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Published by
The Isis Press
Yazmacı Emine sokak 4/A
Burhaniye-Beylerbeyi
Beylerbeyi, 34676 Istanbul
Tel.: (0216) 321 38 51
Fax.: (0216) 321 86 66
e-mail: isis@tnn.net
www.theisispress.org

First edition 2007

ISBN: 978-975-428-346-4

THE OTTOMAN EMPIRE,
THE BALKANS,
THE GREEK LANDS:
TOWARD A SOCIAL AND
ECONOMIC HISTORY

STUDIES IN HONOR OF JOHN C. ALEXANDER

EDITED BY

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THE ISIS PRESS
ISTANBUL

MARRYING IN SEVENTEENTH-CENTURY MOSTAR*

Eleni GARA

In the last fifteen years research on the history of the family has revealed a great variety in marriage patterns, family structure and household formation in nineteenth- and early twentieth-century Southeastern Europe.¹ Family patterns display a strong regional component; but regional variety went hand in hand with considerable diversity within regions, especially between urban and rural populations, while in some cases particular social groups developed distinctive family patterns. Contrary to other factors, such as age at marriage, presence or absence of neolocality, and, above all, systems of inheritance, religion appears not to have played a formative role; no specific family pattern can be associated with any of the major religions in the region. When the precepts of canon law, be it Christian or Islamic, clashed with local custom, Balkan societies either ignored or found ways to circumvent them.

Despite the burgeoning bibliography, we still know very little about the history of the family in Southeastern Europe in early modern times. This is mainly due to the dearth of adequate sources and this is highly unlikely to

* I would like to thank Nuri Adıyke, Antonis Anastasopoulos, Molly Greene, Max Hartmuth, Olga Katsiardi-Hering, Elias Kolovos, Phokion Kotzageorgis, Sophia Laiou, Ariadni Moutafidou and Yorgos Vidras for their kindness in providing me with copies of articles and books I was unable to find in the libraries of Athens and Mytilene. I am especially grateful to Nenad Filipović, Alexandar Fotić, Tijana Krstić, Max Hartmuth, Slobodan Ilić and Nedim Zahirović for their readiness in responding to my various questions.

¹ The bibliography is huge. K. Kaser, *Macht und Erbe: Männerherrschaft, Besitz und Familie im Östlichen Europa (1500-1900)*, Vienna, Cologne, Weimar 2000, is a very useful synthesis. For a review of past research and the new directions in the history of the family in Southeastern Europe see especially: special issue "Household and Family Contexts in the Balkans", *The History of the Family*, 1/4 (1996); J. Ehmer, T. Hareven and R. Wall (eds), *Historische Familienforschung: Ergebnisse und Kontroversen. Michael Mitterauer zum 60. Geburtstag*, Frankfurt and New York 1997; K. Kaser and J. Halpern, "Contemporary Research on the Balkan Family: Anthropological and Historical Approaches", *Glasnik Etnografskog Instituta SANU* 46 (1997), 63-72; O. Katsiardi-Hering, "Historische Familienforschung in Südosteuropa: Pluralität der Forschungstendenzen im Internationalen Kontext", *Historische Anthropologie* 5/1 (1997), 139-55; U. Brunnbauer, "New Directions in Balkan Family Studies: Between Numbers and Biographies", in D. Koleva (ed.), *Talking History: Proceedings of the International Conference in Oral History and Life-History Method, Kiten, 23-27 September 1999*, Sofia 2000, 21-32; K. Kaser, S. Gruber and R. Pichler, *Historische Anthropologie im Südöstlichen Europa*, Vienna, Cologne, Weimar 2003; special issue "The Family Past in Greece", *The History of the Family* 9/3 (2004).

change significantly in the future. While some censuses and records of vital events from the few regions under Venetian or Habsburg rule, or from areas with Catholic populations have survived, no similar documentation exists for the vast majority of the population, the Muslims and Orthodox Christians living in the Ottoman lands (indeed, in many Balkan regions vital registration remained erratic until the interwar period). The few studies on family structure and household formation in early modern societies under Ottoman rule show that it is still possible to explore the issue by making creative use of different kinds of archival material, mainly tax registers, probate inventories, judicial and notary archives;¹ yet they have also made obvious the severe limitations of the sources.

In brief, for most of the Ottoman world, especially the Muslim populations, the evidence is too fragmentary and inconclusive to allow in-depth research into family patterns and household structure in the early modern times. We still depend on material from the nineteenth and early twentieth centuries, which may or may not reflect past realities. The present article aims at making a contribution to research on marriage patterns in the early modern Balkans by utilizing a rare corpus of archival documentation: the marriage records from the judicial register of the town of Mostar from the years 1632 to 1634.

Marriage Records in Ottoman Judicial Registers

Marriage in Islamic law is a private contract between a man and a woman (or in the case of minors between their legal guardians) made before at least two adult male (or one male and two female) and legally capable Muslim witnesses. Like any other contract, a properly witnessed marriage is legally

¹ Cf. S. Asdrachas, "Oikogeneiaka morphomata kai timariotikes katastichoseis" [Family Forms and Timariot Registers], *Ta Historika* 16/30 (1999), 3-16; D. Dimitropoulos, "Family and Tax Registers in the Aegean Islands during the Ottoman Period", *The History of the Family* 9/3 (2004), 275-86; C. Estabiet and J.P. Pascual, *Familles et Fortunes à Damas: 450 Foyers Damasains en 1700*, Damascus 1994; H. Gerber, "Anthropology and Family History: The Ottoman and Turkish Families", *Journal of Family History*, 14/4 (1989), 409-21; E. Hammel, "The Zadruga as a Process", in P. Laslett and R. Wall (eds), *Household and Family in Past Time: Comparative Studies in the Size and Structure of the Domestic Group over the Last Three Centuries in England, France, Serbia, Japan and Colonial North America, with Further Material from Western Europe*, Cambridge 1972, 335-73; N. Hanna, "Marriage among Merchant Families in Seventeenth-Century Cairo", in A. El Azhary Sonbol (ed.), *Women, the Family, and Divorce Laws in Islamic History*, Syracuse N.Y. 1996, 143-54; A. Kasdagli, *Land and Marriage Settlements in the Aegean: A Case-Study of Seventeenth-Century Naxos*, Venice 1999; idem, "Family and Inheritance in the Cyclades 1500-1800: Present Knowledge and Unanswered Questions", *The History of the Family* 9/3 (2004), 3, 257-74; J. Tucker, "Marriage and Family in Nablus, 1720-1856: Toward a History of Arab Marriage", *Journal of Family History* 13/2 (1988), 165-79; idem, "Ties That Bound: Women and Family in Eighteenth- and Nineteenth-Century Nablus", in N. Keddie - B. Baron (eds), *Women in Middle Eastern History: Shifting Boundaries in Sex and Gender*, New Haven and London 1991, 233-53.

valid and does not require formal registration with any religious or state authority.¹ It is, therefore, not surprising that marriages were not recorded regularly in the early modern Ottoman Empire. Archival material and collections of legal opinions show that there were some attempts to make registration of marriages at court compulsory.² Since, however, judges and jurists continued to uphold the validity of properly witnessed albeit unregistered marriages, the desired effect did not take place. The Ottoman state introduced systematic registration of marriages and other vital events in 1881, with the issue of a regulation which included the obligation to declare and register all marriages within six months of the event. The regulation was not fully implemented, and it is only in the early twentieth century that systematic recording of marriages began.³

