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Sentencing Jews to work on Ottoman Naval Ships and in Forced Labor at the Imperial Arsenal from the Early 16th Century to 1839

Abstract

The purpose of the article is to discuss punishments of *kürek*, i.e., penal servitude on the galleys, and forced labor at the Imperial Arsenal (*Tersâne-i Amire*), imposed on Jewish men by *kadis* and Ottoman governors during the $16^{th} - 19^{th}$ centuries in the Ottoman Empire. The *kürek* (lit. "oar") punishment was inflicted for serious crimes, e.g., adultery, heresy, prostitution, and coin-clipping, as well as other grave offenses for which the *Shari'ah/Kanon* prescribed the death penalty. At times it was also administered for lesser crimes. We learn that this punishment was administered particularly when the Ottoman navy needed more working hands, mainly after the Battle of Lepanto in October 1571 and during the campaign for the conquest of Crete in the 1660s. This punishment was meted out mainly to Jewish offenders from Istanbul and Izmir. The article discusses the execution of these punishments in light of many sources and draws conclusions in the light of extensive research literature. It devotes extensive discussion to the attitude of Jewish leaders, Jewish courts of law and individual Jews to these penalties both in theory and in practice.

Key words: Ottoman Empire, Jews, arsenal, forced labour, *kürek, Tersâne-i Amire,* the galleas, *Kapudan Paşa*, oarsmen, firman, Jewish leaders, Jewish court of law

Introduction

The Responsa literature produced in the Ottoman Empire as well as other Jewish sources, along with Ottoman archival documents and others from the British Foreign Office archives and travelogues from the 16th – 19th centuries, discuss the penalties imposed on Jews in the Ottoman Empire by Muslim courts and Ottoman governors.¹ One of the punishments was the kürek, i.e., penal servitude on the galleys. The convicts were sent to work as rowers (kürekciye) in the Ottoman naval galleys. This punishment is mainly found in Ottoman sources and was also mentioned in Jewish documents, who use the term "sending to the galleys" as well as the term "casting to the galleys". Both kadis and Ottoman governors sentenced convicts to receive this punishment.² Notably, in Jewish sources the reference to punishing Muslims or Christians for serving on Ottoman naval ships is rare. We learn from one responsa that a Jewish resident of Lepanto, David Doigolo, was murdered in the vineyards outside the town in October 1610. The killer - a Greek boy - was not executed, but rather arrested by the Sancakbegi and sent to the galleys.³ In addition, Suraiya Faroqhi learned from Ottoman documents from the years 1750-1849 that the supervisors exhorted bakers in Istanbul who produced poor standard bread. Offenders were threatened with one year of hard labor in the Naval Arsenal. Faroghi notes that until 1750 Muslims accused of this offense were imprisoned in fortresses, while non-Muslims were sent to the galleys.⁴ Care was to be taken that those sent to the galleys were not old men or invalids but strong and fit. Apparently, this punishment was administered particularly when the Ottoman navy needed more working hands, mainly after the Battle of Lepanto in October

¹ Uriel Heyd established his research about the kürek on official registers preserved in the Basbakanlik Arsivi at Istanbul. The three oldest registers are from the years 1559–1561; 1561–1566 and 1564– 1567. The fourth register was compiled in 1707, and the fifth register records criminals sent to the galleys in the years 1719–1728. U. Heyd, *Studies in Old Criminal Law*, pp. 305-307. For example, on December 30, 1575, a firman was sent to Istanbul's Kadi to order the slave traders guild's members not to sell slaves to Jews and Christians. Any of them who pass the order will be sent to be an oarsman. A. Refik, *Onuncu asr-i hicride Istanbul hayati*, vol 1, p. 50.

² On the involvement of the *kadis* in criminal procedures during the 16th and 17th centuries, and the division of labor between the *kadi* and the other authorities, the *ehl-i-örf* (executive officials), in dealing with crime, see R. Peters, *Crime and Punishment in Islamic Law*, pp. 75-84. On trial and sentencing see: Ibidem, pp. 84-92.

³ M.R. Melamed, *Mishpat tzedek*, vol 2, No. 63.

⁴ S. Faroqhi, *The Millers and Bakers of Istanbul*, pp. 179-180. There is a great deal of information about subjects of the empire, who were forcibly taken as rowers, as well as about the recruitment of slaves and captives for this position. In the 1660s over ninety percent of the Ottoman navy consisted of freemen. See M. Shefer Mossensohn, *Medical Treatment in the Ottoman Navy*, pp. 553-561.

1571 and during the campaign for the conquest of Crete in the 1660s. We will discuss below that this punishment was meted out mainly to Jewish offenders from Istanbul, but it is evident from several Jewish sources that in the 1660s Jews from Izmir were also sent to the galleys or threatened with this punishment.

Almost all discussion of this punishment in Jewish sources deals with the punishing of Jews. In other cases, the punishment was hard labor in the Imperial Arsenal (*Tersâne-i Amire*) in Istanbul, which was the main base and naval shipyard of the Ottoman Empire from the 16th century until the dissolution of the empire. During the late 17th century and in the 18th and 19th centuries it was located in the Galata quarter (later called Kasim Paşa), in the Golden Horn shipyard. The Imperial Arsenal was under the direct supervision of the *Kapudan Paşa*, who as chief admiral of the Ottoman navy had the authority to try criminal cases.⁵ Slaves and convicts, as well as prisoners of war, worked in the shipyard.

This article deals with two topics:

- a. Recording information from the 16th 19th centuries on punishing Jews using the *kürek* penalty and on punishing Jews with hard labor at the arsenal.
- b. Discussing the attitude of Jewish leaders to these penalties and whether community leaders or individual Jews delivered Jewish criminals or community members on whom they wished to take revenge for some reason to Muslim courts or to the governors, to receive the *kürek* penalty. The small number of sources within the Responsa literature on this type of punishment indicates that relatively few Jewish criminals were sent to row the galleys, while most were punished by lashes and imprisonment.

Sending Jews to the galleys of Rhodes and of other cities

Rhodes was occupied by the Ottomans on December 25, 1522, and from then on it became an Ottoman naval base. We learn that ordinary defendants, including Jews, were sometimes sent to Rhodes to work as oarsmen in the navy. André Thevet, a geographer and author who visited the Levant in 1544–1549, notes the help of Rhodes Jews in ransoming their brethren who were captives on the galleys. They collected a special internal tax for this purpose.⁶

⁵ M. Shefer Mossensohn, "Medical Treatment in the Ottoman Navy", pp. 553-554. See the information about this officer below in various sections of the article.

