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Beyond the master narrative of Sephardic triumph: The Romaniote Rabbi Elijah Mizraḥi (c. 1450–1526) and the negotiation of rabbinic authority in Ottoman Constantinople

Quite often, it is modern narratives that shape our perceptions of the past. They give meaning to historical events and processes, influencing our understanding of past times as historians, as well. In particular, the eastern Mediterranean region around 1500 has been the subject of very prominent narratives: the fall of Constantinople,[1] the loss of freedom and the beginning of Tourkokratia or, quite the opposite, the establishment of a tolerant, multi-religious Ottoman Empire welcoming, among others, hundreds and thousands of Iberian Jewish refugees. These Sephardi Jews, the narrative continues, quickly adjusted themselves to their new environs. Due to their economic success, but also their sheer numbers, they eventually came to dominate the local Greek-speaking Jewish communities, the Romaniotes: "[…] the Sephardim eventually emerged triumphant, succeeding in imposing their will around the turn of the seventeenth century. The Romaniots underwent a gradual process of Judeo-Hispanicization and, except for a few isolated centers […], completely assimilated into the Sephardi group."[2]

I am grateful to several scholars with whom I was able to discuss aspects of this essay and who also helped me with some subject specific details. Dotan Arad (Ramat Gan) read an early draft of the text and commented on it. Markus Koller (Bochum) provided me with important insights into the Ottoman administrational system and relevant terminology. Gül Şen (Bonn) translated and further contextualized two relevant Ottoman manuscripts for me. The discussions and questions in the colloquia of Medieval History in Heidelberg and Tübingen during the winter semester 2022/2023 helped me to refine my arguments and clarify different aspects of the case study at hand. Thankfully, Bill Rebiger (Halle) discussed the essay's final draft with me. William Templer (NE Bulgaria) copyedited the final version of this essay.

1 In modern research, the name Istanbul is often used to refer to the Ottoman period of rule over the city. However, I prefer to use the name Constantinople here, as the focus, as will be presented, is on the Greek Jewish perspective.

2 Benbassa, Esther and Aron Rodrigue: Sephardi Jewry. A History of the Judeo-Spanish Community, 14th–20th Centuries. Berkeley 2000. p. 14.

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The story of a gradual Sephardic dominance in the Ottoman lands is a well-established narrative in historiography. Many accounts on the Jewish history of the Ottoman Empire begin with a focus on the arrival of Iberian Jews or western Jews in general in the realm of the sultan, following their fate and long-term developments over the modern centuries.[3] There is, to be sure, a lot of historical evidence behind the narrative of a growing Sephardic dominance in the region, but like any master narrative (*Meistererzählung*), this one also reduces the complexity of cultural contexts to a well-defined scheme. It is endowed with a clear perspective, making the story narratable and providing research with a fixed frame.[4] The power of the, as it were, Sephardic narrative is not least due to the fact that it is interwoven with other master narratives of European historiography like the abovementioned fall of Constantinople, marking a borderline between the Middle Ages and Early Modern Times.[5] In their assertion of epochal change, all these accounts are in agreement.

As much as historiographical narratives help to bring order and meaning to events, they also necessarily omit phenomena and block perspectives that do not easily fit established perceptions of the past. It can therefore be productive to take a perspective that deviates from the common narrative. In this essay, I suggest looking at the situation of the Jewish community of Constantinople (Istanbul) around 1500 from another angle than it is usually perceived. By viewing the events not primarily from a Sephardic perspective, but from a contemporary Romaniote

3 For a recent example, cf. for instance, Hacker, Joseph R.: The Rise of Ottoman Jewry. In: The Cambridge History of Judaism 7: The Early Modern World, 1500–1815. Edited by Jonathan Karp and Adam Sutcliffe. Cambridge 2018. pp. 77–112. Also see inter alia, Shaw, Stanford J.: The Jews of the Ottoman Empire and the Turkish Republic. Basingstoke 1991; Levy, Avigdor: Introduction. In: The Jews of the Ottoman Empire. Edited by Avigdor Levy. Princeton 1994. pp. 1–150; Ayalon, Yaron: The Jews of the Ottoman Empire. In: The Wiley-Blackwell History of Jews and Judaism. Edited by Alan T. Levenson. Malden 2012. pp. 309–324. Not all accounts necessarily begin with the arrival of the Sephardi Jews, but all authors emphasize the clear caesura and significance of Sephardic immigration to the Ottoman Empire.

4 Concerning the concept of master narrative (*Meistererzählung*), see Rexroth, Frank: Meistererzählungen und die Praxis der Geschichtsschreibung. In: Meistererzählungen vom Mittelalter. Epochenimaginationen und Verlaufsmuster in der Praxis mediävistischer Disziplinen. Edited by Frank Rexroth. München 2007 (HZ. Beihefte Neue Folge 46). pp. 1–22, esp. p. 5.

5 Cf. Höfert, Almut: 'Europe' and 'Religion' in the Framework of Sixteenth-century Relations between Christian Powers and the Ottoman Empire. In: Reflections on Europe. Defining a Political Order in Time and Space. Edited by Hans-Åke Persson and Bo Strath. Brussels 2007 (Multiple Europes 37). pp. 211–230. For political instrumentalizations of the Sephardic narrative with its topos of the sultans as saviors in the Turkish-Jewish discourse, cf. Baer, Marc David: Sultanic Saviors and Tolerant Turks. Writing Ottoman Jewish History, Denying the Armenian Genocide. Bloomington 2020 (Indiana Series in Sephardi and Mizrahi Studies).

one, the openness of the historical situation can be regained.[6] The focus will be on one particular figure, the Romaniote Rabbi Elijah Mizraḥi (Reʾem; c. 1450–1526), and an affair concerning issues of communal representation and taxation he was involved in as a leading halakhic authority in the years 1518 to 1520. Born into a local Greek Jewish family, Mizraḥi witnessed the establishment of Ottoman rule and, later on, an increasing influx of Sephardi refugees into his native city and the surrounding region.[7] With the deviation from the master narrative, different phenomena come into view and new questions open up, potentially leading to a better understanding of the complexities and contingencies of history.

In the following, I will proceed in two steps. In a first part, I will draw a broad panorama of the situation in the eastern Mediterranean region around 1500. Various cultural contexts will be integrated, which then form the basis for the abovementioned case study on the Romaniote Rabbi Elijah Mizraḥi and his halakhic decision in an affair concerning matters of communal representation and taxation. I argue that the different cultural strands briefly outlined in the essay's first part merge in the case study presented thereafter. In a nutshell, the affair in the years 1518–1520 represents the complexity of the historical situation around 1500 much more adequately than does the narrative of a gradual Sephardic dominance. What can only be provisionally sketched and presented here will be analyzed in much greater detail in my current book project on Elijah Mizraḥi and the functioning of his rabbinic authority.[8]

6 See similarly, Rozen, Minna: The Jews of Istanbul in the Ottoman Era (1453–1923) from a Romaniot Perspective. In: Studies in the History of Istanbul Jewry, 1453–1923. A Journey through Civilizations. Edited by Minna Rozen. Turnhout 2015 (Diaspora. New Perspectives on Jewish History and Culture 2). pp. 7–50.

7 For a first view of his life and oeuvre, cf. Hacker, Joseph R.: Mizraḥi, Elijah. In: Encyclopaedia Judaica 14. 2nd ed. Detroit 2007. pp. 393–395; still valuable is Friedmann, Jehosua: Elijah Mizrachi: The Man and the Period. PhD diss., Yeshiva University 1974 [in Hebrew].

8 In order to shed light on the diversity and scope of rabbinic leadership, a variety of problems Mizraḥi faced will be analyzed in individual case studies. The one discussed here offers a first insight into one of them. Cf. also Härtel, Susanne: A Question of Competition? How to Deal with Inner-Jewish Diversity in Cities of the Ottoman Empire at the Turn of the 16th Century. In: Hamsa. Journal for Judaic and Islamic Studies 8 (2022). https://doi.org/10.4000/hamsa.2775 (14.04.2023); Härtel, Susanne: The Authority to Define a Jew. The Controversy about Levirate Marriage between Jacob Ibn Ḥabib and Elijah Mizraḥi at the Beginning of the Sixteenth Century. In: European Judaism 56,2 (2023). pp. 63–74.

