¹¹ For the structural reorganization of the Ottoman Armenian community, see Antaramian, *Brokers of Faith*, ch. 2. For a discussion of the 18th-century roots of the transformation of the Constantinople Patriarchate, see Antaramian, "Confessionalism, Centralism." For more on the Armenian Constitution see Aylin Koçunyan, *Negotiating the Ottoman Constitution, 1839–1876* (Paris: Peeters, 2018).

¹² The constitution brought specificity to the form and function of administrative units that had originally been introduced in the patriarchate in the 1840s. "Family disputes," according to the constitution, were to be resolved

because through the edict of the Ottoman sultan the Armenian Patriarch of Constantinople and his representative clerics had the exclusive right to oversee marriage and divorce among Armenians.¹³

Marriage was part of the daily lives of Ottoman Armenian subjects that overlapped the spheres of religion, politics, law, and society. It was central to the domain of the Armenian Patriarchate's administration.¹⁴ Therefore, marriage provides a crucial prism through which to understand how the restructuring of the Armenian Apostolic community materialized in the provinces and what impediments the Armenian Patriarchate faced in securing its autonomy.

In the last two decades, historians of the late Ottoman Empire focusing on non-Muslims have made parallels between different communities to demonstrate how the various religious groups were part and parcel of similar historical processes.¹⁵ Such studies, however, exclude the interactions of different groups. The comparative method imposes a treatment of each community as a self-contained unit. Other historians have analyzed how the clerical leadership and institutions as well as the lay elite were a core component of Ottoman governance and Ottoman reform in the 19th century.¹⁶ What we know less about is how the ethnic and confessional diversity of the empire shaped the lives of ordinary provincial Armenians and impacted the restructuring and centralizing efforts of the mid-19th-century communal and imperial reforms. To fill this gap, this article explores how ethno-confessional and gendered differences in Ottoman Armenia embodied sociopolitical orders of the Tanzimat era, while also creating disorders for families and local communities, as well as the Armenian Church and the Ottoman state. Focusing on disorders of marriages, as in the case of the woman from Mush, also means including women and villagers, who often remain in the margins of Ottoman and Armenian historiographies. Nevertheless,

through the newly created Judicial Council (*Datastanakan khorhurd*), composed of laymen and ecclesiastics. If the Judicial Council could not resolve a matter it had to turn over the case to the Religious Council, the Political Council, or the Mixed Council. See Article 47 in *Azgayin sahmanadrut'iwn Hayots'/Nizamnamēyi millēti Ērmenean* (Constantinople: H. Miwhēntisean, 1863), 32. The administrative model adopted by the patriarchate in Istanbul was to be replicated in every Ottoman Armenian prelay, yet in the provinces judicial councils were rarely put in place. Harut'iwn Shahrikean, *Amusnakan khndirē irawakan yew ēnkerayin tesaketē: ekeghets'ii yew azgayin sahmanadrut'ean ōgtin ays harts'i masin* (Constantinople: Tpagr. "Azatamarti," 1912), 21. None of the petitions I examined referred to the Judicial Council. If a note was made in the back of a petition by the patriarchate, it was usually attributed to a decision made by the Religious Council.

¹³ Berats (edicts) from 1831 and 1875 specify these rights given by the Ottoman sultan. The 1875 berat added that when priests marry couples without the knowledge and permission of the patriarch, the prelates, or their representatives, the punishments of those priests should not be interfered with by outside parties. Shari'a court judges and deputy magistrates (kadis and naibs) were also not to meddle in marriage matters between two Christians. Copies of the berats in Armeno-Turkish appear in Arshak A. Alpōyachean, "Azgayin Sahmanadrut'iwnē. Ir Tsagumē yew kirařut'iwnē," in *Ēndardzak Ōratsuits S. P'rkch'ean Hivandanots'i Hayots'* (Constantinople: Tpagrut'iwn H. Matt'ēosean, 1910), 95–96.

¹⁴ According to an 1871 report of the Political Assembly of the Central Armenian Administration, among the 235 court cases that the Judicial Council had handled covering fourteen months between 1870 and 1871, 93 pertained to marriage, 46 to trade-related matters, 43 to morality-related issues, 21 to honor, and much smaller numbers to issues related to real estate and inheritance. See *Tegheqagir k'aghak'akan zhoghvov kentronakan varch'ut'ean, 1870–1871 ar Azgayin ēndhanur zhoghov* (Constantinople: H. Miwhēntisean, 1871), 3. This did not encompass all of the marriage cases that the central administration dealt with in those years, as many of them were resolved through the Religious Council, both in Istanbul and in different locales. Despite its significance, to date only Talin Suciyan has addressed the legal sphere of marriage among 19th-century Ottoman Armenians in her article "Contesting the Authority of Armenian Administration at the Height of the Tanzimat" and in her book *Outcasting Armenians: Tanzimat of the Provinces* (Syracuse, NY: Syracuse University Press, 2023), 148–70.

¹⁵ Bedross Der Matossian, *Shattered Dreams of Revolution from Liberty to Violence in the Late Ottoman Empire* (Palo Alto, CA: Stanford University Press, 2014); Murat Yıldız, "'What is a Beautiful Body?' Late Ottoman 'Sportsman' Photographs and New Notions of Male Corporeal Beauty," *Middle East Journal of Culture and Communication* (2015): 192–214.

¹⁶ Philliou, *Biography of an Empire; Antaramian, Brokers of Faith*.

aside from demonstrating short instances of women's agency, following Joan W. Scott's approach, this article treats gender as a category that mediates power.¹⁷

Confessional Boundaries

Troubled by possible Protestant infiltration in his community, in 1850 the celibate priest (*vardapet*) Mkrtych' of the Prelacy of Karin (Erzurum) wrote a petition addressed to the Armenian Patriarch of Constantinople, the Supreme Assembly (*Geraguyn Joghov*) of *amiras*, and benefactors of the community (*azg*).¹⁸ To demonstrate his level of education Mkrtych' utilized classical Armenian forms of verb conjugations and declensions. He praised himself for managing to get the city of Karin and its surrounding villages rid of the "sect" of Protestantism. He lamented, however, that forty days earlier a Protestant had appeared in his region.¹⁹

A man whom the prelacy suspected of being a Protestant wanted to marry an Armenian Apostolic woman, yet because of the confessional difference the prelacy had not permitted the marriage. The priest wrote, "A youth from our community named Mkrtych', a bachelor inhabitant of the village of Topal Çavuş [now Aşkale], had formerly stayed in Constantinople for fifteen months."²⁰ The person was literate, but that seemed to be the limit of his education. Reportedly, this young man decried churches as useless and criticized the traditions of Lent. He even cursed the bishops and declared their prayers meaningless. This was the only evidence the prelate provided to ascertain the young man's religious confession. As a result, the priest said that he warned the community of his prelacy not to listen to this young Mkrtych', not to accept him in their village or in their homes, and not to speak to him.