⁶ P. Grunbaum, *Les Juifs d'Orient*, pp. 135. About the Jewish community in Rhodes during the 16th century see: I. Goldmann, *The Life and Times of Rabbi David ibn Abi Zimra*, pp. 170-182; M. Benayahu, *Igeret hasofer rabbi Abraham Hassan*, pp. 187-239; About the community throughout the Ottoman period see: A. Galanté, *Histoire des Juifs de Turquie*, pp. 163-203; B. Rivlin, *"Rhodes"*, pp. 392-399.

These were probably mainly Jewish prisoners sold into captivity and employed as oarsmen on ships belonging to European countries, particularly Venice. They may have occasionally also managed to free Ottoman Jews who served as oarsmen on ships belonging to the Ottoman fleet while these anchored in the Rhodes port. We have no information about this. Notably, Christian tourists and pilgrims who visited the Ottoman Empire in the 16th– 18th centuries mentioned that Jews from different communities would redeem Jewish prisoners captured at sea or on land in times of war and peace. They also said that there are almost no Jews on Maltese galleys and Muslim ships.⁷

Heyd published a firman sent by Sultan Murad III on February 26, 1592 to Bursa's Paşa concerning a letter he received from Bursa regarding a local blood libel in which eight Jews were accused. They were caught and imprisoned by the Sultan's Çavuş guard that arrived at Rhodes. The Sultan ordered that the Jews be sent by ship to Rhodes along with the firman.⁸

Ottoman sources show that some offenders were also sent as oarsmen to Lepanto, Nauplio (Neapolis), Kavala, and other cities in Greece. Jewish sources have no similar evidence of Jews sent to serve in the naval galleys in these cities.⁹

The Ottoman fleet in the 16th and 17th centuries

The 16th century was a period of intense struggle for naval supremacy in the Mediterranean Sea between the Ottoman, Habsburg, and Venetian fleets. Sixteenth century ships were oared vessels. They relied upon manpower for speed and had limited maneuverability. These narrow vessels had twenty-four to twentysix banks of oars on either side, normally with three oarsmen to each bank. We learn that since the year 1500 and maybe even earlier, the Ottoman government regularly levied oarsmen from within the Empire, both Muslims and non-Muslims. Which provinces and how many households were required to send oarsmen for campaigns varied by period. After the Battle of Lepanto in October 1571, the Ottomans began to build larger ships, the *galleass*, in which 150-200 oarsmen propelled the galley in addition to a crew of 25-30 sailors. In 1660, the Ottomans had only 56 galleys available for service at sea. For several good reasons, the Ottomans preferred freemen to foreign slaves for propelling their galleys. Most of the oarsmen were Christian and Muslim volunteers who were recruited for service for a limited time and received a set salary; the rest were

⁷ See: E. Bashan, Sheviya u-pedut, pp. 91-213; M. Rozen, The Mediterranean in the Seventeenth Century.

⁸ U. Heyd, Alilot dam beturkiya, pp. 139.

⁹ U. Heyd, Studies, pp. 306.

convicts and foreign slaves. A total of 12,391 oarsmen, or an average of 221 oarsmen per galley, were assembled for the 1660 naval campaign. Of these, only 835 (6.73%) were convicts, while 93.27% were freemen. Of all oarsmen utilized in 1660, 35.8% (441) were volunteers, mainly Greek Christians from the empire. Over the years both criminals and slaves were drafted for service in the galleys. In the province of Egypt, as well, a similar process of recruiting rowers for Ottoman galleys was employed. The Ottoman authorities recruited free Muslim men who came from all regions of Egypt and abroad, rather than slaves, employed them only for seasonal campaigns, and paid them a standard wage.¹⁰

Obliging Jews to provide oarsmen for the Ottoman fleet and requiring them to pay taxes to maintain the fleet

In the late 15th and 16th centuries the Jews of Istanbul evidently also paid the Ottoman authorities the *mali-i kürekciye* tax to maintain the fleet.¹¹ We also learn that in the 17th century, when the time came for the Ottoman fleet to set sail from the port every year, the guild of porters (Hamalan taifesi), as well as the Jews, Greeks, and Armenians in Istanbul, were required to supply the fleet with a certain number of oarsmen, but in practice they paid a set ransom (*bedel*) for each oarsman. We learn that for the campaign of 1660, the Jews of Istanbul were charged a certain amount to support 150 oarsmen. The Greeks were assessed for 125 oarsmen, and the Armenians for 100 oarsmen; the guilds of Istanbul had to pay for the support of 869 oarsmen. Altogether, Istanbul supported 1,244 oarsmen, or 10% of the total number for this campaign. In the 1690s, the Jews of Istanbul were ordered to supply 150 oarsmen, the Armenian and the Greeks 100 each, and the guild of porters only 40. The *bedel* for each man was set at fifty good grush (kuruş).¹² We also learn from one responsa about a Jewish resident of Istanbul who was married with children who went to the city of Vidin with the army who went to fight against Austria. He became ill and died in Vidin in 1739 13

The tax intended for maintaining the Ottoman fleet, imposed on the Jews of Rhodes, was called the "capitalnik tax", and in Izmir it was called "istira". This was an annual tax collected by the Paşa in Rhodes and the Paşa in Izmir, intended as

¹⁰ D. Crecelius, Recruiting Egyptian Oarsmen for Ottoman Ships, pp. 249-267; C. Imber, The Navy of Suleyman the Magnificent, pp. 221-282; Idem, Studies in Ottoman History and Law, pp. 85-102; Idem, The Ottoman Empire, 1300–1650, pp. 287-315; D. Panzac, La Marine ottomane; Idem, The Manning of the Ottoman Navy in the Heyday of Sail (1660–1850); M. Shefer Mossensohn, Medical Treatment in the Ottoman Navy.

¹¹ R.S. De Medina, Rashdam Responsa, "Hoshen Mishpat", No. 364. See also: B. Lewis, The Privilege Granted by Mehmed II to His Physician, pp. 550-563.

¹² Y. Ben-Naeh, Jews in the Realm of the Sultans, p. 154.