Registration of marriages was, however, not completely unknown before the nineteenth century. Several judicial registers (*kadı sicils*) from various Ottoman towns are reported to include marriage contracts, although the majority does not.⁴ Even when present, marriage records usually amount to only a very small fragment of the total entries in the registers: in Üsküdar, for instance, only one per cent of the total entries between 1521 and 1524

¹ Cf. J. Schacht, *An Introduction to Islamic Law*, Oxford 1964, 161-63. About Ottoman usage see M. A. Aydın, "Osmanlı Hukukunda Nikâh Akitleri", *OA* 3 (1982), 1-12; C. Imber, *Ebu's-su'ud: The Islamic Legal Tradition*, Edinburgh 1997, 164-83; idem, "Women, Marriage and Property: Mahr in the *Behçetü'l-Fetâvâ* of Yenişehirli 'Abdullâh", in idem, *Studies in Ottoman History and Law*, Istanbul 1996, 267-69.

² Such an effort was made during Ebussuud Efendi's tenure as *şeyhülislam* (Imber, *Ebu's-su'ud*, 165). In 1617 an imperial order requested neighborhood *imams* to conclude marriages between Muslims only after permission had been issued by the *kadı* (R. Gradeva, "Orthodox Christians in the Kadi Courts: The Practice of the Sofia Sheriat Court, Seventeenth Century", *Islamic Law and Society* 4/1 (1997), 61, note 85). Cf. also: Aydın, "Osmanlı Hukukunda"; İ. Ortaylı, "Anadolu'da XVI. Yüzyılda Evlilik İlişkileri Üzerine Bazı Gözlemler", *OA* 1 (1980), 33-40.

³ C. Behar, "Neighborhood Nuptials: Islamic Personal Law and Local Customs – Marriage Records in a Mahalle of Traditional Istanbul (1864-1907)", *IJMES* 36 (2004), 540.

⁴ For instance, no marriage records appear in the published registers of Yenişehir/Larissa and Lefkoşa/Nicosia (G. Salakides, *He Larisa (Yenişehir) sta mesa tou 17ou aiona: koinonike kai oikonomike historia mias valkanikes poles kai tes perioches tes me vase ta othomanika hierodikastika eggrapha ton eton 1050-1052 (1650-1652)* [Larisa (Yenişehir) in the Mid-Seventeenth Century: Social and Economic History of a Balkan Town and Its District, Based on the Ottoman Judicial Records of the Years 1050-1052 (1650-1652)], Larisa 2004; J. Merkellbach, *Die Protokolle des Kadiamtes Nikosia aus den Jahren 1105/06 (1693-1695)*, Frankfurt a.M. 1991). There is also no mention of marriage records in the registers of seventeenth-century Kayseri (R. Jennings, "Women in Early 17th Century Ottoman Judicial Records: The Sharia Court of Anatolian Kayseri", *JESHO* 18/1 (1975), 53-114). According to N. Adıyeke ("Girit Nikâh Defterleri ve Girit'teki Evlilikler", in A. N. Adıyeke and N. Adıyeke, *Fethinden Kaybına Girit*, Istanbul 2006, 67), there are very few marriage records in the Anatolian *kadı sicilleri*. According to R. Gradeva ("Za Pravnite Kompetencii na Kadijskija Sąd prez XVII Vek" [On the Judicial Function of the *Kadı* Court in the Seventeenth Century], *Istoričeski Pregled* 49/2 (1993), 104), in the *sicils* of Bulgarian towns marriage records are very rare until the end of the seventeenth century. In the unpublished registers of seventeenth-century Kara Ferye/Veria, which I have examined in detail, there are also very few marriage records.

concern marriage and divorce;¹ in Sofia, out of 346 entries from the year 1550 only five are marriage contracts.² Furthermore, in areas with a strong Christian presence, a considerable number of marriage records concerns marriages between non-Muslims, a state of affairs that has generated a fair amount of research among Balkan historians;³ a further percentage concerns marriages between Muslim men and non-Muslim women. In some cases, however, the registration of Muslim marriages appears to have been more common; for instance, 99 out of 162 marriages registered in the *kadı sicilli* of Patras between September 1626 and April 1629 were between Muslims.⁴

In the Arab provinces the obligation to record a marriage contract at court is repeatedly mentioned in collections of legal opinions,⁵ and registrations of marriages appear regularly in the judicial registers of some towns. It was usual in Egyptian towns to register marriage contracts at the *kadı* court. Marriage registration was also a common practice in Jerusalem; but was not in the nearby districts of Damascus and Nablus or in Aleppo.⁶ In any case, marriage registration appears to have been an urban practice,

¹ Y. Seng, "The Şer'iye Sicilleri of the Istanbul Müftütlüğü as a Source for the Study of Everyday Life", *TSAB* 15/2 (1991), 320, n. 40.

² The entries from 1550 are published in G. Galabov and H. Duda, *Die Protokollbücher des Kadiamtes Sofia*, Munich 1960, 9-86.

³ Cf. especially A. Matkovski, "Gragjanski Brakovi i Razvodi na Hristijani vo Makedonija i na Balkanskiot Poluostrov vo Vreme na Turskoto Vladeenje" [Civil Marriage and Divorce of Christians in Macedonia and the Balkan Peninsula during Ottoman Rule], *Glasnik na Institutot za Nacionalna Istorija*, 17/3 (1973), 83-117; N. Pantazopoulos, "Kepenion: Symvole eis ten ereunan tou thesmou tou politikou gamou epi Tourkokratias" [Kepenion: A Contribution to Research on the Institution of Civil Marriage during Turkish Rule], *Epistemonike Epeteris tes Scholes ton Nomikon kai Oikonomikon Epistemon* 19/3 (1986), 489-520; Gradeva, "Orthodox Christians", 55-62; S. Ivanova, "Muslim and Christian Women before the *Kadı* Court in Eighteenth-Century Rumeli: Marriage Problems", *Oriente Moderno* 18/1 [79] (1999), 161-76; S. Laiou, "Christian Women in an Ottoman World: Interpersonal and Family Cases Brought before the Shari'a Courts during the Seventeenth and Eighteenth Centuries (Cases Involving the Greek Community)", in A. Buturovich and I. Schick (eds), *Women in the Ottoman Balkans*, London (in print), 246-50. About *zimmi* marriages in the *sicils* of Damascus cf. N. Al-Qattan, "Litigants and Neighbors: The Communal Topography of Ottoman Damascus", *Comparative Studies in Society and History* 44/3 (2002), 514-15.

⁴ J. C. Alexander, "Law of the Conqueror (the Ottoman State) and Law of the Conquered (the Orthodox Church): The Case of Marriage and Divorce", in *XVI Congrès International des Sciences Historiques: Rapports*, Stuttgart 1985, 370.