Mediterranean contexts – widening the analytical frame

The Ottoman context

Ottoman conquests had started to change the political landscape of the Mediterranean region since the fourteenth century. The dynasty, named after its founder Osman, prevailed among the various principalities of Asia Minor, thus dominating western and northern Anatolia by the middle of the fifteenth century. At the same time, Ottoman expansions started to extend across the Balkans. Former Byzantine territories and cities fell under Ottoman rule, among them, Adrianopolis (Edirne) in 1365 and, after a period of changing allegiances between Ottomans, Byzantines, and Venetians, Salonica in 1430. The conquest of Constantinople in 1453 after a short siege under Mehmed II (1444–1446; 1451–1481) was part of this ongoing process of Ottoman expansion that continued during the following centuries in southeastern Europe as well as in the Middle East.[9]

Thus, while the capture of the Byzantine capital fits well into the continuum of Ottoman expansion, it nevertheless makes sense to regard it as an important turning point. Not only in the narratives of European historiography does the date enjoy special significance; also in Ottoman studies, the year 1453 is seen as a decisive watershed moment in the history of the emerging empire and its population. The city on the Bosporus became the residence of the sultan. It was from here that the development of a legal and administrative apparatus began linking the center with the provinces.[10] Whereas it had previously been necessary to import scholars due to the lack of a tradition of Islamic learning, the empire now turned into a center of learning itself. Sultanic patronage attracted scholars to the capital in particular. Many of them would later enter the state's bureaucracy.[11] In the course of an extensive construction program, new palaces, mosques, and madrasas were built, which also outwardly illustrated the transformation of the Christian-Byzan-

9 A comprehensive overview of the expansion policy is provided by Imber, Colin: The Ottoman Empire, 1300–1650. The Structure of Power. 3rd ed. London 2019. pp. 1–65. Also cf. Fleet, Kate: The Ottomans, 1451–1603: A Political History Introduction. In: The Cambridge History of Turkey 2: The Ottoman Empire as a World Power, 1453–1603. Edited by Suraiya N. Faroqhi and Kate Fleet. Cambridge 2013. pp. 19–43.

10 Cf. the analysis by Barkey, Karen: Empire of Difference. The Ottomans in Comparative Perspective. Cambridge 2008. pp. 74–93.

11 Cf. Atçil, Abdurrahman: Scholars and Sultans in the Early Modern Ottoman Empire. Cambridge 2017. Esp. pp. 49–116. See also Imber, Ottoman Empire, pp. 213–229.

tine into the Muslim-Ottoman capital. The New Palace (today Topkapı), erected on the acropolis of ancient Byzantium, housed the sultan as well as the center of the imperial bureaucracy.[12]

Ottoman rule affected everybody within the borders of the empire, albeit in different ways. Surveys conducted at irregular intervals constituted an important instrument in order to record the population. One field that intervened with the lives of most subjects was taxation and, more generally, the organization of state revenues. Muslims and non-Muslims alike were obligated to pay various levies in cash, in kind, or in service if they did not belong to the ruling elite, which was exempt from these duties. According to Islamic law, non-Muslims also had to pay the poll tax (*cizye*). In the empire, the treasury levied this tax on households, and communities often paid it, as they did other taxes, as a lump sum.[13] Generally, the state's revenue system depended on many intermediaries and different agents. Levies due to the central treasury alone were accumulated in various forms. Revenues could be collected by local or imperial officials. Alongside of this, tax farming was employed. In this field, individual tax farmers from various religious backgrounds, including Jews, played a particularly important role.[14]

The Romaniote context

With the conquests, many former Byzantine territories fell to the Ottoman Empire. The local Greek-speaking population, as long as people had not fled the conquest, was initially left with little more than to come to terms with the changed circumstances and find its place in the new order. Similar to the Christian population, this also affected the Jewish population, the Romaniotes. These followed their own customs and liturgical rite (*minhag Romania*). They spoke and occasionally also wrote

12 Cf. Kafescioğlu, Çiğdem: Constantinopolis/Istanbul: Cultural Encounter, Imperial Vision, and the Construction of the Ottoman Capital. University Park 2009 (Buildings, Landscapes, and Societies 5). Concerning the New Palace, or Topkapı, also see Necipoğlu, Gülrü: Architecture, Ceremonial, and Power. The Topkapı Palace in the Fifteenth and Sixteenth Centuries. Cambridge 1991.

13 Cf. Imber, Ottoman Empire, pp. 239–259.

14 For a general overview of the classical Ottoman finance system, cf. Darling, Linda T.: Revenue-Raising and Legitimacy. Tax Collection and Finance Administration in the Ottoman Empire, 1560–1660. Leiden 1996 (The Ottoman Empire and its Heritage 6). pp. 22–48. See also Gerber, Haim: Jewish Tax-Farmers in the Ottoman Empire in the 16th and 17th Centuries. In: Journal of Turkish Studies 10 (1986). pp. 143–154; Fleet, Kate: Tax-Farming in the Early Ottoman State. In: The Medieval History Journal 6 (2003). pp. 249–258.

Greek, usually in Hebrew characters. This should, of course, not obscure the fact that the majority of learned writings were written in Hebrew.[15]

The Romaniote communities may not be thought of as particularly stable or homogeneous during the fifteenth century. Thus, some of the Jews of Constantinople had certainly lived in the city before the Ottoman conquest. A large proportion, however, had been resettled in the capital from the Balkans and Asia Minor only in the course of Sultan Mehmed II's population policy. In order to rebuild the desolated imperial city and transform it into an Ottoman capital, large population groups had been forcibly relocated on the Bosporus. The policy was not practiced against Jews or non-Muslims as such, but it fundamentally altered the map of Romaniote Jewry. Several places, among them Salonica, lost their Jewish population at that time. In Constantinople, however, Romaniote life was concentrated and organized anew in different Jewish congregations, often named after their members' cities of origin.[16] Thereby, a certain tension between the individual congregations and an overarching communal organization in the city was to remain until the seventeenth century.[17]

Diverse connections between the Jewish settlements now under Ottoman rule and those outside the empire continued to exist. State borders did not stop the exchange between Mediterranean communities in general and between the various Romaniote congregations in particular. Venetian Crete, for example, remained an

15 Concerning language practice and liturgy, cf. Hollender, Elisabeth and Jannis Niehoff-Panagiotidis: Mahzor Romania and the Judeo-Greek Hymn ἕνας ὁ κύριος. Introduction, Critical Edition, and Commentary. In: Revue des études juives 170 (2011). pp. 117–171; also Lange, Nicholas de: A Thousand Years of Hebrew in Byzantium. In: Hebrew Study from Ezra to Ben-Yehuda. Edited by William Horbury. Edinburgh 1999. pp. 147–161. Generally, the study of Romaniote Jewry has long been the stepchild of scholarship. Only very few monographs exist. See Bowman, Steven: The Jews of Byzantium, 1204–1453. Alabama 1985 (Judaic Studies Series). Concerning the Ottoman conquest and its aftermath, pp. 171–195. A broad insight into the history and culture of Byzantine Judaism is provided by the different contributions to the collective volume edited by Bonfil, Robert et al. (eds.): Jews in Byzantium. Dialectics of Minority and Majority Cultures. Leiden 2012 (Jerusalem Studies in Religion and Culture 14).

16 The resettlement policy was known as *sürgün.* Cf. Hacker, Joseph R.: The *Sürgün* System and Jewish Society in the Ottoman Empire during the Fifteenth to the Seventeenth Centuries. In: Ottoman and Turkish Jewry. Community and Leadership. Edited by Aron Rodrigue. Bloomington 1992. pp. 1–65 (Indiana University Turkish Studies Series 12); Yerasimos, Stéphane: Les déportés et leur statut dans l'empire ottoman (XV^{e}-XVI^{e} siècles). In: Le monde de l'itinérance en méditerranée de l'antiquité à l'époque moderne. Edited by Claudia Moatti. Bourdeaux 2009 (Ausonius éditions 22). pp. 515–531.

17 Cf. Ben-Naeh, Yaron: Jews in the Realm of the Sultans. Ottoman Jewish Society in the Seventeenth Century. Tübingen 2008 (Texts and Studies in Medieval and Early Modern Judaism 22). pp. 210–213.

important social and cultural hub. Members of the leading Jewish families of the time were active in Constantinople as well as in Candia.[18] Italy, especially Upper Italy, was also on the Romaniotes' horizon. Quite a few scholars had studied here with central European Ashkenazi rabbis.[19] Around 1500, less than 50 years after the conquest of Constantinople, the Romaniotes, now Ottoman subjects, were on their way to consolidate their communities under the new rule and to resume old Mediterranean connections.

