

University Seminar #703: Modern Greek Studies

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Speaker: Evdoxios Doxiades (Princeton University)

Topic: Sexual Crimes and Improprieties in Late Ottoman Greece, 1750-1829

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Attendees: Nikki Leger (Columbia), Leslie Peirce (NYU), Christine Philiou (Columbia), Nikolaos Laaris (Manhattan School of Music), Karen Van Dyck (Columbia), Elena Tzelepi (Columbia), Gerasimus Katsan (Queens College)

Summary of Presentation:

Doxiades's presentation focused on sexual crimes and improprieties committed in late Ottoman Greece, during the years 1750-1829, as seen through the records of communal courts, private documents, and contemporary accounts by Greeks and foreigners. His primary sources of material were notarial records from Drymalia in Naxos, the island of Mykonos and the city Athens, the surviving records from the registers of the local communities, and certain private documents. His talk aimed to identify what the concerns of the communal courts—and hence the local notables—were, what law such courts applied, and how consistent they were in their adherence to the letter of that law. It explored the question of what sexual practices concerned the Christian authorities of the time, and what they tried to achieve by persecuting certain crimes and behaviors while ignoring others.

Doxiades began by dividing these sexual crimes and behaviors into three categories: acts that were not illegal *per se* but were considered inappropriate or improper; acts such as adultery that had serious legal consequences, but were rarely taken up by the secular authorities; and crimes that the authorities considered particularly threatening, such as rape. He also outlined the complicated judicial atmosphere that existed in these areas, as a result of the coexistence of a number of discrete judicial bodies: the Ottoman *kadi* courts, which were based upon Islamic law (*Shari'a*); the ecclesiastical courts, which operated according to Canon law and Roman-Byzantine law, and where Christians could resolve civil matters, particularly marital issues; the communal courts, which were composed of local notables and which based their decisions largely upon custom; even the local pasha or other Ottoman officials could be called upon to provide justice. This proliferation of systems also meant that significant differences emerged from region to region in almost every aspect of jurisprudence.

Many of the cases of sexual crimes and improprieties that came before these courts and officials involved the question of female honor, which was considered a kind of quasi-material good, something that could be taken away by a man and restored by marriage. Doxiades noted the frequent mention of illegitimate children in the wills of their parents, as an indication of the common occurrence of sexual relations outside marriage. He also noted the relative ease in this period of obtaining a divorce, as well as the not uncommon occurrence of unsanctioned marriages known as *kepinio*, which were performed in front of a *kadi* rather than a priest, and were frowned upon by the

ecclesiastical authorities. He discussed a number of particular cases of these behaviors, as well as of the more serious crimes such as rape and the seduction of a maiden. Rape was often seen both as a crime of violence and as a crime of property since virginity and honor had real value in these societies, and the perpetrator had thus committed a crime against the victim but also against her father (or husband). Thus on the one hand the authorities had to punish the perpetrator yet at the same time only the latter was in a position to restore the violated honor of the victim and her family, either through marriage or through financial compensation. Rape or abduction were often used to force reluctant women to marry, or to overcome the objections of families. Abductions were quite common, but the perpetrators were usually people of considerable power and authority, and thus these cases never came before the communal courts.

Doxiades tried to address the seeming inconsistency of the notables' responses to different instances of these kinds of behaviors. His main claim was that the notables were not particularly concerned with the sexual missteps of the members of their community but rather with the possible consequences of each specific case. Because the notables' primary goal was to maintain the stability of the community, practices such as abortion and contraception, and bestiality were largely not of concern to these courts, while even those crimes and improprieties that did come before the courts could be dealt with on an ad hoc basis, according to the social standing of the individuals involved and the degree of disruption the behaviors were causing in the community. Despite prohibitions in law, Canon, Byzantine, Ottoman, or communal, the Christian notables did not perceive their job as mere enforcers of the various prohibitions but primarily as keepers of their communities' peace, lawfulness, prosperity and tranquility.

Summary of Discussion:

Q: I'm interested in how the communities were organized, and how a notable became a notable.