⁵ Cf. D. Ze'evi, "Women in 17th-Century Jerusalem: Western and Indigenous Perspectives", *IJMES* 27/2 (1995), 163. According to the Egyptian chronicler Muhammad Ibn Ilyas, after the conquest the Ottomans ordered that all marriage contracts had to be finalized in court (Hanna, "Marriage", 145).

⁶ On Egypt see A. A. Abdal-Rehim, "The Family and Gender Laws in Egypt during the Ottoman Period", in El Azhary Sonbol (ed.), *Women, the Family*, 97-103. On Jerusalem see Ze'evi, "Women", 160, 163; J. Tucker, *In the House of the Law: Gender and Islamic Law in Ottoman Syria and Palestine*, Berkeley 1998, 39, 71. On Damascus, see *ibid.* On Nablus, see *idem*, "Marriage and Family", 167-68. On Aleppo, see A. Marcus, *The Middle East on the Eve of Modernity: Aleppo in the Eighteenth Century*, New York 1989, 77.

especially among the middle and upper classes; marriages among the urban poor went largely unregistered.¹

The most sizeable body of records of Muslim marriages known to exist is found in the judicial registers of Crete. Marriage records appear in Cretan registers from the very beginning of the Ottoman presence on the island and remained a regular feature of the local *kadı* court's activity. In the eighteenth century marriage registration acquired a more formal character than before: part of the registers, varying from four to thirty-two pages in each volume, were dedicated to the registration of marriages; in the nineteenth century separate marriage registers appeared (*enkiha defterleri*).²

The Marriage Records of Mostar

Bosnia-Herzegovina appears also to have developed an early tradition of marriage registration. The matter has not yet been the subject of systematic research; but evidence from the few published *sicils* and relevant publications, as well as the informed opinion of scholars who have worked extensively with unpublished archival material, indicates that this may well have been the case.³ A significant corpus of marriage records is to be found in the judicial register of 1632–34 from the town of Mostar, published in 1987 in Serbo-Croatian translation by Muhammed Mujić.⁴ The register belonged to the collection of the Oriental Institute in Sarajevo, which was destroyed during the siege of the town by Serb nationalist forces in 1992.

The judicial register of Mostar covers a period of twenty-three lunar months, from Zilkade 1041 to Ramazan 1043 (late May 1632 to early March 1634), but with considerable gaps, since several folios are missing and others

¹ Hanna, "Marriage", 150.

² Cf. A. N. Adıyeke and N. Adıyeke, "Newly Discovered in Turkish Archives: Kadi Registers and Other Documents on Crete", *Turcica* 32 (2000), 447–63; N. Adıyeke, "Girit Nikâh Defterleri ve Girit'teki Evlilikler", "Girit'te Cemaatler Arası Evlilikler", "Kadı Mahkemelerinde Yapılan Hristiyan Evlilikleri ve Girit Örneği", in A. N. Adıyeke and N. Adıyeke, *Fethinden Kaybına Girit*, Istanbul 2006, 57–69; 70–79; 80–91. In the *kadı sicili* of 1669–73 from Kandiye (Herakleio), marriage contracts amount to 11.3% of the total entries (H. Karantzikou and P. Poteinou, ed. E. Zachariadou, *Hierodikeio Herakleiou: Tritos Kodikas (1669/73–1750/67)* [The Sharia Court of Herakleio: Register No. 3 (1669/73–1750/67)], Herakleio 2003, p. xb).

³ Cf. R. Smajić, "Posljednji Gračanički Sidžil" [The Last Sicil of Gračaniča], *Gračanički Glasnik* 16 (2003), <http://glasnik.gracanica.net/arhiva/16/index.php?id=40> (8/2/2007); H. Čar-Drnda, *Sidžil Tešanjskog Kadiluka (1740–1752)* [The Sicil of the Kadi District of Tešanj (1740–1752)], Sarajevo 2005; D. Bojanić-Lukač and T. Katić, *Maglajski Sidžili, 1816–1840* [The Sicils of Maglaj, 1816–1840], Sarajevo 2005. I am indebted to Nenad Filipović for his valuable insight into the issue and for bringing to my notice the publication of the *sicils* of Tešanj and Maglaj.

⁴ M. Mujić, *Sidžil Mostarskog Kadije 1632–34* [The Sicil of the Kadi of Mostar, 1632–34], Mostar 1987.

appear to have been rebound in the wrong order.¹ As a result, the entries of the months Muharrem 1042 and Safer 1043 are completely missing, while those of Zilkade and Zilhicce 1041, Safer, Rebiyülevvel and Şevval 1042, Muharrem, Rebiyülevvel, Rebiyühırah and Ramazan 1043 survive only in part. The register contains 898 entries in total, 138 of which are records of marriages concluded either in the town of Mostar or in one of the villages in its judicial district. Except for the high percentage of marriage records (15.4 per cent), the register of Mostar appears not to be any different from other seventeenth-century Balkan *sicils*.

The marriage records of Mostar follow a very simple form. They do not resemble the records of marriage contracts found in the registers of the Arab provinces, which tend to include detailed information about the persons involved and about the dower (*mehr*);² they follow instead the Balkan tradition of recording only the essential details, which is also typical for Cretan marriage records.³ A typical marriage registration in the *sicil* of Mostar reads as follows:

Husband (*ez-zevc*): Mustafa bin Memi; his agent (*vekili*): Süleyman bin Abdullah; wife (*ez-zevce*): the adult virgin (*el-bakire'l-baliğa*) Ümm Gülşüm bint Mustafa from the neighborhood of Nezir Ağa; her agent: Piyale ibn Abdullah; his capacity as an agent is established by the testimony of Musa bin Gazi and Osman bin Nezir; deferred dower (*el-mehrü'l-müeccel*): it is 2,000 – two thousand – *akçes*. Written on 10 Cemaziyelevvel 1043. Witnesses to the procedure: İsmail çelevi, İbrahim beşe.⁴

A Complete Record of Marriages?

The evaluation of Mostar's marriage records presupposes the answer to a crucial question: do the records correspond to all or to only part of the marriages concluded during the months covered by the register? Given that a 'normal' crude marriage rate in a traditional population would not over the long run exceed ten per thousand inhabitants,⁵ it should be relatively easy to

¹ Mujić, *Sidžil*, 8-9.

² Cf. Abdal-Rehim, "The Family and Gender Laws", 98-103; Hanna, "Marriage", 146-49; Tucker, *In the House of the Law*, 39. The marriage contracts of working people, however, were simpler and similar to the Balkan ones (idem, "Marriage and Family", 168).

³ Cf. S. Ivanova, "The Divorce between Zubaida Hatun and Esseid Osman Ağa: Women in the Eighteenth-Century *Shari'a* Court of Rumelia", in El Azhary Sonbol (ed.), *Women, the Family*, 115. Cf. also the marriage records in Karantzikou and Photeinou, *Hierodikeio Herakleiou*.

⁴ Entry no. 578, p. 195. My translation is based on the Ottoman original, reproduced in photocopy in Mujić, *Sidžil*, 112-13.

⁵ Behar, "Neighborhood Nuptials", 542.

answer the question if we knew the population of Mostar in the 1630s. Unfortunately, not only do the available data on marriages concern a very short period of time, but we also lack exact population figures; therefore we must resort to speculation.