The Sephardic context

Perhaps even more than other communities, Iberian Jews were part of the Mediterranean landscape. Individual families from the Peninsula had also been migrating to the east for some time, integrating into the local communities on site.[20] At the end of the fifteenth century, however, probably one of the greatest refugee crises in history occurred, the consequences of which directly affected the Romaniotes in the Ottoman Empire: the expulsion of the Jews from the Iberian Peninsula. In March 1492, the Catholic monarchs issued the Edict of Expulsion, presenting Jews with the alternative of either converting or leaving the country within four months. Those Jewish families who had initially fled to neighboring Portugal were forcibly baptized in 1497. Finally, in 1498, the Jews were expelled from Navarre.[21] What can be sketched so soberly in a few sentences is considered one of the greatest catastrophes in Jewish history. As such, the contemporaries already recorded the events that are considered to mark a watershed moment also in modern historiography.[22] The expulsion and flight from the peninsula was followed by an odyssey of continued migration for the vast majority of Iberian Jews.

18 Cf. Paudice, Aleida: Between Several Worlds: The Life and Writings of Elia Capsali. The Historical Works of a 16th-Century Cretan Rabbi. Munich 2010 (Forum europäische Geschichte 7). Esp. pp. 20–37, 39–52; Lauer, Rena N.: Colonial Justice and the Jews of Venetian Crete. Philadelphia 2019 (The Middle Ages Series). Esp. pp. 43–45.

19 See Ta-Shma, Israel: Rabbinic Literature in the Late Byzantine and Early Ottoman Periods. In: Jews, Turks, Ottomans. A Shared History, Fifteenth through the Twentieth Century. Edited by Avigdor Levy. Syracuse 2002. pp. 52–60.

20 Cf. Lauer, Rena N.: Cretan Jews and the First Sephardic Encounter in the Fifteenth Century. In: Mediterranean Historical Review 27 (2012). pp. 129–149; Lauer, Colonial Justice, pp. 36–37.

21 For a comprehensive account of the expulsion of the Jews from the Iberian Peninsula, see Beinart, Haim: The Expulsion of the Jews from Spain. Oxford 2005 (The Littman Library of Jewish Civilization).

22 Cf. Yerushalmi, Yosef Hayim: Exile and Expulsion in Jewish History. In: Crisis and Creativity in the Sephardic World, 1391–1648. Edited by Benjamin R. Gampel. New York 1997. pp. 3–24.

The first destinations they reached were often the coasts of North Africa, but also individual Italian cities. Those refugees who arrived in the Ottoman Empire and in cities such as Constantinople and Salonica in the years and decades after 1492 had often been on the run for months and years beforehand.[23]

To understand the fate of the Iberian refugees and the history of their communities, two factors need to be taken into account. On the one hand, the Iberian Jews, the Sephardim, came as supplicants in need of help. Families had been torn apart. Possessions had been lost.[24] Many of them must have been traumatized after all they had experienced. In their misery, they had to rely on charity from the local Jewish population. On the other hand, the Iberian Jews came as proud Sephardim and heirs to a centuries-old tradition. Their sages, many of whom were to be found among the refugees, were preeminent in a wide variety of fields of knowledge. At the same time, they were welcome under Ottoman rule, which was in need of immigrants, especially those possessing international contacts and diverse expertise.[25]

In the long run, therefore, the history of the Sephardi Jews in the Ottoman Empire is a success story that has, as mentioned above, often been told. But unlike us today, the contemporaries did not know the course of further history. They had to act, react, and interact in a situation whose outcome they could naturally not foresee. Leaving the master narrative of a gradual Sephardic dominance aside for an instant will make it possible to approach a particular historical constellation in which the very different contextual strands merged in a specific moment of history.

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23 Cf. Ray, Jonathan: After Expulsion. 1492 and the Making of Sephardic Jewry. New York 2013. Esp. pp. 42–50.

24 With regard to the efforts of the refugees to save books and writings, the material basis of their tradition, see Härtel, Susanne: "Alles, was der Hagel übrig gelassen hat". Die Vertreibung der Juden von der Iberischen Halbinsel und die Rettung der Bücher. In: Rettung als Konzept – Interdisziplinäre Lesarten. Edited by Manja Herrmann et al. Berlin 2021 (Jahrbuch Selma Stern Zentrum für jüdische Studien Berlin Brandenburg 7). pp. 73–87.

25 Cf. the apt characterization of the ambivalent status of the Sephardi refugees by Hacker, Joseph R.: Pride and Depression – Polarity of the Spiritual and Social Experience of the Iberian Exiles in the Ottoman Empire. In: Culture and Society in Medieval Jewry – Studies Dedicated to the Memory of Haim Hillel Ben-Sasson. Edited by Menahem Ben-Sasson et al. Jerusalem 1989. pp. 541–586 [in Hebrew]. For an overview of the subsequent broad intellectual activity of Sephardi Jews in the Ottoman Empire, see also Hacker, Joseph R.: The Intellectual Activity of the Jews of the Ottoman Empire during the Sixteenth and Seventeenth Centuries. In: Jewish Thought in the Seventeenth Century. Edited by Isadore Twersky and Bernard Septimus. Cambridge 1987. pp. 95–135.

The case study – how the different strands merge in the halakhic decision of Rabbi Elijah Mizraḥi

Elijah Mizraḥi was born in Constantinople in the middle of the fifteenth century, in the midst of the changing, turbulent world described above. It was in the newly established Ottoman capital that he received his education in rabbinic as well as general studies. Early on, he was able to gather a circle of students around him, heading his own school. Around the turn of the century, Mizraḥi was considered the leading authority among the Romaniote Jews of the capital. He fulfilled important judicial functions until his death in 1526.[26]

Elijah Mizraḥi is known not only as a community leader, but also as a scholar. He wrote on secular subjects like mathematics as well as on religious matters. Up to the present, the bulk of his scholarly fame rests upon a super-commentary to Rashi's commentary on the Torah, one of the most authoritative works of Jewish tradition to this day. My interest is mainly in Mizraḥi's writings in the field of Jewish law (halakha). Especially his legal opinions (responsa) provide important insights into the scholar's activity as community leader: In response to a current query or a contemporary conflict, the rabbinic scholar made a legal decision, often preceded by detailed deliberations.[27] Mizraḥi could not demand allegiance qua office. His position was not the result of an official appointment by the Jewish community or even by the sultan as older scholarship had assumed.[28] His authority as a rabbinic scholar was ultimately based on the willingness of his co-religionists to recognize him as a halakhic arbiter or decisor – ideally on the basis of his convincing argumentation and the possibility of broad acceptance among the various Jewish traditions. A sociologically-oriented reading of the responsa that takes the cultural contexts of their composition into account makes it possible to reconstruct the scholar's strategies for gaining recognition in a particular historical constellation.[29]

26 Cf. the literature mentioned in footnote 7 above.

27 A concise introduction to the genre of responsa literature is provided by Slepoy, Vladislav Zeev: Form und Funktion rabbinischer Responsen – eine rechtsvergleichende Perspektive/Form and Function of Rabbinic Responsa – Comparative Law Perspectives. In: Ancilla Iuris 123 (2018). pp. 124–149.

28 Cf. Hacker, Joseph R.: The "Chief Rabbinate" in the Ottoman Empire in the 15th and 16th Century. In: Zion 49 (1984). pp. 225–263, esp. pp. 251–255 [in Hebrew].

29 Concerning the methodological approach, cf. Saperstein, Marc: Leadership and Conflict. Tensions in Medieval and Early Modern Jewish History and Culture. Oxford 2014 (The Littman Library

Around 110 of Mizraḥi's legal opinions have been handed down in two responsa collections. The first of them appeared in print in Constantinople in the years 1559–1561, some thirty years after the scholar's death.[30] The case study presented here is largely based on the analysis of a legal opinion from this first collection. The events described in the text that prompted Mizraḥi's involvement and decision date from the years 1518–1520.[31] It is hardly possible to make precise statements about Jewish population numbers in Constantinople at this time. Emigration figures to the Ottoman Empire continue to be highly controversial, relying in the main on an interpretation of different Ottoman capital tax registers. Some scholars have estimated for Constantinople that in the 1530s already more than half of the city's Jews were of Iberian origin. Others tend to assess the Iberian share as lower, also referring to the insufficient documentation before the end of the sixteenth century.[32] It is safe to assume, however, that during the events at the center of attention here, Sephardic migration in the city had already reached its first peak, significantly changing the make-up of the Jewish population.

