

DIVORCES AMONG THE CHRISTIAN POPULATION IN THE BULGARIAN LANDS IN THE 19TH CENTURY

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Summary. The focus of this article is a topic that is insufficiently studied in Bulgaria: divorces among the Christians in the 19th century. Information on it is available in the Codes of the Tarnovo and Plovdiv Metropolia and the Protocol Book of the Haskovo Bulgarian Church Community. The canonical rules of the Orthodox Church concerning marriage and its dissolution are presented, as well as the prescriptions of the common law and their registering in the sources. The focus of interest for the researcher is the dynamics of divorces in Tarnovo Metropolis in the period 1847-1878 and the clarification of the reasons thereto is subject to more in-depth studies.

Keywords: historical demography, divorces, Christian population, Ottoman Empire

The issues related to marriage dissolution among Christians in the Bulgarian lands during the Ottoman period are reflected to a relatively low degree in historiography. The information concerning these topics is available in the studies of common and canonical law (Бобчев, 1896; Бобчев, 1919; Маринов, 1894; Николчев, 2006). This topic is insufficiently referred to in the studies of the family-matrimonial relations and is rather reflected in studies of the second and further marriages (Тодорова, 1983; Тодорова, 2002; Ангелова, 2013: 110-119). Divorce among the Christian population was studied by S. Ivanova but the author pays attention to divorces referred to the attention of qadi and registered in the qadi registers (court registers) (Иванова, 1992: 76-87; Иванова, 1996: 159-195; Иванова, 2001: 30-62; Ivanova, 2007: 153-200). Valuable sources for studying the divorces among the Christian population are the protocol books of the Orthodox Church. Unfortunately sources of this type have still not been fully studied and very few historical researchers use them for studying these problems (Владева, 2006: 218-237).

This study will attempt to present the divorce in several basic aspects. On the one hand, we will pay attention to the Church rules (canonical law) regulating it and the common law. On the other hand, we will attempt to demonstrate the way those rules were actually implemented in the Bulgarian lands in the 1820s – 1870s. We will search for the reasons behind the increased divorces in certain periods and regions.

In order to review these topics in the study we have used the chronicles of the Tarnovo and Plovdiv Metropolia that have been translated from Greek language and were published by Snegarov (Снегаров, 1935; Снегаров, 1936, Снегаров, 1937; Снегаров, 1949: 177-400). They contain essential information about the divorces by

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years and the reasons for them. Valuable information about the matrimonial relations among the Christian population is also available in the Protocol book of the Haskovo Bulgarian Church Community (Димов, 2002).

The available source materials contain information on 447 divorces over the period 1819–1878, and their concentration varies across the areas and periods. The documents of the Plovdiv Metropolis cover the period 1819–1838 and 29 marriage dissolutions were registered in them (Снегаров, 1949: 177-400). The longest registration period and the highest number of divorces were noted in the Chronicles of the Tarnovo Metropolis (Снегаров, 1935; Снегаров, 1937; Снегаров, 1937). Over the period from 1847 to 1878, a total of 410 divorces and 4 engagement annulments were registered. The Protocol book of Haskovo Bulgarian Church community that was initiated in the 1870s contains information about 9 divorces and engagement annulments (Димов, 2002). Unfortunately, the documents contain no information about the marriages among the Christian population during the studied period; thus, it is not possible to calculate the divorce to marriage ratio.

Since marriage was a church deed, its dissolution was a subject to be handled by the religious court that enforced the canonical law. Since the beginning of the Ottoman rule it did not intend to impose its family-and-matrimonial model among the governed peoples. They were perceived as *Zimmi* (under custody) and they were allowed to follow their old customs. The Empire left the ruling on matrimonial issues in the competence of the Church (Pantazopoulos, 1967), but also let the *Zimmi* take advantage of the services provided by the Sharia legal system. The divorce cases were heard by the metropolitan bishop in the presence of both spouses. Exceptions were only allowed if one of the spouses was nowhere to be found. The court ought to hold an investigation of its own and confirm the authenticity of the accusations by the instrumentality of witnesses.

In order to clarify the rules concerning marriage and divorce as formed throughout the centuries by either the population or the common law, we use another source type. This is the field research performed by numerous Bulgarian researchers: interviews held in the end of the 19th century that represent the actual picture of the matrimonial and family relations among the ordinary Christian population (Маринов, 1894; Бобчев, 1896).

At the beginning, some terminological clarifications should be made. The term *divorce* means the marriage dissolution ruled out in the pattern prescribed by legislation or common law. (Преса, 2006: 270). Divorce was about dissolving an effective and legal marriage. In order to rule a divorce, reasonable arguments were to be provided and prevail over the idea of marriage inviolability (Бобчев, 1919: 44). *Marriage annulment* is performed in the cases where it was entered into in violation of the rules on entering into marriage (Юридически, 1994: 255; Бобчев, 1919: 44). The research will focus on the *engagement annulment* that is not canonically based but is regulated by the common law (Маринов, 1894: 146-147; Бобчев, 1896: 143-149).

The canonical law of the Orthodox Church accepts the definition of marriage the way it is provided by the Roman man of law, Herenius Modestin: “Marriage is the union between man and woman, a promise for a lifetime, a unification of divine and human law.” Unlike Rome, where marriage had more liberate pattern and could be easily broken, the Christian church strengthened marriage inviolability presenting it