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Strategies to Gain Rabbinic Authority: Situating a Responsum of Elijah Mizraḥi (c. 1450–1526) in Ottoman Constantinople

Abstract

In this essay, I seek to illustrate the workings of rabbinic authority by means of a concrete historical example, a decision taken by Rabbi Elijah Mizraḥi (c. 1450–1526) in a particular constellation in Ottoman Constantinople around 1500. The insights of a historian of Jewish history may also be of interest to scholars of Ottoman Studies, at best stimulating interdisciplinary collaborations as well as comparative studies. After a brief introduction to the genre of responsa literature and its value as a source for political history, a specific conflict is presented, which was sparked by the question of whether Rabbanite Jews were allowed to teach Karaite Jews in religious and secular subjects. An appraisal of Mizraḥi's reasoning reveals that the scholar who permitted the teaching espoused a rather liberal position. It was supported by halakhic tradition, but did not automatically follow from it. If Mizraḥi's arguments are then placed in their historical context, the decision's likely effects become visible, allowing a reconstruction of the rabbi's strategies: an overall conciliatory approach appears to have enabled him to gain recognition of his authority among various groups of the city's generally heterogeneous Jewish population. The example at hand thus offers an illuminating vantage for examining Jewish politics under the impress of continued migrations in the Ottoman lands and the Mediterranean region of the following 16th century.

Keywords: Jews, Karaites, Ottoman Empire, rabbinic authority, responsa literature, science

What is rabbinic authority? How does it work? Like any form of authority, rabbinic authority is always a relational phenomenon:¹ On the one hand, it is claimed by the scholar of Halakha (Jewish law), but on the other hand, it depends on being recognized as legitimate – as justified so that the scholar's co-religionists potentially follow suit. Unlike the ecclesiastical hierarchy, as is generally known, there is no institutionalized leadership in Judaism who could demand allegiance qua office.² Working as a rabbi, that is, as someone who interprets and applies Halakha, may or may not even neces-

- 1 Following Georg Simmel's observation that there is always an interrelationship between the person exercising authority and the person subject to authority. Cf. Simmel 2009, 130–1.
- 2 Even in times when central offices exist, like in the case of today's Israeli chief rabbis, the actual authority of the incumbents and the recognition of their halakhic decisions remains a matter of negotiation. For a recent example, consider the late Sephardi Chief Rabbi Ovadia Yosef (1920–2013). Despite prominence and long tenure, many of his decisions did not find recognition among Sephardi rabbis. To what extent his authority holds up over the longue durée remains an open question. Cf. Taub 2015, in summary 277–80; Zohar 2007,

sarily involve holding an office in a Jewish community.³ At the same time, it would be contrary to the self-image of a scholar with expertise in Halakha and the wider rabbinic literature to just drift with the tide. His role is not simply to carry out what his co-religionists want him to do – whether voluntarily or under duress. In the Jewish tradition, a third way exists for the halakhic scholar, the rabbi. His influence does not stem from any form of institutionalized power. One might have in mind the instrument of the *herem*, the Jewish ban, but its implementation remains dependent on the acceptance of exclusion in the community.⁴ Rabbis have repeatedly entered into cooperation with non-Jewish authorities to enforce their decisions. Yet in this case, power is surrendered to the outside world.⁵ The inherent authority of the scholar lies instead in the halakhic expertise, embedded in a centuries-old tradition itself, which must be asserted and accepted as justified. Halakhic decisions only endure if they meet with majority approval, recognizing the claimed authority as legitimate. The process is circular, if one will: only through the repeated recognition of halakhic decisions does rabbinic authority constitute and perpetuate itself. Therefore, the rabbinic arbiter or decisor is well-advised to be politically pragmatic, forming coalitions and being aware of power relations in the community.⁶

In this essay, I seek to illustrate the workings of rabbinic authority sketched above in an abstract way with the help of a concrete historical example. I hope that my work as a historian with a focus on Jewish history will also be of interest to scholars of Ottoman Studies, at best stimulating interdisciplinary collaborations as well as comparative studies. In many ways, the scholar of Sharia (Islamic Law) is faced with similar challenges to the one in Halakha. A mufti issues legal opinions not unlike those of a rabbi. In the Ottoman Empire of the 16th and 17th centuries, the institution of the mufti undoubtedly underwent major changes. With the development of a distinctive

127–30. In the Ottoman Empire, the office of chief rabbi, whose incumbent was officially appointed by the Ottoman government, had only existed since 1835. Cf. Levy 2010. Also see the information in fn. 35 below.

3 Cf. Čejka and Kořan 2016, 6–7.

4 On the Jewish ban in general, cf. Cohn and Greenberg 2007.

5 Concerning the legitimacy of non-Jewish authority, see Walzer, Lorberbaum and Zohar 2000, 430–62.

6 The concept of authority has often been a focus of discussion in the social sciences. Its development is frequently associated with the writings of Max Weber, who distinguished between three forms of legitimate rule or, synonymously, authority: traditional, charismatic and legal/rational rule. Cf. Weber 2019, 338–447. Broken down to the micro-level, all three aspects characterize the legitimization of rabbinic authority: it is legitimized by tradition, that is, previous legal decisions and local customs. It is based on charisma, as the personality of the scholar plays an important role. Does he act in a consensual manner? Or does he favour a rather confrontational course? Finally, rabbinic authority is legitimized by knowledge of the recognized rules, laws and procedures. For a slightly different parallelization of Weber's typology and the conception of rabbinic authority, cf. Zohar 2012. A multifaceted discussion of the concept of authority within the Jewish political tradition is provided by Walzer, Lorberbaum and Zohar 2000.

branch within the Sunni Hanafi school of law and the rise of an imperial learned hierarchy, including the emergence of the chief mufti and the binding nature of his opinions, legal scholars became increasingly dependent on the state. At the same time, the individual mufti continued to issue his decisions with reference to tradition and in an effort to gain approval – not least to maintain his position.⁷ As noted above, an ecclesiastical hierarchy is initially characterized by a far more solid institutional structure. However, the Greek Orthodox and Armenian communities, similar to the Jewish ones in this respect, had to find and assert their positions anew as non-Muslims under Ottoman rule. The state collaborated with quite different elites of the respective communities, contributing to their fragmentation to a certain degree. As a result, authority negotiations became more complex.⁸ The comparative view and the awareness of the differences and similarities between the empire's religious communities, which could only be hinted at here, can help to better understand Ottoman society as a whole.

