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## Blond, tall, with honey-colored eyes: Jewish ownership of slaves in the Ottoman Empire

Yaron Ben-Nach

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**Abstract** Hundreds of Hebrew written sources, dozens of official decrees, judicial records (*sijillat*), and reports of European travelers indicate that slaveholding – particularly of females of slavic origin – in Jewish households in the urban centers of the Ottoman Empire was widespread from the sixteenth to the nineteenth centuries. This halachically and legally problematic habit was an unparalleled phenomenon in any other Jewish community in the early modern period. The presence of slaves in Jewish households effected family life in many ways. I dealt with two of them: The first is cohabitation of Jewish men with female slaves, usually non-Jewish, who in effect served as their concubines and bore them legitimate children; the second is marriage with manumitted slaves who converted to Judaism and became an integral part of the community. These phenomena attest once again to the great extent to which Jewish society and its norms and codes were influenced by Muslim urban society, and the gap between rabbinic rhetoric ideals and the dynamic daily existence of Jews from all social strata.

**Keywords** slaves · Ottoman Jewry · Sephrdi Jews · Slavery/slaves · Istanbul · sijil · responsa · Ottoman Empire

Slavery and slaveholding has been among the most outstanding aspects of life in the various and varying Muslim societies over the centuries.<sup>1</sup> As is reported by hundreds of

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<sup>1</sup>The following are a few references to research literature on slavery in the Ottoman Empire, all of which contain further bibliography: Ehud R. Toledano, *The Ottoman slave trade and its suppression: 1840–1890* (Princeton, 1982); idem, *State and society in mid-nineteenth century Egypt* (Cambridge, 1990); idem, *Slavery and abolition in the Ottoman Middle East* (Seattle and London, 1998), 135–136, n.1; and the volume of essays, Miura Toru and John E. Philips (eds) *Slave elites in the Middle East and Africa* (London and New York, 2000), esp. Ehud R. Toledano, *The concept of slavery in Ottoman and other Muslim societies: dichotomy or continuum*; Bernard Lewis, *Race and slavery in the Middle East: an historical enquiry* (New York, 1990). Toledano's discussion of the state of research is in Toledano, *Slavery*, 135–154; Suraiya Faruqi, *Ottoman men and women* (Eren Press, Istanbul, 2002); Nelly Hanna, *Sources for the study of slave women and concubines in Ottoman Egypt*, In: Amira El Azhary Sonbol (ed) *Beyond the exotic: women's histories in Islamic societies* (New York, 2005), 119–130; Madeline Zilfi, *Thoughts on women and slavery in the Ottoman era and historical sources*. In: El Azhary Sonbol (ed), *Beyond the Exotic*, 131–138.

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Hebrew sources, dozens of official ordinances, documents produced by the Shari'a courts, and the reports of European travelers, slaveholding was also common among Jews in Muslim lands. The ownership of women, in particular, was widespread in Jewish households in the Ottoman Empire on the threshold of the modern era. It was certainly far more common than in Jewish communities in North Africa or Europe. What we know about this practice may now be considerably enlarged thanks to my discovery of about 100 as yet unknown documents from the seventeenth-century court registers of Hasköy, one of the quarters of Istanbul. These documents, especially as we will now study them alongside known rabbinic sources, provide information that both supports existing data and permits asking new questions.<sup>2</sup>

## Slavery in the Ottoman Empire

Research on slavery in the Ottoman Empire first concentrated on economic and legal issues; the early studies of Ehud Toledano are especially noteworthy.<sup>3</sup> During the past 15 years, research has concentrated on the existence of various classes of slaves, their mobility from one place and one master to another, and on bonds of loyalty and patronage. Growing academic interest in the history of women and minorities has drawn the attention of scholars to the lives of the slaves themselves.<sup>4</sup>

The first study dealing with slavery in the Muslim world in its Jewish context was an article published by Simha Assaf in 1939, who indicated how widespread Jewish ownership of slaves was and who discussed the status of slaves under the headings of the "law of the

<sup>2</sup> Dr. Cengiz Sisman and I intend to publish a collection of documents from the seventeenth-century Hasköy court records.

<sup>3</sup> See note 1, above. See also the following: Joseph Schacht, *An introduction to Islamic law* (New York, 1964), 127–130; Robert Brunschvig, 'Abd, *Encyclopaedia of Islam*, I, 24–40; Gabriel Baer, *Slavery and its abolition*, in idem, *Studies in the social history of modern Egypt* (Chicago 1969); Allen W. Fisher, *The sale of slaves in the Ottoman Empire: markets and state taxes on slave sales – some preliminary considerations*, *Boğaziçi Üniversitesi Dergisi* 6 (1978), 149–174; idem, *Studies in Ottoman slavery and slave trade*, II: manumission, *Journal of Turkish Studies* 4 (1980), 49–56; Halil Sahillioğlu, *Slaves in the social and economic life of Bursa in the late 15th and early 16th centuries*, *Turcica* 17 (1985), 43–112.

<sup>4</sup> In this respect we should not overlook the impressive testimony of Şemsigül, sold into slavery in Istanbul and later resided in Cairo, that emerges from the records of a police inquiry. See Ehud R. Toledano, *Şemsigül: a Circassian female slave in mid-nineteenth-century Cairo*, In: Toledano (ed), *Slavery and abolition*, deserving of special mention are the studies of Suraiya Faruqi, Madeline Zilfi, Leslie Peirce, Yvonne Seng, and others, devoted to urban Ottoman society, women, and slaves of both sexes; Madeline C. Zilfi, *Servants, slaves and the domestic order in the Ottoman Middle East*, *Hawwa* 2, no. 1 (2004), 1–33; Yvonne J. Seng, *Fugitives and factotums: slaves in early-sixteenth-century Istanbul*, *Journal of Economic and Social History of the Orient* 39 (1996), 136–166; id., *A liminal state: slavery in sixteenth-century Istanbul*, In: Shaun E. Marmon, (ed), *Slavery in the Middle East* (Princeton, 1999), 25–42. Israeli scholars continue to make significant contributions to research in this sphere. See Dror Ze'evi, *My Slave, my son, my lord: slavery, family, and state in the Islamic Middle East*, *Jama'a* 4 (1999), 155–159 (Hebrew). Toledano maintains that slavery in the Ottoman Empire was a continuum of different degrees and not the status of one clearly defined class and stresses that the Muslim prototype of slavery was fundamentally different from that in the western, European world. The slave in a Muslim environment lived in a state of temporary and relative subordination, though not necessarily in a social status inferior to that of free persons, which also explains why slaves integrated well, as will be seen below, into the household. Toledano and Dror Ze'evi note that patronage ties between the master (together with his family) and his slaves, or between him and his freed slaves were often maintained for many years, and might create surrogate family relationships. See also Dror Ze'evi, *The abolition of slavery and Kul Identity*, In: *Essays on Ottoman civilization*, *Archiv Orientalni* Supp. 8 (Prague, 1998), 411–416; Ron Shaham, *Masters, their freed slaves, and the Waqf in Egypt (fifteenth-twentieth centuries)*, *Journal of Economic and Social History of the Orient* 43, no. 2 (2000), 162–188.

land” and the *halakhah*.<sup>5</sup> Renewed interest in the subject began in the 1980s, after the Ottoman archives were opened and in the wake of studies on Ottoman slavery in general. The first to enter the fray was Haim Gerber, followed by Ovadia Salama.<sup>6</sup> In the mid-1990s, Ruth Lamdan wrote on Jewish slaveholding in Syria and Palestine during the sixteenth century, which addressed the institution’s halachic and social aspects and focused in particular on the distress slaveholding caused the wives of owners.<sup>7</sup>

The *sijil* documents I have unearthed allow us to go further. Essentially, there is nothing unusual about this body of texts. Applying to the *Shari’a* court was a normal procedure whose purpose was to conform to formal notarial requirements: contracts of employment (such as *Kitaba*) and the manumission or transfer of slave-ownership necessitated legal registration with the *qadi*, who then issued an official document (*Hujet*), or a writ of manumission (*I’tak-name[h]*). At times, manumission was made contingent on the continuance of *wala*, or kinship, which signified that the former owner retained the right to inherit the freed slave, and which, in turn, presupposed “mutual loyalty” and something that resembled a patron–client relationship.<sup>8</sup>

The documents concern female slaves almost exclusively; I found only one case concerning a male.<sup>9</sup> Slavery thus seems to have been limited to those who would provide household services of the kind exclusively performed by women, including sexual ones. This helps explain why nearly all the slaves were white females, principally of Slavic origin captured during Ottoman campaigns, or by their Tatar collaborators in Eastern Europe, with only a few of other provenance – Circassian, Caucasian, Hungarian, and Austrian. Black slaves are not mentioned. Physical descriptions of female slaves remark about fair hair and light-colored eyes, although, possibly, this simply reflects the general characteristics of the captured and enslaved women; male preference, however, should not be ruled out.<sup>10</sup> Women, too, bought slaves, but most likely the traits women sought out were domestic skills, physical strength, and an obedient nature. Beauty, for them, was no doubt for the most part irrelevant, although it may have been they considered slave owning an act of conspicuous consumption, the slave being a “beautiful object” to be shown off. No wonder, the documents speak of female slaves who were deformed and scarred.<sup>11</sup>

<sup>5</sup> Simha Assaf, Slavery and the slave trade among the Jews during the Middle Ages, *Zion* 4 (1939): 91–125; *ibid.* 5 (1940): 271–280 (reprinted in *idem*, In the Tents of Jacob [Jerusalem, 1943], 223–256 [Hebrew]).