Despite the priest's warning, one day this young Mkrtych' went to the village of Shakav (now Mercimekkale), where he met "a virgin girl and tricked her" by assuring that they could get married through the Karin prelacy. He asked a local Armenian, Makarean Hakob, who held the title *mahdesi*, to mediate between him and the prelacy, and Makarean came to the prelacy ascertaining that Mkrtych' was of the Apostolic Armenian faith. The prelate in turn asked a priest to examine whether "he was truly a Christian," meaning an Armenian Apostolic, as Makarean claimed. After fifteen days, although his religion had not yet been confirmed, Mkrtych' "abducted [*p'akhuts'eal*] the girl to his home." Even if there was agreement between the father and his daughter bride-to-be, the priest considered the union of Mkrtych' and the girl an abduction because it was carried against the permission of the church.

Bishops often framed marriages that occurred outside the permission of the church as an abduction (*hap'shtakel* or *p'akhuts'nel*).²¹ In some cases, when the couple was caught, clerics tried to convince the woman to change her mind and repent.²² To frame the case as an abduction rather than voluntary elopement would prove the marriage illegitimate as it would imply a lack of consent on the part of the wife, something that the Armenian

¹⁷ See Joan W. Scott, "Gender: A Useful Category of Historical Analysis," *American Historical Review* 91, no. 5 (1986): 1067.

¹⁸ Both *azg* in Armenian and *millet* in Turkish have come to mean nation, however, in the documents analyzed here *azg* is largely used to mean the Armenian Apostolic community as an ethno-confessional community that did not encompass Armenians of other confessions.

¹⁹ BNU APC/CP12/1, 051, 4 March 1850.

²⁰ *Ibid.*

²¹ For example, Srvandzteants' reports a case in Mush as abduction, in which an Armenian young man and a young woman escaped together but were soon caught and punished by imprisonment. Soon after they were released, they ran away again, as the Prelate of Bitlis did not give them permission to marry; *Artsvik Tarōnoy*, no. 25, 1 September 1864, 3–4. Srvandzteants' complained of how Armenians in the provinces, and specifically in Mush, did not follow the regulations of the church regarding marriage, particularly in regard to marrying at an early age and marriage among relatives; *Artsvik Tarōnoy*, no. 35, 1 February 1865, 43.

²² Yeremia Tevkants', *Chanaparhordut'iun Bardzr Hayk' yew Vaspurakan, 1872-1873t't'*, ed. H. M. Poghosyan (Yerevan: Hayastani GA Hratarakchut'iun, 1991), 40.

Patriarchate insisted had to be present at the time of marriage. Gendered treatments of consent helped the church articulate the legitimacy of its intervention in unions not consecrated by representatives of the patriarchate and establish the order in which marriage was to occur, that is, only with the permission and authority of the patriarchate.

A need to keep Protestantism away from the local community was the reason the priest gave for not giving permission to the marriage. Protestants had been present in Ottoman Armenian communities since the 1830s.²³ Protestant missionaries had been present in Erzurum since 1839, and a Protestant church was founded in the city after 1847.²⁴ Priest Mkrtych's fear of the youngster's ideas occurred in an era when the Armenian Church saw the Protestants as a greater threat than the Catholics, because the former challenged the hierarchies within the Armenian Church.²⁵ The Protestants were active publishing Bibles beginning in the 1840s and distributing them among Armenians.²⁶ This could weaken the position of the Armenian Church as the transmitter and distributor of religious knowledge. Still, what had changed in 1850, at the time when Priest Mkrtych' was writing, was that the Armenian Protestant community, like the Armenian Catholics, had been recognized as a separate millet, a confessional community with its own juridical legitimacy and representation.²⁷

Elyse Semerdjian notes that since the 18th century Greek and Armenian clerics had relied on state centralization as a means of restricting Catholic missionary activity within their respective communities.²⁸ The Armenian Patriarchate could enforce the persecution and exile of Catholics in the 17th and 18th centuries with the assistance of the state. In the early 19th century, as Protestants appeared in Istanbul, with the intervention of the patriarchate individuals linked to Protestantism "lost their licenses to trade and . . . were driven from their homes."²⁹ This was obviously done with the approval of the state. However, such acts of punishments for adhering to Protestantism or Catholicism would become impossible when each community gained the legal status of millet, and then could appeal to the state and demand protection of their rights as legally recognized subjects of their respective religious communities. The competition among the confessional groups was no longer just related to conversion and protecting the creed of the Armenian Church; it was now also along administrative and legal grounds. Marriage was the one legal domain through which the church could attempt to reinforce its authority and maintain confessional boundaries.

Yet the church often had to turn to the state to assert its authority in the sphere of marriage. The priest asked the local Ottoman governor (*bdeshkh*) of Erzurum to bring to him the father of the girl, the girl herself, and the young Mkrtych'. When even with the intervention of the governor the priest could not get the couple to separate, he wrote a petition to the Armenian National Assembly in Istanbul demanding that they examine the matter and asking that they write a letter to the local government of Erzurum demanding that Mkrtych' and the father of the girl, who had supported their union, be punished and that the girl be

²³ Barsoumian, *Armenian Amira Class*, 167–70.