The focus of this essay will be on one particular figure, the Constantinopolitan (Istanbul) Rabbi Elijah Mizrahi (also known by the acronym Re'em; c. 1450–1526),⁹ and on his halakhic decision in a specific case involving different Jewish groups in his native city.¹⁰ In addition to individual immigrant Ashkenazi (Central European) and Italian Jews, the majority of Constantinople's Jewish population, including Mizrahi himself, consisted of Romaniots at the end of the 15th century. These followed their own customs and liturgical rite. They spoke Greek, even though, as in the case of the other Jewish groups, most learned writings were written in Hebrew.¹¹ The majority of Romaniot Jews followed the rabbinic tradition which characterizes Judaism up until today. However, a considerable number of them were also Karaites, rejecting the rabbinic tradition and abiding by their own interpretations of Scripture.¹² Finally, the Jewish population of Constantinople included Sephardi Jews, i.e. Jews who, after the expulsions from the Iberian Peninsula in the years 1492–1498, increasingly found refuge in the Ottoman Empire. Due to their economic success, but also their sheer numbers, they eventually came to dominate the local

- 7 For the development of law and legal institutions in the Ottoman Empire, cf. Burak 2015. For a discussion of changes in Jewish law in the later 16th century in the context of the Ottoman Empire, and to some extent in comparison with those of Islamic law, see Weinstein 2020; Weinstein 2022.
- 8 For an insight into the changes in the Greek Orthodox Church in the early Ottoman centuries, see Papademetriou 2015. Comparative perspectives between the empire's various non-Muslim communities are opened up by Ayalon 2017 and Barkey 2008 in particular.
- 9 For a first view of his life and oeuvre, cf. Hacker 2007; still valuable is Friedmann 1974.
- 10 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 with Mizrahi, as will be presented, the focus is on the Romaniot (Greek Jewish) perspective.
- 11 Generally, the study of Romaniot Jewry has long been a stepchild of scholarship. Only very few monographs exist. See, for example, Bowman 1985; Gardette 2013. A broad insight into the history and culture of Byzantine Judaism is provided by the different contributions to the collective volume edited by Bonfil et al. 2012.
- 12 For an overview of Karaite history, see Lasker 2022; Polliack 2003. For insight into the history of research on Karaites, see Rustow 2010.

Jewish communities – a development that, however, was not yet foreseen at the turn of the 16th century.¹³ It is in Mizraḥi's world of experience, and in the case presented below, that important processes at the turn of the modern era converge, shaping Jewish life not only in the Ottoman Empire but in the broader Mediterranean as well: there emerged a multitude of voluntary, but above all forced migrations, even before the expulsions of the Jews from the Iberian Peninsula; this was accompanied by challenges to community life in general and to rabbinic authority in particular. Concomitant was a veritable explosion of knowledge, intensified by scholarly encounters, but also by the technology of printing. And not least, new alliances and coalitions arose with the rising empire of the Sultans on the political map.¹⁴

In this way, the experiences of many contemporaries were not only structurally similar. People as well as writings also moved within the Mediterranean world and interacted with each other. Even a brief look at the Romaniot Mizraḥi makes this clear: although speculation that the scholar himself had studied in Padua with Rabbi Judah ben Eliezer ha-Levi Minz (c. 1408–1506) can hardly be substantiated,¹⁵ we know from other Romaniot scholars that they attended yeshivot in Italy and Germany. The Ashkenazi influence on the legal traditions of Romaniot Jews in particular is clearly recognizable.¹⁶ At the same time, someone like Mizraḥi was also familiar with the writings of prominent Sephardi authorities, which in the 15th century had long been widespread in the eastern Mediterranean. Moreover, one of Mizraḥi's own teachers had studied under a Sephardi scholar.¹⁷ Rabbinic controversies developed across state borders, but even members of the same family sometimes lived under different rulers. Rabbi Moses ben Elijah Capsali (c. 1420–c. 1500), for example, who, as will be discussed below, was considered the leading authority among the Romaniot Jews in Constantinople before Mizraḥi, hailed originally from Venetian Crete, where the presumably larger part of his family continued to live.¹⁸ Corresponding contacts may in turn have promoted the exchange of writings, to which Mizraḥi's correspondence bears witness as well, referencing contemporary Italian

13 For an account of the various immigrations to the Ottoman Empire at the turn of the modern era, see Hacker 2018. Concerning the history of Sephardi Jews in the Eastern Mediterranean, still valuable is Benbassa and Rodrigue 2000.

14 For a general portrait of the time and early modern Jewish experiences, cf. Ruderman 2010, esp. 14–6.

15 In older research, reference has been made to a letter of Elijah Capsali (c. 1483–1555), in which he mentioned an alleged ordination of Mizraḥi by Judah Minz. See Friedmann 1974, 20–1.

16 Cf. Ta-Shma 2002. See also references in the literature noted in fn. 18 below.

17 Mizraḥi was a student of Mordecai ben Eliezer Comtino (1420–d. before 1487), *inter alia*. Comtino in turn had studied religious and philosophical subjects under Ḥanokh Saporta (15th century), a distinguished Catalanian scholar. On the intellectual profile of Romaniot Judaism in the 15th century, especially in its reception of Iberian and Provençal scientific writings, see Gardette 2013, 35–43; on the narrower context of Comtino, cf. 43–54.

18 Cf. Benayahu 1983, esp. 11–9; Paudice 2010, 39–52. As an example of a contemporary rabbinic controversy across state borders, see the controversy between Moses Capsali in Constantinople und Joseph ben Solomon Colon (c. 1420–1480) in Pavia; cf. Rabinowicz 1957.

scholars.¹⁹ Conversely, Venice as the place of publication of at least some of Mizrahi's writings points to the reception of his works in Italy – both in the short and long term.²⁰

The course of events thus suggests integrative perspectives. The histories of the Mediterranean Jewish communities, especially those in the Italian and Ottoman lands, are not only intertwined.²¹ Their exploration faces similar methodological challenges. With an interest in the workings of rabbinic authority, I will therefore proceed in the following in two steps: in a first section, I briefly introduce the specific genre of responsa literature, outlining the limitations, but above all the possibilities of its informative value as a source for Jewish political history. In doing so, I also will already discuss Mizrahi and his case by way of example in order to clarify my access to the sources. In a second and longer part, I then analyse how Mizrahi proceeded in a specific constellation in Constantinople around the year 1500. I examine the scholar's argumentation and then explore the potential effect of his decision in the contemporary political context – not least with regard to Mizrahi's own rabbinic authority. What can only be provisionally sketched and presented here will be analysed in much greater detail in my ongoing book project on Elijah Mizrahi and the functioning of his rabbinic authority.²²