<sup>6</sup> Hayim Gerber, *The Jews of the Ottoman Empire in the sixteenth and seventeenth centuries: society and economy* (Jerusalem, 1983), 14–16 (Hebrew). Ovadia Salama, *Slaves owned by Jews and Christians in Ottoman Jerusalem*, *Cathedra* 49 (Sept. 1988), 63–75 (Hebrew), notes that Jews did own Muslim female slaves and male slaves from among the *dhimmi*, see; see also Amnon Cohen and Elisheva Simon-Pikali, *Jews in the Moslem religious court: society, economy and communal organization in the XVIth century – documents from Ottoman Jerusalem* (Jerusalem, 1993), 391 (Hebrew).

<sup>7</sup> Ruth Lamdan, *Female slaves in the Jewish society of Palestine, Syria, and Egypt in the sixteenth century*, In: Minna Rozen (ed) *The days of the crescent: chapters in the history of the Jews of the Ottoman Empire* (Tel Aviv, 1996), 355–371 (Hebrew).

<sup>8</sup> Hasköy Court Records, Istanbul, vol. 3, 80b; 117; vol. 4, 55b; vol. 5, 44; 49; 52; vol. 9, 9; 10; 11a; 16; vol. 10, 15; 56a; 62; 70; vol. 11, 48; 56, 58, vol.12, 4; vol. 14, 48; 66; vol. 17, 24a; 35; 46b–c; 57b. See Walter Heffening, *Wala, El* (e-version); Shaun E. Marmon, *Domestic slavery in the Mamluk Empire: a preliminary sketch*, In: Shaun E. Marmon (ed) *Slavery in the Middle East* (Princeton, 1999), 15–16.

<sup>9</sup> Hasköy, vol. 7, 93. Rabbinic literature makes more frequent mention of male slaves.

<sup>10</sup> Nelly Hanna claims that Cairene Jews owned mainly Falasha (Ethiopian) slaves: Hanna, *Sources* (New York 2005), 129. These black women are mentioned by Radbaz, as shameless and notoriously sexual: David Ibn Zimra, *Responsa*, 1, Venice 1749, §196, 34d.

<sup>11</sup> On scarred, injured and lame slaves see for example: Hasköy, vol. 5, p. 44, 52, 108; 121; vol. 9, p. 108; vol. 10, p. 56b; vl. 14, p. 48; vol. 17, p. 44b.

Many, if not the large majority, of the women brought from Balkan and Eastern European regions were originally Christians, and they are identified accordingly as *nasraniyye*, *isaviyye milletinden*. When religion is not specified, we may assume that at least some of the women had converted to Judaism and were given Jewish names. Others retained their Slavic or Balkan birth-names.<sup>12</sup> Muslim slaves are not mentioned, although we shall see that Jews did hold Muslim slaves.<sup>13</sup> The owners were individuals, both men and women. Sometimes the ownership was shared by several family members (whether as a result of purchase or inheritance) or even in partnership with neighbors.<sup>14</sup>

In most cases, the sources are silent about the duties of slaves or the substance of relations – particularly of the women – with their male or female masters. What little information we have comes from Hebrew sources, and it clearly points to female slaves performing household chores alongside hired servants. Many of them also served as concubines, in what the documents indicate was, on the whole, relative harmony with the lady of the house. Writs of manumission registered in the courts often note, too, that the owners are freeing a female slave who had served *them* loyally and obediently.<sup>15</sup>

Jews freed their slaves using the same legal procedures, under similar conditions, and for identical reasons as did Muslims, most commonly in accord with *kitaba* contracts.<sup>16</sup> Manumission could usually come at the end of a set period, with or without payment. Indenture itself was generally for a set period of time – a few years of service, and at times no more than a year or two.<sup>17</sup> Ilya, for example:

...who was the vekil and the eldest son of Avraham veledi Elya the Jew, who lives in the Kiremitci Ahmed Celebi neighborhood in Hasköy and whose vekale was testified by Yasef son of Mihayil and Ilya son of Nahem the Jews, came to the court and reported on the presence of the cariye of the said Avraham, Eponiye daughter of Romane, who was tall, had blue eyes, detached eyebrows, and was of Russian origin: 'The said Abraham made an agreement with the said Eponiye, that if she will serve him four years with loyalty, at the end of the period she will be free like the other free people.' The said Eponiye accepted the agreement, and what happened was registered in 5 Sevval 1090.<sup>18</sup>

<sup>12</sup> Maria (Hasköy, 2, p. 32b; 7, p. 54); Hana bint Hristola (3, p. 105); Mazaltov bint Patrik (3, p. 115a); Otine bint Pavan (5, p. 49); Eponiye bint Romana (6,9). On the custom to give them Jewish-Judeo-Spanish names see: Yizhak haCohen, Batey Kehunah, 2, Izmir 1736, Beyt Din, §38, 76c.

<sup>13</sup> See for example an order from 1022 (=1613), forbidding dhimmis to employ Muslim slaves: Osman Çetin, Sicillere Göre Bursada İhtida Hareketleri ve Sosyal Sonuçları, (1472–1909), Ankara 1994, 96.

<sup>14</sup> See, e.g., Hasköy, vol. 3, 115b (four brothers are mentioned); vol. 10, 56a (a brother and a sister). For a case of joint ownership by two female neighbors, see Hasköy, vol. 17, 45a. Similar types of ownership can be found in cases described in the responsa literature. See for example: Mosheh Amarillio, Devar Mosheh, 1, (Salonica 1742), Yoreh De'ah, §56, 85b.

<sup>15</sup> Again and again appears the phrase 'she served me loyally'. See for example Hasköy, vol. 10, p. 106; vol. 11, p. 4–5, 7.

<sup>16</sup> For example, one volume of court records (Beşiktaş Court Records, İstanbul, vol. 77, for the years 1077–1779/ 1666–1668) contains five deeds of the *kitaba* type: vol. 77, p. 24 – it was agreed in the contract concerning a Russian female slaves that she would be freed upon the payment of 100 gurus. Since she had paid ninety, she would serve one more year in lieu of the other ten; p. 78, 2 – the slave Hannah was freed after fifteen years of loyal service (meaning no attempts to escape or betray her owner); p. 127, 1 – the manumission deed of a female slave; p. 128 – a Jew releases his Russian female slave; p. 131, 1 – agreement for release of Rahela, a Russian female slave, after two years of service.

<sup>17</sup> One year: *ibid.* Hasköy, vol. 3, 105; two years: Hasköy, vol. 9, 9; Hasköy, vol. 10, 106. Conditions were the same in Bursa, see Sahillioğlu, Bursa (1985).

<sup>18</sup> Hasköy, vol. 6, p. 9.



Freedom might also be purchased by refunding the purchase price.<sup>19</sup> Servitude might also end with the death of the owner or as an act of piety. Slaves who converted to Islam were usually removed at once from their (former) owner, whether Jewish or Christian. They were then entrusted to a Muslim custodian and sold only to Muslims. Conversion to Islam was not necessarily synonymous with liberation. To wit:

The slave [together with her daughter fathered by] a Jew [her owner] from the Piri Paşa neighborhood, who was of medium height, blue eyes, reddish eyebrows, pointed nose, and her daughter converted to Islam. She was named as Gülistan, and her daughter was named as Gülbuse.<sup>20</sup>

An earlier document says that Gülistan was handed over to İbrahim Efendi. Upon the mother's conversion to Islam, both slave and child – here a daughter – were taken from the Jewish owner–father and, one imagines, adopted by a Muslim. Another source documents an event that took place in Jerusalem in 1579. Fatma, the Muslim slave of the Jewess Marhaba, arrived before the court, said the Shahada (and thus formally converted to Islam), and consequently was turned over to the commander of the fortress.<sup>21</sup> In mid-sixteenth century Bursa, a convert (possibly a former Jew) was flogged for selling a Muslim slave girl to a Jew: The author mentions the confiscation and sale of the Jewish sarraf's Russian slave that became Muslim.<sup>22</sup>

### Jewish slave-trading

Western sources repeatedly mention that Jewish men and women resident in Istanbul engaged in the buying, training, and sale of slaves,<sup>23</sup> although at times, “slave trading” was not that at all, but Jews ransoming Jewish captives, as was the tradition.<sup>24</sup> A small number of texts nonetheless show that Jews were involved in the slave trade as dealers (Turkish:

<sup>19</sup> Hasköy, vol. 7, 96; vol. 10, p. 56a. See also vol. 7, p. 27, p. 54 (a combination of the end of a set period and payment). In another case, a Christian bought his cousin from Yasef the Jew and redeemed her: Hasköy, vol. 14, p.66. see also vol. 11, p. 30, p.78, p.80.

