

# Wills of the Greek Orthodox Subjects of the Sultan: an Insight into the Everyday Life of the Ottoman Empire's Orthodox Communities

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**Abstract:** *The present study reveals certain aspects of the social and cultural history of Chios, an Aegean island under Ottoman rule, through archival material of the 19th century. The information mostly derives from will documents that allow us to understand as much as possible the structure of the local society, the daily life of the inhabitants, their way of thinking and perception of life, as well as their relationship and ties with their family members. Finally the position of the Ottoman Government towards the local Christian institutions, accepting and sanctioning their operation at a local level, is also revealed.*

**Keywords:** Chios Island, Greek Orthodox Communities, Local Customs, Notaries, Ottoman Empire, Social Life, Wills.

## 1. Introduction

All legal affairs of the inhabitants of the Christian Orthodox community of Chios were transacted by the two *Notarial Offices* or *Mnimoneia* (*Mνημονεία*) located in the town of the island. The one was situated in the *Aplotaria* quarter and the other in the *Paleokastron* quarter. Four notaries appointed by the *Demogerontes*, the Christian administrators of the community, were employed in the first office and two in the second.<sup>1</sup> Their main duty was to draw up the deeds and effect the settlements. They also kept a record of all their transactions in a book called *Mana*. All official documents concerning wills, guarantees, mortgages, sales, purchases or rentals were drawn by the notaries. They were also the general depositories of the inhabitants' money. The importance of the Chiot Notarial Offices should be emphasized as a special privilege because the deeds were acknowledged by the Ottoman Court<sup>2</sup>.

The notaries kept an official record of all civil and commercial transactions which they recorded in a special register, called *Mana* or else Codex. Each notary had his own codex which was numbered by page or deed whilst sometimes there was no number of pages at all. Many notaries use to draw up a page of content either at the beginning or at the end of the codex according to the number of pages or the serial number of the deeds. Usually a notary of the town of Chios was a reputable man of honesty, fair and accurate in his duties, and was salaried by the common treasury of the Orthodox community of Chios.

<sup>1</sup>Vlastos, A., *A History of the island of Chios, A.D.70-1822*, London 1822 p. 129. P. Argenti, *Chios Vincita. The Occupation of the island by the Turks and their Administration of the Island (1566-1912)*, Cambridge University Press, 1941.p. cxc, holds however, that it would appear more probable that the number of the Notaries in the town of Chios was only three, for "there would hardly have been work for so many as six".

<sup>2</sup>Thus the institution of notaries gave autonomy to the community of Chios. All the affairs of the inhabitants such as wills, endowments, letters of guarantee, bills of exchange, mortgages, sales, rentals of real estate, etc. were drawn up in the notaries.

## 2. The Wills

### 2.1 The wills' validation

As already said, most importantly, the notaries were authorized to draw up documents that were recognized as valid by the Ottoman Government, without further ratification by the *kadi* of Chios, the religious and judicial representative of the High Porte on the island. This had a direct impact on the economic life of the inhabitants as the later were no subject to any financial burden to the Ottoman Government, as was the case in other Orthodox communities of the Empire. The inhabitants who resorted to the notaries belonged to a wide income scale. Their financial situation illustrated the social strata of Chios, which was based on the exercise of agricultural and craft professions on the one hand and trade on the other, which was the main occupation of the local eminent inhabitants and the *Demogerontes* of the island, namely the local Orthodox administrators of the Chiot community who represented the island at the Ottoman High Porte.

### 2.2 The wills' formulas and content

The studied wills are quite similar in formulas and content. There are many similarities even in many formulaic expressions common in the 19th century Ottoman Orthodox communities. The place and date of the deed are always mentioned as well as the name of the notary, who in some cases, mainly in the villages of the island, was the orthodox priest, the witnesses who were present were also mentioned, as well as the name of the testator and his profession, the names of his heirs, without always specifying their relationship with the testator, the distribution of his assets, the value of the assets, any donations in terms of charity and bequests to churches for the salvation of his soul, sums for his funeral and memorial services, his tomb construction and finally the names of the trustees and executors of the will, if they had been appointed by the testator.<sup>3</sup>

<sup>3</sup>MS1619 and MS 782, 18/10/1862. All documents cited in this study which are indicated with the initials MS followed by a

The will determines the fate of the testator's property, who through his will aimed at avoiding any quarrels and disputes between his loved ones in case his property remained unallocated after his death. Therefore he took every possible care to distribute his property to his relatives as he desired whilst in life. At the same time, the testator aimed to secure the viability of his bequest, as the will was essentially a testimony of his preferences for the management of his assets after his death. Thus, for example, in many cases he explicitly obliged his heirs to not sale or mortgage his property, while at the same time suggested ways to maintain it, and furthermore to increase it through specific investments he proposed to his heirs.