²⁴ Yaşar Tolga Cora, "Localizing Missionary Activities: Encounters between Tondrakians, Protestants and Apostolic Armenians in Khnus in the Mid-Nineteenth Century," in *The Ottoman East in the Nineteenth Century: Societies, Identities and Politics*, ed. Yaşar Tolga Cora, Dzovinar Derderian, and Ali Sipahi (London: I. B. Tauris, 2016), 119.

²⁵ Hans-Lukas Kieser, *Iskalanmış Barış: Doğu Vilayetleri'nde Misyonerlik, Etnik Kimlik ve Devlet 1839-1938* (Istanbul: İletişim Yayınları, 2005), 85.

²⁶ In particular, Protestants published the Bible in Armeno-Turkish to make it more available to Turkish-speaking Armenian communities; Leon Arpee, "A Century of Armenian Protestantism," *Church History* 5, no. 2 (1936), 155.

²⁷ Kieser, *Iskalanmış Barış*, 82, 140.

²⁸ Elyse Semerdjian, "Naked Anxiety: Bathhouses, Nudity, and the 'Dhimmi' Woman in 18th-Century Aleppo," *International Journal of Middle East Studies* 45, no. 4 (2013): 654.

²⁹ Arpee, "Armenian Protestantism," 151.

married to someone else.³⁰ The priest concluded that these punishments had to be undertaken, otherwise it would be impossible to maintain peace among the Armenians of the local diocese, which required maintaining confessional boundaries.³¹ Here the verticalization and centralization of the power structures of the Armenian Church that Richard Antaramian has detailed are apparent, because local prelaties increasingly relied on central administration to have the local government intervene on their behalf.³²

Mkrtich's family also used the tools of the state to resolve the marriage problems in their favor. They accused the local prelate of bribery, a practice that the Tanzimat reforms aimed to eradicate from state and church practices. To ascertain their accusation, when fetched by the Ottoman governor, Mkrtich's brother Yohannēs brought to the prelate a testimony on behalf of the Muslims of the village Topal Çavuş, claiming that the Prelate of Karin had asked 2,000 *ghurush* (piaster) to conduct the marriage, implying that he was asking for a bribe. Yohannēs had also prepared a petition for the local governor, in which he complained that the prelate had asked 1,200 *ghurush* for the marriage, and so Mkrtich' had been obligated to abduct the girl.

Despite the patriarchate's attempts to regulate the fees paid to clergymen to conduct wedding ceremonies, corruption remained rampant, and priests conducted marriages against church regulations. To avoid financial abuse by priests, wedding ceremony fees were specified at the end of the *kondaks* (patriarchal decrees) and in law books that were published in Istanbul with the arrival of every new patriarch throughout the 19th century.³³ The patriarchate was committed to ending bribery, just like the Ottoman central state, yet priests continued to take bribes from individuals who wanted them to validate an illegitimate marriage.³⁴ Mkrtich's family's claim about bribery demonstrates their awareness of the complications that their accusations could raise for the prelate.

That young Mkrtich's brother Yohannēs had brought with him the testimony of Muslims against the prelate accusing him of taking bribery is rather poignant. We know that testimonies by male Muslims, as opposed to their non-Muslim counterparts or Muslim women, held greater weight in the shari'a courts. Yet, beyond the shari'a court, in Ottoman society at large and within the Armenian community in particular, the voice of a Muslim community held strength. Muslim testimonies could hold a potent threat to the Armenian Patriarchate representatives, even in matters, like marriage, that were supposed to be internal issues of the Armenian community.³⁵ The supremacy of Muslim voices was not just a legal practice within the Islamic system; the weightier voice of Muslims was socially recognized and

³⁰ Although the 1863 National Constitution had not yet been adopted, here we can see that precedents of the National Assembly already existed in Istanbul.

³¹ BNU, APC/CP12/1, 051, 4 March 1850.

³² Antaramian, *Brokers of Faith*, 19.

³³ The *kondaks* produced in the form of booklets established the religious character of marriages, gave spiritual advice to marrying couples, and specified the rules of wedding ceremonies. Emphasis was put on conducting weddings in a modest manner and avoiding excessive spending on weddings. *Kondaks* specified what the minimum age of the bride and groom should be, that the groom should always be older than the bride, that the married couple should be at least seven degrees of relations apart from each other, and that both the bride and groom and their families should consent to the marriage. *Kondak harsaneats' hōgut hasarakut'ean sahmanean tagavoreal mayrak'aghak'is* (Örtagyugh [Ortaköy, Istanbul]: Poghos Arabean, 1845); *Kondak Patriark'akan yew kanonagirk' harsaneats'* (Constantinople: Tparan H. Miwhēntisean, 1848); *Kondak Patriark'akan yew kanonagirk' harsaneats'* (Constantinople: Azgayin Tparani Surb P'rkich', 1861); *Kanonagir harsaneakan vashn mayrak'aghak'is sahmanean i khaṛn zhoghovoy azgayin kedronakan varch'ut'ean* (Constantinople: Tparan S. Mik'ayēlean, 1875); *Kondak Harsaneats'* (n.d., no publisher). Maghak' ia Ormanean's name is mentioned at the beginning of this *kondak*, which means it was published between 1889 and 1908; *Kondak Harsaneats'* (Constantinople: Aṛewtrakan Nor Tp. Hovakimean, 1912).

³⁴ Ch'arents'i Anvan Grakanut'ean yew Arvesti T'angaran, Garegin Srvandzteants', 2, 999, 19 March 1873.

³⁵ In the petitions I have examined, petitioners on multiple occasions threatened to turn to the Ottoman government to put pressure on the Armenian Patriarchate, or they evoked the opinions of the local Muslim public on a particular matter.

utilized by Armenians, despite the fact that weighty Muslim voices would in other circumstances be used against the interests of Armenians.

Both clerical and lay Armenians needed to rely on state representatives to seek justice. The Armenian Church in the provinces lacked the coercive power (such as the ability to physically bring someone to the prelacy for interrogation) to enforce the law and order of the patriarchate. Armenian subjects as Ottoman subjects could seek the help of the state to reinforce their rights within their own administrative community. Whereas the priest may have presented the case of Mkrtych' as an intercommunal matter (Protestant vs. Armenian Apostolic) and asked the state to intervene as a result, the issue that Yohannēs addressed was an exclusively communal matter, but he relied on the testimony of Muslims and the governor to seek justice for his brother.