A: Each place had different customs, so this varied from place to place, but usually they were elected by the *koinotita*, which is constituted of former *proestoi*. It's not entirely clear how you would get access to this, but in general they were people with money, influence, and in some areas descent. But again, the practice varies. And the extent of their authority also varies from place to place; in many Aegean islands, they pretty much ran their communities. In the mainland that was not the case, because on the mainland the bishops were more prominent, and you would also have the *kadi*. But the fiscal aspect of their influence is always there.

Q: You said a bit about different kinds of courts, the *kadi* courts and the notables' courts and so on. I'm wondering about the ways in which they would have influenced one another, particularly in the period you're looking at, moving toward the War of Independence. Were there fewer people working through the *kadi* courts at that point?

A: In the islands, there were very few *kadi* courts to begin with, because there were very few Muslims, and after the 1715 war with the Venetians there were none mentioned at all. Their role was much more enhanced in places where there was a Muslim community, as in Athens. Their influence was felt not so much in the communal courts as in the ecclesiastical courts, which were influenced, for instance, to start accepting divorce, because they were trying to preempt people from going to the *kadi* courts and getting divorces there. In terms of judicial influence, though, I don't really see that. With violent crimes, for instance, the ecclesiastical courts recognize the superiority of the *kadi* courts; in such cases they are quite happy to take the backseat to Ottoman rule. The church is very adamant about the *kadi* courts not judging Christians, and tries several times to have the Patriarch intervene, but it still happens.

Q: I'm interested in some of the issues raised by what you were showing us about these *kepinia*, these semi-marriages, as well as the rape of the young girl. Do you think one of the explanations of these other things—bestiality and so on—not being taken seriously is because they're not about marriage? What kept surfacing was that this border between social control and legal control keep heating up whenever you start talking about acts that would undermine a kind of patriarchy.

A: Certainly, because those acts involve the community, the family—lots of other people are involved. Pederasty is a bit of a problematic case in this regard. There is obviously a concern about it, and particularly if there is violence involved, but the age of maturity is seen to be somewhere around 12, and you sometimes find marriages arranged for children around 8 or 9 years old. There is also the relationship between the *kapetanos* and the *psihogios*, which is often described as a pederastic one by travelers coming from abroad.

Q: But I'm thinking specifically about patriarchy, and how it comes into play when these notables are dealing with cases that have something to do with marriage.

A: And the notables act as the father of the community, or are supposed to. But it's not only cases of marriage they're concerned with. It's when behavior is disruptive, when it crosses certain rules, which aren't always stated outright. If a behavior is private, that's fine; it's when things become public that they have a problem with it. If homosexual behavior had become open, it would have been legislated, but it didn't, and so we don't have those kinds of cases appearing in the records.

Q: I have a number of questions, all of which have to do with how far this order you've described goes in time and space. You've chosen to focus on Ottoman Greece, and more specifically Mykonos, Naxos, and Athens. But what you did, more or less, was give us a freeze frame of a society which was a generic one in a way. Could you, for instance, have talked about communities in coastal Asia minor? There are so many overlapping societies and units in the places you're talking about that I'm wondering about the specificity of the examples you're providing.

A: I chose to focus on the mainland and islands that would become the Greek state, and also on the time immediately preceding that change. Because in 1830 there's a radical break, suddenly everything is different, and you don't have communal laws anymore, but a modern European state, with written, codified laws that are applicable throughout the state and don't differ from region to region.

Q: So you're giving us the prehistory to what you're really interested in?

A: I'm interested in the formation of law, in how and when law gets created. What happens when the modern state intervenes? We often assume that these societies were conservative, patriarchal, so that this application of law was okay, because it made things somehow "better." But as you see, that's not always the case. In many cases you had a lot of freedom under the old system, and a number of different judicial avenues when things went wrong, and suddenly there are less because of this institution of the state.