The cadastral survey of 1585 recorded 513 households in Mostar, almost all Muslim,¹ which would correspond roughly to a taxable population of 2,500. The town witnessed considerable growth in the following century and, according to Hamdija Kapidžić, by the end of the seventeenth century its population had grown to 12,000.² This figure, however, seems excessively high. If true, it probably reflects the short-term growth of the town after 1683 as a result of the influx of refugees from the Adriatic coast during the war with the Holy League.³ A safer estimation for the first half of the seventeenth century can be established from the number of the town's neighborhoods. In 1585 there were fourteen Muslim and two Christian neighborhoods; in 1631 the number of Muslim neighborhoods had risen to twenty-two.⁴ A total of twenty-four neighborhoods with an average of thirty-two households (as in 1585) would result in a population of 3,800. Since the town had been expanding throughout the first half of the seventeenth century,⁵ the neighborhoods were probably more crowded than before; therefore it is safe to assume that in the early 1630s Mostar had at least 4,000 inhabitants.

It is more difficult to estimate the maximum population of the town. Here another source may help: the account of Evliya Çelebi, who visited Mostar in 1664/65. Evliya Çelebi's figures are notoriously unreliable and should not be taken at face value. Nevertheless, if we compare the number of houses he gives for Mostar (3,040)⁶ to those he gives for other Balkan towns, Mostar appears to have been slightly larger than Manastir (Bitola; 3,000 houses)⁷ and smaller than Tırnovi (Tyrnavos; 3,500 houses).⁸ While there are no population data for Bitola, Tyrnavos in the second half of the seventeenth-

¹ M. Kiel, "Historical Outline: Mostar and its Bridge", http://www.gen-eng.florence.it/starimost/01_intro/hist_out/hist01.htm (15/2/2007).

² *Enciklopedija Jugoslavije* [Encyclopedia of Yugoslavia], s.v. 'Mostar' (H. Kapidžić).

³ I am indebted to Max Hartmuth for his valuable remarks on the subject and for providing me with the two previously cited references.

⁴ *TDVİA*, s.v. 'Mostar' (M. Aruçi).

⁵ *Ibid.*; *ET*, s.v. 'Mostar' (M. Ursinus).

⁶ *İA*, s.v. "Mostar" (F. Bajraktarević).

⁷ V. Demetriadis, *He Kentrike kai Dytike Makedonia kata ton Evligia Tselempe* [Central and Western Macedonia according to Evliya Çelebi], Thessaloniki 1973, 147-49.

⁸ T. Palioungkas, *He Thessalia sto hodoiporiko tou periegete Evligia Tselempe (1668): Eisagoge - Metaphrase - Scholia* [Thessaly in the Travel Account of Evliya Çelebi (1668): Introduction - Translation - Commentary], Larisa 2001, 14.

century had an estimated population of around 7,500.¹ It is, therefore, plausible to infer that Mostar had a maximum population of 6,500 inhabitants.

Where does all this lead us? In a population of 4,000 inhabitants (the estimated minimum) the number of forty-six marriages registered in 1633, the only year sufficiently covered in the *sicil*, results in a crude marriage rate of 11.5; if the population was 6,500 (the estimated maximum) the marriage rate would be 7.1. Such a range of rates indicates that the register contains a record of all or nearly all marriages concluded in the town of Mostar. The fact that in 16.9 per cent of the cases one of the partners belonged to either the *askeri* or *ulema* group or to the upper stratum of Mostar's merchant and craftsmen families, shows a bias against the lower classes; marriages among the urban poor were almost certainly not registered at the court. Concerning the countryside, it is impossible to make a judgment, since there are absolutely no population data. In 1633 only thirty marriages concluded in the villages were registered at the *kadi* court. This number points either to a very small rural Muslim population or to the irregular registration of rural marriages, both of which are equally probable.²

Seasonal Patterns of Marriage

The Mostar records show that, like in other part of the Balkans,³ most marriages took place after the autumn harvest and before the spring planting. In Mostar the wedding season lasted from September to March, with only the odd marriage taking place between April and August. October and November were the most popular months. There is a marked difference, however, between town and the village: in the countryside (where social life closely followed the rhythm of agricultural activity) most marriages took place between October and December,⁴ in the town January and February were also

¹ M. Kiel, *Das Türkische Thessalien, Etabliertes Geschichtsbild versus Osmanische Quellen: Ein Beitrag zur Entmythologisierung der Geschichte Griechenlands*, Göttingen 1996, 135.

² According to the 1870 census, Herzegovina had the following ethno-religious composition: 41% Muslim, 32.6% Orthodox Christian, 25.4% Catholic Christian, 0.9% Gypsy, and 0.03% Jewish. The estimation is based on the figures given by T. Stoianovich, "Family and Household in the Western Balkans, 1500-1870", in idem, *Between East and West: The Balkan and Mediterranean Worlds. Vol. 2: Economies and Societies: Traders, Towns, and Households*, New Rochelle 1992, 134, table 10.

³ Cf. M. Todorova, *Balkan Family Structure and the European Pattern: Demographic Developments in Ottoman Bulgaria*, Washington D.C. 1993, 36.

⁴ The data for the villages are as follows: 1632: January-April: no data; May: 2 marriages; June: 0; July: no data; August-September: 0 marriages; October: 11; November: 9; December: 2. 1633: January: 3 marriages; February: 1; March: 2; April: 0; May: 1; June: 1; July: 0; August: no data; September: 3 marriages; October: 3; November: 9; December: 7. 1634: January: 1 marriage; February: 0; March-December: no data.

popular months for marriages.¹

Age at Marriage

Almost all registered marriages (91.3 per cent) were first unions for women; only nine brides (6.5 per cent) were described as widows and three (2.2 per cent) as divorcees. As regards men, the records do not provide any relevant information. There is also no information as to whether the unions were monogamous or polygamous; the former was probably the case, since polygamy was not widespread among Bosnian Muslims.²

In seventeenth-century Mostar men and women married only after reaching legal adulthood, which, according to Islamic law, coincided with the onset of puberty.³ Unlike other Ottoman regions, such as the Arab provinces or Crete, the *sicil* of Mostar does not contain any record of child marriage; all brides and grooms were legal adults. This is surprising to a degree. Even if marriage did not customarily occur at a very young age, one would expect to encounter the odd minor bride; since in the case of orphaned girls early marriage was generally regarded as proper and responsible procedure that helped protect the interests of the child.⁴ The people of Mostar, however, appear to have dealt differently with the issue.

The fact that brides and grooms were all legal adults does not necessarily indicate late age at marriage, since in Islamic law puberty was the threshold for adulthood. Ethnographic material from the nineteenth and early twentieth centuries places Herzegovina squarely in the group of regions where the 'East European' marriage pattern predominated, which according to John Hajnal involved low age at marriage (i.e. little distance between the age of puberty and that of marriage) for both females and males, and a low proportion

¹ The data for the town are as follows: 1632: January-April: no data; May: 0 marriages; June: 0; July: no data; August: 0 marriages; September: 1; October: 11; November: 14; December: 4. 1633: January: 8 marriages; February: 8; March: 6; April: 0; May: 2; June: 1; July: 0; August: no data; September: 5 marriages; October: 3; November: 9; December: 4. 1634: January: 4 marriages; February: 3; March-December: no data.