The affair of the community official Shalti'el

At the center of Mizraḥi's legal opinion in the case at hand is the Jewish community official Shalti'el, particularly his removal and later reinstatement into office. The case is known in the scholarly literature. It has been interpreted in different ways by various researchers.[33] Especially Mark Epstein, Rivka Cohen and Minna

of Jewish Civilization). Esp. pp. 5 f., 29 f.; in particular also Weinstein, Roni: Joseph Karo and Shaping of Modern Jewish Law. The Early Modern Ottoman and Global Settings. London 2022. Esp. pp. 4–9 with a survey of modern research of halakha and history of halakha.

30 So far, only traditional editions are available. See Mizraḥi, Elijah: Teshuvot she'elot. Constantinople 1559–1561 (Jerusalem 1938). In 1647, another collection of Mizraḥi's legal opinions was published in Venice. See Mizraḥi, Elijah and Elijah Ibn Ḥayyim: Mayim ʿamuqqim. Venice 1647 (Berlin 1778).

31 See Mizraḥi, Teshuvot she'elot (Jerusalem 1938), no. 15, pp. 32–35.

32 Cf. Rozen, Minna: A History of the Jewish Community in Istanbul. The Formative Years, 1453–1566. Leiden 2010 (The Ottoman Empire and its Heritage 26). Esp. pp. 50–54. In his evaluation of the Ottoman documentation, Stéphane Yerasimos is more sceptical, generally assuming lower population figures. Cf. Yerasimos, Stéphane: La communauté juive d'Istanbul à la fin du XVI^{e} siècle. In: Turcica 27 (1995). pp. 101–130, esp. pp. 103–105.

33 See, inter alia, Hacker, Chief Rabbinate, p. 251; Shmuelevitz, Aryeh: The Jews of the Ottoman Empire in the Late Fifteenth and the Sixteenth Centuries. Administrative, Economic, Legal and Social Relations as Reflected in the Responsa. Leiden 1984. pp. 22, 24 f.; Bornstein-Makovetsky, Leah: Jewish Lay Leadership and Ottoman Authorities during the Sixteenth and Seventeenth Centuries.

Rozen have dealt with Shalti'el, paraphrasing the events and providing some illuminative background information.[34] Overall, scholarly interests have mainly focused on questions of community organization and the office which Shalti'el apparently held. What has not been adequately examined yet is Mizraḥi's position in the entire affair and the question of what strategies he pursued under specific circumstances that were not under his control. I wish to argue that the particular Ottoman, Romaniote and Sephardic contexts outlined above need to be taken into account in order to understand the role of Mizraḥi's argumentation in this case.

What then does the text of the legal opinion, covering in quarto about three and a quarter pages, tell us? The events as they are described can be briefly paraphrased in the following way:[35] the Jewish community official Shalti'el apparently mediated between the Jewish community and the Ottoman government. Shalti'el was removed from office, however, and forbidden to hold office again by threat of *ḥerem*. This meant that if he did not obey, he would be placed under the Jewish ban, the *ḥerem*, excluding him from the community. The communal covenant was dated the 14th of Heshvan 5279, that is October 19th 1518 of the Common Era. More than one and a half years later, on the 11th of Sivan 5280, that is May 28th 1520, Shalti'el is said to have gathered together all the leaders of the congregations in Constantinople (*kol memunei ha-qehillot*). He asked them to lift the aforementioned ban and restore him to his previous position. According to the text, the congregational leaders followed Shalti'el's request insofar as they reinstalled him, stipulating specific conditions in writing for his exercise of office. They also wished to lift the previous ban, but at this point Mizraḥi interfered. If we follow the text, Mizraḥi asked the Jewish leaders to inform their congregations first. The leaders did as they were told. When they came back, confirming an overall congregational consent, Mizraḥi himself lifted the ban. Furthermore, he supervised the implementation of the new agreement with Shalti'el. In order to appease any possible opposition to the proceeding, he formulated a halakhic justification of his decision and had it signed by a number of rabbinic colleagues. That is the story according to the legal opinion at hand.

In: Ottoman and Turkish Jewry. Community and Leadership. Edited by Aaron Rodrigue. Bloomington 1992 (Indiana University Turkish Studies Series 12). pp. 87–121, esp. pp. 93–95.

34 Cf. Epstein, Mark Alan: The Ottoman Jewish Communities and their Role in the Fifteenth and Sixteenth Centuries. Freiburg 1980 (Islamkundliche Untersuchungen 56). Esp. pp. 62–68; Cohen, Rivka: Constantinople, Salonica, Patras. Communal and Supracommunal Organization of Greek Jewry under Ottoman Rule (15th–16th Centuries). Tel Aviv 1984 (Greek Jewish Themes in Historical Perspective 3). Esp. pp. 64–66, 71–80 [in Hebrew]; Rozen, History, pp. 29, 74 f., 79, 83, 204. Rozen also translated large parts of the legal opinion into English. Cf. Rozen, History, pp. 318–322.

35 See here and in the following, Mizraḥi, Teshuvot she'elot (Jerusalem 1938), no. 15, pp. 32–35.

Ottoman-Jewish entanglements: the reasons for Shalti'el's deposition

The halakhic text is, however, not entirely clear. Whereas certain aspects are elaborated in great detail, other information seems to be missing. One wonders what the actual reasons were for Shalti'el's deposition in the first place. Why was he threatened with *ḥerem?* And who threatened him with it?

At first glance, one might suspect some kind of serious wrongful behavior on Shalti'el's part. In this case, Shalti'el would have been forced to undergo a penitential ritual. One might have in mind the prominent example (albeit considerably later) of Uriel da Costa.[36] However, this was not the case. Mizraḥi later lifted the ban without any penitential elements being involved. It also remains unclear what happened in the year and a half between the threat and the eventual lifting of the ban. Had Shalti'el complied with the communal covenant? Or had he remained in office, thereby accepting his, as it were, excommunication from the Jewish community? A ban could take various levels of exclusion. In the present case, it would apparently have meant total social and religious exclusion. For if Shalti'el or any of his sons violated the stipulations agreed upon, the text proclaims, the community was to oppose Shalti'el and persecute him until he was destroyed. No Jew was to come to his aid. At the same time, for those who then continued to cooperate with Shalti'el, no Jew was to mourn or appear at his funeral and burial. Marriage to him, his children or grandchildren was to be forbidden.[37] Concerning the question of who initially imposed the threat of banishment, the wording was only very general. According to the text, "all the Jews of Constantinople" (*kol Yisra'el she-be-Qonsṭandinah*) had agreed with the judgment:

> These are the words of the covenant made by all the Jews of Constantinople, may God protect and redeem them, this day, 14th of Heshvan 5279 [October 19th 1518]. Being that many people suffered from the previous *qahyialiqi*, which it has been until today, they agreed and accepted upon themselves that Rabbi Shalti'el, who was the *qahyi'a* until this day – and also his sons with him –, from this day forward, will not accept [the position of] *qahyialiq*, neither he, nor

36 Cf. Kaplan, Yosef: The Social Functions of the Herem in the Portuguese Jewish Community of Amsterdam in the Seventeenth Century. In: Dutch Jewish History. Proceedings of the Symposium on the History of the Jews in the Netherlands, 28 November – 3 December 1982. Edited by Jozeph Michman. Jerusalem 1984. pp. 111–155, esp. p. 111.

37 See Mizraḥi, Teshuvot she'elot (Jerusalem 1938), no. 15, p. 32. On the Jewish ban in general, cf. Cohn, Haim Hermann: Ḥerem. In: Encyclopaedia Judaica 9. 2nd ed. Detroit 2007. pp. 10–16. For individual insights into contemporary and later excommunication practices in Italian and Ottoman Jewish communities, cf. Bonfil, Robert: Rabbis and Jewish Communities in Renaissance Italy. London 1993 (The Littman Library of Jewish Civilization). pp. 65–75; Ben-Naeh, Jews, pp. 223, 301 f.