<sup>20</sup> Hasköy, vol. 14, p. 68. Handing her over is mentioned in page 67. For another case of two slaves becoming Muslim, but without mention of confiscation, see: Hasköy, vol. 7, 42.

<sup>21</sup> Cohen & Pikali, *Jews*, [Jerusalem 1993], no. 457. In another case from Istanbul the Jewess Sultana was warned by the court to turn over her converted slave to the Kethuda of the Bedestan, (Sijil Beşiktaş, vol. 77, 112). For a case, from Sofia, see G.D. Galabov & H.B. Duda, *Die Protokollbücher des Kadiamtes Sofia*, München 1960, pp. 82, 167–168, 209.

<sup>22</sup> For both cases, see Çetin, Bursa, (Ankara, 1994), 95–96.

<sup>23</sup> The following are a few relevant references to travel literature of the seventeenth century: William Lithgow, *The total discourse of the rare adventures and painful peregrinations...* (Glasgow, 1906), 122–123 (journey conducted in 1610; first ed. 1632); *Voyage de Levant fait par la commandement du roy en l'année 1621*, par le Sr. D.C. [L. Des Hayes, Baron de Courmenin], 2d ed. (Paris, 1629), 113; *Le voyage d'Italie et du Levant de Messieurs Fernel* [et al.] (Rouen, 1664), 52–53 (Journey ca. 1630); Joseph Pitton de Tournefort, *A voyage into the Levant...*, vol. 1 (London, 1718), 382.

<sup>24</sup> See, in extenso, Eliezer Bashan, *Captivity and ransom in Jewish society in Mediterranean lands* (1391–1830) (Ramat Gan, 1980) (Hebrew). For a Jewish saying about the habit of ransoming captives, usually above their market price, see David ibn Zimra, Responsa, 1:§40, 7a. This fact was known to gentiles: See the testimony of the sixteenth-century Frenchman Pierre Belon quoted in Paul Grunbaum, *Les Juifs d'Orient d'après les géographes et les voyageurs*, *Revue des études juives* 27 (1888), 134. For a specific episode, the ransom of the 1648–1650 Polish and Ukrainian Jewish captives, see Daniel Carpi, *Initiatives of the Paduan Jewish community on behalf of Polish Jews during and after the massacres of 1648–60*, *Gal-Ed* 18 (2002), 41–72, esp. 41–55 (in Hebrew).

*esirji*). A communal ordinance dating from the early seventeenth century also points to extensive Jewish involvement in the slave trade in Istanbul (as well as Karaites). The prologue reads:

Since within the holy community, may the Lord save it and keep it, there are individuals who negotiate to buy and sell male and female captives as male and female slaves, and there are also a few among them who buy...slaves not in order to sell them but to use them as slaves of their own, and it is customary in the state, from earliest times, to pay the...tax to the governor for the...slaves [irrespective of] whether one buys or sells...slaves through negotiation in order to make a profit or whether one buys them for himself....<sup>25</sup>

Likewise, a document of the *Shari'a* court from A.H. 1089 (=1678) refers directly to a Jewish slave dealer – as it was, a woman:

Sara daughter of Avraham the Jewess, known as the slave trader [ '*esirji*' in Otto. Tur.], who lives in the Kiremitçi Ahmed neighborhood in Hasköy came to the court and reported in the presence of Bana daughter of Havadyr the slave [ '*cariye*' in Ott. Tur.], who is of medium height, detached eyebrows, blue eyes, has a dot on her right ear, and of Russian origin: 'I have manumitted my slave, and now she is free like other free people.'<sup>26</sup>

A Jew who dealt in female slaves is mentioned in a question asked of a rabbinical authority at the beginning of the eighteenth century.<sup>27</sup> Where the documents leave us in difficulty is that many references to Jews buying slaves do not specify whether they bought them for personal use or for resale.

No doubt slave dealers kept several slaves in their homes for lengthy periods of time until they could train and sell them to proper buyers. The basic skills slaves acquired were to perform household chores like cooking and embroidery. To prepare them for service in Jewish homes, slaves had to be taught the Jewish dietary laws of *kashrut*. Since in most cases the slaves were females, much of the daily contact with them was through the women of the household. Training the most accomplished slaves, in anticipation of their resale, took much time and included the acquisition of cultural skills needed for future service in the harems of the élite. One can easily imagine that newly acquired slaves were also taught Turkish, singing, dancing, and how to play musical instruments. The teachers may well have been professional Jewish performers.

### The extent of Jewish ownership

Dozens of responsa dating from the sixteenth to the eighteenth century routinely mention Jewish slaveholders in the cities of the Ottoman Empire. The *Shulhan Arukh* (sect. Yoreh De'ah, §267) contains 85 clauses relating to slaves. That whole sections of various halachic works, some printed and others still in manuscript, are devoted to the presence of slaves, and to problems and situations that emanate from it, is another indication of slaveholding's

<sup>25</sup> Simcha Assaf, *leToldot haKaraim beArtzot haMizrah*, Zion 1,2 (1936), 238–239. (Hebrew).

<sup>26</sup> Hasköy, vol. 10, 56, document 3.

<sup>27</sup> Shmuel Florentin, *Olat Shmuel* (Salonica, 1779), Hoshen Mishpat, §7, 53a (Hebrew). See also David Falcon, Beney David, *Kuntres Iguna de-Itetah*, 33b. A sixteenth century Jewish slave-dealer from Caffa (the Crimea) in Goa, India, is mentioned in Mosheh Mitrani, *Responsa* (Venice 1630), 2:§78, 39a.

extent.<sup>28</sup> These works even reproduce formulaic deeds for recording the purchase and sale of slaves or outlining the procedures of manumission and conversion to Judaism.

The frequent use of deeds lends support to the assumption that ownership of slaves was widespread among middle- and upper-class Jews in medium-sized and large cities and even in the provinces from at least the late sixteenth century until the middle of the nineteenth century. The *sijill* documents complement the response literature, and attest to the fact that many women owned slaves, perhaps more than we would expect, and this makes them an important component in their assets.

Court records reveal a wide range of prices, which no doubt were influenced by the slave's physical attributes, such as age, features, and capabilities, and perhaps also by the length of service agreed upon.<sup>29</sup> Records of income from taxes for the year 1691/1692 indicate that the neighborhoods of Hasköy and nearby Piri Pasha, where our documents originate, were poor. About 80% of the Jews living there paid the lowest tax rate, while only 16.5% were at the intermediate level, with less than 4% considered wealthy.<sup>30</sup> Undoubtedly, more Jewish owned slaves were found in neighborhoods containing a good percentage of middle-class and wealthy Jewish families. Indeed, that the principal Jewish slave owners were of the Jewish upper class helps explain why the slaves Jews owned were themselves frequently considered "high-class".<sup>31</sup> An outgrowth of their status was that wealthy, new owners sought to maintain good relations between such slaves and their previous owners. These relations could be of considerable value, since they were a means of communication and, sometimes, influence.<sup>32</sup>

<sup>28</sup> For example the book *Yad Ne'eman*, from the second half of the eighteenth century, includes a *Kuntres Get Shihurur* (tract on a deed of manumission) with a detailed description of the process by which a slave is freed, including the exact text of the statements made before the judges during the act of manumission. To this, the author appended the texts of deeds of manumission. See Haim Miranda, *Yad Ne'eman* (Salonica, 1804), §7, 55c–d (Hebrew). This care in dealing with manumission contrasts with the lack of similar sources for North African communities. An important North African collection of deeds compiled in the nineteenth century contains no text at all relating to the conversion or manumission of a slave; see Abraham Ankawa, *Kerem Hamar*, 2, [Livorno 1871], 44–62. For the situation in Morocco, see Daniel Schroeter, *Slave markets and slavery in Moroccan urban society, slavery and abolition* 13 (1992), 200–206.