² N. Filipović, "Quelques Particularités de l'Institution Matrimoniale dans le Begovat de Bosnie", in *La Culture Urbaine des Balkans (XVe-XIXe siècles)*, vol. 3: *La Ville dans les Balkans depuis la Fin du Moyen Âge jusqu'au Début du XXe siècle: Recueil d'Études*, Belgrade and Paris 1991, 186.

³ Majority in Islamic law is determined by physical indications, by the declaration of the youth in question, or, failing this, by reaching the age of fifteen lunar years (Schacht, *An Introduction*, 124).

⁴ Tucker, *In the House of the Law*, 40-41.

of celibacy.¹ The Mostar records, however, give no clue regarding the age at marriage; nor is it possible to estimate the proportion of unmarried to married people. It is probable that men with a military or *ulema* background married later than most, after reaching a certain stage in their careers.

Household Formation

In Herzegovina and most of the western Balkans the 'East European marriage pattern' correlates with complex family structures known in the literature as the *zadruga* and, more recently, the 'Balkan family pattern'.² The formation of joint families in the Balkans displayed considerable diversity,³ but followed the same basic rules: sons continued to live together with their parents after marriage, while daughters left the parental family and went to live with their in-laws. Households could become very large⁴ and often divided into different groups only after a number of generations. Although the spread and origin of complex household forms are subject to debate,⁵ there is no doubt about their predominance among the rural populations of several Balkan regions, mainly those with a developed pastoral economy, in the late nineteenth and early twentieth centuries.⁶ In the towns, on the other hand, simple households are considered to have been the rule, although there is also ethnographic material about the co-residence of young couples with the

¹ J. Hajnal, "European Marriage Patterns in Perspective", in D. Glass and D. Eversley (eds), *Population in History: Essays in Historical Demography*, London 1965, 101-43. See also T. Stoianovich, "The Balkan Domestic Family: Geography, Commerce, Demography" and "Family and Household", in idem, *Between East and West*, 2: 121-32 and 133-46. In the 1930s Muslim men in Bosnia-Herzegovina married at around the age of 18 and women even earlier; an unmarried woman of 17 was already considered a spinster (K. Kaser, *Familie und Verwandschaft auf dem Balkan: Analyse einer Untergehenden Kultur*, Vienna, Cologne, Weimar 1995, 155).

² See especially R. Byrnes (ed.), *Communal Families in the Balkans: The Zadruga. Essays by Philipp E. Mosely and Essays in his Honor*, Notre Dame 1976; Todorova, *Balkan Family Structure*, 133-58; K. Kaser, "The Balkan Joint Family: Redefining a Problem", *Social Science History* 18/2 (1994), 243-69; idem, *Familie und Verwandschaft*, 36-60; J. Halpern, K. Kaser, R. Wagner, "Patriarchy in the Balkans: Temporal and Cross-Cultural Approaches", *The History of the Family* 1/4 (1996), 425-42.

³ Cf. K. Kaser, "Household and Family Contexts in the Balkans", *The History of the Family* 1/4 (1996), 375-86.

⁴ T. Stoianovich ("Family and Household", 135) estimated on the basis of the census of 1870 that the mean household size in Herzegovina was 10.5 persons among Muslims, 12.5 among Orthodox and 12.1 among Catholic Christians.

⁵ Cf. Todorova, *Balkan Family Structure*, 133-58; Kaser and Halpern, "Contemporary Research"; J. Čapo Žmegač, "Der Blick von Außen: Kroatien und das Modell der 'Balkanfamilie'. Ein Volkskundlicher Kommentar aus Einheimischer Sicht", in J. Čapo Žmegač, R. Johler, S. Kalapoš, H. Nikitsch (eds), *Kroatische Volkskunde/Ethnologie in den Neunzigern: Ein Reader*, Vienna 2001, 267-87.

⁶ See especially Kaser and Halpern, "Contemporary Research", 64-69.

groom's parental family.¹

The marriage records of Mostar do not inform us whether the newly weds established a new household or not. The meager information they provide does not allow for any meaningful contribution to the issue; nor does it show any difference between town and country marriage patterns and family forms. On the other hand, the Mostar data do not exclude the presence of different patterns. To give an example: ethnographic and archival material from the late nineteenth and twentieth centuries suggests that in the western Balkans divorce was rare and largely an urban phenomenon, while widows usually did not marry again;² but among pastoral populations, irrespective of their religious affiliation, the *levirat* was widely practiced and widows often remarried a close agnatic relative of their first husbands.³ In the *sicil* of Mostar there is no record of divorce in the countryside; the three divorced women who remarried lived in the town. On the other hand, five out of the nine widows whose marriages were registered lived in villages. Did these women remarry into their first husbands' family or not? We simply do not know.

Marriage Partners

In all registered marriages the couples were Muslims. In Mostar, unlike other parts of the Balkans, unions between Muslim men, often recent converts, and Christian women seem to have been either non-existent or very unusual: the *sicil* does not contain any such marriages. There is a fair amount of converts among grooms and brides (21.7 per cent of the men; 13 per cent of the women), but most of them married born Muslims; in only eight couples (all town-dwellers) husband and wife were both converts.⁴

The records very rarely include information about the occupation of either the groom or the father of the bride; therefore it is impossible to investigate marital alliances in depth. The use of honorific titles for members

¹ Cf. A. Hangi, *Die Moslim's [sic] in Bosnien-Hercegovina: Ihre Lebensweise, Sitten und Gebräuche*, trans. H. Tausk, Sarajevo 1907, 207.

² Cf. D. Tomasic, "The Family in the Balkans", *Marriage and Family Living* 16/4 (1954), 301-07.

³ Cf. Kaser, *Familie und Verwandschaft*, 162-64.

⁴ Entries nos 13, p. 22; 17, p. 23; 19, p. 23; 101, p. 44; 253, p. 91; 297, p. 105; 574, p. 194; 576, p. 195.

of the elites,¹ however, allows some conclusions regarding the occurrence of crossover unions. As a rule, men and women married within their own social groups; but in six registrations (4.3 per cent) one of the partners belonged to the elite, while the other did not. All but one concern marriages of military men (all of them bearing the honorific *bey*) to non-elite women.² There is only one marriage between an elite woman and a non-elite man, that of Fatima, daughter of *sipahi* Derviš, from the village of Vihovićim, who married a convert by the name of Derviš.³ Ottoman society regarded as unbecoming for a woman to marry a man of lower social status; but such marriages must have occurred quite often, since all women were supposed to get married eventually. In Fatima's case, however, the fact that the bridegroom was a convert bearing the same name as his father-in-law indicates that this was probably not a crossover marriage but part of a patronage relationship between the two men.