> any of his sons, neither by himself nor by means of others, even if the government, may God protect and redeem it, compels him to accept it, [...].[38]

There are some scattered hints provided by the text with regard to the Jewish community's discontent and Shalti'el's possible misconduct. These scattered hints may help to get a step further in reconstructing what had happened, also taking the Ottoman context closer into account. It is said, as quoted above, that "many people suffered from the previous *qahyialiqi*, which it has been until today." The Ottoman term designated the office Shalti'el had apparently held, which I will elaborate on further below. But what was the suffering all about? At the end of his written legal opinion, Mizraḥi emphasizes Shalti'el's merits. However, these merits, it seems, had the potential to turn into a threat and a danger. According to the text, Shalti'el was a highly influential person who had access to the highest Ottoman government circles:

> All acknowledge that he has the power to stand in the king's palace, to cancel a minister's order against a Jew with the power of the ministers [who are allowed] to see the king's face, that he is like a son of the family. Therein lies a great benefit to the Jews, without a doubt.[39]

It was a rare privilege to see the face of the king, meaning the sultan. If Shalti'el knew those well who met the Ottoman ruler in person, he was able to exert his influence with the leading divan dignitaries. Moreover, his comparison to a son of the family seems to imply that Shalti'el himself could enter the palace and its courts, housing the empire's central administrational institutions.[40] With this in mind, it made complete sense that the congregational leaders would stipulate specific conditions when reinstating Shalti'el into office. He was

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38 Mizraḥi, Teshuvot she'elot (Jerusalem 1938), no. 15, p. 32:
אלה דברי הברית אשר כרתו כל ישראל יצ"ו שבקושטדינה היום י"ד לחשון הרע"ט בהיות שנצטערו אנשים רבים מהקייהיליקי שעבר עד היום קיימו וקבלו עליהם שר' שלתיאל שהיה קהייא עד היום וקבלו גם בניו עמו שמהיום ואילך לא יקח קהייליק לא הוא ולא א' מבניו לא מעצמו ולא ע"י אחרים ואף אם מהמלכות יצ"ו יכריחוהו שיקבלהו [...].
In my translations I follow the already existing translation by Minna Rozen. Cf. Rozen, History, pp. 318–322, here p. 318.

39 Mizraḥi, Teshuvot she'elot (Jerusalem 1938), no. 15, p. 34:
[...] כלם מודים שיש לו כח לעמוד בהיכל מלך לבטל גזירת השר שגזר על היהודי עם כח השרים רואי פני המלך שהוא כבן בית עמהם שבזה יש תועלת גדולה ליהודים בלי ספק.
The translation is by Rozen, History, p. 321 (slightly revised).

40 Cf. Necipoğlu, Architecture. Concerning the court ceremonial and conduct emphasizing the sultan's seclusion from his subjects, esp. pp. 15–22.

> not to do anything small or great in any general matter concerning the government or concerning the judges or the (highest) judge, or any minister in the world except with the consent and advice of the leaders appointed by the congregations among themselves, and he would not be permitted to come between two people of a quarrel to support one and oppose the other, except with the consent of the leader of their congregation, and he shall do good to all Jews with all his strength.[41]

Again, Shalti'el's connections to leading or even the highest-ranking divan dignitaries are made explicit. The influence Shalti'el apparently enjoyed in Ottoman ruling circles, however, simultaneously removed him from the control of the Jewish congregations and allowed him to act independently. That is why the Jews of Constantinople had deposed him from his office, forbidding him to ever hold office again by threat of *ḥerem.*

Not all Sephardim are the same: who was Shalti'el?

If Shalti'el was such an influential and uncontrollable person, one certainly wonders, then, why he was later reinstated to his office. The question of who Shalti'el actually was may help look at the events from yet another angle, eventually better understanding Mizraḥi's position in the whole affair.

Someone in Shalti'el's position must have been a native to the region. It can be assumed that he would not have been able to gain access to Ottoman government circles without absolute familiarity with the system. Above all, Ottoman language skills must have been a requirement in order to establish this kind of business relationship. Most likely, the Ottoman palace was more multi-lingual than any other court at this time.[42] Also, certain kinds of expertise, for example in the medical field, would have allowed entry without requiring special language skills. One

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41 Mizraḥi, Teshuvot she'elot (Jerusalem 1938), no. 15, p. 32:
[...] שלא יעשה שום דבר קטן או גדול בשום דבר כללי עם המלכות או עם השופטים או עם הדיין או עם שום שר שבעולם אלא ברשות ובעצת הממונים שימנו הקהלות מביניהם ושלא יורשה להכנס בין שני בעלי הריב לעזור לזה ולנגד לזה אלא ברשות הממונה של קהלתו ושייטיב לישראל בכל כחו.
The translation is by Rozen, History, p. 319 (slightly revised). Exactly which offices are designated by means of the Hebrew terminology cannot be clearly identified. Minna Rozen supposes that the "judge" (*ha-dayyan*) mentioned in the text actually refers to the *şeyhülislam*, i. e., the chief jurist in the capital, head of the religious-legal hierarchy in the Ottoman Empire. Cf. Rozen, History, p. 319.
42 Veinstein, Gilles: The Ottoman Administration and the Problem of Interpreters. In: The Great Ottoman-Turkish Civilization 3. Edited by Kemal Çiçek. Ankara 2000. pp. 607–615, esp. pp. 607–611; Dursteler, Eric R.: Speaking in Tongues: Language and Communication in the Early Modern Mediterranean. In: Past & Present 217 (2012). pp. 47–77, esp. pp. 53–56.

might think of prominent Jewish physicians at the sultan's court at this time.[43] However, Shalti'el's activities at the palace as described above required special negotiation and communication skills that only a native to the region would have mastered at this time.

Some scholars have speculated about Shalti'el being of Iberian origin, albeit providing little evidence.[44] I would not dismiss this option easily, though.[45] Shalti'el could have been of Iberian origin if he was the descendant of a Sephardi family that had previously migrated to the eastern Mediterranean region. Already the period following the events of 1391 in Spain had witnessed a significant number of Iberian Jews settling, for example, on the island of Crete.[46] And in fact, the prominent Sephardi family of Shalti'el was counted among the island's immigrant Jews. It might very well be that the community official Shalti'el was a member of the extended family, Shalti'el being a family name and not a first name.[47] Contacts between the Jewish communities in Venetian-controlled Crete and Ottoman Constantinople certainly existed in those days. Members of elite families like the Shalti'el or Capsali, to name another prominent family from the region, commuted across political borders, maintaining their networks on either side.[48]

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43 Cf. Heyd, Uriel: Moses Hamon. Chief Jewish Physician to Sultan Süleymān the Magnificent. In: Oriens 16 (1963). pp. 152–170; Asutay-Effenberg, Neslihan: Von Granada nach İstanbul. Wo lebte Moses Hamon in İstanbul? In: Von Gibraltar bis zum Ganges: Studien zur Islamischen Kunstgeschichte in memoriam Christian Ewert. Edited by Marion Frenger and Martina Müller-Wiener. Berlin 2010 (Bonner Asienstudien 7). pp. 9–17.

44 Cf. Epstein, Ottoman Jewish Communities, p. 62; Shmuelevitz, Jews of the Ottoman Empire, p. 22; Bornstein-Makovetsky, Jewish Lay Leadership, p. 94. Sometimes reference is made to the alternative name Salto, under which Shalti'el is listed in the Ottoman sources, but once also in the responsa collection. This name, it is claimed, was a Spanish one.

45 So does Rozen, History, p. 75 with annotation 39.

46 Cf. Lauer, Cretan Jews. Rivka Cohen also suspects an early migration from the Iberian Peninsula; cf. Cohen, Constantinople, Salonica, Patras, p. 65.

47 Cf. the mentions of the family name in the Takkanot Candia, the legal statutes of the Candian Jewish community on Crete. See Statuta Iudaeorum Candiae eorumque memorabilia. Edited by Elias S. Artom and Umbertus M. D. Cassuto. Jerusalem 1943. No. 88, pp. 109 f., here p. 109: *ha-rav rabbi Shalti'el* (הר"ר שלתיאל). The entry is very probably from the 1530s. Other documents in the edition also refer to the "house of Shalti'el" (*beit Shalti'el;* בית שלתיאל); see Statuta Iudaeorum Candiae, no. 64, pp. 65–67, here p. 66; no. 70, pp. 72 f., here p. 73; no. 72, pp. 76 f., here p. 77 etc. The Shalti'el were a relatively prominent family on Crete at this time. For the broader context, cf. also the history of the Shalti'el family, written by a descendant. See Shaltiel-Gracian, Moshe: Shaltiel. One Family's Journey through History. Chicago 2005.

48 Cf. Paudice, Between Several Worlds, esp. pp. 39–52. Prominent representatives of the Capsali family included Moses ben Elijah Capsali (c. 1420–c. 1500), the Romaniote authority in Constantinople in the second half of the fifteenth century, and Elijah Capsali (c. 1483–1555), rabbi and historian of Candia, Crete.