As Talin Suciyan has argued, the authority of the Armenian Patriarchate "both in the capital and in the provinces reached its limits as soon as a person of an outside faith was involved."³⁶ We saw above that this held true in both the case involving Catholic Armenians and the case relating to a Protestant Armenian: the church had difficulty imposing its regulation of keeping a marriage united in the case of the woman who converted to Catholicism, and in not permitting a marriage in the case of Mkrtych', who was assumed to be Protestant. Yet, from the perspective of Mkrtych's family, who claimed to be Apostolic Armenian, they were dealing with an intracommunal matter of bribery. Rather than turning to a mechanism within the Armenian administration, such as applying to the National Assembly and the patriarchate in Istanbul, Mkrtych's family sought help from the Muslim community and the Ottoman state. In this way, the patriarchate's authority was limited even in cases that concerned only the Apostolic Armenian community.

Kurdish Shaykhs and Aghas and Administrative Jurisdictions of the Church

For Ottoman Armenians, the possibilities of seeking redress to their problems by circumventing the Armenian Patriarchate's regulations were many, and in some cases different from one place to another. Erzurum had a more significant Protestant and Catholic presence; in and around Mush and Van, Armenian men could turn to Kurdish shaykhs and aghas to seek help for marrying outside the authority of the Armenian Patriarchate. In the regions of Mush and Van, Armenians lived among Kurds, who were organized by tribal confederations. Kurdish and Armenian peasants were often economically in service to a Kurdish landlord (*mir* or *agha*). In the first half of the 19th century, the Ottoman state attempted to crack down on the semi-independent rulers of large Kurdish confederacies, most famously against the rulers Berdirkhan Bey and Khan Mahmud, who as Van Bruinessen describes "had sufficient legitimacy and power to impose solutions to conflicts between the tribes under their rule."³⁷ Most Armenian peasants tended to be engaged in agriculture, whereas the majority of Kurds were occupied with pastoralism. For the sustenance of their livestock, pastoralist Kurds often had to rely on Armenians. When the semi-independent confederacy leaders disappeared, shaykhs, "the popular mystics or saints who [were] also leaders of the religious brotherhoods (dervish orders)" filled some of the gap created as mediators of conflicts among tribes.³⁸ As Armenian peasants and landowners were either in service to or in collaboration with Kurdish tribal leaders, they also made use of the intervention of aghas and shaykhs to mediate conflicts internal to the Armenian community.

In an 1864 report to the patriarchate on events occurring on the highland of Mush, the celibate priest Garegin Srvandzteants', who would later become famous for his voluminous ethnographic work, wrote, "an Armenian young man abandoning his wife, with his uncle

³⁶ Suciyan, "Contesting," 31.

³⁷ Martin Van Bruinessen, *Agha, Shaikh and State: The Social and Political Structures of Kurdistan* (London: Zed Books, 1991), 69.

³⁸ *Ibid.*, 6.

took another wife for both of them, in accordance with the rules of the Kurds,” meaning that they both had second marriages.³⁹ On another occasion he complained in his periodical published in Mush of Armenians living among the Kurds who had taken two wives and married their relatives; both acts were forbidden by the Armenian Church. He added that when such marriages were not allowed, the local Armenians would turn to the Kurdish aghas who through shaykhs would conduct a ceremony to marry them.⁴⁰ Armenian men wanted to have a second marriage when their unions failed to produce children, or a son. The customary practices of Kurdish leaders (including tribal, hereditary, and religious) presented an obstruction to an autonomous millet system and went against the edict of the sultan that had given the patriarch and his representative the exclusive right to marry Armenians.

Srvandzteants’ listed these incidents along with Kurdish oppression of Armenians in the provinces, which included cases of kidnapping of Armenian women and forced conversions. But, when one reads against the grain of such reports, it becomes clear that not all interactions between Kurds and Armenians were unwanted. There were also instances of collaboration. The above cases demonstrate a willingness on the part of the Armenian men to follow the traditions of Kurds and have their protection.

In his memoirs, the high ranking priest from Van, Yeremia Tevkants’, recounted his visit to the home of a local Kurdish agha named ‘Ali, where they had stopped to dine during a journey from Van to Ejmiatsin sometime in the mid-19th century. ‘Ali’s wife, who in his absence acted as the head of the household, joined her visitors after dinner with an Armenian villager named Khlo who had taken shelter in her household. The woman mentioned that Khlo had married a previously married woman (*arṃakin*), which was not permitted by the Armenian Church. Women who had been previously wed could only be married to men who had also been formerly married. She asked Prelate Ignatios of Van and the rest of the clergymen visiting her home to ask the Catholicos of Ejmiatsin (whom they were about to visit in the Russian Empire) to intervene in the matter and legitimize the marriage.⁴¹ Although their marriage had not been consecrated by the church, they had been able to enter a union under the protection of a local Kurdish agha. A formal church marriage was desired, and the wife of ‘Ali Agha thought that, because the Armenian Patriarchate had not permitted the marriage, perhaps they could try to get permission from Ejmiatsin. Using different ecclesiastic centers was a way to circumvent the Armenian Patriarchate’s regulations.

Crossing ecclesiastic divisions was how the husband of Varduhi Karapetean of the village of Odzun (now Beyyınar) near the city of Erzurum had left her. In one of the rare petitions levied by a woman, Varduhi addressed the Catholicos of Ejmiatsin. This 1856 petition comes from the archival collection of the catholicosate now housed in the Mesrop Mashtots’ Manuscript Repository in Yerevan. Ottoman subjects turned to the catholicosate especially when their marriage affairs had crossed the imperial borderland, as in the case of Varduhi, whose husband had changed his name from Antarents’ to Ohannēs, and who, according to the petition, had “abandoned us (*toghelov yeresi vray*) and deprived me of my marriage rights” more than seven years ago, during which time “he [had] been wandering around Your Greatness’s area of the Russian Empire.”⁴²

Just like the Ottoman state’s power was weakened by border-crossing of tribes, so too the patriarchate’s authority to force couples to follow marriage regulations was challenged by the local inhabitants’ ability to escape to the Russian Empire.⁴³ From a petition by the acting

³⁹ Giwt Aghaneants’, ed., *Divan Hayots’ Patmut’ean, JhG. Harstaharut’yunner Tachkahayastanum (Vaveragrer 1801-1888)* (Constantinople: N. Aghaneants’, 1915), 60.