On the basis of such meager data it is impossible to speculate to what degree men and women in seventeenth-century Mostar had a say in the choice of their partner. Given that the records concern first unions for most brides (presumably also for most grooms), the marriage was almost certainly arranged by their families. Widowed or divorced women (8.7 per cent of the brides), on the other hand, may have been more independent. Direct involvement in the choice of the partner can be inferred from the cases of men and women appearing at court in person to register their marriages (as expounded below, couples were customarily represented by agents). These, however, are extremely few in number: in only five out of 138 cases (3.6 per cent) did one or both partners appear at court, bringing the total to seven people. Two of them were Muslim-born women (one a widow) who married converts; another one was a convert woman who married a Gypsy; the rest were men.⁴

Military men were the most likely group to enter into unions of their own choice. They certainly felt less restrained by social pressure to marry women of lower status: four out of nine men bearing the honorifics *bey*, *ağa* and *odabaşı* married women of undistinguished origin; no *bey* married the daughter of another *bey*, just as no *ağa* the daughter of another *ağa*. This is

¹ Individuals belonging to the elite were distinguished by the honorific titles *bey*, *ağa*, *efendi* and *çelebi*. About the difficulties in establishing elite status in seventeenth-century judicial records see E. Gara, "Moneylenders and Landowners: In Search of Urban Muslim Elites in the Early Modern Balkans", in A. Anastasopoulos (ed.), *Provincial Elites in the Ottoman Empire (Halcyon Days in Crete V: A Symposium Held in Rethymno, 10-12 January 2003)*, Rethymno 2005, 138-44.

² Entries nos 55, p. 32; 218, p. 80; 375, p. 130; 551, p. 187; 569, p. 193.

³ Entry no. 580, p. 196.

⁴ Entries nos 211, p. 78; 314, p. 110; 395, p. 135; 431, p. 145; 616, p. 209.

rather surprising, at least as regards the group of *beys*, since it does not conform to the marriage pattern displayed by the military elites of Bosnia-Herzegovina in later times. According to family histories and ethnographic material from the nineteenth and early twentieth centuries, the social group of the *begovat*, the upper stratum of the local military elite, was strictly endogamous. The *begovat* married exclusively within their own small social group and, as a result, very often married close relatives, sometimes a paternal first cousin, a union sanctioned by Islamic law but regarded sinful among other Bosnian Muslims. Widespread were also the practices of the *levirat* (marrying a widowed sister-in-law) and especially the *sororat* (marrying a deceased wife's sister); the marriage between the daughters of one family to the sons of another; the combined marriage of two widowed persons and that of their children from a first marriage.¹ As Nenad Filipović rightly remarks, such marriage practices "allowed the homogenization of the family, the conservation of its economic power, as well as the realization of family alliances."² The records of seventeenth-century Mostar show, however, no trace of such marriage patterns; *beys* had obviously not yet become a closed elite.

The Dower (*mehr*)

Islamic law requires that upon marriage the groom pays the *mehr* (dower) to the bride, property in cash or kind that passes to her ownership.³ The custom in the Arab provinces was to divide the *mehr* into two portions, one payable at the time of the marriage and the other deferred, payable after divorce or the death of one of the spouses.⁴ In the Balkans, on the other hand, the *mehr* was almost always deferred.⁵ In the *sicil* of Mostar a *mehr* paid in two portions occurs only once;⁶ in all other records it is registered as a lump sum to be paid at the termination of the marriage by death or divorce, while four records do not mention any *mehr* at all.⁷

¹ Filipović, "Quelques Particularités", 184-86.

² Ibid., 187.

³ According to Hanafi legal discourse, the *mehr* is given in exchange of the wife's vulva and through its payment the husband acquires the ownership of his wife's sexual organs, which is what distinguishes intercourse in marriage from fornication (Imber, "Women, Marriage and Property", 269).

⁴ Cf. ibid., 280; Tucker, *In the House of the Law*, 52; Abdal-Rehim, "The Family and Gender Laws", 98, 103.

⁵ In the Bulgarian lands the division into two portions became more common late in the eighteenth-century (Ivanova, "The Divorce", 115).

⁶ Entry no. 188, p. 72.

⁷ Entries nos 90, p. 41; 395, p. 135; 531, p. 182; 616, p. 209.

The amounts of *mehr* registered in the *sicil* of Mostar vary a lot and range between 200 and 42,000 *akçes*. On average there is not much difference between town and country as regards marriage among common people: the average *mehr* in the town was 1,881.4 and in the villages 1,656.9 *akçes*. There is a huge difference, however, between elite and non-elite marriages: the average *mehr* of elite women, almost all town-dwellers, was 16,578.6 *akçes*, a substantial sum at the time.¹

The amount of the dower was an indication of social status and wealth, and was considered to reflect the social and economic status of the bride's father and agnatic relatives. The law prescribed that if no amount was stipulated in the marriage contract, a woman had to receive her 'fair *mehr*', which was determined by the average *mehr* of women on the father's side of her family.² The Mostar data indicate, however, that sometimes the dower reflected the status of the groom's family rather than that of the bride. For instance, the sisters Aiša and Hatidža, daughters of Sulejman čelebi, married on the same day Ahmed aga, son of Salih aga and Abduldželim, son of Mehmed aga, respectively; each received a deferred *mehr* of 20,000 *akçes*.³ The same amount of dower, however, was also given to Merjem, the daughter of a simple *beşe*, a low-ranking janissary, by her husband Hasan beg.⁴ In contrast, another *beşe* daughter married to a *bey* received a *mehr* of only 2,600 *akçes*.⁵ Widows appear to have married with lower dowers than their virgin peers:⁶ Fatima, virgin daughter of Kemal efendi, was married with a *mehr* of 42,000 *akçes*; Hatidža, the widowed daughter of Ahmed efendi received 30,000.⁷ On the other end of the social spectrum, the convert Fatima married her Gypsy husband Hasan with a *mehr* of 800 *akçes*; in another Gypsy marriage, however, the bride, a widow, received only 200 *akçes*.⁸

The Islamic *mehr* combines aspects of bridewealth and dowry: it is paid by the groom or his family like bridewealth; but it passes to the bride and – eventually – her heirs like dowry (hence the anthropological term indirect

¹ One should take into account that registered *mehrs* were sometimes inflated, in order to keep up the good reputation of the families. Cf. a relevant legal opinion in Imber, "Women, Marriage and Property", 283-84.

² Ibid., 282.

³ Entries nos 115, p. 47; 116, p. 48.

⁴ Entry no. 218, p. 80.

⁵ Entry no. 55, p. 32.

⁶ This has been observed also in other Ottoman regions. Cf. Abdal-Rehim, "The Family and Gender Laws", 99, 103.

⁷ Entries nos 542, p. 185; 552, p. 188.

⁸ Entries nos 314, p. 110; 68, p. 36.

dowry).¹ As such the *mehr* is flexible and can accommodate different kinds of practices regarding the transfer of property at the time of marriage. In societies with bridewealth traditions, such as the Arab provinces, especially in the rural hinterland, the portion of the *mehr* paid promptly upon marriage often ended up in the hands of the bride's family.² In societies with dowry traditions, the *mehr* could represent the gift customarily given to the bride, which could be easily outweighed by her dowry.³ Often in stratified societies, such as that of late Ottoman Damascus, bridewealth-like transactions are more common among the poorer classes, while dowry-like transactions emerge in the wealthier classes.⁴

The Mostar records do not offer any indication as to what *mehr* represented in terms of property transfer to the new household or between the two families. In Bosnia-Herzegovina there is evidence of a dowry tradition among the landed elite⁵ as well as a bridewealth tradition among pastoralist populations.⁶ It is very probable, however, that at least in the town of Mostar, seat of the *kadı* court and center of Islamic learning, the law was more closely observed and *mehr* was indeed dower, intended to provide financial aid – or even security – to the widowed or abandoned wife and eventually to pass to the couple's children.