As mentioned above, the office Shalti'el apparently held was designated by the terms *qahyialiqi* and *qahyi'a.*[49] The relevant Ottoman terminology is known from state administration from the fifteenth century onwards, referring, among others, to deputy officials in the government or wider state administration. Moreover, the office of *kâhya* or, alternatively written, *ketkhudā* designated the head of a guild who dealt with the material and administrative aspects of the association. These guild *ketkhudās* also represented the guild vis-à-vis the authorities.[50] The legal opinion at hand is the first known case of the term being used in the context of a Jewish community.[51] Apparently, it was reasonable for contemporaries to understand Shalti'el's office in reference to the term *kâhya.* He fulfilled representative duties and mediatory tasks for the Jewish community vis-à-vis the Ottoman government, as described above, based not least on his influence in the highest palace circles. Similar to the *kâhya* of a guild, he was also entrusted with material and administrative matters concerning the state's revenue collection. The legal opinion mentions the payment of taxes in general, but also specific types of levies, the collection of which Shalti'el apparently oversaw or for the collection of which he himself was responsible.[52]

It is only possible to speculate as to why Shalti'el's activities may have given rise to conflict at this particular time. Among others, there is mention of *salgun* or *salgın*[53], a tax levied in wartime, often on an exceptional basis and for a limited period. Was the community extraordinarily burdened in these years when Sultan Selim I (1512–1520) conducted several military campaigns in the east of the empire? And how did the allocation of these and other regular levies among the Jews in the capital work? Not everyone was equally affected by other levies mentioned in the halakhic text. Thus, reference is made to the activity of money-changing (*sarra-*

49 See Mizraḥi, Teshuvot she'elot (Jerusalem 1938), no. 15, p. 32, 34.

50 See Orhonlu, Cengiz and Gabriel Baer: Ketkhudā. In: The Encyclopaedia of Islam 6. 2nd ed. Leiden 1978. pp. 893 f. Whereas the term *kâhya* refers to the office, the term *kâhyalık* denotes the activity of the office holder.

51 Cf. Lewental, D. Gershon: Kethüda (Kâhya, Heb. Shtadlan). In: Encyclopedia of Jews in the Islamic World 3. Leiden 2010. pp. 130 f.

52 See Mizraḥi, Teshuvot she'elot (Jerusalem 1938), no. 15, p. 32. Also cf. Rivka Cohen's reflections on understanding Shalti'el's office in the context of the Ottoman administration and the guild system: Cohen, Constantinople, Salonica, Patras, esp. pp. 66–71. The responsum does not explicitly mention the poll tax (*cizye*) to be paid by non-Muslims, whose levy does not seem to have played any particular role in the present case.

53 Mizraḥi, Teshuvot she'elot (Jerusalem 1938), no. 15, p. 32: שלגין. Cf. İnalcık, Halil: An Economic and Social History of the Ottoman Empire, 1: 1300–1600. Cambridge 1997. p. 97.

flık[54]). Affluent members of this profession are known to have invested in state enterprises like mines, saltpans, mints, and others. Had money been lost in these rather risky business undertakings? At the financial interface between the Jewish community and the Ottoman government, various social conflicts could erupt, for which someone in an intermediary and influential position like Shalti'el might have easily been held responsible. Consequently, people were likely to have demanded his deposition.

Be that as it may, the question remains as to whether the Jewish community had any say at all in Shalti'el's deposition and, even more so, in his later reinstatement. It is Mizraḥi himself who provides the answer, not when he describes the events and his decision, but casually in another context, at the end of one of his other legal opinions. He explains why it had taken him so long to answer a query. He refers to the trouble he had due to his students and communal conflicts.

> [...], because I was very concerned with various troubles, partly because of the students, partly because of the congregations that were divided into different factions because of our sins due to the disagreement regarding Rabbi Shalti'el, *ha-nagid*, may God protect and redeem him, whom the king, may God protect and redeem him, already ordered to be reinstated to his position.[55]

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54 Mizraḥi, Teshuvot she'elot (Jerusalem 1938), no. 15, p. 32: שרפליקי. Cf. Darling, Revenue-Raising, p. 320. Concerning tax farming, see the literature mentioned above in footnote 14. Minna Rozen assumes that the term *sarraflık* denotes a corvée for operating mines, as it is known from later sources; cf. Rozen, History, p. 318; Rozen, Minna: The Corvée of Operating the Mines in Siderokapısı and its Effects on the Jewish Community of Thessaloniki in the 16th Century. In: Balkan Studies 34 (1993). pp. 29–47, esp. p. 39. Finally, a third kind of tax is mentioned in the legal opinion at hand: *yolgidish* (יולגידיש). It is possible that this is a reference to a tax for the construction and use of roads; cf. Cohen, Constantinople, Salonica, Patras, esp. p. 72; Rozen, History, p. 318.

55 Mizraḥi, Teshuvot she'elot (Jerusalem 1938), no. 14, pp. 30–32, here p. 32:
מפני שאני טרוד הרבה בכמה מיני טרדות קצתם מהתלמידים וקצתם מהקהלות אשר בעוונותינו נחלקו לכמה אגודות מסבת החלוק מר' שלתיאל הנגיד יצ"ו אשר כבר גזר המלך יצ"ו להשיבו על כנו.
Interestingly, Shalti'el is awarded the title of *nagid* here, which from the late fifteenth century denoted Jewish notables in North Africa who had close ties with local Muslim rulers and acted as intermediaries between them and the Jewish communities. This meaning would be consistent with Shalti'el's position described in the text. It is less likely that Shalti'el was actually distinguished as a community leader, as had been the meaning of the term in the Mamluk Empire until 1516. Cf. Bareket, Elinoar: Nagid. In: Encyclopedia of Jews in the Islamic World 3. Leiden 2010. pp. 540–544. See also the wording of the communal covenant quoted above that Shalti'el should never again hold office, even if the government compelled him to do so. Note footnote 38 above. A possible intervention on the part of the Ottoman government was thus probably already assumed at the time of Shalti'el's deposition.

From this quotation, it is clear that it was not the Jews of Constantinople who decided to reinstate Shalti'el, but the Ottoman government. Could the Jews or their representatives have resisted the order? I doubt it, at least not without paying a price. This information adds another important piece to the puzzle: Shalti'el had apparently enjoyed such an influential position that he was able to act independently and without community control. Moreover, he was active in an area where social tensions could easily arise and be unleashed upon him. In such a situation, the Jews of Constantinople had apparently deposed him, forbidding him to ever hold office again, by threat of *ḥerem.* However, it was ultimately not in their power to do so. The Ottoman government, we may assume, was not interested in any change of office. The order was given to reinstate Shalti'el, keeping him in office. This assumed process also coincides to some extent with the mentions of Shalti'el (under the name Salto) in Ottoman administrative sources known so far. In these documents, he appears primarily as a superordinate tax collector and tax farmer, who was thus primarily involved in the Ottoman administration apparatus with its regulations, rather than as an official responsible to the Jewish community in Constantinople.[56]

How did things present themselves from Shalti'el's perspective? One wonders to what extent the communal deposition and the prohibition to ever hold office again under threat of banishment had actually affected his daily life. He was

56 Mark Epstein provides facsimile editions of two relevant Ottoman administrative sources, part of a register recording payments by Shalti'el and apparently a petition to the sultan regarding Shalti'el; see Epstein, Ottoman Jewish Communities, pp. 288 f. A Hebrew translation of the first document was made by Haim Gerber; cf. Gerber, Haim: Economic and Social Life of the Jews in the Ottoman Empire in the 16th and 17th Centuries. Jerusalem 1982 (Jewish Historical Sources), No. 1, p. 81 [in Hebrew]. I am grateful to Gül Şen for insights into these Ottoman texts and her translations. The documents provide further information on Shalti'el's fiscal activities. The petition also reveals that Shalti'el faced further opposition from within the Jewish community. In the individual case at hand, he is accused of having enriched himself with inheritance funds entrusted to him. The petitioner addressed his petition to the sultan after having failed to achieve anything in his case within the Jewish community. According to his statement, the community was aware of the matter but afraid to testify under oath. The question of Shalti'el's opponents in the community needs further clarification. In contrast to Rivka Cohen, I do not think that social conflicts were decisively superimposed on questions of congregational belonging; cf. Cohen, Constantinople, Salonica, Patras, esp. pp. 74–79. I will deal with this aspect in more detail elsewhere. Epstein himself only briefly paraphrases the contents of the Ottoman administrative sources in his book; see Epstein, Ottoman Jewish Communities, pp. 62 f., 66 f. Regarding the differing conceptions of Shalti'el's position in Hebrew and Ottoman sources, vide also: Rozen, History, pp. 74 f. There exists further documentation of the office of *kâhya* in Jewish contexts from later periods, especially the seventeenth century, also partly based on Ottoman sources; see Ben-Naeh, Jews, pp. 203–205. I would hesitate, however, to apply these findings without further ado to the beginning of the sixteenth century.

the scion of a prominent Jewish family in the region, linguistically and culturally acculturated, maintaining good relations with high-ranking divan dignitaries and direct contacts to the Sublime Porte. If all acknowledged, as the legal opinion quoted above states concerning Shalti'el's connections to the palace, "that he is like a son of the family,"[57] one may question the strength of his integration in Jewish communal life. Did he and his family – his sons were included in the original deposition – continue to attend synagogue prayer on the Jewish High Holidays? They certainly remained dependent on religious services provided exclusively by the Jewish community as, for example, in the case of various life cycle events (marriage, *brit milah*, *bar miṣvah*, burial in a Jewish cemetery, etc.). The celebration of these rituals was of great importance, but they also marked exceptional dates. Shalti'el and his family may very well have been able to spend the one and a half years between his (attempted) removal and reinstatement in office outside the community, thus not complying with the communal covenant. In his intermediary position between the Jewish community and the Ottoman Palace, it might be illuminating to understand Shalti'el in analogy to the figure of the Court Jew known from European historiography, who was often independent enough to pursue his own agenda.[58] In any case, the power of the Jewish community to control or even restrain Shalti'el must have been very limited.