<sup>29</sup> Here are some of the prices I found in seventeenth century court records: Hasköy, Vol. 2, p. 7: 40 gold coins (=florins), which is about 60 gurus; 5, 302: 35 riyal gurus; 7, 27: 100 riyal gurus; 7, 54: 5,000 akçe = which is about 50 gurus; 7, 93: 35,500 akçe = which is about 350 gurus for a male slave (a price that indicates that male slaves were rare); 7, 96: 75 gurus; 7, 111: as a collateral for a 150 gurus debt; 11, 30: 60 gurus; 11, 78: 120 gurus; 11, 80: 250 gurus; 13, 14b: a child was sold for 55 gurus; 14, 66: 80 gurus; 17, 45a: 100 gurus. Data for the eighteenth century indicating that prices ran from 200 to 300, and even 400, gurus per slave, see Fisher, *Manumission*, (1980), 53. In the absence of comparative data, especially on purchasing power, it is difficult to judge these sums.

<sup>30</sup> Minna Rozen, *Jewish cemeteries in Turkey*, *Jewish Quarterly Review* 83 (1992), 100.

<sup>31</sup> Evidence that Jews kept well-trained female slaves in their homes is found in both Jewish sources and texts composed by European travelers. A responsa from Salonica in the early seventeenth century notes the receipt of an imperial prohibition against ownership of female slaves by Jews, for "all of the king's servants in the kingdom know that every man and woman [among the Jews] has better female slaves than do the king and his ministers" (Shlomo le-Beit Halevi, *Responsa* [Salonica, 1652], *Hoshen Mishpat*, §42, 79b–c). The French traveler Tournefort seconded this, writing that best and most handsome or beautiful slaves are those in Jewish households, Tournefort, *A voyage*, (1718, I, 382) and that of Pierre Belon, as quoted in Grunebaum, *Les Juifs* (1888, 134–135).

<sup>32</sup> On clientage and clientel networks see for example, Leslie P. Peirce, *The imperial harem: women and sovereignty in the Ottoman Empire* (Oxford and New York, 1993), 139, 143–144, 210.



## The religious and social aspects of the presence of slaves in Jewish urban households

### Muslim law and ownership of slaves

Non-Muslims were forbidden to own slaves, whatever their origin, a prohibition that dates to the time of the Mamluks, who feared lest the slaves be converted to a religion other than Islam. They also did not want *dhimmis*, essentially Jews and Christians, to acquire this important status symbol, just as *dhimmis* were forbidden to wear luxurious clothing. Mamluk consistency, and severity in enforcing the restriction seems to have gone by the boards under the Ottomans. Ordinances issued by the imperial court beginning in the mid-sixteenth century to police the holding of slaves by *dhimmis* were neither uniformly enforced nor were their directives themselves uniform. They also differed from place to place throughout the empire. The same applied to some other restrictions of Muslim religious law. At times, the holding of slaves was absolutely forbidden, on other occasions only elderly female slaves were permitted, and in still others, what alone was forbidden was to own Muslim slaves. Documents published by Hayim Gerber indicate that official records register Jews and Christians owning only a few score female slaves or the names of slaves Jews once owned. But there is good reason to believe that Jewish communal leaders kept the authorities in the dark about the true figures, or that what we see on paper reflects no more than what was decided in negotiations.<sup>33</sup> This seems to have been the case even when enforcement was strict. Jews circumvented not only the general prohibition, but even that against acquiring Muslim slaves, often through the use of a Muslim intermediary to carry out the transaction. The seventeenth-century French traveler Des Hayes described this method. He made special note of the difficulty in procuring beautiful female slaves, which some Jewish ladies (besides men) nevertheless managed to do by having a Muslim act in their behalf.<sup>34</sup> It was also possible to offer a bribe.<sup>35</sup> These practices might come to an end, however, when a new regime took power or when Muslim anger at *dhimmis* flouting Islamic law periodically boiled over, leading to the strict enforcement of “sacred [Shari’a] law”.<sup>36</sup> More pragmatically, supply and demand may have influenced official attitudes – a surplus of captives in the market both lowered prices and made it difficult to resist *dhimmi* requests to purchase slaves. When, on the other hand, there was a dearth of slaves, those owned by *dhimmis* might possibly be distrained.

Ottoman policy, as Gerber has succeeded in showing, gradually changed. The absolute prohibition of slaveholding by non-Muslims gave way to ownership of slaves who were not

<sup>33</sup> Gerber, *Jews*, (1983, 14–15). Compare with the data provided by Yvonne Seng about an ordinance dating from A.H. 1021 (=1612) which obligated all *dhimmis* freed by Jews and Christians during the past six years to apply to the Shari’a court within three days for new documents. The result was that only 60 men and women turned to the court. See Seng, *Fugitives*, 31, based on the Istanbul record book, vol. 1, 1a.

<sup>34</sup> Des Hayes, *Voyage de Levant*, (1629, 113). The transaction might have been disguised as a loan, or some other payment. See for example David ibn Zimra, 4, Livorno 1652, §48, 8a.

<sup>35</sup> As we find in Hebrew source from the turn of the seventeenth century: “When a Turk came bearing a proclamation from the king, may his majesty be magnified, that the Jews shall not keep female slaves, and each time he came the Jews who owned female slaves gave the bearer of the proclamation a certain sum to keep his mouth shut...,” (Shelomo le-Beit Halevi, *Responsa*, [1652], *Hoshen Mishpat*, §42, 79b). In 1579, Muslims in Jerusalem were irritated by this practice and complained to the Kadi that Jews were using Muslim slaves and servants; see A. Cohen, *Ottoman sources for the history of Ottoman Jews, How Important?* In: A. Levy (ed) *The Jews of the Ottoman Empire* (Princeton 1994), 700–702.

<sup>36</sup> See, e.g., Gerber, *Jews*, (1983, 14–15); and see Robert Mantran, *Istanbul dans la seconde moitié du XVII<sup>e</sup> siècle: essai d’histoire institutionnelle, économique et sociale* (Paris, 1962), 106–109, who mistakenly assumes that permission to hold slaves was a relatively late development.

Muslims, however, in return for the payment of a special tax. In the 1570s Jewish communities, at least in the larger cities, apparently agreed to pay such a tax in return for the right to own slaves, which was likely paid in addition to the *jizye* (the poll tax paid by [all] *dhimmis*); we may assume that slaves owned by non-Muslims rarely converted to Islam, but more often adopted the religion of their non-Muslim owners.<sup>37</sup>

Procedures like this may well reflect various ordinances issued during the reigns of Selim II (1566–1574) and Murad III (1574–1595) concerning to the enforcement of several *Shari'a* restrictions relating to *dhimmis*.<sup>38</sup> Gerber also notes an ordinance from 1595 that permitted de facto *dhimmis* to own Christian and Jewish slaves.<sup>39</sup> It may well be that the global tax paid for the right to own slaves is the one mentioned in the joint Rabbanite-Karaite communal ordinance issued in Istanbul in 1610, and later in another document from the end of that century.<sup>40</sup> Indeed, from the middle of the seventeenth century, we hear no more of such restrictions, and it is obvious that Jews were permitted to own female slaves in return for payment of a permanent tax. The impact of this new policy is reflected in a Responsum from the 1570s by R. Moshe Mitrani, then residing in Safed. He mentions the acquisition of slaves in the cities of Syria, Palestine, and Egypt after the Ottoman conquest of Cyprus in 1570,<sup>41</sup> noting, in particular the purchase of adults, and *juveniles*, from among the Cypriots. The local Muslim population, he adds, appealed to the Sultan to have this practice stopped.

Their efforts clearly failed. There were even *dhimmis* who acquired male and female Muslims as slaves although this was wholly prohibited and despite the danger of severe punishment that owning a Muslim slave might entail.<sup>42</sup> It is unclear why Jews were willing to run the risks involved in such ownership – perhaps a dearth of Christian slaves on the market led to taking chances – and why Muslim slaves owned by *dhimmis* stayed put and did not leave their masters. Perhaps the key to this last was good treatment, but this is to speculate, as well as it is to wonder whether these slaves saw the option of enslavement to a Muslim owner as an unattractive alternative. What is to be more wondered at is why neighbors, relatives, and others maintained silence before the authorities, even though they likely knew of the illegal presence of these Muslim slaves in Jewish homes?

<sup>37</sup> Gerber, *Jews*, 1983, 14–16.

<sup>38</sup> See, for example, the ordinances collected and published by Ahmed Refik Altınay, *Onuncu Asr-i Hicri'da Istanbul Hayati* (1495–1591) (Istanbul, 1930; repr. 1988), 43, nos. 1–2, 50, no. 11.