⁴⁰ *Artsvik Tarōnoy*, no. 25, 1 September 1864, 4.

⁴¹ Mesrop Mashtots’ Manuscript Repository (hereafter MM) Manuscript.4180, 192a. This manuscript was not dated, however, Yeremia Tevkants’ wrote it sometime between the late 1870s and 1885, when he died.

⁴² MM Katoghikosakan Divan (hereafter KD) 181/322 I, 8 October 1856.

⁴³ For the importance of controlling border-crossing for the enhancement of Ottoman state power and sovereignty in the east of the empire, see Sabri Ateş, *The Ottoman-Iranian Borderlands: Making a Boundary 1843-1914* (New York: Cambridge University Press, 2013), 31-81.

Prelate of Karin in 1849 we learn that the patriarchate was wary of Ottoman and Russian Armenian subjects marrying each other.⁴⁴ The Ottoman state had tried to minimize connections between the patriarchate and the Ejmiatsin Catholicosate, and the latter's meddling in the lives of Ottoman subjects could have been seen as an intervention by the Russian Empire in Ottoman affairs.⁴⁵ Yet for local priests remarrying a woman could have been more urgent than the interimperial concerns of the state and patriarchate, or even following the procedures of the church.

Varduhi and her local community too needed the intervention of the catholicosate. She complained that her husband had neither written nor provided any financial help. Her brother-in-law Grigor, who had been taking care of her, "being unable to endure our daily demands and tears," had to bring up a complaint against his brother. Presumably the brother-in-law himself was taking the petition to the catholicosate. Varduhi concluded her petition pleading that if her husband did not intend to return then the church should "send him back with his brother by force."⁴⁶ The local priest of Odzun had also signed the petition to confirm its truthfulness. Varduhi's petition relates the difficulties that not just individual abandoned women would face, but also the burden to their extended families and communities, who would take upon themselves the responsibility of providing material help and security.

Such were the concerns of the local priest Hakob of the Monastery of Ktuts' on an island of Lake Van, who had petitioned the Van Prelacy about an abandoned woman from the village of Amenashat (now Arisu), north of the city of Van. Ten years earlier, a man named Amro had fled from that village to marry another woman, abandoning his legal wife in the process. In 1874, the priest neither knew where the husband was nor whether he was dead or alive. The clergymen were worried that the woman was not being taken care of. A certain Barsegh with the title of *rēs* (village head) had requested to marry the unnamed woman. For this reason, Hakob had written to the local prelacy and in turn the prelacy had sent a letter to the Constantinople Patriarch to ask for advice. As we see, petitions were also submitted at the local level, however, archives of these local petitions do not exist. The chain of petitions going up the hierarchical ladder of the church speaks to the centralization spearheaded by the patriarchate.

The patriarchate's response, as noted on the back of the prelacy's letter, was to tell the Van prelate to first find the priest who had married Amro for a second time against the law of the church, and then to force Amro to leave his current wife and return to his first lawful wife.⁴⁷ The patriarchate did not feel the urgency of permitting remarriage in the same way that the local priests would, as they were responsible for maintaining the security and social order of their immediate community. For the patriarchate, forcing its subjects and priests to follow the letter of the law was a way to exert its authority and maintain legal and bureaucratic standards.

The patriarchate gave permission to remarry only as a last resort, after all efforts had been made to find lost husbands and reunite lawfully married couples, even when local priests expressed concern that the abandoned wife could fall prey to Muslims or end up suffering from disease and poverty and so create problems for the local community. These concerns consistently reappeared in petitions. Men defied their marital responsibilities, and sometimes managed to remarry against the law of the patriarchate, by finding a priest who would marry them outside of their home diocese. One way the patriarchate tried to

⁴⁴ BNU, APC/CP12/1, 053, 21 May 1849.

⁴⁵ Masayuki Ueno discusses the strategies that the Ottoman state undertook vis-à-vis non-Muslim communities and religious authorities during the Tanzimat era, "to circumscribe the trans-regional influence of religious (and sometimes political) authority from outside territory," including from the Catholicosate of Ejmiatsin; "Religious in Form, Political in Content? Privileges of Ottoman Non-Muslims in the Nineteenth Century," *Journal of the Economic and Social History of the Orient* 59, no. 3 (2016): 411.

⁴⁶ MM.KD 181/322 I, 8 October 1856.

⁴⁷ BNU APC/CP 23/1, 140, 11 August 1874.

minimize unlawful second marriages was to insist on marriages taking place solely in the ecclesiastic administrative division (*vichak*) from where the male came. To demonstrate the complexity of imposing such a system in the 19th century, I will turn to another marriage case involving a woman's efforts to marry the man of her choice.

On August 11, 1874, the prelate Grigoris Aghvanean of Van sent a letter to the Armenian Patriarch in Constantinople, explaining a marriage case that the prelate had handled, resulting in the congregation of the Lim Monastery on Lake Van complaining against the prelate for meddling in matters concerning their jurisdiction. The case related to the story of Voski (meaning gold), the daughter of the village head (*rēs*), Sargis, from the village of Astuatsatsin (now Ermişler) in Van. Voski had been the cause of conflict between two different villages, Chanik (now Gedikbulak) and Shahpagh (now Beyüzümü). In each village there was a man who wanted to marry young Voski, and the villagers fought with each other to win over the bride-to-be. In Chanik, priest Harut'iwn wanted to marry his son Awetis to her. First the father of Voski gave his consent to priest Harut'iwn, after which the engagement of the couple was consecrated at the Lim Monastery on Lake Van because both villages were within Lim's jurisdiction. However, Voski did not want to marry Awetis from Chanik. Therefore, her father with her consent decided to marry her to Melk'on, son of Yohannēs of Shahpagh, in the jurisdiction of the Monastery of Varag, which belonged to the Prelacy of Van. Thereafter, a conflict between the two villages emerged. Yohannēs of Shahpagh complained to the prelate's assembly asserting that Voski had promised to marry his son Melk'on. Based on this complaint, the prelate had written a letter in January 1874 to the Lim Monastery so that priest T'atēos there could resolve the matter legally. The latter, however, did not respond. In the meantime, the villagers of Chanik abducted Voski, which led to a physical fight between the villagers of Shahpagh and Chanik. After this, the people of Shahpagh applied directly to the local Ottoman government, and had the police (*vostikan*) bring Voski, her parents, priest Harut'iwn, and his son Awetis to the local state authority, who in turn sent them to the local prelate. After going back and forth a few times, despite the priests' doubts regarding Voski's true wish, she managed to marry her groom of choice, Melk'on.