Romaniote agency: Mizraḥi's negotiation of the case

The situation the Jewish community found itself in around 1520 was not an easy one. The Jews of Constantinople were forced to reinstall an influential person into office who they had previously agreed should never again hold such a position or be banished forever. On the one hand, there had apparently been an order from the Ottoman government to reinstall the Jew Shalti'el. It seems that the palace appreciated his reliable services to the state treasury, thus urging the community to continue cooperation with him. The Jewish community was not in a position to resist the imperial order. On the other hand, the Jews were hardly able to exert any particular pressure on their co-religionist Shalti'el, at least not in the short term. The strongest means of pressure available, the threat of banishment, may not even have particularly distressed the scion of an established, acculturated elite

57 See footnote 39 above.

58 For the suggestion of applying the concept of Court Jews as established by Selma Stern in the historiography on early modern Europe also to phenomena in Islamic countries, cf. Ben-Naeh, Yaron: Ottoman Jewish Courtiers: An Oriental Type of the Court Jew. In: Jewish Culture and History 19 (2018). pp. 56–70.

family in the region, let alone persuaded him to give in and resign from an office that allowed him to cultivate relations with the highest palace circles.

The question remains as to how the Romaniote Rabbi Elijah Mizraḥi proceeded in this challenging situation. What strategies did he pursue under these specific circumstances that were not under his control? In contrast to the majority of previous scholarship, I do not understand Mizraḥi's position as one characterized by weakness.[59] Quite the opposite, I wish to argue that Mizraḥi successfully negotiated the case, succeeding in constituting himself as the authority of all Jews of Constantinople. He claimed an authority that was to be recognized across the capital's different congregations.[60] As difficult as the situation was, Mizraḥi knew how to solve the situation in an elegant and diplomatic way, at the same time consolidating his authority.

In order to reinstate the community official Shalti'el, it was necessary to lift the ban previously imposed on him. Formally, this was a privilege reserved solely for the religious authority of the rabbi, the *ḥakham.* By the sixteenth century, however, it seems to have already become customary to obtain the approval of both community leaders and rabbis when declaring or lifting a ban.[61] In the text at hand, it was exactly at this point in the story that Mizraḥi interfered, declaring for himself the right to annul the ban.[62] He was able to use, in effect, the community's desperate situation to his own advantage. When the community was practically forced to lift the ban due to outside Ottoman pressure and loss of control over Shalti'el, Mizraḥi jumped in and claimed jurisdiction over the case.

There is a lot of rhetoric involved in the depiction of events that we primarily know, we should not forget, through Mizraḥi's legal opinion. This includes the vague description of the initial imposition of the *ḥerem*, as quoted above,[63] the rather implausible statement that Shalti'el himself would have asked for an annul-

59 See inter alia, Hacker, Chief Rabbinate, p. 251; Epstein, Ottoman Jewish Communities, pp. 61–63; Shmuelevitz, Jews of the Ottoman Empire, p. 22. The sole existence of the office of *kâhya* is interpreted as a weakness on the part of Mizraḥi, who would now have been considered only a religious leader surrendering the external representation of the community. Considering the sparse documentation of the office in this early period, I find it hard to make such general statements about the overall communal structure, but prefer to analyze the argumentation in the specific case at hand.

60 Cf. similarly Cohen, Constantinople, Salonica, Patras, p. 80. Rivka Cohen emphasizes the achieved unity among the capital's Jewish congregations, which she considers as Mizraḥi's merit.

61 Concerning the Ottoman Empire, cf. Ben-Naeh, Jews, pp. 301f.; concerning Italy, cf. Bonfil, Rabbis, pp. 65–82.

62 See Mizraḥi, Teshuvot she'elot (Jerusalem 1938), no. 15, p. 32.

63 See Mizraḥi, Teshuvot she'elot (Jerusalem 1938), no. 15, p. 32. See footnote 38 above.

ment of the ban,[64] and the emphasis placed on Shalti'el's merits, underscoring that no other person was fit to do his job.[65] Mizraḥi had to promote what was an inevitable decision to the Jewish community. As I see it, he succeeded by pursuing two strategies, at times conflicting, at times complementing each other. On one hand, Mizraḥi was eager to include the congregations in the decision process. He effectively followed a strategy of democratization. We may recall that he asked the Jewish leaders to inform their congregations about the envisaged course of action. Only after their return and confirmation of their overall consent did Mizraḥi lift the ban. The text of the responsum reads:

> And I, the troubled and humbled, prevented them. And I said: "Although all the leaders had signed it [the stipulated conditions for Shalti'el's exercise of office], it is not proper to lift the ban until morning, so that the leaders may go to their congregations and inform them of what had happened today, and in the morning, all the leaders will come, and we will lift the ban, with everyone being present. And so, there will remain no point of attack for not one congregation among the congregations, saying, 'If we had known this, we would not have agreed to the lifting [of the ban]'."And in the morning, all the leaders of all the congregations came, and we thoroughly investigated whether there was any congregation whose leader had not come, and all of them answered and said that all were here and present with us today.[66]

On the other hand, Mizraḥi insisted on the approval of his religious expertise. He followed, as it were, a strategy of expertization. The legal opinion describes in detail the ritual annulment of the ban and reinstatement of Shalti'el to his office: both Mizraḥi and Shalti'el held Torah scrolls during the procedure, reading aloud what was agreed upon and affirming congregational consent.

> And I immediately stood up and gave a Torah scroll to Rabbi Shalti'el to hold by him, and I took another Torah scroll to hold by myself, and I said to all the leaders of the Jews with all of them being present: "Today, all of you are standing before the Lord your God, your leaders, your tribes, your elders, every man of Israel. Since you are the leaders of all the congregations, do you agree in the lifting of the ban accepted by Rabbi Shalti'el or do you not?" All of them answered and said one after another: "We all agree". I said to Rabbi Shalti'el: "Do

64 See Mizraḥi, Teshuvot she'elot (Jerusalem 1938), no. 15, p. 32.

65 See Mizraḥi, Teshuvot she'elot (Jerusalem 1938), no. 15, p. 33.

66 Mizraḥi, Teshuvot she'elot (Jerusalem 1938), no. 15, p. 32:
ואנכי הטרוד והעלוב מנעתים ואמרתי אף על פי שחתמו בו כל הממונים אין ראוי להתיר החרם עד הבקר כדי שילכו הממונים בקהילותיהם להודיעם מה שעבר היום ובבקר יבואו כל הממונים ונתיר החרם במעמד הכל ואז לא ישאר פתחון פה לשום קהלה מהקהלות לאמר אילו היינו יודעים זה לא היינו מסכימים בהתרתו ויהי בבקר באו כל הממונים מכל הקהלות ודרשנו וחקרנו אם יש שום קהלה שלא בא הממונה שלו וכלם ענו ואמרו שכלם הם פה עמנו היום.
The translation is by Rozen, History, p. 319 (slightly revised).

> you agree to everything written in this document between you and the Jews, with all the conditions written in it?" He answered and said: "Yes, so I have said."[67]

What then follows are detailed threats of banishment in the event that Shalti'el should again fail to abide by the now written provisions of his exercise of office. All of this was common practice at the time. However, rarely was it presented in such detail as in the present case, attesting to the importance Mizraḥi attributed to the procedure.[68] In addition to his ritual know-how, it was of course halakhic expertise that Mizraḥi claimed, justifying his decision with recourse to earlier authorities. This is not the place to render his detailed argumentation. Generally, the discussion centered on questions of representation, proving that under the given circumstances the *ḥerem* over Shalti'el had been lawfully lifted.[69] The halakhic argumentation clearly served the reinstatement of Shalti'el into his previous responsibilities.