¹³ R. Isaac b. David, *Diverei emet*, No. 10.

a fee for the Sultan's envoys to the Paşa and to cover the expenses of the soldiers setting out for war. The tax was imposed only on Jews and Christians.¹⁴

The living conditions of the oarsmen and the duration of their punishment

The slaves and prisoners who worked as rowers in the Ottoman galleys lived in terrible conditions. We learn that 12,000 Christian galley slaves were freed from the Ottoman galleys after the Lepanto battle in October 1571.¹⁵ Additionally, nobody ensured that prisoners were indeed freed from the galley after completing their sentences. As a result, a ten years sentence could in fact mean life imprisonment, because nobody except the prisoner would either notice or care. ¹⁶

Nevertheless, the duration of the punishment imposed was not stated in the documents. In Jewish society this punishment was perceived as grave, with a very low chance of returning alive from the galleys. As early as the first half of the 16th century three notable rabbis in Safed and Egypt ruled in the matter of a Jewish woman who was considered an agunah (a woman bound in marriage by a husband who is missing and not proven dead) as her husband had been an oarsman on a ship that had drowned. They ruled that he was dead because he had been shackled to the ship with iron chains. Those sentenced to row the galleys were shackled with iron chains and their living conditions were inhumane. Therefore, the kürek penalty was considered a death penalty. Rabbi Moses Benveniste of Istanbul wrote in 1661: "And some of them who are sentenced to the *dugiot* (galleys) this is equivalent to the death penalty and a penalty of bodily torment, as all those thrown to the *dugiot* (galleys) are truly prisoners so long as they are in the *dugia*" (a galley).¹⁷ Such was also the fate of Jewish prisoners taken captive by European armies in the 16th and 17th centuries and employed as rowers with their legs tied.¹⁸

¹⁴ There are Jewish sources about this tax in Rhodes in the first half of the 19th century Rhodes. See: S. Marcus, *Misei haqehila u-pinkas ha-aricha be-rodos*, pp. 286-294. In Izmir, the tax was not paid for money, but by supplying bread and food "to the war people". N. Grunhaus, *Ha-misuy ba-qheilah ha-yeudit be-Izmir*, pp. 61, 98.

¹⁵ See about the battle of Lepanto: O. Yildirim, *The Battle of Lepanto*, pp. 533-556.

¹⁶ About the medical treatment offered to the oarsmen who manned the galleys, see: M. Shefer Mossensohn, *Medical Treatment in the Ottoman Navy*, pp. 542-568. About the terrible living conditions of the rowers on the knights' galleys in Malta see: E. Bashan, *Sheviya u-pedut* (supra, note 7).

¹⁷ Benveniste, *Penei moshe*, Vol. 3, No. 2.

¹⁸ See R.M. Benayahu, Hayachasim bein yehudei Yavan ve-Italia, pp. 37, 46; M. Shefer Mossensohn, Medical Treatment in the Ottoman Navy, pp. 556-558.

Offenses for which the kürek was imposed

The *kürek* punishment was inflicted for serious crimes, e.g., heresy, adultery, prostitution, larceny or highway robbery, as well as other grave offenses for which the Shari'ah/Kanon prescribed the death penalty. At times it was also administered for lesser crimes, such as sexual offences, gambling, consumption of alcohol, false testimonies, forgery of documents and coins, pick-pocketing, or selling cereals to non-Ottoman subjects.¹⁹ As for punishments for lesser crimes, it has been noted that in times of financial distress, fines were imposed on more people at higher rates, and when the Ottoman navy needed to rebuild its fleet, such as after the disastrous defeat at Lepanto in 1571, more prisoners were sent to serve as rowers in the galleys.²⁰

The extradition of Jews by community leaders or members of the community

It is worthy of mention, however, that relatively few testimonies exist of Jewish informers or Rabbinical courts delivering adulterers and immoral offenders to Muslim courts and governors. It is apparent that rabbis in the Ottoman Empire objected to handing offenders over to the Ottoman authorities if there was a risk that they would be hung. Only in cases of unmitigated adultery, when the offender did not mend his ways, or when the offense had become known to non-Jews, did the community deliver offenders to the authorities, when it was clear that they would not be sentenced to execution but rather only receive a light sentence, e.g., a fine, or even a heavier penalty such as serving as an oarsman on the galleys.²¹

We may also presume that most cases of rape in Jewish society were tried in Jewish courts, with only a few reaching Muslim courts.²²

¹⁹ U. Heyd, Studies, pp. 305; M. Shefer Mossensohn, Medical Treatment in the Ottoman Navy, pp. 556--557.

²⁰ U. Heyd, *Studies*, pp. 307.

²¹ See L. Bornstein Makovetsky, Adultery and Punishment among Jews in the Ottoman Empire, pp. 29-50; Idem, Extramarital Relations among Jews in the Ottoman Empire, pp. 25-46; Idem, Ottoman and Jewish Authorities Facing Issues of Prostitution and Adultery, pp. 159-176. Adultery and prostitution cases are also relatively rare in the sicil registers. See M. Sariyannis, Prostitution in Ottoman Istanbul Late Sixteenth – Early Eighteenth Century, pp. 37-65; F. Zarinebaf, Crime and Punishment in Istanbul; E. Semerdjian, Off the Straight Path; L. Peirce, Morality Tales; A. Tuğ, Politics of Honor in Ottoman Anatolia.

²² For example: A Jewish woman in Jerusalem sued on April 28, 1695 a Jew who raped her and as a result she became pregnant. He denied it and swore. The kadi rejected the claim. A. Cohen, E. Pikali, *Yehudim be-bet hamishpat hamuslemi ba-me'ah ha-sheva esre*, p. 333 note 2.

Then again, if a Jewish woman was raped by a Muslim, she would sometimes submit her complaint to a Muslim court.²³ It appears that in cases of rape by a Jew, Jewish courts would occasionally choose to hand the rapist over to a Muslim court or to the Ottoman ruler in order to ensure severe punishment. We learn this from a case that occurred (in Istanbul) in the first half of the 17th century, when a betrothed virgin, regarded as married according to local custom, was raped by a Jew and the community leaders handed the rapist over to the Ottoman authorities, who sentenced him to be an oarsman in the Ottoman galleys. Rabbi Meir di Boton, the rabbi of Gallipoli, confirmed the ruling of the rabbis from Istanbul that this was indeed a rape case.²⁴

Adulterers in the Ottoman Empire were generally delivered by the *kadis* to executive officials who were authorized to punish them. In many cases the actual punishment was flogging, but in others the defendants, both Muslims and non-Muslims, would not be brought before a Muslim court at all but would rather be punished immediately upon arrest with lashes or blows by order of an executive officer.²⁵ Jewish moral offenders were also afraid of being summoned before the *Kapudan Paşa* in Istanbul.