The Ottoman government through its police, which represented a new force in the region, was protecting the authority of the prelate in Van and by extension the patriarchate.⁴⁸ Apparently the prelate could not utilize the police without the intervention of the local Ottoman government. In situations in which a prelate required the detention, imprisonment, or forced movement of individuals, the clerics needed to rely on the Ottoman government, speaking to the limits of the Armenian Patriarchate's authority and autonomy to impose its regulations on marriage. The involvement of the Ottoman state, its bodies of law and administrative institutions, including the police and gendarmerie forces, enhanced rather than weakened the position of the church in implementing its marriage laws and procedures. But although in this case the state collaborated with the prelate, in the case of Mkrtych' in Erzurum the prelate did not have the blank support of the local state. So the prelates just like the patriarchate were subject to the whims of the Ottoman state, and would only get the help of the state if a local cleric had good relations with the local governor, and if the person on whom the prelate was trying to impose its authority did not have better connections with the local Muslims and the local government than the local bishop. In the case of Mkrtych' and the prelate in Erzurum, Mkrtych' seemed to have had the stronger social and political capital.

Armenian petitioners framed marriage problems along the lines of sectarian struggles and accused people of being in collaboration with the "other," whether they were Protestants, Catholics, Muslims, or Kurds, who were of course also Muslims, but fell into a

⁴⁸ For more on the introduction of the police force in the Ottoman Empire see Nadir Özbek, "Policing the Countryside: Gendarmes of the Late 19th-Century Ottoman Empire (1876–1908)," *International Journal of Middle East Studies* 40, no. 1 (2008): 47–67. For more on the official involvement of the police with the Armenian millet see Suciyan, *Outcasting Armenians*, 37–38.

different category; Armenians often dubbed them as lawless and savage due to their tribal and seminomadic lifestyles and resistance to Ottoman state rule.⁴⁹ Yet petitions also reveal that in addition to othering, Armenians also actively included others, or outsiders (Muslims, shari'a court, Ottoman state bodies) or turned to them to seek justice on their own terms and outside of the confines of the Armenian Patriarchate's administration.

Gender and Religion

The woman from Mush, with whose story this article began, tried to escape her marriage by converting to Catholicism. In this case, neither the Catholic nor the Armenian Apostolic communities allowed a divorce, and it was unclear whether her joining the Catholic community was permanently going to detach her from her husband. In practice, the different possibilities that existed for Armenian men to circumvent the regulations of the Armenian Patriarchate regarding permission to marry, divorce, or to take a second wife, were not as available for women. Therefore women facing family problems were more likely to opt for conversion, marrying a Muslim man, or applying to the shari'a court, which was more lenient toward divorce than the Armenian Church.

Semerji Grigor, a saddler, as his name suggests, was an inhabitant of the district of Artskē in the province of Van. In 1849, he wrote to the patriarchate:

I got married ten months ago, but I saw that my wife had leprosy with loathsome and stinking wounds, to the point that because of the nauseous smell of her body and her mouth it was impossible to talk to her and more so to live with her. Therefore, within twenty days we separated from each other. And we remained separated from one another in one house for seven months, hoping that she would be cured. But day by day her transforming disease worsened. Therefore all our neighbors, especially those of other communities [referring to Muslims], scared of contamination, expelled her from our house to her mother's house in her village, which is about an hour away from us. At that time her mother accused me, took me to the Muslim court, which decided that we should stay away from each other, but they hastened and without asking my will to abandon my holy faith, they gave me a Muslim wife who was older than me.⁵⁰

Semerji Grigor referred to the Muslims of his town to explain the urgency of removing his wife from the town, as according to the petitioner it was particularly the Muslims who were afraid of contamination. His mother-in-law from a different village went to seek help through the shari'a court. Whether in or out of the court, the opinions and voices of Muslims were a way for Armenian petitioners to put pressure on the Armenian Patriarchate and on local Armenian prelaties and Armenian families.

Grigor's mother-in-law, who was from a different village, had turned to a shari'a court that forced him to convert to Islam and take a second wife, this time a Muslim wife. This could have been a beneficial outcome for the mother-in-law and her daughter, because Semerji Grigor would be obliged to pay a regular fee to his wife (*nafaka*) if he divorced her or would have had to provide her with material support as his first wife. Such a scenario was impossible under the law of the Armenian Patriarchate during this period, because it never allowed polygamy and did not have a system of granting ex-wives support in cases when a husband initiated a divorce.⁵¹

⁴⁹ For the representation of Kurds in Armenian texts see Dzovinar Derderian, "Shaping Subjectivities and Contesting Power through the Image of Kurds, 1860s," in Cora, Derderian, and Sipahi, *Ottoman East in the Nineteenth Century*, 91–108.

⁵⁰ BNU APC/CP 23/1, 027, 20 September 1849.

