

## **Unfaithful spouses, failing marriages: Extramarital affairs of Muslim and Greek Orthodox subjects in Seventeenth-century Istanbul**

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Adultery and fornication, zina in the Islamic context, have only been discussed through experiences of Muslim subjects in the Ottoman period. Even in this context, we mostly rely on normative texts of Islamic law to understand the legal consequences of this “unlawful act.” Sharia court registers usually do not contain cases of such extramarital sexual affairs, first, because Islamic law requires four male witnesses to prove the act, making it very difficult to establish facts; second, in the absence of evidence, parties possibly handled the case among family and kin through amicable settlement (sulh); and third, if zina triggered their divorce, the couple could have dissolved their marriage either through hul or talak options, without the requirement of taking a legal action in court. While we are left with very rare examples that reveal social and practical consequences of zina in the Muslim context, we have more illuminating examples from the Greek Orthodox context.

By using Orthodox Christian legal texts and Patriarchal court records from seventeenth-century Istanbul, this study seeks to probe the extent to which experiences of Muslim and Greek Orthodox subjects differed when they committed adultery. It shows that Muslim and Greek Orthodox women were put in an underprivileged position in different ways: To divorce their adulterous husbands, the former had to forfeit their legal rights to receive the delayed dower, whereas the latter were not entitled to divorce their husbands on the grounds of adultery unless the relationship was an ongoing or bigamous affair. Men, on the other hand, were granted the right to divorce their adulteress wives unilaterally, according to Islamic and canon laws. This study also brings forward the question of “agency” in case of Greek Orthodox women, who were at the intersectionality of being “minority” and women. The paper discusses whether those women who took another man to their houses while their husbands were asleep or wore male clothes at nights and visited their lovers exercised agency to a certain degree in a male-dominated society.