The instance of Ovadia Halevi from Istanbul serves as an example. This wealthy man was suspected of having had sexual relations with a young girl. After her marriage to his son in 1768, he expressed his concern before the leaders of the Jewish community that his daughter-in-law would level severe charges against him, and even do so before the *Kapudan Paşa*.²⁶

Dispute against the rabbinate and the Jewish courts in Izmir

The following cases from the 1660s Responsa literature in Izmir concerning the local rabbinate and religious judges indicate appeals to the *kadis* and governors by leaders of the Jewish community in Izmir or by individuals within this community in the latter half of the 17^{th} century, with the request to inflict harsh punishments on them, and mainly the *kürek*.

²³ A Jewish woman claimed in the Jerusalem Muslim court in 10 May 1585 that a Muslim man and his slave raped her when she returned from the bath. Because she did not bring evidences, the kadi submitted the case for investigation, but it is not known what was the judge's ruling. A. Cohen, E. Pikali, *Yehudim be-bet hamishpat hamuslemi ba-me'ah ha-shesh esre*, p. 172 document 179. In the year 1654 a Jewish woman in Jerusalem plot a Muslim man in the Muslim court of raping her little daughter. Her claim was denied. A. Cohen, E. Pikali, *Yehudim be-bet hamishpat hamuslemi ba-me'ah ha-sheva esre*, pp. 332-333, document 253.

²⁴ M. Di Boton, Responsa, No. 52.

²⁵ U. Heyd, Studies, pp273.-279; R. Peters, Crime and Punishment, pp. 35-36; A. Tuğ, Politics of Honor (supra in note 21). For example, a Jewish source from the second half of the 18th century points out that some Jews from Rhodes wanted to hold over to the governor two Jewish men and one Jewish woman accusing them as adulterers in order that he would hit each of them 50 lashes and squeeze money from them. R. H. S. Tarsa, *Haim shena'im*, No. 26.

²⁶ R.H. Moda'i, Haim le-olam, Vol. 2, Even ha-'ezer, nos. 3-4.

The first case

In September 1661 the adjudicator R. Moses Benveniste of Istanbul responded to an appeal by his cousin, R. Haim Benveniste of Izmir, to rule on the matter of the conflict concerning the rabbinate of Izmir, in which R. Haim Benveniste had been embroiled from 1658.²⁷

R. Haim Benveniste describe the affair from his own perspective. We learn that his opponents, who objected to his serving as the dayan ha'ir (the chief religious judge of the Jewish community) and the only chief rabbi, assaulted his house and stoned it. A ruling was subsequently given on the matter of the rabbinate at the Jewish court in Izmir, but when R. Benveniste's opponents saw that his power was growing they decided to hand him over to the gentiles, and on the Sabbath two or three of them went to the home of the "great judge" (the kadi) and informed on R. Benveniste. As a result, a cuhadar ağa sent by the kadi went and brought R. Benveniste to the Shari'a court together with some of his supporters. They stood before the na'ib, who began to reproach them. Two of R. Benveniste's men began to respond to the na'ib's questions. R. Benveniste saw one of the informers wink at the *na'ib* and hint that he should pay him a bribe, and the *na'ib* immediately decreed that R. Benveniste's two supporters be thrown on the ground, beaten severely, and handed over to the Subaşi. R. Benveniste's men turned to leave and he himself also wished to leave, but the *muhzir* (the bailiff in the *kadi*'s court) sent by the *kadi* said that he could not leave but rather should appear once again before the kadi. R. Benveniste did so and the kadi did him much damage, i.e., beat him up and threatened to imprison him in the fortress and that the next day he would be put on a donkey and will receive administrative penalty in accordance with the kanun (siyaset),²⁸ and then the kadi turned him out and he was taken to the na'ib.

While the rabbi was standing before the *na'ib* twenty Jews from among his opponents came and issued a big outcry, and some of them tore their clothes on the Sabbath and said that they could not suffer the act of R. Benveniste who had established a court of law in his house (meaning a court for financial matters). They argued that two kings cannot share one crown: "Sultan Mehmet is king in

²⁷ R.M. Benbeneste, *Penei Moshe*, No. 2. See discussion of this case: J. Barnai, *Izmir, hamarah shel eropa*, pp. 210-218.

²⁸ This punishment is in conformity to the *Kanun* which prescribed heavy punishment to be administered by the Sultan's administrative staff. It includes strokes and banishment. It generally means either execution, or severe corporal punishment or both. Theoretically, the authority to inflict capital punishment (*siyaseten*) was held by the Sultan and the Grand Vizier only. In practice, however, governors and other high officials used to usurp this authority and to order executions without first obtaining Imperial firman. U. Heyd, *Studies*, pp. 192-195, 259-71. In the later *kanun* of the 17th century the *kadis* had to bring matters relating to capital or severe corporal punishment (*siyasa*) of criminals to the local governors. About the result of this legislation see: R. Peters, *Crime*, pp. 75-92.

Kushta (Istanbul) and the rabbi was king in Izmir". R. Benveniste heard this and was terrified once he understood that they were handing him over to be killed. He told the *na'ib* that this was not true. The *na'ib* responded with a short sentence and ruled that R. Benveniste be taken to the stables and shackled with iron chains, and the *na'ib*'s servants did so. An hour later they caught a notable from the town and put him in prison with the rabbi, and then they sealed the homes of most of the notables who had supported R. Benveniste. Some of whom they "sent to the galleys" and others they falsely accused of having found a treasure.