1. Responsa as 'a Window onto Rabbinic Leadership in Action'

Responsa (legal opinions) provide important insights into the scholar's activity as halakhic decisor and potential community leader: In response to a current query or a contemporary conflict, the scholar made a legal decision, often preceded by detailed deliberations.²³ As the questions that stimulated the texts usually arose from actual occurrences and the answers provided were intended to change behaviours or serve as legal precedents in the future, responsa reflect individual and societal realities more directly than many other literary genres. In the words of Marc Saperstein, they 'provide a window onto rabbinic leadership in action.'²⁴

Colon was responding to various allegations that had been made against Capsali. In terms of content, a number of family law issues were discussed.

19 See, for example, the reference to legal opinions by Judah Minz and David ben Judah Messer Leon (c. 1470–c. 1526), which were circulating in Salonica at the time. Cf. Härtel 2023, annotation 11, 73.

20 See two examples from the field of Halakha: Mizrahi's super-commentary to Rashi's commentary on the Torah, upon which the bulk of his scholarly fame rests to this day, was published in Venice in 1527, a year after the scholar's death. Also in Venice, a second collection of Mizrahi's responsa appeared in the 17th century. Cf. the information in fn. 25 below.

21 Cf. the pioneering work of Benayahu 1980.

22 In order to shed light on the diversity and scope of rabbinic leadership, a variety of problems Mizrahi faced will be analysed in individual case studies. The one discussed here offers a first insight into one such problem. Cf. also Härtel 2022; Härtel 2023; Härtel 2024.

23 A concise introduction to the genre of responsa literature is provided by Slepoy 2018; see also Elon 1994(b), 1453–1528.

24 Saperstein 2014, 6.

Like any type of source, of course, responsa have their limitations. The texts clearly reflect the perspective of the rabbi or the rabbinic milieu, presenting reflections in halakhic discourse and following specific rules of argumentation. The scholarly nature of the responsa is reinforced by the fact that the legal opinions were often revised before their publication, omitting the details of the case under negotiation. Thus, a first collection of Mizrahi's responsa appeared in print in Constantinople in the years 1559–1561, some thirty years after the scholar's death.²⁵ The rabbinic perspective likewise implies that political actors other than the rabbis, the halakhic scholars themselves, appear less often in the texts, and, if so, are mediated by the rabbinic view. In the case discussed below, we will see how Mizrahi also sought to assert his authority over lay representatives of Constantinople's various Jewish congregations, depicting them in rather derogatory ways.²⁶ The non-Jewish Ottoman rule, on the other hand, which determined the scope of all Jewish life and thus also the functioning of rabbinic authority, is not mentioned at all in the responsum at hand. This does not mean, however, that it was not present or perhaps even decisive in shaping Mizrahi's decision.

A halakhic scholar writes his responsum in a particular historical constellation and with the interest that his decision is followed and his authority is recognized. There is no guarantee that this will happen. Unlike judicial court decisions, legal opinions are not binding for the disputing parties. However, if we take the socio-cultural context of the responsum's composition into account, here the specific situation of Constantinople's Jewish population around 1500, we can examine how the scholar's arguments, including his depiction of events, functioned, and why the scholar might have reached one conclusion and not the other. It will be possible to reconstruct the scholar's strategies for gaining recognition, taking him seriously as a political actor in this context.²⁷

25 To date only traditional editions are available; see Mizrahi 1938. After the Constantinople edition of the 16th century, a second collection appeared in Venice, nearly a century later in 1647; see Mizrahi and Ibn Ḥayyim 1778. Cf. Heller 2004, 499; Heller 2011, 639.

26 For more general information on negotiation processes between rabbis and lay leaders, cf. Ayalon 2017. Concerning Mizrahi's depiction of the lay leadership in the case at hand, see the references in fn. 65–7 below.

27 See Roni Weinstein's recent remarks on a sociological turn in the history of halakha, pointing to a new research perspective 'that emphasizes the significant weight and contribution of the nonhalakhic context for our understanding of the concrete functioning of Halakha in historical conditions;' Weinstein 2022, 4–5; also cf. Saperstein 2014, 29–30.

2. Elijah Mizrahi's Strategies to Gain Rabbinic Authority

2.1 *The Case in Question: Should Rabbanite Jews be allowed to Teach Karaite Jews?*

The case that lends itself to illustrating the workings of rabbinic authority is a relatively early one within the responsa by Mizrahi handed down.²⁸ The conflict under discussion dates back to the above-mentioned Moses Capsali, who was considered the halakhic authority of Constantinople's Romaniot Jews until his death around the year 1500 – a status subsequently attained by Mizrahi. The responsum is a long one, covering in quarto nearly 17 pages. It almost seems as if Mizrahi wanted to take the chance in formulating his political agenda also to stand in distinction to his colleague's earlier and rather unfortunate mode of action. The Sephardic immigration, which was to significantly change the balance of power between the various Jewish groups in the city, was not yet far advanced at the time of the events described. Thus, the responsum primarily provides insight into the life of Romaniot Jewry in the 1490s.²⁹ It is not possible to determine exactly when Mizrahi wrote the text, probably some time after Capsali's passing.³⁰ In any case, as we will see, both halakhic scholars were differentially successful in asserting their rabbinic authority.³¹