The testators seemed to be familiar with the idea of death, since at the very beginning of most wills, they stated that their decision to make their will derived from the awareness that death is common to all people. Also, in many wills the testator, being a good Christian, asked for forgiveness of his sins and, at the same time, he pardoned everyone who might have wronged him. In almost all documents it is mentioned that the testator dictated to the notary his will and signed it while he was in full mental capacity.

As far as the testator's inheritance to his heirs, usually consisted of real estate, such as houses, shops orchards, vineyards, watermills, water wells, but also movable property, such as furniture, household items, jewelry, utensils, clothing and bedding, cash, bills of loans etc. In terms of real estate, houses and estates were described accurately with complete clarity, and sometimes the names of the neighboring owners were also mentioned. The main beneficiaries of the property were the testator's spouse and the children. Usually the boys took most of the property, as the girls had already received their share of inheritance in means of dowry at the time of their marriage. Undoubtedly, the parents sometimes showed preference for one of their children, depending on the relationship and the feelings they had towards them. In some cases this preference was confessed by the testators themselves, while in others it becomes apparent by carefully studying the documents.

### 2.3 The wills and the division of property

In case someone died without a will and had no descendants, then the inheritance belonged to the first degree relatives. If there were no relatives, the property belonged to the Ottoman Government, something that rarely happened as the Demogerontes and the trustees of the Chiot public institutions (hospital, leper hospital, schools etc.) persuaded the childless residents of the island to transfer their property to the institutions and the churches of Chios after their death. In case the couple were childless, the surviving spouse inherited half of the property and the other half was divided among his other heirs, namely his relatives.<sup>4</sup>

classification number, are manuscripts located in the Public Library "Koraes" in Chios Island-Greece. The MS 1619 comprises of 55 wills of the years 1818-1819.

<sup>4</sup>Βλαστού, Α., *Χιακά, ήτοι Ιστορία της Νήσου Χίου από των Αρχαιωτάτων χρόνων μέχρι της εν έτει 1822 γενομένης καταστροφής αυτής παρά των Τουρκών*, Εκδόσεις Χαβιάρα- «Χίος Ημερολόγιο», Χίος, 2000, σελ. 291-293. This division of property followed the customary law of the island.

Many times the parents bequeathed all their property to their children, who had the usufruct but, as long as the parents were alive they themselves retained the right of ownership and managing the property. The children were obliged to hand over to their parents a certain amount until their death aiming at a decent living<sup>5</sup>. If someone died without leaving a will, the Demogerontes appointed representatives who valued the property of the deceased, and then they distributed his belongings to the rightful heirs.<sup>6</sup>

### 2.4 The wills and the family relations

The wills offer a glimpse into family life and relations as well as family values. Most of the times family relationships seem to be harmonious. Nevertheless, there are cases where these relations have been disrupted. For example, this becomes evident when the one spouse was excluded from the management of the family property or when a child did not receive the corresponding percentage of his/her parental property. Specifically, in a will of 1830, the mother bequeathed all her property to her minor child and her two sisters. She left only 25 piastres from her personal property to her husband and nothing more, while she categorically excluded him from any other claim from her child's property<sup>7</sup>. In a similar case in 1846, the testator instructed the executors of her will to make a profitable investment of her dowry consisting of 4, 000 piastres for the benefit of her child, whilst she ordered only 300 piastres out of the 4000 piastres to be given to her husband. The rest amount of 3700 would be her daughter's dowry when she would get married. In case her daughter died before adulthood, the executors would give 3500 piastres to the testator's father and 500 piastres to her husband intending thus to exclude him from any other claim<sup>8</sup>.

It is obvious that the testators took serious care to protect their heirs from other relatives' claims upon the bequeathed property. Thus in many wills the testator in order to safeguard the interests of the heirs applied specific rules stipulating that whoever tried to violate his wishes "he would be accountable to God"<sup>9</sup>. The testators in addition to the legal commitment arising from the will also tried to invoke the fear of God, so as to discourage anyone from violating his last wishes. Thus he resorted to God using a moral clause to intimidate his relatives, aiming at enforcing his will.