When R. Benveniste saw what had happened "they went to the home of one minister in the town and gave nearly three thousand Kuruş (grush) to cancel the decree". They managed to cancel the decree and free the rabbi from prison, but the people whom the kadi had decreed should be thrown to the galleys were left in jail because "they were fated to be thrown to the galleys". Aside from this, when the rabbi's opponents saw that his group had been saved, some of them went to the na'ib and informed on him, saying that the Portugal congregation headed by R. Benveniste recites a prayer for Venice. As a result of this information, the na'ib wanted to "burn the sage together with the congregation". He went to the kadi's house and told him about it. Luckily for R. Benveniste and his men, some of the town's leaders were at the kadi's house. They knew that this was a false accusation and were very angry. They told the *kadi* that this was an act of libel. But the kadi wanted to extort a large sum in return for saving them from the death penalty. When the military chief (serdar) realized the kadi's thoughts he went home and gathered all the Yeniceri commanders and "town ministers" and sent to threaten the Jews who had made the false accusation, that if anything bad happened to R. Benveniste "we will cut you up". They were afraid to return to the kadi and justified their absence by not having found any witnesses. The prisoners were released from prison in return for a bribe. Then, two respectable people from among the town's notables came and told R. Benveniste before 50 people that his opponents were demanding that he leave town that same night, and if he remained in town that night his opponents would pay "kan phasi" a blood ransom of one or two thousand grush. Namely, they would arrange for him to be murdered and pay the blood ransom collected from the people living in the vicinity of the body, as customary.²⁹ Obviously, this was only a warning. R. Benveniste and his men were terrified. One of them said that the rabbi's life is indeed in danger, as those who had handed him over to be killed and burned would not be deterred from Doing so. He saw this as obvious and blatant coercion. He suggested that the rabbi's supporters admit to their opponents whatever they request. The entire group accepted his words. While talking, envoys of the opposing group arrived and said that if their will was not done, they swear that

²⁹ See: L. Bornstein Makovetsky, Blood Money and Retaliation in Criminal Law, pp. 27-29.

they will kill the rabbi. They announced that R. Benveniste would only be a judge "in charge of determining what is prohibited and what is permissible, as well as cases of divorce and *halitza*" rather than the local judge for financial affairs. The followers of R. Benveniste gave their consent for fear of the alternatives. When the agreement was brought to R. Benveniste to be signed he saw that two items against him had been added in contravention of the prior arrangements, but he was forced to sign for fear.³⁰

In his response, R. Moshe Benveniste saw this as a grave incident that involved informing and wrote of the penalty of being thrown to the galleys "– this is the equivalent of a death sentence and a punishment of physical torment".³¹

The second case

We learn of a very serious case of informing which occurred in Izmir in 1664, involving Rabbi Haim Benveniste, who served as one of the two rabbis of Izmir. Similar to the incident of 1661, he was hounded by a group that wanted another judge for financial affairs (*diney mamonot*).³²

The following is a description of the case:

In 1664 R. Benveniste, 61 at the time, wrote that from the day he had come to live in Izmir (in 1658) he had been severely harassed by a local Jew who held a grudge against him for no reason. As a result, the Muslim court wrote a *hüççet*, on Rabbi Benveniste that if he would be appointed to serve as "Marbitz Torah" (a rabbi) in Izmir, his hater would convert to islam".³³ He said that after he was appointed a rabbi in Izmir (in 1658) that person went and handed the *hüççet* over to the town *kadi*, after first showing it to the sheikh and the *mufti*, thus putting him in a great deal of danger. God came to his help and the city notables and particularly R. Efraim Arditi intervened on his behalf. However, the accuser informed on him again in the same matter, this time implicating the entire Izmir congregation.

According to R. Benveniste the leaders of the congregation asked him to rule on the matter of this person. He had pity on the man "and I did not wish to sentence him to death as appropriate for an informer... and I ruled that he be thrown to the galleys...". As a result of this ruling the person continued to harass him.³⁴ According to the scholar David Tamar, the informer probably said that

³⁰ M.R. Benbeneste, *Penei moshe*, vol 3, No. 2. About this event see: Barnai, *Smyrna* (supra in note 27), pp. 210-218.

³¹ M.R. Benbeneste, Penei moshe, Vol. 3, No. 2.

³² See: J. Barnai, Smyrna (supra in note 27), pp. 218-222.

³³ R.M. Benbeneste, Keneset hagedola, Hoshen Mishpat, No. 435 # 13.

³⁴ M.R. Benbeneste, Keneset hagedola (supra note 33); Tamar, Mehkarim betoldot eretz Israel, pp. 121--122. About the troubled relationship between Rabbi Benbeneste and Rabbi Isaac de Alba see Barnai, Izmir (supra in note 27), pp. 218-222.

R. Benveniste had converted to Islam, and according to Islam a person who has converted and wishes to recount – be sentenced to death.³⁵ It is to be assumed that R. Haim Benveniste's ruling that the informer be thrown to the galleys was not carried out, and R. Benveniste also probably did not manage to extradite him to the Muslim court or to the Paşa for some grave accusation so that he would be sentenced to serve as an oarsman. The informer appears to have appealed to the mufti because he wanted a *fatwa* in this matter, to be given to the *kadi*. The identity of the sheikh mentioned here is unclear.

It may be assumed that R. Benveniste's decision that the person who informed on him should be given the *kürek* penalty was merely theoretical, as he had no authority in criminal matters. All Jewish courts in the empire were forbidden from ruling on criminal matters.³⁶ R. Benveniste may have meant that the congregation would hand the person over to the *Sharia* court or to the Paşa under some grave accusation, so that he would receive this severe punishment. In both these cases we learn that the punishment was customary in the 1660s due to the campaign for Crete, as the navy ships needed manpower at that time and the Sublime Porte may have given an order to prefer this punishment over others.

Punishing a person who pretended to be the Messiah in 1674 by sending him to the galleys

Sir Paul Rycaut, who served as the British consul and factor in Izmir in the years 1667–1678, wrote about the emergence of a Messianic pretender from Greece in Izmir in January 1674. He said that this person was rejected by the Jewish leaders in Izmir who were ashamed that another false Messiah had emerged after Sabbatai Zevi. In order to put an end to his activity they accused him of adultery and bribery, and obtained a ruling from the *kadi* who sentenced him to be an oarsman. However, the sentence was not carried out and he was imprisoned. According to Rycaut, "he is still in prison".³⁷ Historian Heinrich Graetz identified this person with the Sabatean Rafael Sabbatai, but Gershom Scholem said that there is no clear proof of this and that there was no lack of Messianic candidates.³⁸ This case, too, proves that the Jewish congregation was capable of delivering people to the authorities to be severely punished, for example by throwing them to the galleys.

³⁵ D. Tamar (supra in note 34).

³⁶ J.R. Hacker, Jewish Autonomy in the Ottoman Empire, pp. 153-202.