Q: I want to flesh out something that was implied in the previous question, the attempt to draw the boundaries of this sample. In response to my query about the places where there were *kadis*, why didn't you present the material with a comparison between the islands on the one hand and the practice in Athens on the other? Even in your answer to me, you could have presented two different sites where the dynamics of this were very different.

A: The problem here is with sources. In the mainland I'm much more hesitant to be categorical about what happened because we have far fewer sources, partly because the war really destroyed Athens. That's why we need to look at the *kadi* records, which necessitates having Ottoman, and the ecclesiastical records. But I don't think this is really just Greek, because we see the same things happening in the Middle East, and in Italy, and in France. It's when you have centralized authorities coming in, and the application of the letter of the law.

Q: Is there an argument that you're arguing against? An argument, for instance, about the rigidity of patriarchy in these places, and the lack of freedom? It's clear from Mark Mazower's book on Salonica, for instance, that the kinds of things you're talking about—abortion and adultery and so on—were happening with a fair degree of fluidity, and then something changed.

A: Well, there's certainly an argument that these things did *not* happen, that abortions and so on simply weren't happening. In most Greek historiography prior to Mark, the argument was that these communities were innocent and pure. Historians basically ignore these question, until Kasdalgi, who writes about the 17th century. And then there's the question about where the laws come from, once the state arrives. Are they the same people who were making the decisions earlier?

Q: I'm wondering about the islands close to Athens, Spetses, Hydra, Aegina, Poros, where as I understand men would also get dowries, and if you think there would be any sources there that would be interesting to you.

A: There are archives there, and on Spetses they did have dowries for men. On most of the islands in Aegean there is an element of male dowry, but there is big variation as to how it happens. Hydra is a bit different; people claim it's a much more conservative society, where women do not have control over their finances, men do not get dowries, and women are not given the opportunities of divorce and so on. But all of this research is from the '70 or '80s, so it's been a while since anyone looked into these things.

Q: I have two marginal points I would like to make. First, it seems like there are two kinds of women in the stories you present, the "satanical" women, who have agency, and the raped women, who are the passive recipients of violence. I'm wondering if you can talk about any instances of raped women having agency. And secondly, it also seems to me that things not having been registered or archived might not mean that they were not crimes, but perhaps that the *akatanomasta* may have been naturalized to a degree.

A: With regard to the first, I want to stress that there is agency. For instance, in the case of the 12-year-old girl who had been raped, it was a woman, the aunt, who went to the notables and reported it. Women are continuously going to the courts and presenting their cases, for property disputes, for divorces, to get control of their property without divorcing if the husband is incompetent. And it's clear that they know the law. As for your second question, I can only speak of what's in the archives. There are problematic behaviors but it's not all archived. If you read sermons and so on, they talk about such things in great detail, but we don't have cases of homosexuality (a term that doesn't exist until much later), though there are accusations in other parts of the Ottoman empire. Because those crimes aren't really problematic to the community. Though travelers do mention these "vile customs" of the Greeks in their accounts.

Q: How does your work interact with Tom Gallant's project on the movement of whores?

A: He's working much later, in the Ionian islands, where they have meticulous notes because of the British. I would really have liked to use his work, but it hasn't been published yet. He's basing most of his research on the fact that prostitution is regulated on the Ionian Islands because it was under the British, so that prostitutes have to register, and whenever they leave and come back they have to say where they were and what they did, so we have these accounts. I think it ties in with what I was saying about how in Western Europe they're trying to regulate these kinds of processes, they have people sign up, get a special license, pay their taxes, which is not really what the Ottoman world was about. Although there is a regulation about prostitution in Ottoman law, I think that originally comes from Byzantine law.

Q: I wonder if you could say more about hidden crimes and what that has to do with class relations and power relations. I think you touched on it with abduction, because abduction is perpetrated by wealthy men, and what you're calling pederasty may also be that kind of a relation.