In many cases grandparents provided for the well fare of their grandchildren. For example, the grandfather through his will took care of his orphaned grandchildren since his daughter and mother of the children had died. He tried to ensure the welfare of his grandchildren emphasizing in his will that none other relative had the right to demand the slightest of the children's inheritance<sup>10</sup>.

<sup>5</sup> MS 1619

<sup>6</sup> See for example MS 681, 19/12/1830

<sup>7</sup> MS 1619, 18/06/1930.

<sup>8</sup> MS 1619, έτους 1849

<sup>9</sup> MS 1619: 5/01/1832. MS 1619, 12/01/1837. MS 1619, 5/06/1838.

<sup>10</sup> MS 1619, year 1978.

In many studied wills, the husband appointed his wife as the only trustee of his assets movable and immovable. His wife had the right to financially exploit and collect the income of his real estates but she had no right to sell the property. After her death the wife ought to bequeath the assets to their children, who in turn were obliged pay off their father's debt, if any. In case the children refused this obligation, the wife had the right to sell the property as she wished.

From the studied documents it becomes evident that the testators through their will had a strong influence upon the lives of their relatives, which was ultimately determined by their wishes. To be precise, the trustees and executors of the will supervised the appropriate management of the inherited property. In case the heirs acted contrary to the testator's will, the trustees had the authority to recall the beneficiaries back to order.

### 2.5 The wills and the afterlife honor of the testator

It is important to clarify that in almost all wills the deceased were interested in the salvation of their souls and their commemoration after death. In their effort to ensure their eternal salvation, they left bequests to churches and priests, and at the same time they ordered their relatives to take good care of all memorial services, such as three - months memorial service, six - month memorial service, annual memorial service, etc., exercised by the Orthodox Church. This specific request is quite often as we realize by the documents. Specifically it is written: "My legal heirs you are compelled to pay all the expenses of my burial and all the memorial services, donating also the necessary sums for the salvation of my soul in accordance to the ritual and customs of the Orthodox Church". Furthermore, because the testators worried that their relatives would refrain from executing their last wishes, they themselves beforehand allocated sums of money for the above mentioned purpose. In direct connection to this we see in the wills the testators' strong desire for charitable deeds, which was indicative of their wish to help their suffering fellow human beings who were in need. Most of the time the donation included money or movable property for the charitable institutions of the island.<sup>11</sup>

### 2.6 The wills' completion

Almost all wills end with the phrase "these all have been dictated voluntarily and inviolably by the testator". Undoubtedly, someone had the right to cancel and revoke his will while he was still alive. However, it should be mentioned that in case the testator wished to make any changes, the notary had to make sure that the former "was in full mental capacity" and only then the notary issued the document. In fact in some instances there had been a written confirmation about the mentality of the testator with the local doctors issuing a certificate about his mental health.<sup>12</sup>

<sup>11</sup> MS 1614, 8/6/1838. See also: MS 1619, 2/4/1833 and MS 677, 17/03/1832.

<sup>12</sup> See for example: MS 1619, year: 1978 where three different medical certificates had been issued for the testator Ioannis St. Maschas from the district of Agios Polykarpos.

Following the will's completion, the notary use to read it aloud from the beginning in order the testator to become aware of its content. The testator then signed in front of two witnesses, whilst also the witnesses had to countersign the document. It should be noted that the witnesses in none case should be either the testator's or the notary's relatives. Finally the will was signed and sealed by the notary, who ought to give a copy to the testator and register it in the codex of the notarial office.

### 3. Conclusion

The importance of wills as evidence for the study of social and cultural history of the Ottoman Greeks, and especially at a high localized level as Chios Island, becomes apparent in the present study. The wills represent the testator's last wishes and at the same time represent a certain reality of the era and place in relation to social norms, family ties and values as well as personal beliefs of the enslaved people of the Ottoman Empire. Thus the wills are considered to be an important source for the history of the Ottoman Empire itself, as the everyday life, the mentality and the financial prosperity of the Sultan's subjects become apparent. Consequently the wills reveal both the reality of the Ottoman society as far as the Greek Orthodox communities on the one hand and the various aspects of life of the Greek Orthodox enslaved people on the other.

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