³⁷ P. Rycaut, The History of the Turkish Empire from 1623-1677, p. 219.

³⁸ G. Scholem, Sabbatai Sevi, pp. 791-792.

The Jewish court delivered Jews to the courts for sentencing as oarsmen

Swedish scholar and traveler Michael Eneman, who visited Izmir in 1711, describes the chief rabbi of the town, R. Israel Benveniste, and writes that when there is need for physical punishment the Jews have their own jail. In addition, they can also go to the *kadi* and convince him to sentence the offender for penal servitude on the galleys for several months or years according to the gravity of the offense.³⁹

This information shows that in the latter half of the 17th century and first half of the 18th, leaders of the community of Izmir utilized such penalties in extreme cases by informing about offenders to the *kadi* and the governors.

A Jew sent to row on the galleys divorces his fiancé in 1769

In Jewish society, the *kürek* was perceived as a type of death penalty. The concern was that the oarsman would die after a while and his wife would remain an *agunah* if he did not grant her a divorce before being taken to the ship. Once on the ship all ties with him were cut. The precise duration of the punishment was also normally not stated, and clearly even if it had been stated no one was in contact with these oarsmen and they died after a while due to the harsh living conditions on the ships and other reasons such as drowning, death at war, or being captured as prisoners of war by enemies of the Ottoman Empire.

Thus, we learn that on November 14, 1769, at the village of Kuruçeşme in Istanbul, Avraham ben Yaakov sent two writs of divorce to his fiancée, Morina daughter of Aaron, by a messenger. One was given to her and one to her father, since she was only 10.5 years old at the time. The granter of the divorce was said to have been "thrown to the galleys by the imperial authorities as was the custom, by reason of his felonies, and he was imprisoned by iron chains in the galley that had anchored next to the village". The concern was that the fiancée would remain an *agunah* because the galley was travelling to one of the islands. She had to be given a writ of divorce because in the custom of Istanbul Jews, a fiancée is considered married and must receive a *get* if the betrothal is cancelled. The "gentiles" on guard in the galley would not let him leave the galley, and only after much to do did they agree to let him embark to grant the *get* at a Jewish court of law. After he had given the *get* he went to "the galley where the king's prisoners are held". ⁴⁰

³⁹ R.J.Z. Werblowsky, M. R. Lehman, Galut Sefarad be-izmir, p. 575.

⁴⁰ H.R. Moda'i, Tiv gitin, No. 44.

Loans granted by the Jews of Rhodes to the "galley's viziers"

A responsum written by the rabbi of Rhodes, R. Moses Israel, during the years 1714–1735 when he served as the city's rabbi, indicates that the notable Shmuel Tarika and his nephews Eliezer and Israel Tarika, loaned 800 grush to "one vizier" who was in charge of the galleys and resided in Istanbul. He gave them a promissory note, but they despaired of being repaid due to his high position. This vizier was called "Çelebikio". R. Israel agreed to their request to delete this sum from their tax appraisal by the community. R. Israel writes that 12 years earlier he ruled on a similar case involving the notable Nachmias, who claimed that "one of the galley viziers" owed him a large sum that had not been repaid. Nachmias had shown him a ruling by the rabbis of Izmir, Shlomo Halevi and Aharon Ibn Haim, who sent to Rhodes a similar request by Yosef Nachmias, the father of the notable Israel Nachmias.⁴¹

In his response in the matter of Tarika, R. Israel writes that the "vizier" in question is destitute and has no property to his name.⁴² This was probably the *Kapudan Paşa*, who as governor of the Archipelago Eyalet would visit Rhodes, which became his official seat from the end of the 17th century until 1849.⁴³ The designation "Çelebikio" probably refers to *celebi*, i.e., "gentleman" in Turkish, as he was called by the Jews. Since the Jews considered the *Kapudan Paşa* "destitute", this was probably a result of being completely or temporarily dismissed from his position, whatever the case.⁴⁴ The *Kapudan Paşa* had probably loaned money from wealthy Rhodes Jews and may have needed these sums to remain in his position or to be reappointed. Therefore, it appears that the ruling given by these two Izmir's rabbis that was sent to Rhodes was written in 1688 at the latest. Hence, in the 17th and 18th centuries it was common for wealthy Jews from Rhodes to grant loans to the *Kapudan Paşa*.

⁴¹ Israel, *Maset moshe*, Vol. 2, No. 74. The *Kapudan Paşa* in 1680-1684 was Bozoklu Mustafa Paşa who later served as grand vizier from March 1693 to March 1694. Mezzo Morto Huseyn Paşa filled the position in 1695–1701.

⁴² M.R. Israel, Maset moshe, vol 2, No. 74.

⁴³ U. Heyd, Studies, pp. 273-279; R. Peters, Crime, pp. 35-36; A. Tuğ, Politics of Honor (supra in note 21).

⁴⁴ During the said period, the following persons served as *Kapudan Paşa*: From 1721–1730 Kaymak Mustafa Paşa (died in October 1730); In 1730 Cenim Hoca Mehmed Paşa; In 1732 Haci Huseyin Paşa that followed by the same year by Koca Bekir Paşa; From 1732 to 1736, Cenim Hoca Paşa served again; In the 30s Haci Mehmed Paşa served as *Kapudan Paşa*.

Punishing Jewish guild members in Istanbul during 1813–1814

In the early 19th century Jews were evidently still being punished in Istanbul by throwing them to the galleys. This may be learned from two firmans that contain considerable information on the Istanbul guilds, one from October 10, 1813, and the other from May 14, 1814. They discuss the matter of Avraham, Daniel, Elazar, Se'adya, Yitzhak, Eliya, Yeshua, Yaakov, and more than thirty other Jews from Istanbul who were members of a guild of merchants of exquisite fabrics, including precious cloth and sheer fabric imported to Istanbul and Galata and exported from Istanbul, numbering 161 members. It seems that they sold fabrics without the guild's stamp, violated the guild's instructions and causing losses to the waqf.

Avraham and Eliya, who had done so four years earlier, were judged by the court and by firman and sentenced to the galleys. They repented, but four other Jews mentioned by name did not change their ways and continued to sell the goods at a high price. This caused losses to the *wakf*. They ignored the instructions of the Sublime Porte and were sentenced to be sent to the galleys "by the 'alam (ruling) and firman" that was determined that their punishment would not be cancelled unless the ruling was repealed by the *Kızlar Ağassı*, who was the general supervisor on behalf of the *wakf*.