⁵¹ Divorce began to be discussed as a legal category among Ottoman Armenians in the early 20th century. See Shahrakean, *Amusnakan khndirē irawakan*, 4. Although different canons of the Armenian Church allowed for divorce in cases such as disease, impotence, and adultery, divorce did not signify permission to remarry, and permission to

Grigor was likely applying to the patriarchate with the hope that it would submit a petition to the Sublime Porte on his behalf, as an Armenian had been forced to convert, an act that went against the promises of the Tanzimat. As Selim Deringil writes, in the era of the Tanzimat, at least in principle, “the state would not tolerate the use of force or any sort of compulsion in the matter of conversion to Islam.”⁵² Furthermore, Grigor’s petition specified that the woman he was being forced to marry was older than him, when the Armenian Church regulations required that the groom be older than the wife.⁵³ He referenced the chronic disease of his wife, which according to Armenian canon law could have served as justification for her removal from Semerji Grigor’s home and grounds for him to abandon his wife and remarry with another woman.⁵⁴

Another case of extracommunal means of resolving a marriage problem appears in a testimonial note from a goldsmith named Galust Tēr-Barsamean. In 1859, he wrote to the patriarchate in support of his niece’s husband by confirming that his niece Maryam had “nine years ago, left her legal husband Ēspechar Matt’eos of Karin, and [having fallen] in love with a Muslim youngster, converted to Islam. And until now she has not repented.”⁵⁵ The goldsmith asked that Matt’eos be allowed to remarry. In response, the Spiritual Assembly of the Constantinople Patriarchate decided that the Prelacy of Karin should provide a confirmation as the law required, and if the prelacy’s answer corresponded to the testimony of Tēr-Barsamean, then permission would be given for a remarriage. Tēr Barsamean specified the years of the wife’s absence. Reference to the number of years of absence often exceeded seven years, as Gōsh’s law code allowed a wife or husband to remarry if their spouse had been absent for more than that time period.⁵⁶

The patriarchate’s referral back to the prelacy reflected its efforts to empower prelacies at the expense of provincial monasteries, which had been more powerful in the Armenian Church system.⁵⁷ It intended to impose a bureaucratic order to ensure more standardized implementation of law and order. That Tēr-Barsamean had applied directly to the

remarry did not necessarily signify a divorce in cases such as the enslavement of a husband or absence for seven years. See Aristakes Yepiskopos Sedrakean, *Amusnakan Khndirner* (Moscow: M. Barkhudarean, 1891), 160. In the petitions I have examined, petitioners never asked for permission to divorce; only permission to remarry was requested. I came across the issue of divorce only in the 1860 case of the woman from Mush who had turned to the Catholics. In that case, it was clearly stated that the Armenian Apostolic community did not allow a divorce. Suciyan, whose research focuses largely on marriage cases west of the geographic region I have focused on, only mentions one 1847 case of marriage annulment in Constantinople; *Outcasting Armenians*, 148. Although medieval Armenian canon provided various situations for divorce, it seems that in legal practice divorce rarely took place within the Armenian Church of the 19th century.

⁵² Selim Deringil, “‘There Is No Compulsion in Religion’: On Conversion and Apostasy in the Late Ottoman Empire; 1839–1856,” *Comparative Studies in Society and History* 42, no. 3 (2000): 556.

⁵³ *Kanonagir harsanekan vasn mayrak’aghak’is sahmanean i kharn zhoghovoy azgayin kedronakan varch’ut’ean* (Constantinople: Tparan S. Mik’ayēlean, 1875), 5; Mkhit’ar Gōsh, *Datastanagirk’ hayots’ irawabanakan hetazōtut’iwnk’ handerdz tsanōtut’eambk’*, ed. Vahan Vardapet Bastameants’ (Vagharshapat [Ejmiatsin]: Tparan Surb Katughikē Ējmiatsni, 1880), 13.

⁵⁴ Both of these regulations appeared in the famous law code of Mkhit’ar Gōsh, the 12th-century Armenian theologian on whose work Armenians have relied historically; *Datastanagirk’ hayots’*, 97–101. For another reference to disease see BNU CGPR (Correspondance générale personnalités religieuses), 81, 003, 1 June 1861. Berberian and Semerdjian have shown that Armenians relied on the Gōsh law code in New Julfa and Aleppo in the early modern period, and this remained the case for mid-19th-century Ottoman Armenians; Hourī Berberian, “‘Unequivocal Sole Ruler’: The Lives of New Julfan Armenian Women and Early Modern Laws,” *Journal of the Society for Armenian Studies* 23 (2014): 83–112; Elyse Semerdjian, “Armenian Women, Legal Bargaining, and Gendered Politics of Conversion in Seventeenth- and Eighteenth-Century Aleppo,” *Journal of Middle East Women’s Studies* 12, no. 1 (2016), 14–15.

⁵⁵ BNU APC/CP12/1, 086, 3 October 1859.

⁵⁶ Gōsh, *Datastanagirk’ hayots’*, 109. For petitions listing the years of the absence of the spouse, see MM.KD 145/82, 12 December 1834 (8 years); BNU APC/CP 12/1, 086, 3 October 1859 (9 years); BNU APC/CP23/1, 141, 9 March 1874 (18 years); BNU APC/CP23/1, 140, 11 August 1874 (10 years); BNU APC/CP12/1, 108, 29 May 1875 (10 years).

⁵⁷ Antaramian, “Confessionalism, Centralism,” 330–31.

patriarchate meant he either did not know that he should go to the prelacy first, or the prelacy had objected to his demand, and he decided to circumvent it.

Since Tēr Barsamean's niece Maryam had converted to Islam and escaped with a Muslim man, the Armenian Church and community could not do anything, because it could not act against the Muslim community. The categorical way an Armenian woman could assert herself was through marriage with a Muslim man or conversion to Islam. The marriage of an Armenian woman with a Muslim man was deemed irreversible by the Armenian Church and community, except in cases when the girl was underage. Semerdjian writes that in 17th- and 18th-century Aleppo Armenian canon law "required that women married to Muslims be cut off from the community."⁵⁸ When a petitioner mentioned that a wife had converted or married a Muslim man, this was a way to convince the authorities that reunification of the couple was impossible, and permission to remarry for the abandoned husband could be more easily acquired. In the cases when women did run away with an Armenian or non-Muslim man, they ran the risk of being brought back to their former husband through the intervention of the church and community, as we saw in the case of the woman in Mush who had converted to Catholicism.