- 28 See Mizrahi 1938, no. 57, 176–92. Partial translations are available; see Walzer, Lorberbaum and Zohar 2000, no. 13, 409–14; Rozen 2010, no. 12, 339–55. If possible, I follow the already existing translations in my quotations from the text. Mizrahi's responsum was available in the 16th century to the Karaite Joseph ben Moses Beghi. In his tract, which was mainly devoted to refuting the (polemical) identification of the Karaites with the ancient Sadducees, Beghi also integrated an account of the events in Constantinople at the end of the 15th century, evidently drawing on Mizrahi's text. See 'Extracts from Joseph b. Moses Beghi's *iggeret qiryah ne'emanah*' 1972. I will provide elsewhere an analysis of this account, which offers interesting insights into the Karaite perspective. On the Karaite perception of the events, see likewise Elior 2018.
- 29 At the end of his responsum, Mizrahi mentions that after the imposition of the ban, several scholars of the people expelled from Spain arrived, who taught the Karaites and for whom the ban could not claim any validity anyway, since they were not present at the time of the legislative effort. See Mizrahi 1938, no. 57, 192. This remark has led researchers to date the events described roughly to the year 1490/91, which seems plausible in principle. Cf. Benayahu 1983, 42.
- 30 Only in the halakhic discussion does Mizrahi mention Capsali and other scholars of his generation by name, whom he commemorates here in the past tense. See Mizrahi 1938, no. 57, 179. Capsali had apparently already died by the time the responsum was written. Soon after his death around the year 1500, Mizrahi may have composed the text.
- 31 The case is known in the scholarly literature. It has been referred to frequently, especially in relation to Karaite life in Constantinople, but without analysing Mizrahi's argumentation in more detail and, at the same time, in its historical context. See, inter alia, Attias 1989, 188–9; Attias 1991, 68–72; Benayahu 1983, 42–5; Danon 1927, 318–22; Friedmann 1974, 149–63; Morgenstern 2007, 111–4; Rozen 2010, esp. 71–3. Moreover, Mizrahi's responsum is occasionally referred to in legal history studies devoted to the issue of communal decision-making. Cf. fn. 68 below.

Romaniot Jewry may not be thought of as a homogeneous entity at this time. It was divided into various congregations. The Karaites generally organized themselves separately from the rest of the Jewish population. However, Constantinople's rabbinic Jews, the Rabbanites, were also grouped into different congregations, usually organized according to their original places of origin. For within the framework of Sultan Mehmed II's population policy, large groups of people, including Jews from Anatolia and the Balkans, had been forcibly relocated on the Bosphorus in order to rebuild the desolated city after the Ottoman conquest.³² The result was a polycentric Jewish community structure, with a certain continuing tension between the individual local congregations and an overarching communal organization in the city.³³ It is against this background that Mizrahi's responsum should best be read and his effort to gain authority understood.

What was at stake in the case under discussion? The conflict that initially Capsali and then Mizrahi grappled with was one that at first glance might seem very specific, but to which a number of religious, economic, and above all political issues were attached. The question was whether Rabbanite Jews should be allowed to teach Karaite Jews. The responsum at hand begins with a description of the legislative effort, some time ago, by some of the men of the congregations and some of the apparently lay representatives of the congregations – all Rabbanites – to prohibit anyone from teaching Karaites.³⁴ The prohibition was to be comprehensive. Not only the teaching of religious studies such as Torah, Talmud and Halakha, but also of secular subjects, the so-called teachings of the 'sages of the Greeks,' were to be prevented. Among other things, logic, physics, metaphysics, algebra, geometry, astronomy and music were no longer to be taught to the Karaites. To this end, the men had gathered in one of the city's synagogues, where they planned to enforce the teaching prohibition under threat of *herem*, the Jewish ban. Anyone who would not follow the prohibition was to be excluded from the community. Since the imposition of a ban was apparently understood as the prerogative of the halakhic scholar, the rabbi, the men sent for the local rabbinic authority, the 'leading rabbi.' No name is given, but the rabbi was probably none other than Moses Capsali.³⁵ The latter, however, did not at first comply with the request to impose the ban. The matter, which was controversial among the Jewish population, was postponed until the next day, when the opponents of the teaching prohibition also raised their

32 The resettlement policy was known as *sürgün*. In the aftermath of the conquests, the Ottoman authorities used *sürgün* as a means of forced colonization to repopulate devastated areas. Cf. Hacker 1992; Yerasimos 2009.

33 Cf. Ben-Naeh 2008, 210–3; Ruderman 2010, 83–4.

34 See here and in the following: Mizrahi 1938, no. 57, 176.

35 See *ibid.*, 176, 191. In his responsum, Mizrahi speaks of the 'leading rabbi' (רב המנהיג), as which he apparently identifies Capsali. It is difficult to decide to what extent this was an honorific or an actual official title, including formal recognition from the Sultan. Certainly, however, Capsali's authority was not based primarily on an Ottoman appointment. Moreover, it was solely focused on Constantinople. His position should not be confused with the imperial chief rabbis of the 19th century. Cf. Hacker 1984, esp. 243–50, 254–5.

voices. In particular, the affected group of teachers, among whom also scholars can be assumed, spoke out against the ban. Finally, the initiators of the legislative effort to prohibit teaching Karaites took action: they threatened Capsali that if he did not join them, they would support another rabbi. Under duress, Capsali therefore attended the proclamation of the teaching prohibition under threat of banishment.

Such a disregard for rabbinic authority, as had happened to Capsali, set an extremely dangerous precedent from the point of view of halakhic scholars. A group of ordinary community members, including some of the congregations' lay representatives, had arrogated to themselves an authority previously reserved for the rabbi. Although the halakhic scholar was not completely ignored, Capsali's forced consent in the case at hand left him at best a symbolic authority, not an actual factual one. The question of the responsum itself has not been handed down. It is possible that Mizraḥi responded to an inquiry about how to deal with the teaching prohibition that had come about in this way. It is equally conceivable that Mizraḥi took action on his own initiative to use the opportunity to present his position in great detail. Be that as it may, the formal decision here was clear to Mizraḥi. It can be stated briefly as follows: The teaching prohibition under threat of banishment had substance solely for those who agreed to it. For all others, the legislative decision could have no binding force.³⁶ Mizraḥi went so far as to claim that not even automatically was everyone who had attended and participated in the relevant meeting subject to the threat of banishment, but really only every person who had accepted the ban.³⁷ Basically, Mizraḥi disputed the legitimacy of any decision made by the self-empowered minority of community members and lay representatives.

The conflict that had ignited over the question of teaching Karaites went to the heart of rabbinic authority. It is therefore not surprising that Mizraḥi rejected at length the competing claims to authority put forward and defended rabbinic authority – always, it seems, with an eye to what was feasible and taking into account the current balance of power in Constantinople. In the following, I would like to take a first extractive look at one central aspect of the responsum's overall complex argumentation: the question of teaching Karaites, over which the conflict had arisen. How did Mizraḥi argue and reach a decision? And what was the potential effect of his decision in the context of the circumstances of the time – not least with regard to his own authority?