<sup>39</sup> Gerber, *Jews*, 16 & doc. 29.

<sup>40</sup> Assaf, 209–210; Hayyim Shabbetai, *Torat Hayim*, 3, Salonica 1722, §44–45.

<sup>41</sup> “And in the kingdom of Turkey...the king...gave permission to his servants, that anyone who captured infidels from among the enemy may enslave them and sell them as he pleases. And in the war against Cyprus, conquered by one of the king's servants to whom the king entrusted a force, they took captive infidels as male and female slaves and sold them here [i.e., in Safed] and in Damascus in public and even Jews bought some of them, and if it was the law of the land that Jews were prohibited [from doing so]...then Jews could not have bought them publicly and drawn up a bill before the judges as evidence of their purchase....In Egypt, too, they bought many from among them [the captives] in public and the Ishmaelite ministers and judges did not complain....” Moshe Mitrani, *Responsa*, 2, (Venice, 1630), §199, 93a ff., esp. 93d–94b (Hebrew).

<sup>42</sup> This is also evident from the decree mentioned above issued by the sultan in 1594/1595; see Gerber, *Jews*, (1983), doc 29. Such incidents are mentioned in the *sijil* documents and see above. As for Egyptian Jews holding Muslim slaves see Hanna, *Sources*, (2005) 129.

## Religious issues

The presence of non-Jewish slaves in Jewish households posed halachic problems, especially when dealing with food. Was the food slaves touched, even accidentally, and especially wine still kosher? And what about the work slaves performed on the Sabbath?<sup>43</sup> The legitimization of illegal offspring was especially thorny. The obvious solution, to convert the slave, was not free of contradictions: The slave could touch and prepare all food, but he or she could not be made to work on the Sabbath. Apparently, most Jews preferred not to convert their slaves even though at times, this was against the explicit wishes of the latter.<sup>44</sup>

It was deemed preferable to take advantage of having non-Jewish members in the household. Many rabbis, need it be said, were critical of this practice.<sup>45</sup>

Sexual relations with a female slave was a particularly acute problem. Distinct from Islam, which gives slave owners the right to sexual intercourse with female slaves, whose offspring also belong to him and are considered legitimate heirs, Judaism tends to prohibit this practice, at least “before the fact”. Maimonides had already ruled that a man who engages in sexual relations with his slave must free her and marry her as a convert to Judaism – or send her away from his household.<sup>46</sup> Much of the reason for the prohibition was the prevention of halachic infractions, first, of the rule against cohabitating with a non-Jewish woman, and, second, the laws of menstrual separation. To be sure, these issues did not arise first in Islamic lands. What I believe was new there was the increased concern among halachic authorities. Cohabitation with slaves had not only become somewhat common, but the general Jewish population considered it acceptable.

The sources offer two justifications for ignoring earlier prohibitions: the female slave was bought with “my” money, and I am permitted to do whatever I want with her; the price of payment was also her “marriage price”.<sup>47</sup> Muslims were saying similar things, and it is

<sup>43</sup> Such as heating food and drinks, opening and operating businesses. For this last aspect, see, e.g., Hayyim Benveniste, *Responsa, Orah Hayyim*, 2, Constantinople, 1743, §32, 23a.

<sup>44</sup> See Yosef David, *Beit David*, (Salonica 1740), Yoreh Deah, 1:§127, 84b; Yehoshu’a Shonzin, *Nahala li-Yehosu’a* (Constantinople 1731), §11, 11a; Hisday haCohen *Perahya*, *Torat Hesed* (Salonica, 1723), §45, 35d. How slaves managed with kosher food preparation is unclear.

<sup>45</sup> See, for example, Menahem de Lonzano’s criticism of the practice of asking gentile to do something which is forbidden for a Jew on Saturday: Menahem de Lonzano, *Shetei Yadot* (Venice, 1618), sect. Tova Tochahat, 135a–b (Hebrew). See also the warning given by Venetian Rabbi Samuel Aboab to an emigrant to the land of Israel, based on rumors that reached him about conditions in the Ottoman empire: Samuel Aboab, *Sefer ha-Zikhronot*, the *Ahavat Shalom* edition, (Jerusalem, 2001), 293.

<sup>46</sup> Maimonides *Responsa*, Joshua Blau (ed), §211 (Hebrew). Others ruled differently; see Louis M. Epstein, *The institute of concubinage among the Jews, Proceedings of the American Academy for Jewish Research* VI (1934–5), 153–188. Zvi Zohar has recently discussed the possibility of halachically based concubinage arrangements, *Zugiyut ‘al pi haHalacha lel’o Huppa veKiddushin*, *Akdamot*, 17 (January 2006), 11–31. On concubinage in medieval Canon Law see: James A. Brundage, *Concubinage and marriage in medieval Canon Law, Journal of Medieval History* 1 (1975), 1–17 [=Sex, law and marriage in the Middle Ages, *Variorum*, London 1993, VII]; also *Brundage, law, sex, and Christian society in medieval Europe* (Chicago and London, 1987). Indecision on whether intercourse with a non-Jew or with a slave who converted to Judaism, but does not immerse herself in the ritual bath is found in Hayyim Benveniste’s reply to Mosheh Ziyon: Hayyim Benveniste, *Ba’ei Hayyei*, Yoreh De’ah, (Salonica, 1788), §228, 168a (Hebrew).

<sup>47</sup> They may also have known Spanish Jewish practice. Elliott Horowitz notes that cohabitation with female servants is well documented in the Iberian Peninsula: Elliott Horowitz, *Between masters and maidservants in the Jewish Society of Europe in late medieval and early modern times*, In: Israel Bartal and Isaiah Gafni (eds) *Sexuality and the family in history* (Jerusalem 1998, 210). For the Iberian Peninsula, see Yomtov Assis, *sexual behaviour in medieval Hispano-Jewish Society*, In: Ada Rapoport-Albert and Steven J. Zipperstein (eds) *Jewish history: essays in honour of Chimen Abramsky* (London, 1988), 25–59.

clear that norms customary in Muslim urban society were influencing Jews.<sup>48</sup> But there was the *halakhah* and illuminating in this context is a responsum of Rabbi David Ibn Zimra (Radbaz, d. 1573), who lived principally in the land of Israel and Egypt:

You requested that I inform you of my opinion about a concubine, whether she is permitted in our days or not, and if you prefer to say ‘permitted’, is she in a state of marriage or not, as I have seen some persons of our times transgressing in this matter and at times committing a sin for which the punishment is *karet*,<sup>49</sup> since she is ashamed to go to the ritual bath, and he who uses her [is cohabiting with] a menstruant.

Although the Radbaz was aware of the halachic possibility of permitting the practice, he chose to prohibit it completely, perturbed, as he was, by the apparently inevitable violations of the laws of the *niddah* (menstruant) that would ensure.<sup>50</sup>

But rabbinic opinion often differs from that of the public. A case from seventeenth century Salonica, known from a responsum of Rabbi Hayyim Shabbetai, reveals a Jewish public divided on the social acceptability of cohabitation with slaves. It also unmasks the kind of rumor that relations with a slave might generate, as well as the fact that sometimes these rumors were true:

Reuben bought a female servant from Simon, who immersed [in the ritual bath]. He bought her for the purpose of slavery, and it was obvious that he intended to fornicate with her, so much so that malicious rumors spread about that he was indeed fornicating with her. The rumors spread throughout the city, and Reuven, for his part, unashamedly admitted to his actions, even boasting that he lay with her whenever he wished, and no one could tell him what to do because he had bought her with his own money. And some of those who fear the Lord...when they heard of this evil and that its truth was well attested, and that Reuven and the slave both admitted it, rebuked him. They said: ‘What and why are you doing this, how can you commit this great wrong and sin before God, for the severity of this sin is well known...’<sup>51</sup>

Following the usual rabbinic path, Shabbetai ordered communal leaders to punish Reuven severely; Reuven himself was required to repent of his deeds, neither of which probably happened, although it is clear from the Responsum that public opinion both justified and condemned Reuven’s actions. There were even those who assaulted Reuven in his own home.

<sup>48</sup> These norms included Jews manumitting slaves and then promoting their social integration, as well as concern about the status of slave offspring. For Jewish excuses for cohabitation, see Hayyim Shabbetai, *Torat Hayyim*, 3 (Salonica, 1722), §44, 72c–d (Hebrew), and see n. 51 below. There is an affinity here with the Muslim custom of Mut’a marriage, see Walter Heffening, *Mut’a*, *Encyclopaedia of Islam*, CD-ROM edition, v.1.1 (Leiden 2001).