There is no way of knowing whether this ruling was carried out, but the Jews probably managed to prevent its execution.

Forced labor as a punishment in the late 18th and 19th century

It can be learned that in the late 18th century, the authorities used to send criminals to the galleys. British Ambassador to Istanbul Robert Ainslie, writes a letter to Foreign Minister Lord Grantham on March 10, 1783, in which he reports on the Ottoman government's efforts to put order in the capital and punish the criminals. He writes: "Robbery, rioting and selling by false weights a practice very prevalent here are immediately punished by the gallow or the galleys".⁴⁶

Several times in the 19th century we hear of Jews who were given a punishment of government-imposed forced labor. The nature of this forced labor is not mentioned, but it seems reasonable that this was hard labor in the

⁴⁵ SP 105-212, n.p. He was the head of the eunuchs who guarded the Imperial Harem. The post ranked among the most important in the Ottoman Empire until the early 19th century. The *Kizlar Ağassı* also held a special role as the administrator (*nazir*) of the *vakifs* designated for the upkeep of the two holy cities of Islam, Mecca and Medina, and also had jurisdiction over the various *vakifs* of the Ottoman Empire until 1834. See: C. E. Bosworth, '*Kı̈z*'; B. Lewis, "*al-Haramayn*", pp. 175-176; J. Hathaway, *The Chief Eunuch of the Ottoman Harem*.

⁴⁶ FO 78/4, pp. 38-40.

Imperial shipyard (*Tersâne-i Amire*).⁴⁷ In addition, we learn from the responsum of an Istanbul rabbi that Jews in 18th and 19th century Istanbul were required to pay considerable sums to the arsenal and sometimes also to provide it with personnel. For this purpose, the Ottoman authorities asked Jews in Istanbul in the 1740s to pay a certain tax to the arsenal. The Jews complied and fulfilled the edict, which remained valid throughout the latter half of the 18th century. The tax appears to have been designated for building and repairing warships. The detailed budget of the Istanbul community for 1772 states that tax expenditures for that year were 18,000 *grush* of the community's total expenditures, which totaled 65,000 *grush*.⁴⁸

Moreover, another responsum from Istanbul indicates that in 1821 a firman was written, requiring subjects of the empire to provide personnel for work in the arsenal. The Jews of Istanbul were required to provide 30 men from the Balat quarter and 30 men from the village of Hasköy. However, the Jews in these two locations could no longer bear this burden and demanded that other Jews in nearby villages assume some of the responsibility. They refused, and the rabbis of Istanbul were divided on whether they should be required to participate. The argument voiced was that the authorities place the burden on those who live in the most populated location, and the remaining residents will bear that burden too.

It was also noted that it is the custom of the "viziers" to demand taxes from the wealthy because they are followed by the masses.⁴⁹

Forced labor as a punishment imposed on Jews who converted to Christianity in the 1820s

When Protestant missionary activities were initiated in Istanbul, three Jews from Istanbul who had converted to Christianity were punished by hard labor. This information is evident from missionary and diplomatic sources rather than Jewish sources. The incident is described tendentiously and some of the details may be exaggerated.⁵⁰ Below are the various descriptions in this affair.

⁴⁷ See about the Imperial shipyard: Toraman, Güvemli. Bayramoglu, *Imperial shipyard (Tersane-i amire)*". Some of the slaves and convicts would also work for ship construction works in the shipyard. They would stay in shipyard buildings. See about the arsenal: M. Shefer Mossensohn, *Medical Treatment in the Ottoman Navy*, pp. 560-561.

⁴⁸ R. Abarham ben Avigdor, Zachor le-avraham, "Hoshen mishpat", No. 56.

⁴⁹ E.R. De Toledo, *Mishnat rabbi Eliezer*, Vol 2, Hoshen mishpat, No. 10. On July 25, 1822 Stragford, the British ambassador to Istanbul writes: Two very unexpected Orders were published at Constantinople. By one of them the Greek, Armenian, and Jewish Residents here are to be exempted from the daily payment of Four Hundred Piasters, which had hitherto been levied on each of those nations, in lieu of furnishing Two Hundred Seamen for the Fleet. FO 78/109, pp. 89-91b. This document was published. E. Bashan, *Mehkerei eliezer*, p. 239.

⁵⁰ See: L. Bornstein Makovetsky, Protestant Missionaries to the Communities of Istanbul, Salonika and Izmir, pp. 60-69.

As a result of an appeal by the Jewish community, three Jews from Istanbul were imprisoned by the Ottoman authorities on December 7, 1826, when it became known that they had been converted to Christianity by the American missionary in Istanbul, John Hartley. The three were David Bakhar, Hayim Castro, and Nissim Cohen. Henry D. Leeves, an agent of the British Biblical Society in Istanbul, wrote that he had given money to save them from starving.⁵¹ An entry from December 14, 1826 notes that Nissim Cohen and Havim Castro were brought to trial before the chief commander; here a rabbi showed up with an offer of "a pocket of a thousand" (coins) if the two were executed. After receiving 50 lashes they were sent back to jail in the arsenal with another Jew from Ortaköy. This person was probably David Bakhar. Leeves writes on January 5, 1827 about the developments of the preceding months in the lives of the three converts mentioned. The three had been baptized and thereafter went into hiding.⁵² Once arrested, they were first taken to the War Office court thrown into jail (located in the Kasim Paşa neighborhood arsenal), and sentenced to bagnio - forced labor in the arsenal – for six months. This was a common type of severe punishment in the Ottoman Empire beginning from the 18th century.⁵³ According to Leeves, one of the three was first punished by bastinado (lashes on the feet) while the other two were thrown into the arsenal handcuffed. Sir Stratford Canning, the British ambassador, intervened following Hartley's request, obtaining their early release. Hartley notes that Sultan Mahmud II was aware of the events as they unfolded; the converts' suffering was finally relieved thanks to the British ambassador's influence and the use of money.⁵⁴

The converts were entirely dependent on the missionaries. The American missionary Josiah Brewer writes that in his answer to the memo sent by the Jewish community, the Grand Vizier consented to the Jewish community's request and suggested that any Jew converting to Christianity would be bound to end his days Doing penal service in the galleys.⁵⁵ The *Kapudan Paşa* punished the three under his authority to penalize violators in the Kesim Paşa quarter, where the dockyard and arsenal were located.⁵⁶ The three worked in the arsenal handcuffed, overseen by Turkish guards who beat them when dissatisfied with their performance. There were 700 prisoners in the jail, 300 of them Greeks.⁵⁷

⁵¹ The Jewish Expositor, 12 (1827), pp. 147-150.