A: The pederastic relationship I'm talking about is between the *kapetanos* and the *psihogios*. The *kapetanos* is the leader of the band, and the *psihogios* the youngest

member. It's not a relationship that has been explored in much depth, but many contemporary commentators such as travelers from abroad see it as something sexual. As for abductions, we have many accounts of abductions, but we don't have it in the court records, because there would be no point in going to the court since the abductors were often men of power and wealth, who might even be the same men who sat on the court. We have accounts of Ottoman officials abducting women and girls, especially in Athens, as well as Christian notables in the Aegean, but none of this appears in the court records. I think there is definitely a power relation here, and the Aegean can be confusing, because it's not clear who the official above the notable would be—it could be the dragoman. I think there's definitely more work to be done on these archives and sources.

Q: I wanted to ask about the notion of engagement, which you had touched on at one point. I was wondering what the distinction is between engagement and marriage, and if the terms have different, geographically distinct meanings.

A: It's not just Greek, its throughout Christianity, that engagement was assumed to allow sexual relations. The church didn't like this, but as long as marriage happened afterwards, they tolerated it, especially in the Middle Ages. There is actually a religious engagement, and according to the church it was actually much harder to break an engagement than to break a marriage, because you had to wait a long period before you could get engaged again. But that's according to the church, that's not what was actually happening. Arrangements would be made according to what's convenient. The promise is legally binding, there are financial penalties involved with breaking engagements. That's why it allows sexual intercourse, because it was such a serious thing.

Q: Has anyone read *A Midwife's Tale*, by Laurel Ulrich? She's talking about Colonial Maine where this same thing is happening; there seems to be a little looseness about that period.

A: I remember reading about this in Pilio, in the 1980s, where most of the girls getting married in villages were already pregnant. And for working-class people in the 19th century throughout Europe, rates of illegitimacy skyrocketed, because people couldn't afford to get married.

Q: I was thinking of the example of Solomos, too, whose father on his deathbed recognized him as his illegitimate son by his servant.

A: There were also different categories of illegitimacy, depending on whether someone was living in a long-term relationship with a woman who had a child, or whether a woman gives birth and you have no idea who the father is. These are treated differently in the eyes of the law, and affect what money goes to whom and so on.

Q: I wonder if you could give us an idea of how this fits into your larger project.

A: This is actually something I took out of the book project. I'm working primarily on law and property, and we can also think about law and sexual attitudes and behaviors,

because this too is one of those places where law is flexible, depending on region. I'm interested in what happens when the modern state comes in, and across the country people have to be dealt with according to a single law, and the person who is judging is suddenly someone foreign-educated, who doesn't have any real familiarity with the people. Because before the implementation of this new kind of law, many of these cases aren't cases as we would understand them, it's just someone going to the notables and saying, this is what happened to me, and the notables deal with it as they see fit.

Q: Of course there is the question of to what extent this new law was actually implemented in a consistent way. I remember getting married in Greece, right after the *politikos gamos* came into effect, and the mayor in the town hall was reading the new law and trying to figure it out, and in the end just had them bring in the old things and said, okay, we'll just do it our way.

A: That's true, but there's a difference: the fact that women now had to give authority to someone else to represent them in court. And they do that in huge numbers. Court cases now involved traveling around, from one court to another, and where would a woman, and particularly a poor woman, find the money to travel to all of those places? So they have a lawyer or husband do it, which meant that women do not go to court anymore; instead of defending their own rights, they delegate that responsibility to someone else. That also means that they don't have the same incentive to understand their rights. And now we also have a different language, *katharevousa*, so even if a woman went to the court she wouldn't understand what was being said.

Q: So there's a certain feminist intervention that's happening here, though in terms of the sexual behavior it's a little more complicated to work through.

A: Like the question of abortion. Abortions in this period weren't all the same: the "quickening," when the soul entered the fetus, was thought to be around the third month, so it's not the same thing if you do it in the first three months, it's more on a level with contraception or masturbation.

Q: Your discussion of the change that took place with the creation of the state reminded me of Gallant's book, when he talks about the British entering the Ionian islands.

A: Although the Ionian islands are a different case: because of the Venetian rule, from the beginning they are more restrained and more stratified than the mainland. It's better for the historian, because you have all these sources, but it's a very different case.