<sup>49</sup> A death sentence decreed in Heaven, meaning moral condemnation, but no punishment in fact.

<sup>50</sup> “...and more so in this wicked generation when all are licentious, they conduct sexual relations with female slaves, claiming they it is permitted to themselves because the sum with which they bought her is her marriage price. But this is mistaken, for it is well known that marriage is not valid with a female slave, even if she has been freed....Since illegitimate intercourse is so widespread in this generation, it is inappropriate to inform them of cases in which it is permitted, this in order to erect a protective barrier around the Torah.” David Ibn Zimra, *Responso*, 7, (Warsaw, 1882), §33.

<sup>51</sup> Hayyim Shabbetai, *Torat Hayyim*, 3 (Salonica, 1722), §44, 72c–d (Hebrew).

Rabbi Joseph Karo, too, the mystic and author of the most important halachic works of the period, the *Beyt Yosef* and the *Shulhan Arukh*, considered intercourse with a female slave a grave offence. However, this did not prevent Karo from discussing the legal status of the offspring of a female slave at length. Karo suggested that violators, who we may imagine were not few, free and convert beautiful women slaves and marry them to limit to one man the effects of this woman's obvious sexual attraction and thus to ensure that other men did not fall into "sin".<sup>52</sup>

Other mystics and kabbalists took an even graver view of intercourse with slaves. In one chapter of his *Reshit Hokhmah* devoted special prayers to be said by one who spills semen extra-vaginally, R. Elijah de Vidas also speaks of men who lie with menstruants, whores, non-Jews – and slaves, all of whom he condemns to severe punishment.<sup>53</sup> Poems of reproof and ethical writings from the sixteenth through the eighteenth centuries also chide offenders.<sup>54</sup>

Clearly, the offense itself was a common one.<sup>55</sup> Yet, on the whole, halachic authorities seem to have resigned themselves to reality, and they limited themselves to condemnations, prescribing mild punishments, if at all. No doubt, they understood that to decree harsh punishments would be to issue rulings with which the "public could not – nor would not-abide." It would have been exceedingly difficult to prevent Jews from doing what was so widely accepted by Islamic urban culture as socially legitimate.

### Slaves, sexuality, and the family

Both Jewish and Muslim sources make it clear that slave owning was a status symbol for the middle and upper classes. It was also a precondition for managing a respectable household properly.<sup>56</sup> But these sources only hint at the roles of slaves in the household, their relationships with members of the family, and their status in the urban community and neighborhood. On the other hand, the not infrequent process of manumission and conversion of slaves, which we observed briefly above (probably as a "package deal", that the concise records of the *sijil* do not record), suggests a certain ease in passing back and forth from freedom to servitude and once more to freedom. This fluidity of status may

<sup>52</sup> Joseph Karo, *Shulhan 'Arukh*, Yoreh De'ah (Venice, 1567), §267, 58b–59b (Hebrew).

<sup>53</sup> Elijah de Vidas, *Reshit Hokhmah* (Venice, 1579), sect. Sha'ar Hakedushah, chap. 17, 311a–b (Hebrew). I thank Assaf Nabaro for providing me with this information.

<sup>54</sup> On which, see: Ezra ben Yehezkel ha-Bavli, *Tochehot Musar* (Constantinople 1735), 78a, "...he shall desire in his heart a woman slave...on the gentile woman's bed he shall betrothe her and have many boys born...desire enslaved women and time will mock you...those were the bodily lusts Moabites, 'Amonites, Zidonites, Hittites...in copulating with that cursed body and make love to it, and rejoice and enjoy it...; also, there, no. 106b (Hebrew). See, too, Israel Najara, *Mesaheket ba-Tevel* (Safed, 1587), 4a (Hebrew); and the eighteenth century ethical treatise of Reuben ben Abraham, *Sefer Tikkunei ha-Nefesh*, 1 (Salonica, 1765), 196a (Hebrew).

<sup>55</sup> On the gap between theory and practice, see for example Yaron Ben-Naeh, Moshko the Jew and his gay friends: same-sex sexual relations in Ottoman Jewish society, *Journal of Early Modern History*, 9.1–2 (2005), pp. 79–105.

<sup>56</sup> See, in illustration, the father of a bride promising a slave as a part of the presents she brings with her; Moshe Amarillio, *Devar Moshe*, Yoreh De'ah, (Salonica, 1742), 1, §38, 66a. See also Shelomo ha-Levi, *Lev Shlomo*, (Salonica, 1808), Even ha-'ezer, §36, 50a, among others.



have helped pave the way for the next step, also not uncommon, of freed female slaves were wedded off to family members, relatives, or friends.<sup>57</sup>

Slave women may have made peace with their condition precisely in the expectation of freedom and an eventual match. They could at least hope, while in slavery, for eventually ameliorated economic and physical conditions (especially during old age or in sickness). Even while a slave, a woman who bore a child to her master – and he admitted being the father – upgraded her status and ensured living under his patronage. In the future, her children would look after her and legally inherit their father.<sup>58</sup> Indeed, the children of female slaves who converted to Judaism were legal heirs and proper Jews, just as was the case for Muslims, under Muslim religious law, which decreed that the children of female slaves were free persons and did not differentiate between the offspring of the legally wedded wife and those of slaves.<sup>59</sup>

Nonetheless, the matter was not open and shut. When the master admitted paternity, his offspring's right to a part of his inheritance went unchallenged, and, hence, the matter would not be expected to resonate in legal inquiries. When there was equivocation, there was halachic intervention. Decisors, who were opposed to sexual relations with slaves to begin with, seized opportunities like that we will now see to minimize the effects of what for them was an improper relationship from the start:

A certain female slave became pregnant in the house of Reuben and gave birth to a son. And they circumcised him and called him Isaac, and the lad grew. Now the said Isaac claims that his mother became pregnant by Simon and demands of the son of Simon his part in the inheritance of his father. Teach us, our rabbi...should he be an heir like every son of an Israelite? Response: Even if witnesses testify that this female slave became pregnant by Simon, if she was the slave of another man, as seems to be the case from the first part of the question [that is] that she became pregnant in the house of Reuben, then he is not the son of Simon to any purpose, and he is an absolute slave of the master of the female slave and of his heirs after him. However, if she was the slave of Simon...and it seems from what the questioner wrote that there are no witnesses to that effect, and surely that even if his mother would claim so before us, we would not listen to her testimony that she became pregnant by this man, and thus the child is not his son, for he denies it...<sup>60</sup>

<sup>57</sup> One of the most popular subjects in travel literature is the seemingly extraordinary and 'exotic' aspects of Ottoman family life – how marriages and divorces were conducted, polygamy, and cohabitation with slaves and concubines – that caught the imagination of European readers. See, e.g., two of the more reliable works of this genre: Corneille le Bruyn, *Voyage au Levant*, 1 (Rouen, 1725), 400–404; Paul Rycaut, *The present state of the Ottoman Empire* (London, 1668), 151–156. Since Hebrew marriage documents and wills are not recorded in the *sijil*, we will not find references to this practice there. Hebrew sources, however, are clear: Shmuel de Medina, *Responsa, Yoreh De'ah* (Salonica, 1596), §194, §195; Hisday ha-Cohen *Perahya, Torat hesed*, (Salonica 1723), §45, 35d. See also note 69. For a story on a manumitted slave who married the son of a Marrano and a slave woman in Safed, see: Radbaz, *Responsa*, 2, (Warsaw, 1882), §651, 11b–c.

<sup>58</sup> For the women of the harem, see Toledano, *The Slave Trade* (1982, ch. 1–2). On inheritance see Radbaz, *Responsa*, 4, (Warsaw, 1882), §1220 [=§149], 45a; Yehiel Bassan, *Constantinople 1737*, §34, 22b.

<sup>59</sup> For slaves inheriting their masters when there were no natural heirs as a legal norm in late Ottoman Egypt, see Shaham, *Masters*.

<sup>60</sup> Yehiel Bassan, *Responsa* §109, 75a–b (Hebrew). Another responsum dealt with the case of the son of a female slave who was born in Ferrara and lived in Salonica – was he obligated to practice levirate marriage with the wife of his half-brother, and was he entitled to some of her property? The adjudicator, who died in 1592, was inclined to reply in the negative. See Avraham de Boton, *Lehem Rav* (Izmir, 1660), §44, 26d (Hebrew).

Apart from his concern for the “dry issues” of lineage and appropriate lines of devolution, Rabbi Yehiel Bassan, the author of this text, may have been especially perturbed by the implication that women slaves were being passed around, verging on unpaid prostitution.