⁵² J. Brewer, A Residence at Constantinople in the Year 1827, pp. 148, 308.

⁵³ R. Peters, Crime, pp. 99-101.

⁵⁴ One missionary in Istanbul writes that the *Hahambaşı* Rabbi Moshe Fresco and his court in Istanbul used to punish rich and poor Jews by *bastinado (falaka*, foot whipping), on religious delinquency. See: *Occident* (1 Apr. 1843), p. 36.

⁵⁵ J. Brewer, A Residence (supra in note 52), p. 313.

⁵⁶ J. Brewer, A Residence (supra in note 52), p. 313; U. Heyd, Studies, p. 210.

⁵⁷ These prisoners were prisoners of the Greek War of Independence. Hundreds of Russian soldiers were prisoners of war in Istanbul during the Russian Empire and the Ottoman Empire's wars in 1774–1768 and 1787–1791. See: W. Smiley, *From Slaves to Prisoners of War*.

These last treated the three converts, and went with them to the *Agha* to ask for kinder treatment on their behalf and that they not be forced to do hard physical labor.

Several Jews appeared on the third day, the father and father-in-law of the young man Nissim Cohen among them, and bribed the prison officials to force the prisoners to do hard labor and beat and torture them. This torment went on for five or six days, until it was brought to the attention of the missionaries and Canning, who demanded that an end be put to the abuse. The weight of the handcuffs was reduced by half, but the prisoners continued to work. A few days later, two of them were injured while working; Leeves spent a thousand piasters of his own money, anticipating that he would need about the same amount again before the prisoners would be exempted from trial.⁵⁸

It is doubtful whether the Jewish community could have demanded the execution of the converts. On March 9, 1827, Brewer writes that David Bakhar alone recanted his conversion.⁵⁹ Leeves paid yet another hundred piasters, and the prisoners were relieved of their chains. In a report dated July 1827 we even read of a Muslim who promised to liberate them along with the Armenian who had given them refuge in his house, in exchange for 5,000 piasters. The two prisoners were interrogated by the *Kapudan Paşa*, and told him that they were Christian believers. On 25 March, 1828, the two and the Armenian who had helped them were finally released.⁶⁰

Conclusions

The information brought in this article shows that during the $16^{\text{th}}-19^{\text{th}}$ centuries, Jews in the Ottoman Empire were punished at times by being thrown to the galleys and in the early 19^{th} century by hard labor in the Istanbul arsenal. Jewish society normally made efforts to prevent this type of punishment, perceived as a death penalty, and acted to release the punished man's wife from the status of *agunah*. However, sometimes Jewish leaders handed Jewish members of the community over to the Muslim courts or to Ottoman governors to receive the *kürek* punishment. We learn that this punishment was common particularly in times when the Ottoman fleet required extra personnel, and mainly a large number of oarsmen.

⁵⁸ Jewish Expositor, 12 (1827), pp. 148-50. See also: J. Brewer, A Residence, pp. 146-8.

⁵⁹ J. Brewer, A Residence (supra in note 52), p. 348. See also: Jewish Expositor, 12 (1827), pp. 394, 464--465.

⁶⁰ Jewish Expositor, 14 (1829), pp. 146, 150, 394-5, 463-6; The Missionary Herald, 23 (1827), pp. 282-6; Ibid, 24 (1828), pp. 70, 317; ABCFM Annual Reports (for the year 1828), pp. 60-61; J. Brewer, A Residence, pp. 296-7, 306-19, 348; J. Hartley, Researches in Greece, pp. 210-8; Foreign Office Papers, London, 196-10, p. 161; A.E. Kalderon, Turkish Jews of Istanbul and Missionary Activities.

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SUMMARY

Sentencing Jews to work on Ottoman Naval Ships and in Forced Labor at the Imperial Arsenal from the Early 16th Century to 1839

The information brought in this article shows that during the 16th-19th centuries Jews in the Ottoman Empire were punished at times by being thrown to the galleys, mostly in the port of Rhodes, and in the early 19th century by forced labor in the Istanbul arsenal. The *kürek* punishment was inflicted for serious crimes, e.g., adultery, prostitution, rape and coin-clipping, as well as other grave offenses for which the Shari'ah/Kanon prescribed the death penalty. We appreciated also that nobody ensured that prisoners were indeed freed from the galley after completing their sentences. We have studied that the *kürek* punishment was administered particularly when the Ottoman navy needed more working hands, mainly after the Battle of Lepanto in October 1571 and during the campaign for the conquest of Crete in the 1660s. For example, we studied that in the second half of the 17th century, because of a bitter dispute over the chief rabbinate in Izmir and because of the division of the community between the supporters of the Sabbatean movement and its opponents, there was an attempt to inflict the *kürek* punishment on some Jews. We learned that Jewish society normally made efforts to prevent this type of punishment, perceived as a death penalty, and acted to release the punished man's wife from the status of agunah. However, sometimes Jewish leaders handed Jewish members of the community over to the Muslim courts or to Ottoman governors to receive the *kürek* punishment. We learned that this punishment was practiced mainly in Istanbul during the 16th–19th centuries, but that in the 1660s Jews from Izmir were also sent to the galleys or threatened with this punishment. We also studied that the punishment of hard labor in the Imperial arsenal was also applied to Jewish adulterers and in 1826 it was carried out against three Jews who converted to Protestant Christianity. The article also discussed the financial aspects of the kürek punishment, especially the *malii -kürekciye* tax which was paid during the 15th and 16th centuries by the Jews of Istanbul to maintain the Ottoman fleet, and the "capitalnik tax", imposed on the Jews of Rhodes and Izmir. We also learned that in the 17th century, the Jews of Istanbul were charged a certain amount to support 150 oarsmen. It can be estimated that despite the many sources on the kürek punishment, in reality not many Jews were punished with this punishment, and most of those Jews who were sentenced to work on Ottoman naval ships and those sentenced to hard labor at the Imperial arsenal, managed to escape this punishment, and usually paid a ransom or paid fines.