2.2 Finding Arguments with Recourse to Common Practice and Tradition: a Conciliatory Approach

By denying that the teaching prohibition was binding on anyone outside the small self-empowered group that had enacted it, Mizraḥi de facto allowed Rabbanites to teach Karaites – in secular as well as religious studies. That rabbinic scholars also counted Karaites among their students was nothing unusual at that time. In the responsum at hand, Mizraḥi even referred to his own teachers, who had advocated the teaching of

36 See Mizraḥi 1938, no. 57, esp. 176–7, 191.

37 See, again, *ibid.*, 177.

Oral Law, that is, of rabbinic literature as well.³⁸ Generally, the teaching prohibition seems to have been only poorly enforced.³⁹ Of course, opposing voices also existed.⁴⁰ In any case, however, what Mizraḥi allowed corresponded to a rather common practice. It is all the more interesting that the scholar justified his position extensively and in detail, which can only be illuminated here briefly in selective points.

It seems that little controversy surrounded the transmission of secular knowledge, the various disciplines of ‘Greek wisdom.’ Mizraḥi categorized the teaching of these subjects as a matter of discretion, being neither prohibited nor commanded.⁴¹ The subjects originated with the Greeks, the scholar elaborated. Similar to crafts and the like, they were to be taught to anyone who wished to profit. Especially since scholars apparently also instructed Muslims and Christians, there was no reason not to teach Karaites as well.⁴² But according to Mizraḥi, there was also nothing to be said against the instruction in religious subjects when he referred to the Karaite study of rabbinic *midrashim*, that is, specifically rabbinic interpretations of Scripture. According to him, competition in study had a positive effect on one’s own group: Rabbanite students saw themselves driven by the Karaite example. Conversely, the scholar saw in the abandonment of the teaching of the Karaites a reason for the dwindling of knowledge in the ranks of Rabbanite Jews.⁴³

Mizraḥi was consistently careful not only to relate his arguments to current practice. He also, and above all, sought to support them by reference to earlier authorities, thus placing them in the halakhic tradition – a tradition that in fact included different, sometimes even contradictory and very radical positions on how to deal with Karaites in general. It was Mizraḥi’s attempt to resolve apparent contradictions through various differentiations and sometimes also deliberate omissions, arguing for a liberal position toward the Karaites in his own days – also beyond the question of teaching. This can be clearly seen in his dealing with statements of Maimonides (Rambam; 1135–1204), one of the long recognized authorities of the time. Mizraḥi was aware that contradictory positions appeared in Maimonides’ various writings regarding the appropriate

38 See Mizraḥi 1938, no. 57, 179–80. Mizraḥi names his teachers Rabbi Elijah ha-Levi and Rabbi Eliezer Capsali. He also refers to Rabbi Mordecai ben Eliezer Comtino and his teacher Rabbi Ḥanokh Saporta, teaching Karaites every type of wisdom they requested. Cf. fn. 17 above. As a student of Comtino, Mizraḥi had experienced this teaching practice himself. One of his fellow students had been Elijah ben Moses Bashyatchi. See fn. 60 below.

39 See Mizraḥi 1938, no. 57, 192.

40 Mizraḥi mentions that Moses Capsali himself, for example, was against teaching the Oral Law to Karaites who did not believe in it. See *ibid.*, 179.

41 See *ibid.*, 177, referencing the Talmudic concept of *davar ha-reshut* that encompasses permissible but not obligatory actions. In the account of events at the beginning of the responsum, the relevant argument is also attributed to Moses Capsali, as well as correspondingly to the teachers protesting against the teaching ban. See *ibid.*, 176.

42 See *ibid.*, 177, 178. Also cf. again *ibid.*, 176. For a more detailed analysis of Mizraḥi’s position vis-à-vis secular studies, see Sagi 2005, 247–52.

43 See Mizraḥi 1938, no. 57, 178.

treatment of Karaites.⁴⁴ Wisely, therefore, he referred to a passage from the scholar's code of law, the *Mishneh Torah*, which postulated a rather pragmatic approach. In the code's third chapter of the 'Laws of the Rebellious,' it is first stated that a person who does not acknowledge the validity of the Oral Law is one of the heretics and should be put to death by any person. In this way, a Karaite would have been subject to the death penalty. However, the chapter continues to indicate that the implementation of this policy is not always appropriate, especially not to those

who were led astray by their fathers, who were born to heresy and brought up in it – they are like an infant taken captive among non-Jews, and brought up in their religion. Such a person is acting under force, even if he later learns that he is Jewish and observes Jews and their religion, he is like having acted under force, for they have brought him up in their error. [...] It is therefore proper to bring them to repent, and appeal to them in ways of peace until they return to the essence of the Torah. And one should not be hasty to kill them.⁴⁵

The Karaites of his own time and place, Mizraḥi could infer, did not fall under the category of heretics to be punished by death. The scholar went even further by interpreting the last sentence of the quoted passage to mean that one should not kill Karaites even if one had previously sought their repentance in vain:

One should not infer from the phrase, 'And one should not be hasty to kill them,' that it is proper to kill them after we have made an effort to bring them to repent if they did not want to listen, for [Maimonides] previously declared them comparable to an infant taken captive among the non-Jews, who is in no way punishable to death. Even though [an infant taken captive among the non-Jews] does not want to repent, since he is deemed to have acted under force he is exempt from punishment by death, as we understand the exclusion 'except for one having acted under force.'⁴⁶

44 Maimonides' seemingly contradictory positions toward the Karaites have preoccupied not only traditional authors but also modern scholars. Cf. Blidstein 2004; Lasker 2007; Sinai 2008, including references to further research literature.

45 Mizraḥi 1938, no. 57, 179: שהדיחו אותם אבותיהם ונולדו במינות וגדלו אותם עליו הרי הן כתינוק שנשבה: בין הגוים וגדלוהו על דתם שהוא אנוס ואף על פי ששמע אח"כ שהוא יהודי וראה היהודים ודתם הרי הוא כאנוס שהרי גדלוהו על טעותם [...] לפיכך ראוי להחזירם בתשובה ולמשכן בדרכי שלום עד שיחזרו לאיתן התורה ולא ימהר אדם להורגם. The translation is by Rozen 2010, 346 (slightly revised). Mizraḥi quotes from Maimonides, *Mishneh Torah. Hilkhot Mamrim*, chap. 3, § 3. Cf. *The Code of Maimonides* 1949, 144. In classic printed editions, including the translation noted here, the last sentence of the quotation is missing. It is this sentence from which Mizraḥi draws further conclusions in the following. However, the words have survived in virtually all manuscripts – and were apparently also available to Mizraḥi in the corresponding version. Cf. Blidstein 2004, 185 with annotation 52, 187 with annotation 59. Interestingly, Mizraḥi's reading has also inspired modern interpretations of the passage in Maimonides. In addition to Blidstein cf. also Sinai 2008, 288 with annotation 30.