Practices like this last, indeed, all sexual relations with slaves, could not but effect family life as a whole. We cannot say precisely how and to what extent, since, among other things, we have no documented complaints by wives. Nor do we get any help from decisors, who may have lacked real interest in women’s privileges and rights, engage freely in discussions about women’s emotional distress. Ruth Lamdan assumed relations between a married master and a female slave were ruinous: the very presence of a young – and accessible – woman in a household had to have created tension that would have disturbed normal family equilibria, especially between husband and wife.<sup>61</sup> On the other hand, sexual exploitation of female slaves was not solely the province of men. Jewish women in Cairo were known to have had illicit relationships with male slaves, no doubt one reason why Rabbi Joseph Karo denounced keeping male slaves – even the very young – in the household. He feared their presence would stimulate adulterous conduct.<sup>62</sup>

Lamdan, troubled by the silence of the wife, tried to account for it by noting that the rules of a patriarchal society obliged her to obey her husband, and under these circumstances, she perhaps was even pleased by the help she received in providing for his sexual needs.<sup>63</sup> But we should not push catch-terms like “patriarchal society” too far. The reasoning may be a bit more subtle. For a wife, a slave-concubine, however distasteful, was possibly far preferable to the truly frightening prospect of a second, or even third wife, which for Jews under Ottoman rule was still possible. The legally and socially inferior status of the female slave could not threaten the lady of the house, who was also protected by traditional legal mechanisms that made it difficult for the husband to divorce her. Besides, not all wives were docile, or accepting, as Lamdan suggested.<sup>64</sup> A question presented to a rabbinic authority in the Balkans towards the end of the sixteenth century relates how a wife took firm steps to have her husband get rid of the female slave who was his concubine, which he did by marrying her to one of his friends.<sup>65</sup>

But men, male slave owners, were as a rule not easily put off, and their possible reasons for persisting dovetail with those just suggested for their wives. For males, sexual liaisons with slaves provided a combination of a convenient, generally socially (if not halachically) acceptable, even respectable, ongoing relationship with a woman who was seemingly inferior and a stranger, but nevertheless attractive from many aspects – while he was also able to circumvent the practical injunctions against taking a second wife. The husband – actually, every male – could take up with any woman he chose according to his personal inclinations and taste (beauty probably played a greater role than we may assume), without

<sup>61</sup> Lamdan, *Slaves*, 367.

<sup>62</sup> Karo, *Shulhan 'Aruch, Yoreh De'ah*, (Venice, 1567), §267, para. 9. This was not a vain fear; and indeed this sin is counted among the moral sins of Cairene Jews: see Morris M. Faienstein, trans. and intro., *Jewish mystical autobiographies: the book of visions by R. Hayim Vital* (New York, 1999), 69.

<sup>63</sup> Lamdan, *Slaves*, 367–368. One may speculate that a slave-girl would comply with sexual requests his wife refused.

<sup>64</sup> Lamdan, *Slaves*, 367–368.

<sup>65</sup> Shelomo haCohen, *Responsa*, 2, (Venice, 1592), second pagination, §4, 8c. The Englishman Hill claimed that the legal wives did not care that their husbands lay with concubines, as long as they came to their own bed once a week; A[aron] Hill, *A full and just account of the present state of the Ottoman Empire* (London, 1733), 84–85.

the need either to receive dispensation from his vow not to marry another or to comply with the venerable, yet still problematic, Jewish ban against bigamy. Possibly, under the circumstances we have described, he could even do this without incurring resistance from family members, even his wife.

It may also have been a comfort to husbands, as well as wives, that this woman did not threaten the legal wife's status. For the man, this meant that he was also free from the legal and halachic restrictions that applied to a wife. The slave, furthermore, was always available and uncompromisingly obedient – she had to be, in fact, since sexual relations were considered a slave's domestic duty. Resisting or lodging complaints would have been fruitless, as well as folly. Nor was her upkeep great, which was essentially limited to her daily needs. In addition, lacking a family that might intervene and defend her, was another advantage. She could easily be removed from the household without a writ of divorce and without the considerable financial compensation one would owe a true wife.<sup>66</sup>

From the slave's point of view, this hardly sounds optimistic. But, as we have seen, there was hope: manumitted female slaves at times married well. Hebrew documents repeatedly inform us of cases in which former owners took the initiative to make a match for their one time slaves. Sexual exploitation by the master, and even by others, seems not to have deterred even members of the owner's family from becoming spouses.<sup>67</sup> Whether these matches were actually to the manumitted slave's liking we have no way of knowing from the texts. But such women really had little choice. In the Ottoman cultural milieu, marriage was the initiative of a man – the husband alone, or the father on either side. There were surely cases of women who actively opposed or passively resisted plans for their marriage, but it is hardly realistic to expect to find this opposition and dissatisfaction, even on the part of free (Jewish) women, would be put down in writing, at least not in the Ottoman East.<sup>68</sup> It has been suggested that issues like this point to similarities between the condition of female slaves and wives.<sup>69</sup>

But why, indeed, would a man marry a freed slave, a woman of inferior status, lacking in material endowments, the product of a foreign culture and, in most cases, not a virgin, indeed, sometimes a woman who had already been through several pregnancies and childbirth, and whose sexual past, for that matter, was common knowledge. There is more than one case of such a woman eventually married to a friend of the former master who had

<sup>66</sup> There were other reasons for selling a slave, like the one caught stealing: Yitzhak Adrabi, *Divrey Rivot* (Salonica, 1582), §312, 156a; another, who was ill-behaving: *Radbaz, Responsa*, 3, (Warsaw, 1882), §954 = §520, 33d. If a slave became Jewish, the owner had to sell her to another Jew: Moshe Yisrael, *Mas'at Moshe*, 1, (Constantinople, 1734), *Yoreh De'ah*, §21, 80a.

<sup>67</sup> Mosheh Benbenesht, *Pnei Mosheh*, 3, (Constantinople, 1719), §41, 72a; Yitzhak Ibn Shanji, *Be'erot haMayim* (Salonica, 1755), *Even ha'Ezer*, §52, 187c; Beyt David, 1, *Yoreh De'ah* (Salonica, 1740), §125, 82c; Avraham Avigdor, *Zekhor le-Avraham* (Constantinople 1827), *Yoreh De'ah*, §15, 20c. Note that Muslim religious law also permits marrying off a slave who had a *kitaba* contract.

<sup>68</sup> There does exist documentation for women's refusal to marry their fathers' choices in the West, notably sixteenth century Rome; on which see, Kenneth Stow, *Marriages are made in heaven: marriage and the individual in the Roman Jewish ghetto*, *Renaissance Quarterly* 48 (1995): 452–91. For a rare case of a slave-girl refusing her future spouse, perhaps because of his greed and insistence on virginity, see Mosheh ha-Kohen, *Kehumat Olam* (Constantinople, 1740), §69, 75a.

<sup>69</sup> In her study of domestic order in the Ottoman Empire, Zilfi, "Servants, Slaves," sees female slaves as a symbol of subordination and sexual availability that was characteristic of the status of women at the beginning of the modern age. She points to their duties as women and wives and to the blurred boundary between domestic chores and the production of merchandise for sale. Zilfi does not overlook the possibility of social advancement through concubinage or marriage, but emphasizes that mostly the position of women (of all social ranks) was inferior, leaving them open to sexual exploitation on all fronts.

fathered her children.<sup>70</sup> Rightly, I think, we may imagine that such friends were not necessarily poor or desperate for a partner. What we may suggest is that (apparently) upper class men married such women because they were having trouble finding a more “respectable” match, or perhaps these men lacked the funds for a proper dowry.<sup>71</sup> Or maybe they were smitten by love, which does happen? There are also persons of a higher social class who feel sufficiently secure to ignore norms that others may sense the obligation to observe. We need serious work to establish whether any of this is true.

### Manumission, family, and community

How distinct was the role of the female slave from that of wives? Both worked in the household, doing, it seems, the same or similar tasks, and both were sexually active with the owner/husband. Both were true members of the household, and when cohabitation took place, especially when followed by childbirth, the slave was effectively integrated into the family, whose borders, in turn, were blurred: what precisely was the criterion for full membership. So integrated was the slave that it least once it was asked of a rabbi whether two manumitted slaves, a male and a female, converted and also married to Jews, were obligated to mourn the death of their former master.<sup>72</sup> We must not think that what we have seen in terms of intimacy with slaves, as well as of their participation in family life, was necessarily a gendered experience. Indeed, above, we saw female owners exploiting male slaves sexually.