It was external Ottoman pressure that had brought Constantinople's different Jewish congregations together. It was Mizraḥi who halakhically framed the imposed decision, making its implementation possible. In doing so, he gained recognition as the leading authority among the Jews of the capital. More than anything else, it is the list of signatures at the end of the legal opinion that testifies to the authority his rabbinic colleagues attributed to him in his later years.[70] Among the twelve signatures were those of not only Romaniote scholars, but, as far as can be identified so far, also five Sephardi rabbis and even one Ashkenazi schol-

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67 Mizraḥi, Teshuvot she'elot (Berlin 1938), no. 15, pp. 32f.

ומיד קמתי ונתתי ספר תורה לר' שלתיאל בחיקו וספר תורה אחר לקחתי אני בחיקי ואמרתי לכל ממוני ישראל במעמד הכל אתם נצבים היום כלכם לפני ה' אלהיכם ראשיכם שבטיכם זקניכם כל איש ישראל מאחר שאתם ממוני כל הקהילות אתם מסכימים בהתרת החרם שקבל ר' שלתיאל או לא ענו כולם ואמרו כולנו מסכימים בזה אחר זה אמרתי לר' שלתיאל אתה מסכים בכל מה שכתוב בשטר הזה שבינך לבין ישראל עם כל התנאים הכתובים בו ענה ואמר כן אמרתי.

The translation is by Rozen, History, pp. 319f. (slightly revised).

68 For a description of a similar procedure, but presented in less detail, see, for example, Ibn Lev, Joseph ben David: She'elot u-teshuvot. Part 2. Jerusalem 1958. No. 44, pp. 125–128, here p. 125. The Torah scrolls may have also been held in hand when the threat of banishment was pronounced. This way, imposition and lifting of the *ḥerem* would have corresponded to each other. Significantly, however, Mizraḥi does not describe the ceremony of Shalti'el's deposition, but rather leaves it at only a vague account of what had happened. It is plausible to assume that he did not want to remind the community of the delicate deposition that now had to be taken back.

69 See Mizraḥi, Teshuvot she'elot (Jerusalem 1938), no. 15, esp. pp. 33f.

70 See Mizraḥi, Teshuvot she'elot (Jerusalem 1938), no. 15, pp. 34f. By their signatures and comments, known as *haskamot*, the rabbinic scholars approved and approbated Mizraḥi's halakhic decision. Cf. Carmilly-Weinberger, Moshe: Haskamah. In: Encyclopaedia Judaica 8. 2nd ed. Detroit 2007. pp. 444f.

ar.[71] All of them affirmed the righteousness of Mizraḥi's decision as well as his rabbinic authority. Of course, this did not eliminate all opposition. Various social conflicts as well as differences between lay leaders and religious authorities in the community, partly also revealed in the legal opinion, persisted. However, in the specific case under consideration, the Romaniote Mizraḥi had succeeded in uniting the community under his rabbinic leadership.

Conclusion

What happens if we leave established historiographical master narratives aside for a moment? In this essay, I opted for a deviation from the often overly straightforwardly presented narrative of a growing Sephardic dominance in the eastern Mediterranean region at the turn of the sixteenth century by instead focusing on a contemporary local Romaniote perspective on the events. In a first part, I suggested widening the analytical frame, integrating various cultural contexts that very likely had an influence on Jewish life on the Bosporus around 1500: Ottoman rule and administration in the transformed capital of Constantinople, housing the sultans as well as the center of the imperial bureaucracy; the situation of the local Romaniote community of Constantinople, consolidating itself and resuming old Mediterranean connections less than 50 years after the Ottoman conquest; finally, the ambivalent position of the immigrant Sephardi Jews, many of whom were traumatized refugees in need of help and proud heirs to a centuries-old tradition at the same time. On this basis, the essay's second part focused on the affair revolving around the Jewish communal official Shalti'el, primarily known from the legal opinion of the Romaniote Rabbi Elijah Mizraḥi. First, the case exemplarily demonstrates how the very different contemporary contexts actually merged in a specific historical situation. Second, the contextualized analysis of the halakhic text makes evident how, in a moment of communal crisis at the beginning of the sixteenth

71 Unless otherwise noted, identifications are based on Rivka Cohen's considerations; cf. Cohen, Constantinople, Salonica, Patras, pp. 79 f. Identifiable as Romaniote scholars are Menahem ben Samuel Qaboli, Elkanah ben Joseph Panqlo, and, in my opinion, also Elijah ha-Levi. Among the Sephardi Jews approving Mizraḥi's halakhic decision by their signature are the following: Abraham Ibn Yaish, Judah Ibn Bulat, Solomon Ibn al-Navuv, [Jacob ben] David Tam Ibn Yaḥya, and Abraham ben Shem Tov ben Hayim. Samuel ha-Levi might either be counted among the Sephardim or the Arabic-speaking Jews, the Musta'aravim: Rabbi Samuel ha-Levi Ḥakim is known to have migrated from Cairo to Constantinople. I wish to thank Dotan Arad for this reference. Apparently of Ashkenazi origin is Jacob bar Joseph ha-Ashkenazi. It has not been possible as yet to identify the following scholars: Elijah ben David Alfagi, and Judah ha-Yashish.

century, the Romaniote Mizraḥi succeeded in asserting himself as the authority of all the Jews of Constantinople. Remarkably, given the common historiographical narrative, it was not a Sephardi, but a Romaniote Jew who gained recognition across the capital's Jewish congregations.

The legal opinion at hand centered on the deposition and reinstatement of the Jewish official Shalti'el. Despite an earlier ban on reinstating Shalti'el, the Jews of Constantinople were very likely forced to do so due to Ottoman pressure. The community's scope of action and that of its congregational leaders was clearly limited. However, as is often the case, outside pressures seem to have contributed to an inner cohesiveness among the group. Mizraḥi successfully used the situation to his own advantage. His skillful approach of involving the congregations on one hand and relying on the recognition of his religious expertise on the other allowed him to gain recognition among the Jews as a rabbinic authority. During the years 1518 to 1520, not only did he enjoy the support of other Romaniote scholars, but important Sephardi rabbis and even an Ashkenazi rabbinic colleague followed his lead as well. He was at the peak of his power when he elegantly framed the Ottoman order he had received in halakhic terms, without embarrassing the community. No one lost face.

In the entire affair, Romaniote and Sephardic affiliations do not appear to have played a decisive role, nor did the conflict run along Romaniote-Sephardic lines. His negotiation and argumentation skills earned Mizraḥi recognition as a community-wide rabbinic authority, not primarily as a Romaniote authority. Shalti'el's Sephardic origin seems negligible in its significance. The family had long been part of the regional elite. The Ottoman government is likely to have been interested above all in a reliable cooperation partner, one who knew the locally and socially accepted practices – whatever Jewish subgroup he might belong to.

The historiographical narrative, proclaiming Sephardic triumph and Romaniote assimilation, is not wrong. A generation after the events under consideration here, Mizraḥi had not been forgotten, but by then, the fame of the capital's Jewish community rested on the reception of the works of Sephardi scholars like Jacob ben David Tam Ibn Yaḥya (c. 1475–1542), Joseph ben David Ibn Lev (1505–1580), and others.[72] In its generality, however, the master narrative does not help in un-

72 For a first impression, see the list of Sephardi rabbinic leaders and their descendants settling in the Ottoman Empire after the Iberian expulsions, Geller, Yaacov et al.: Ottoman Empire. In: Encyclopaedia Judaica 15. 2nd ed. Detroit 2007. pp. 519–543, here pp. 522 f. A clear dominance of the reception of Sephardi authors is evident from the overview of printings from Constantinople. Still authoritative, see Yaary, Abraham: Hebrew Printing at Constantinople. Its History and Bibliography. Jerusalem 1967 (Supplement to Kirjath Sepher 42) [in Hebrew]. That Mizraḥi was not forgotten a generation after his death is also substantiated by the printing of his first responsa collection in

derstanding the historical process – at least not if we are interested in knowing not only *what* happened, but also *how* it happened. At the beginning of the sixteenth century, contemporaries could naturally not predict the eventual success of the Sephardi immigrants. Instead, they acted in constellations specific to their time and place. If historians follow the master narrative in an overly strict manner and ignore these individual circumstances, they run the risk of missing essential points of the events and contemporary conflicts.

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