46 Mizraḥi 1938, no. 57, 179: ואין לדקדק ממאמר אל ימהר אדם להורגם מכלל שראוי להורגם אחרי שהשתדל: והחזירם בתשובה ולא רצו לשמוע שהרי כבר דמה אותם לתנוק שנשבה לבין הגוים שאינו בן מות כלל ואף על פי שלא רצה לשוב בתשובה מדקאמר הרי הוא כאנוס ואנוס פטור ממיתה כדנפקא לן מההוא פרט לאנוס. The trans-

Ultimately, the Karaite congregations were thus recognized in their existence. Mizraḥi substantiated his position by referring to further Maimonidean writings that advocated mutual respectful relations between Rabbanites and Karaites.⁴⁷ On the other hand, references to passages in which Maimonides was offensive and unforgiving toward the Karaites were instead kept short and referred to further necessary examination.⁴⁸ The deliberately selected halakhic discussion supported an overall conciliatory attitude toward the Karaites that was careful to avoid all too deep rifts between the congregations.

2.3 *Placing Arguments in Context: Why Karaites Matter*

How then are we to understand Mizraḥi's position in its contemporary context? What was the potential effect of his halakhic arguments and decision – not least with regard to his own authority? It is important to keep in mind that the conflict under negotiation occurred in the 1490s. Very likely Mizraḥi wrote his legal opinion before the immigration of the Sephardi Jews gained momentum, significantly changing the composition of Constantinople's Jewish population. In the 1490s, the Romaniots still dominated Jewish life in the city. Among them, the Karaites certainly represented a small minority, but – as far as the scant data and occasional statements we have allow for conclusions – not one that could simply be ignored.

Most of the Karaite Jews had only arrived in Constantinople as a result of the forced relocations that followed the Ottoman conquest, where – as was common practice – they grouped together according to their places of origin. The most important of their congregations was that of Adrianopolis (Edirne), which also counted numerous scholars among its ranks.⁴⁹ It was to exist well into modern times, while as early as the end of the 16th century, smaller Karaite congregations with members from Anatolia

lation is by Rozen 2010, 346 (slightly revised).

- 47 See Mizraḥi 1938, no. 57, 179. Reference is made to a responsum of Maimonides, in which the scholar permitted the circumcision of the sons of Karaites as well as basic acts of reverence toward them. All this was to be done as long as the Karaites, conversely, respected the generation's rabbinic authorities and did not publicly violate the holidays of Rabbanite Jews. Cf. Moses ben Maimon 1960, vol. 2, no. 449, 729–32. The responsum was also edited by Isaac Shailat; see Moses ben Maimon 1987, vol. 2, Appendix A, no. 3, 668–72. Shailat doubts the responsum's authenticity. However, Mizraḥi obviously attributed the text to Maimonides around 1500.
- 48 See Mizraḥi 1938, no. 57, 179. The scholar refers to Maimonides' commentary on the Mishnah tractate *Hulin*, which is known for its condemnation of Karaites as heretics. Cf. Sinai 2008, 278, 280. For Mizraḥi, the passage 'appears as a contradictory figure in need of further examination' (שנראה כדמות סותר וצריך עיון). He does not deal with the text any further.
- 49 The entire Karaite leadership known from before 1453 in Adrianopolis, the former Ottoman capital, was moved to Constantinople. See Hacker 1992, 12; Lasker 2022, 58. On early Ottoman Adrianopolis, cf. Singer 2018; Singer 2019.

and the Balkans no longer appeared in the Ottoman tax lists.⁵⁰ Since no fundamental distinction was made on the Ottoman side between Karaite and Rabbanite Jews, no information regarding the quantitative balance of power between the two groups can be gleaned from the general poll tax registers of the 15th century. Much later numerical data from the mid-16th century indicate that Karaites at that time accounted for less than ten percent of the Romaniot tax-paying population.⁵¹ This figure will generally guard against judging the Karaite group to be too quantitatively weighty in Constantinople, but it hardly permits accurate conclusions about inter-communal relations in the 1490s. For there are at least some indications that individual Karaites certainly belonged to more affluent segments of the Jewish population, benefitting from the economic opportunities in the Ottoman capital.⁵² Even in the responsum at hand, this is hinted at: on one hand, Mizraḥi reports that Capsali would have firmly rejected the teaching ban against the Karaites, but supported a corresponding resolution prohibiting the work of Rabbanites as servants in Karaite households. As a result of the different ritual practices of the two groups, one feared a violation of the dietary regulations as well as one's own holidays.⁵³ Apparently, at least some Karaite families could afford servants, while there were Rabbanite Jews who, as domestic servants, probably belonged to a lower social class. On the other hand, according to Mizraḥi, economic envy had also played a role among those who had supported the teaching prohibition under threat of banishment. That was because Karaite Jews lent money to Rabbanite Jews at interest.⁵⁴ At least individual Karaites, it can be concluded, prospered economically. In his halakhic argumentation, Mizraḥi, as we have seen, took a conciliatory stance toward the Karaites. In principle, this position may have enabled the scholar to negotiate with the representatives of this economically powerful group and potentially to gain recognition as a rabbinic authority among them as well. After all, was it not more attractive for Karaite Jews to accept someone like Mizraḥi in a leadership position than someone who ultimately sought to avoid any contact with them, even in the form of student-teacher-relations?

50 Cf. Akhiezer 2012, 737–8; Ben-Naeh 2008, 82, 84.

51 See above all Yerasimos 1995, esp. 101–7, 109–11: Only for the middle of the 16th century do registers exist for the first time that list tax-paying persons separately according to the individual congregations. For the year 1540, the Karaite congregations of Adrianopolis (Edirne), Kastamonou and Prevadi are recorded with 116, 2 and 11 taxpayers. A total of 129 Karaite taxpayers were thus roughly – Yerasimos notes inaccuracies in the documentation – opposed by 1386 Rabbanite taxpayers. All of them were Romaniot Jews. Sephardi Jews were not included in this register. Also cf. Epstein 1980, 178–80.