Marriage Agents

In Mostar, as elsewhere in the Ottoman Empire and the Islamic world, the couple was usually not present at the registration of the marriage but was represented by agents; as already mentioned, only four men (2.9 per cent) and three women (2.2 per cent) came to court in person to declare their marriages. A closer look at the names of the agents reveals something unexpected: in Mostar, contrary to the opinions of jurists and unlike the customary practice

¹ L. Hudson, "Investing by Women or Investing in Women? Merchandise, Money and Marriage and the Formation of a Prenatal Bourgeoisie in Damascus", *Comparative Studies of South Asia, Africa and the Middle East* 26/1 (2006), 115.

² Cf. Ze'evi, "Women", 159; Tucker, *In the House of the Law*, 53.

³ Legal opinions that concern complications arising from the withdrawal from marriage agreements or from the untimely death of a partner offer a glimpse into such traditions. Cf. the cases discussed in Imber, *Ebu's-su'ud*, 175-78; idem, "Women, Marriage and Property", 269-73.

⁴ Hudson, "Investing by Women", 115-16, 119-20.

⁵ Cf. Filipović, "Quelques Particularités", 185.

⁶ Cf. Kaser, *Familie und Verwandtschaft*, 160-62.

observed in other Ottoman regions,¹ fathers or brothers appear very rarely as marriage agents. Only four men (2.9 per cent) and seven women (5.1 per cent) are represented by their fathers.² Brothers are mentioned explicitly as agents of just two grooms and one bride;³ if we include the cases where the agent's patronymic is the same as that of the groom or bride, the number of brothers rises to seven and fourteen respectively, which is still very low (5.1 per cent for the men; 10.2 per cent for the women).

Given that the arrangement of a marriage, at least in first unions, was the prerogative of the family, not of the individual, it is most probable that the persons appearing as agents in the registrations were actually relatives of the couple, perhaps uncles or cousins. The nature of the relationship, however, is not mentioned in the records; nor can it be inferred from the names of the people involved, since family names were not recorded. Nevertheless, even if most of the agents were close relatives of the couple, it remains a fact that fathers or elder brothers, the most likely representatives of a bride or groom, only acted as agents occasionally.

This, however, does not mean that fathers and brothers were not present at the registration of the marriage; and this is the second unexpected result deriving from the analysis of Mostar's records. In a few cases (4.3 per cent) at least one of the witnesses testifying to the agents' legal capacity was a close relative of the bride, either a father or brother.⁴ In many other cases one of the witnesses bears the same name as one of the fathers or has the same patronymic as the bride or groom. This happens far too often to be ascribed just to coincidence: in 25.4 per cent of the marriages the first name or the patronymic of one of the witnesses testifying to the agents' legal capacity is identical with the name of one of the fathers, usually to that of the bride's father. When the name is uncommon, we can be fairly certain that the person in question was indeed a father or brother.⁵

¹ In the legal discourse of Ottoman jurists from the Arab provinces a bride's natural guardian is the one who arranges the marriage and acts as her agent. This is the father or, in case of death, the grandfather. If both are dead, another close agnatic relative, such as her brother or paternal uncle, would act as agent (cf. Tucker, *In the House of the Law*, 46-52). In the marriage records from the Arab provinces it is usually the father or an agnatic relative who represents the bride. In the published material from Crete, Muslim born brides are represented by fathers, brothers or guardians.

² Entries nos 25, p. 25; 39, p. 28; 58, p. 33; 83, p. 39; 90, p. 41; 96, p. 43; 188, p. 72; 378, p. 131; 402, p. 136; 563, p. 191; 598, p. 202.

³ Entries nos 262, p. 93; 326, p. 113; 566, p. 192.

⁴ Entries nos 23, p. 25; 40, p. 28; 41, p. 28; 50, p. 31; 217, p. 80; 580, p. 196.

⁵ See, for instance, entries nos 57, p. 33 (bride: Rahima bt Gazi; witness: Murat b Gazi); 112, p. 47 (bride: Kamer bt Ferhat; witness: Kurt b Ferhat); 117, p. 48 (bride: Kamer bt Oruč; witness: Omer b Oruč); 218, p. 80 (bride: Merjem bt Abdi baše; witness: Abdi baše). The most obvious case is the marriage registration of Fatima, daughter of Kemal efendi, witnessed by Ibrahim, son of Kemal efendi (entry no. 542, p. 185).

These observations indicate not only that marriage registration in Mostar followed a different pattern than the one known from other regions, but also that this must have been connected with local marriage customs. The rare appearance of fathers and brothers as agents, coupled with the attested presence of at least some of them at the registration, shows that the function of a marriage agent was reserved for other persons, either kin or friends of the couple's families. The presence of agents who have no obvious relation to the couple must not be attributed to the personal choices of the groom or the bride; but rather to the custom regulating the distinct roles of the couple's relatives, especially of the bride's kin, in the wedding ceremony.

Comparison with ethnographic material from Bosnia at the turn of the nineteenth century corroborates this conclusion. According to Anton Hangi, a Croat teacher who lived and worked in Bosnia under Habsburg rule, grooms and brides were never present in person at the wedding. Grooms were usually represented by a brother, a close relative, or a friend; brides were represented by a close relative of the groom, "one of those in front of whom she does not need to cover herself, and who is allowed to look at her".¹ Hangi's informants on marital customs were from Bihać and Banja Luka (northern Bosnia).² Nevertheless, his account fits very well our data, despite the remoteness of both time and place, and allows us to evaluate them better. Thus, a plausible explanation for the unusual picture emerging from Mostar's marriage registrations is that in seventeenth-century Mostar grooms were as a rule represented by uncles, cousins, or friends, while brides by a close relative of the groom; fathers and elder brothers, the usual marriage agents in other regions, did not have a place in this part of the ceremony, but were often present as witnesses to the agents' legal capacity.

Marriage Registration and Identity

Actually, the most intriguing aspect of the Mostar marriage records is their very existence. Given the fact that registration was not a prerequisite for validity (and also involved a fee), why did a tradition of marriage registration develop? The question applies equally to the registration of all kinds of private contracts; as, from the legal point of view, all properly witnessed oral contracts are valid. The abundance of relevant entries in the *sicils* suggests that Ottoman subjects sought the security court registration offered for certain kind of contracts, especially property transactions and money loans. Such

¹ Hangi, *Die Moslim's*, 205-6.

² *Ibid.*, iv.

contracts were systematically recorded even when alternative venues for registration like local notaries were available.¹ It is clear that certain kinds of contracts were registered with the *kadi* court in order to establish legal rights and avoid future disputes.