There were cases of slaves adopting the master’s status and lineage, including when that status was distinguished. Short of actual adoption, slaves might take advantage of the master’s social rank. This was considered to substitute, or to serve as an alternative, to the rank conferred by biological descent, which the slave, of course, lacked. Family affinity is attested to also in matters of inheritance. Dozens of wills written by Jewish men and women count slaves not only as chattel, but as family members with the right to inherit. Some are granted freedom, and others are left money, clothes, or artifacts to serve as a dowry. At the same time, owners sometimes instructed that the property and presents given even a freed slave – who died without offspring – be returned to the estate for redistribution. This practice roughly parallels the Muslim custom of *wala* noted earlier on.<sup>73</sup>

There seem to have been no regulations consigning slaves and their descendants to a lower social level, nor were they politically and religiously excluded. I have found no challenges concerning status in these areas, nor complaints about slaves crossing class lines, although there is some intimation that referring to a person as the child of a female slave

<sup>70</sup> “Reuben has a female servant who gave birth a few times, and it was said about her in the city...that she became pregnant by him, and there are those who prove that it was him. And now the time has come that he speaks about a marriage for her [possibly to a friend];” Hayim Benveniste, *Baey Hayey, Even ha-Ezer*, (Salonica, 1788), §6, 8c [= Mosheh Benveniste, *Pney Mosheh*, 3, (Istanbul, 1719), §41, 72a)].

<sup>71</sup> As recently suggested for Ottoman Cairo: Hanna, *Slave women*, 125–126.

<sup>72</sup> “Reuben bought a male and also a female slave from the idolaters and converted them to the Jewish faith, and married them off to Jews and then he and his wife passed away; are the converts obligated to mourn them as are a son or a daughter....And if they wish to accept the obligation of mourning, may they do so?” Ephraim ha-Cohen, *Sha’ar Ephraim* (Sulzbach, 1688), §91, 63d (Hebrew).

<sup>73</sup> For cases in which female slaves inherited from their masters, see Meir Melamed, *Mishpat Zedek* (Salonica 1615), 1:§52, 165a (Hebrew); Nissim Hayim Mosheh Mizrahi, *Admat Kodesh* (Salonica 1756), *Hoshen Mishpat*, 2:§9, 55d (Hebrew). See also Shmuel Yitzhak Modeano, *Ne’eman Shemuel* (Salonica, 1723), §113, 176a (Hebrew) which clearly mentions the return of gifts to the family of the man who bequeathed them. For *wala* see above.

was considered insulting.<sup>74</sup> When converted slaves died, they were buried alongside Jews, and some of their tombstones have survived. There are also no references to racial purity, an issue that much concerned the western Sephardic diaspora, reflecting ideas then current in the Iberian peninsula.<sup>75</sup> The heterogeneous populations found in Muslim cities, with their multi-cultural nature, no doubt account in part for this lack of discrimination. Contributing, too, was that in the Ottoman world slavery was not synonymous with membership in a specific religious, national, or (what today we would call) ethnic group. Perhaps most importantly, Jewish identity itself in Ottoman territories at the beginning of the modern period was not conditional on origin, heritage, or language, but on open identification and the practice of traditional customs.<sup>76</sup> We know that following conversion, slaves varied in their fidelity to Jewish religious practice. At the same time, what entitled slaves to identify themselves as Jewish was their ability to demonstrate that they had undergone circumcision and immersion in the ritual bath. Afterward, both Judaism and status were accepted.<sup>77</sup>

## Conclusions

The salient characteristic of what we have seen in this study is the fluid condition of slave life, certainly among the slaves of Jews in the Ottoman Empire in the early modern period. Though slavery was, simply put, slavery, whose ills have so many times been recounted, there was a sense of impermanence in slavery to Jews. Many slaves were manumitted and

<sup>74</sup> See the question about a person who insulted another by saying: "Your grandmother was the slave of my grandfather," Eliyahu ibn Hayyim, Responsa (Constantinople, c. 1610), §111, 161b (Hebrew). From the continuation of the responsum (162d), it is clear that the slave also served as a concubine, which leads to the conjecture that such name calling was reserve for descendants of those who had not been completely freed and whose offspring, therefore, were not considered Jews. There is also the possibility that it was known the mother was a loose woman. There were doubts about whether the meat a slave may have slaughtered was kosher, but such meat was not rejected out of hand: "The son of a Canaanite female slave who had not been freed, and he too was not freed, is he fit to slaughter and check the meat for all of Israel?" Shlomo haCohen, Responsa, 2, (Venice, 1592), §175, 128b (Hebrew).

<sup>75</sup> Yosef Kaplan, The Portuguese community in seventeenth century Amsterdam and the Ashkenazi world, Dutch Jewish History, 2, (Jerusalem, 1989), 23–45. Kaplan restates this point more sharply, In: *From new Christians to New Jews* (Jerusalem, 2003), 70–73 (Hebrew). The late Robert Cohen, demonstrated that in the New World, blacks and mulattoes who were the offspring of slaves once owned by Jews and converted to Judaism were relegated to the fringes of the community and made the object of discrimination; Robert Cohen, *Another environment: the Jewish nation in Surinam* (Amsterdam, 1982), 96; Jonathan Schorsch, *Portmanteau Jews: Sephardim and race in the early modern Atlantic World*, In: D. Cesarani (ed) *Port Jews: Jewish Communities in Cosmopolitan Maritime Centers, 1550–1950* (London 2002), 59–74.

<sup>76</sup> For questions of Jewish Identity see Salo W. Baron, Problems of Jewish Identity from a Historical Perspective, A survey, *Proceedings of the American Academy for Jewish Research* 50 (1978/9), pp. 34–67; Yosef Kaplan, Wayward new Christians and stubborn new Jews: the shaping of a Jewish identity, *Jewish History* 8 (1994), pp. 27–41; Minna Rozen, Jewish identity and society in the seventeenth century, Tübingen 1992.

<sup>77</sup> For proselytes and their status in the Ottoman Empire see Eliyahu haLevy, Zekan Aharon (Constantinople, 1734), §19, 25d; op. cit. §111, 69d; Binyamin Ben Mattitya, Responsa Binyamin Ze'ev (Venice, 1539), §72, 138a–b. See also Aharon haKohen Perahya, Parah Mateh Aharon, 2, (Amsterdam, 1703), §51, 90a; Yosef Almoshnino, Edut biYehosef, 2:§20, 46b; Shmuel Yosef, Ne'eman Shmuel, §33, 37b. For a question about the qualification of a proselyte to serve as a *Parnas* see Hayim Benbeneshit, Baey Hayei, Hoshen Mishpat, 1, (Salonica, 1788), §2, 1b. For manuals of Judaization, see Yosef David, Beyt David, 1, Yoreh De'ah, §130, 84d–85a; Mosheh Amarillio, Devar Mosheh, 1:§58, 89c–d; Shmuel Florentin, Olat Shmuel, Even haEzer, §13, 40c–d.



later married to Jews, while others became de facto family members, so that enslavement to a Jewish owner took on a liminal quality. The slavery described here – as well as what happened to a slave after manumission, should this hoped for event occur – was absolutely not that brand of slavery that was contemporaneously beginning to arise in the New World. Ottoman slavery also seems to have lacked the pernicious racial distinctions that so characterized the New World parallel.

Ottoman Jews engaged in slave owning for the same reasons that contemporary Muslims did: prestige, sexual fulfillment, and obedient domestic help. Jewish slave owning is thus an important signifier of acculturation. Yet the halachic reticence to condone the sexual exploitation endemic to the slavery of women is absent from Muslim texts. Not that rabbinic reticence was a deterrent to continued slave owning and to cohabitation. But we must ask whether halachic warnings played some role in a slave's eventual fate, whether that be manumission, especially at the owner's death, which might be accompanied by the making of a match for the former slave, replete with dowry, or the granting of an inheritance, or the status given the slave's children. The blurring of relationships observed in a family where slaves were present may also have been encouraged as a way of downplaying halachic objections, a way, that is, for owners to persuade themselves that what they were engaged in was not "fornication", but appropriate family activity.<sup>78</sup> In which case, what was taken in was also modified, however intentionally or consciously, as a result of halachic pronouncements. This, in turn, means that in observing Ottoman Jews in relation to their slaves, we may point not only to acculturation to Islamic–Ottoman norms in the simple sense, but in the more complex one, too, of Jews modifying that which they have taken in, eventually to make it partly and intrinsically their own.

<sup>78</sup> A rough parallel to what we have been describing comes from Italy, where servants – not slaves; the differences are many – effectively became part of the family. Some servants had sexual relations with their masters, often with the hope of marrying when they left their positions; on which, see Howard Adelman, *Servants and sexuality: seduction, surrogacy, and rape: some observations concerning class, gender, and race in early modern Italian Jewish families*, In: Tamar M. Rudavsky (ed) *Gender and Judaism* (New York–London 1995), 81–97. See also Horowitz, *Maidservants*.