52 Cf. the general remarks of Assaf 1935, 223; Ben-Naeh 2008, 378–9. For various evidence pointing to the welfare of a certain stratum of Romaniot Jews, among them Karaites, see Rozen 2015, esp. 25–7.

53 See Mizraḥi 1938, no. 57, 191. Concerning the Karaite festival calendar and dietary laws, based on a different interpretation of Scripture compared to Rabbanite Jews, cf. Lasker 2022, 103–11. By the 15th century, various reforms among the Karaites had led to a rapprochement with Rabbanite practices.

54 See Mizraḥi 1938, no. 57, 192. Cf. Rozen 2015, 27.

One may even wonder how much negotiating leeway Mizrahi and others actually possessed – be they religious or lay representatives of the community. As mentioned, no fundamental distinction was made between Rabbanites and Karaites on the part of the Ottoman rulers. It is well known that the various Jewish congregations had to meet and agree on tax matters time and again.⁵⁵ So was it perhaps even quite necessary, from a Rabbanite perspective, to maintain good relations with the Karaites? Perhaps especially with those who, because of their elevated social position, maintained individual relations with the Ottoman palace?⁵⁶ There were repeatedly issues concerning the Jewish population as a whole.⁵⁷ Deep rifts between congregations, which Mizrahi's decision avoided, would have unnecessarily complicated the situation. However, a person who enjoyed the recognition of as many as possible among the Jewish population could negotiate internally between congregations and externally vis-à-vis Ottoman rule.

Let us return once again to the specific question of instruction, or rather the prohibition of teaching, which was negotiated in the responsum. The text leaves little doubt that the Karaites were interested in Rabbanite teachers and the knowledge they conveyed to them. A number of Karaite scholars are also known from the 15th and 16th centuries. But it is assumed that the resettlement to Constantinople had destroyed familiar educational structures, at least in part.⁵⁸ Even before that, Karaites had been in exchange with Rabbanites, so that a habitual practice probably only intensified. In order to keep up with the latest research, Karaites had obviously been dependent on Rabbanite teachers for some time. That rabbinic teachings were also imparted here is not surprising. Since the 13th century, there is evidence of a corresponding influence in

- 55 Muslims and non-Muslims alike were obligated to pay various levies in cash, in kind, or in service. According to Islamic law, non-Muslims also had to pay the poll tax (*cizye*). In the Ottoman Empire, the treasury levied this tax on households, and communities often paid it, as they did other taxes, as a lump sum. Cf. Imber 2019, 239–59; Rozen 2010, 26–34; Shmuelevitz 1984, 81–127. Epstein points to Ottoman documents attesting to an effort by the Karaites to achieve fiscal independence after the resettlement to Constantinople, following up on older extant privileges from Adrianopolis; see Epstein 1980, 16, 57. In the long run, these efforts were not successful, but remained occasional points of dispute.
- 56 Wealthy families, including those of the Karaites, with access to the Ottoman palace, sometimes obtained special privileges for themselves and their descendants. See the example of the Karaite woman Strongilah noted in Rozen 2010, 204–5. Her descendants later strove for reconfirmations of the privilege; see Danon 1927, no. 27a, 246, no. 39, 264–5.
- 57 Cf. Ben-Naeh 2008, 211–2; Rozen 2010, 80. It was by no means only tax issues that required joint action by the various congregations. Another example was the organization of the burial system. In 1582, Romaniot Jews, among them Rabbanites and Karaites, as well as Sephardi Jews, jointly acquired land for a cemetery in the city. Cf. Rozen 1992, 87.
- 58 Cf. Akhiezer 2018, 42; Bowman 1985, 139–46; Hacker 1992, 11. Hacker assumes a mutual attraction between Karaites and Rabbanites under the shared experience of forced resettlement. A concise overview of Karaite scholarship in Byzantine and Ottoman times is provided by Lasker 2022, 46–65. Even though the resettlement broke off familiar structures on one side, scholarly dynasties such as that of the Bashyatchi family continued on the other. Cf. also fn. 49 above.

Karaite texts.⁵⁹ Thus, Rabbanite scholars were recognized as an authority – an authority, however, that did not automatically perpetuate itself. On one hand, because it remained a question of time until Karaite scholars emancipated themselves from their Rabbanite teachers and used the knowledge they had acquired for their own purposes.⁶⁰ At the same time, there was no interest in dissolving group boundaries among either Rabbanite or Karaite Jews.⁶¹ On the other hand, from a Rabbanite perspective, the dependency between teachers and students could be used to exert influence on the other group. Rabbanite teachers were able to impose conditions on their students, as had generally already been formulated by Maimonides, to whom Mizraḥi referred in detail in his halakhic decision. Among other things, rabbinic scholars were to be respected and rabbinic religious practice was not to be denigrated.⁶² Perhaps in individual cases, one could even hope to convince students to become a member of one of the Rabbanite congregations?⁶³ With his decision to lift the teaching ban or to declare the corresponding resolution invalid, Mizraḥi kept all these options open and de facto courted recognition among the Karaites, as long as possible.

Finally, the question of the teaching ban also crystallized social differences within the Rabbanite congregations themselves on different levels. In his account of the events, Mizraḥi had described the protest of the teachers, who feared for their income earned by teaching Karaite students. Here, important earnings of the scholarly group were threatened. Evidence suggests that Mizraḥi's position was not entirely uncontroversial even among scholars. The existence of anti-Karaite polemics from that period