In the case of marriage contracts, registration could have been intended as a means of recording the marriage, so that no disputes over inheritance or the legitimacy of children for example could arise, or to record the amount of the *mehr*, so that the wife would get her legitimate entitlement in the event of widowhood or divorce. Disputes related to the payment of the *mehr* are commonly found in legal opinions and judicial registers; to prevent such disputes may have been a major incentive for marriage registration. Under normal circumstances, both the marriage and the amount of *mehr* were common knowledge among relatives and neighbors. Sometimes, however, people married away from their places of origin; or a bride had no relatives or was alienated from her family. These or other reasons (taking a second wife, for instance) could explain why some marriages in the Balkans were recorded in the judicial registers while most were not. The practice of temporary or *kebin* marriage, which is known to have existed in the Balkan regions and was concluded in the form of a usual Islamic marriage contract, could also explain why a number of marriages were registered.²

These reasons, however, do not sufficiently explain the cases of Crete and Bosnia-Herzegovina (if there is indeed a general pattern of marriage registration); marriage records are far too numerous to reflect only concerns such as those mentioned above. Venetian Crete had a strong local notarial tradition and marriage contracts were regularly recorded.³ It is conceivable that Cretan converts to Islam, who constituted the majority of the island's Muslim population, retained this tradition after the Ottoman conquest, substituting the *kadi* for the notary. A more powerful reason may have been the wish of the Ottoman authorities to impose social control and regulate marriage at a time

¹ Sale and gift deeds, and other property transactions recorded by the notary of Chios between 1724-80 always include the clause that a *hüccet* be issued. Cf. the documents published in *Mnemeia tou metavyzantinou dikaiou*, 5: A. *Notariakai praxeis Chiou ton eton 1724-1780*, B. *Eggrapha Rodou kai Kastellorizou ton eton 1847-1874*, *ekdidomena hypo Georgiou A. Petropoulou* [Monuments of Post-Byzantine Law, 5: A. Notarial Acts from Chios from the Years 1724-1780; B. Documents from Rhodes and Kastellorizo from the Years 1847-1874], Athens 1963, 1-388.

² For a thorough discussion of the reasons that led some Christian couples to conclude a marriage at the *kadi* court, see Laiou, "Christian Women", 246-50.

³ Cf. T. Markaki, "Symphonetika gamou kai proikoes dikaiopraxies hos peges ereunas tes koinonikes historias kai anthropologias ste Venetokratoumene Krete (1600-1648)", *Cretan Studies* 6 (1998), 71-88.

of mass conversion, especially since most Cretan Muslims married Christian wives.¹

In the case of Bosnia-Herzegovina, however, such an explanation seems untenable. The Muslim population was also composed largely of local converts and their descendants, many of them former Catholics; but the region had not been under Venetian domination like Crete and had become part of the Ottoman Empire in the late fifteenth century, long before the Catholic Church had made the registration of marriages compulsory. Judging from the absence of interfaith marriages in the *sicil* of Mostar, there also does not appear to have been any pressing need for the authorities to control marriages. Here we must search for other explanations. A plausible hypothesis is that in Bosnia-Herzegovina the tradition of marriage registration arose from the wish of the local Muslim population to conform to the exigencies of Islamic law, influenced by the rise of an indigenous group of scholars with a strong Muslim self-consciousness.

The detailed account of Anton Hangi on marriage in Bosnia shows that at the turn of the nineteenth century the conclusion of a marriage contract and its registration were integral parts of local wedding customs.² Bosnian weddings were celebrated with a whole set of ceremonies and rites that started with the groom's male relatives going to fetch the bride and ended with the consummation of the marriage. The elaborate ritual combined Islamic and non-Islamic (probably pre-Islamic) features with a strong patriarchal background, and centered on the reception of the bride by her new family. A prominent role in the ceremonies was reserved for the main figures of authority in the household, the groom's father, mother and elder brother, as well as for the *kums* (sponsors).³ The wedding ceremony, at which neither bride nor groom were present, was performed in both the Turkish and Bosnian language by the neighborhood *imam* and consisted of the highly ritualistic

¹ Adıyeke, "Girit Nikâh Defterleri", 67-68.

² Hangi, *Die Moslim's*, 201-32.

³ The *kum* put the wedding ring on the bride's finger; his wife assisted the bride throughout the henna ceremony and stayed with her while she awaited the conclusion of the wedding rite (Hangi, *Die Moslim's*, 220-24). The institution of *kumstvo* among Muslims was widespread in the western Balkans and took the form not of god-parenthood like among Christians but of sponsorship at two other ceremonies, the cutting of a child's umbilical cord and the first hair cutting (Kaser, *Familie und Verwandtschaft*, 261-62).

conclusion of the marriage contract by the couple's agents.¹ After the conclusion of the contract, the *imam* read some prayers from the Koran and subsequently prepared the marriage record, which corresponds almost word for word with the marriage records registered in the *sicils*. "The document", Hangi writes, "which is signed and provided with the *muhur*, the official seal, is given into the hands of the groom's agent who hands it over to the groom's father. The latter gives it to his wife and she hands the document over to her daughter in-law for keeping in case of divorce".² Only after this ceremony was over did the groom go to his bride who awaited him in the marriage chamber.

In the Bosnian wedding described by Anton Hangi, the incorporation of Islamic legal tradition into the ceremony gives new meaning to local marriage customs. At the same time it is not just the religious rite, but the ritualistic conclusion of the marriage contract with all legal formalities and the drafting of the marriage record which makes this wedding essentially an Islamic marriage. The document and its ceremonial presentation to the bride complete the wedding and allow for the consummation of the marriage. Hangi's description shows that the marriage record was not simply meant to register a contract between two persons or two families entering a marriage alliance, or to regulate any transfer of property to the bride or the new household; its function was largely ritualistic. The ceremonial presentation of the document to the bride by her father and mother in-law sealed her entrance into the groom's family and confirmed that her future was secured.

I have no intention of claiming that weddings in seventeenth-century Mostar displayed the rituals found in northern Bosnia more than two centuries later; yet ethnographic material is useful for comparison. Anton Hangi's account shows how the marriage record, a legal document that served different purposes in different regions and social environments, had become an integral part of the marriage ceremony in a Muslim society that continued to cherish non-Islamic traditions, but which also placed great importance on the observance of Islamic law. In that sense, the practice of systematic marriage registration, which was alien to most Ottoman Muslim populations, can be regarded as an aspect of local Muslim identity.

¹ The wedding ceremony proceeded according to the following steps: the *imam* sent to the bride her agent together with the two witnesses, in order to establish a) whether she consented to the marriage, b) agreed to be represented by that particular person, and c) what was the amount of *mehr* she requested. After receiving her response, the *imam* asked first the bride's agent whether he gave her in marriage for the mentioned amount, and then the groom's agent whether he accepted her on this condition. Subsequently the *imam* asked first the bride's agent whether he accepted the witnesses, then the witnesses whether they accepted the responsibility, and lastly the groom's agent whether he in turn accepted the witnesses. Questions and answers in each step had to be repeated three times. After receiving the last response, the *imam* pronounced the formula "I, in turn, have performed the wedding in the above mentioned way" (*ben dahı vech-i meşruh üzere nikâh eyledüm*) and concluded the ceremony (Hangi, *Die Moslim's*, 224-26).

² *Ibid.*, 227.