Unlike men, a woman exiting her marriage by escaping to a different province or to the Russian Empire was less possible because of the dangers related to a woman traveling or living on her own, and the limited financial possibilities for a woman to survive independent of her husband or family. So, it is not surprising that historically women turned to conversion as a means of exiting their marriage. Semerdjian has shown that, in the 17th and 18th centuries, conversions, as limited and liminal as they were, did occur among Armenian women who wanted to leave a marriage or their confessional community.⁵⁹ Marc Baer has argued in the context of the 17th-century Ottoman Empire that "through conversion to Islam, women side-stepped societal power relations and changed their life chances, if only partially and temporarily."⁶⁰ Uğur Bahadır Bayraktar has also argued that in the 19th century Christian women turned to conversion to escape their husbands, or abusive families, or to improve their socioeconomic standing.⁶¹ Women sometimes also escaped for love, as Tēr Barsamean claimed her niece Maryam did. Such acts demonstrated the limits of the Armenian Patriarchate's authority and autonomy at both the provincial and imperial levels. The only recourse that the Armenian Patriarchate would have in the second half of the century was to challenge the state based on arguments that an Armenian woman had not converted voluntarily, because the Ottoman state, under the pressures of Western powers demanding religious freedom in the Ottoman Empire, had become more sensitive toward being accused of tolerating forced conversions or punishments of apostasy.⁶²

Gendered inequality reproduced the unequal relations of power between Muslims and Armenians, because women abandoning their church and community weakened the communal boundaries and the authority that Armenian men exercised over Armenian women, and challenged the authority of the patriarchate, as the limits of its jurisdiction over Armenian marriages was exposed.⁶³ Due to women's secondary position in their own community, often

⁵⁸ Semerdjian, "Armenian Women," 4.

⁵⁹ Ibid.

⁶⁰ Marc Baer, "Islamic Conversion Narratives of Women: Social Change and Gendered Religious Hierarchy in Early Modern Ottoman Istanbul," *Gender and History* 16, no. 2 (2004): 427.

⁶¹ Uğur Bahadır Bayraktar, "Refah için ihtida: Tanzimat döneminde kaçırılma, evlilik ve Müslümanlaş(tırıl)ma." in *Müslümanlaş(tırıl)miş Ermeniler*, ed. Altuğ Yılmaz (Istanbul: Hrant Dink Vakfı Yayınları, 2015), 112–16. We also see references to such cases in a report from the early 1870s; Tevkants', *Chanaparhordut' iun Bardır Hayk' yew Vaspurakan*, 47.

⁶² Deringil, "No Compulsion."

⁶³ Lerna Ekmekçiöglü in her book has addressed how gender has served to maintain religious and ethnic differences and hierarchies within the Ottoman Empire and the Turkish Republic; *Recovering Armenia: The Limits of Belonging in Post-Genocide Turkey* (Stanford, CA: Stanford University Press, 2016), 9–14.

Muslims were the people through whom women could act to unsettle the order of the church and community.

Conclusion

Although the Ottoman state gave the Armenian Patriarchate exclusive autonomy and authority over marriage and divorce among Armenians, in practice this was impossible to realize because religious communities were not isolated from each other and Muslims continued to occupy a position of dominance, which Armenian individuals and families used to their advantage. The local churches lacked the power to arrest people; that had to be done through the intervention of the state, which pitted the state as omnipotent. When the Armenian Church stood against the interests of local Armenians, they turned to the local Ottoman government offices, to local Muslims, and to Kurdish shaykhs and aghas to gain support in marriage-related matters. Women turned to the Ottoman state, Islam (in case of conversion), influential or ordinary Muslim men or the shari'a court, or a different Christian confession, as we saw with the woman from Mush who turned to the Catholic community. Men physically escaped their families, found a priest who would consecrate their marriage with a new wife without checking whether they had been previously married with their home prelacy, monastery, or the patriarchate. Some priests closed their eyes to a former marriage in exchange for a bribe. Similarly, due to demanding and not receiving a bribe, priests could refuse to marry couples who otherwise had the right to marry according to the patriarchate's regulations, as it seems was the case with Mkrtych' in Erzurum. These were the possibilities for circumventing the strict regulations of the church regarding remarriage that appear in the archive. When considering the challenges to the patriarchate's authority in the sphere of marriage, it helps to think of the limits of its authority not exclusively as a problem for the Ottoman Armenian community, but as an opportunity that revealed the agency of provincial Armenian families and individual men and women.

Focusing on the examples of elite Armenian clerics, Antaramian has argued that "courts were not the only—in fact, probably not even the primary—venue for pursuing legal grievances and seeking redress."⁶⁴ In this article I have tried to expand on this argument to show that not only clerics but also ordinary Armenians relied on these extrajudicial means of seeking justice or remedying their problems. In addition to petitions and the state they also relied on the help of Muslims, on gaming the different administrative jurisdictions of the church (imperial and transimperial), collaboration with Kurds, etc.

The petitions, testimonial notes, short reports, memoirs, and periodicals reveal the experiences of men and women whose voices and experiences have seldom been examined in historiography. Most of the individuals discussed in this article were Armenian villagers, artisans, clerics, notables, village heads, and others of unspecified professions, likely not peasants, who were the lowest of socioeconomic classes in the provinces. What we know generally about provincial Armenians pertains to narratives of oppression, subjugation, and extortion, which do not reveal much about provincial Armenians as historical actors. Examining provincial life through cases of marriage disorders reveal the interactions of Ottoman Armenian provincial subjects with Catholics, Protestants, Kurds, Muslims, and the Ottoman state.

The Armenian Patriarchate mainly relied on the Ottoman state, which was not always consistent. Gendered approaches to acts such as consent served to empower the church. Gendered inequalities within the Armenian community and the Ottoman Empire highlighted the unequal relations of power between the church and the Armenian community on the one hand, and the Ottoman state and Muslim community on the other. Religious hierarchies not only worked to pit religious groups against each other, as in the case of Semerdji Grigor and his Muslim community, but to also link them with one another as they found ways to use

⁶⁴ Antaramian, *Brokers of Faith*, 74.

the existing religious hierarchies to overcome communal and gendered power structures. Despite officially being an exclusive domain of the Armenian Patriarchate in the mid-19th century, marriage in the Ottoman Armenian community was consistently managed through the Ottoman state's intervention, gender dynamics, and intercommunal interactions and collaborations.

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