- 59 In addition to the literature noted in the preceding footnote, see, inter alia, Akhiezer 2012, 727–37; Dönitz and Hollender 2016, with a case study on the Karaite scholar Aaron ben Yoseph ha-Rofe (c. 1250–1320); Lasker 2008, 6–7, 12–3.
- 60 Simultaneously with the rapprochement between Rabbanites and Karaites, the body of law of Karaite Judaism, authoritative down to the present day, was created during those years. Known as *Adderet Eliyahu*, it goes back to Elijah ben Moses Bashyatchi (c. 1420–1490). Jean-Christophe Attias has repeatedly demonstrated how the Karaite students adopted the knowledge imparted by their Rabbanite teachers. Even the teaching of a secular, supposedly neutral subject such as astronomy could serve to legitimize their own calendar calculations and the cohesion of their own group. Cf. inter alia Attias 1989, 191–4; Attias 1991, 80–9. Concerning the Karaites' familiarization with Rabbanite historiographical literature and their adaptation of Rabbanite historiographical concepts to their own needs at this time, see in detail Akhiezer 2018, 25–49.
- 61 For example, the question of whether Rabbanites and Karaites were allowed to marry remained controversial. On this topic, see also Mizraḥi 1938, no. 58, 192–3. Cf. Corinaldi 1984, 32, 108.
- 62 See Mizraḥi 1938, no. 57, 179 as well as fn. 46 above. Mizraḥi's teacher Comtino had already formulated similar conditions for his Karaite students. Cf. Attias 1989, 190–1; Attias 1991, 70–1.
- 63 The rhetorical question that Mizraḥi asks, again with reference to Maimonides, points to this hope: 'How will they return to the essence of the Torah if we do not inform them about the Torah's reasons?' (ואיך יחזרו לאיתן התורה אם לא יודיעו להם טעמי התורה); Mizraḥi 1938, no. 57, 179.

proves that not everyone approved of the transmission of knowledge to Karaites.⁶⁴ But is it not likely that by lifting the ban on teaching, Mizrahi may have rallied a larger number of scholars and persuaded them to recognize his authority? In the end, did not material interests, i.e., concerns about one's own income, weigh more heavily than ideological reasons, as manifested in the polemics? In addition to the conflicts within the scholarly class, as it were, the controversies in the case at hand naturally reflect the contrast between the congregations' religious and lay representatives. It was lay leaders and ordinary community members who sought to enforce the teaching prohibition and compel the leading religious authority at the time, Capsali, to cooperate. The light in which Mizrahi portrayed those responsible was not a positive one. They had acted violently.⁶⁵ They were driven by envy and hatred of the teachers.⁶⁶ In all this, they had acted as a minority.⁶⁷ To discourage them and undermine their confidence, the reference to the importance of knowledge and teaching traditions was probably not enough. Of interest in this context are Mizrahi's remarks on congregational decisions in general and on the significance of the formation of majorities within the congregation in particular, which I will elaborate on elsewhere.⁶⁸ Suffice it to note here that in this case likewise, the scholar's conclusions had the potential to promote recognition of his authority – even among broader, non-scholarly segments of the population. His sophisticated reasoning corresponded to the complex situation of Constantinople's overall Jewish population at the turn of the modern era.

3. Conclusion

The inherent authority of a rabbi lies in his halakhic expertise, embedded in a centuries-old scholarly tradition. However, this expertise requires recognition, which is what provides rabbinic decisions with legitimacy. The case presented in this essay illustrates how rabbis like Elijah Mizrahi strove for this recognition among the Jewish population of their time, turning them into genuinely political actors on the local stage.

64 Cf. Benayahu 1983, 82–3; Bowman 1985, 149–50; Lasker 2022, 59. Also see the introductory remarks at 'Extracts from Joseph b. Moses Beghi's *iggeret qiryah ne'emanah*' 1972, 299–300.

65 See Mizrahi 1938, no. 57, 176.

66 See *ibid.*, 192.

67 See *ibid.*, in his concluding remarks 191. See also the following fn.

68 A long segment of the responsum is devoted to the question of the legitimacy of communal decisions. Where does a community and its government derive their power from? What is the role of the scholar when majority decisions are fundamental? See *ibid.*, starting on 180 until approximately the end of the text. The authorities of the rabbinic tradition are discussed, permitting different conclusions. In modern legal history studies of these issues, reference is sometimes made to Mizrahi – without, however, taking into account the specific historical context in which his decisions could have had an effect. See, inter alia, Cohen 1993, esp. 105–6; Elon 1994(a), 700–2. Also cf. Walzer, Lorberbaum and Zohar 2000, 416–8.

It is the halakhic decisions of the scholars that have been handed down. Of course, these responsa are highly subjective, reflecting the perspective of the rabbi and his milieu, but it is precisely this subjectivity that makes the texts very instructive for historians. Documented are the halakhic arguments, which were obviously based on interpretations and selections from tradition. In the case at hand, Mizraḥi discussed the question of whether it was permissible for Rabbanite Jews to teach Karaite Jews. However, tradition and even individual authorities such as Maimonides offered very different answers regarding the general treatment of Karaites. If Mizraḥi took a very liberal position here, allowing, among other things, thus also the teaching of religious and secular disciplines, this decision could certainly be justified by tradition, but it did not automatically follow from tradition. In a second step, therefore, it is interesting to situate arguments and decisions in their historical context and to reflect on their likely effects. Retrospectively, strategies can be reconstructed. In the case at hand, again, Mizraḥi's overall conciliatory attitude toward the Karaites could have helped him to gain recognition among another important Jewish group in the city. The Karaites were a minority, but counted affluent and potentially influential individuals in their ranks. At the same time, it can be surmised that Mizraḥi's decision, which secured the income of a large number of rabbinic scholars as teachers of the Karaites, earned him majority support within his own scholarly milieu. Overall, the length of the responsum indicates the importance and urgency Mizraḥi attached to not only resolving the specific conflict, but to principally asserting his rabbinic authority in the city. It is likely that he still had the unfortunate fate of his earlier colleague Moses Capsali in mind, who had had to bow to the coercion of ordinary community members and whose authority in the end had hardly been recognized.

The case of conflict presented here dates from the 1490s in Constantinople. It provides insight into the already polycentric community structures within which Mizraḥi sought to assert his authority. With the arrival of Sephardi refugees and their scholars in the following years, the balance of power between the various congregations was once again to shift sharply and rabbinic authorities were to be challenged more than ever – not only in the cities of the Ottoman Empire, but in many regions of North Africa and in Italy as well. In this respect, the example at hand also offers a perspective from which to view aspects of Jewish politics in the following 16th century.

Acknowledgements

Work on this essay was supported by a Minerva Fellowship of the Minerva Stiftung Gesellschaft für die Forschung mbH as well as by the Deutsche Forschungsgemeinschaft (DFG, German Research Foundation) – 516660398. I am grateful to the two anonymous reviewers for their careful reading of the essay and their helpful remarks and to William Templer for copyediting the final version of this essay.

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