

## Article

# The Nação Rules: A Comparative Analysis of the Bylaws of Western Sephardic Congregations in the Early Modern Atlantic

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**Abstract:** Religious persecution, segregation, and commercial networks triggered the diaspora of Iberian New Christians and Sephardic Jews throughout the Atlantic in the Early Modern period. Despite the geographical dispersion, the diverse host environments, and the complex religious experiences, the so-called Western Sephardic Diaspora was founded on the principles of unity and preservation, which were cemented by the notion of belonging to the *Nação*. Thus, as a cross-border community connected by common geographical origins, collective cultural identity, and a shared New Christian background, the concept of *Nação* was structural for the definition and evolution of the diasporic experience of Portuguese and Spanish exiles and their descendants from the sixteenth to the eighteenth centuries. This article overviews the most recent findings and perspectives on the concept of the *Nação* as a unifying element of the Western Sephardic Diaspora. Then, it problematizes the interpretation of this concept in different Sephardic communities established in Atlantic port cities. This problem is approached by analyzing these communities' internal bylaws (*ascamot*) under the lens of two critical questions: (1) the concept of *Nação* as defining the borders of belonging to the community and (2) the unity and preservation of the *Nação* as essential drifts of the organization and management of the community. This analysis emphasizes the tension between the dynamism and particularities of each community and the conservatism of the idea of *Nação*, promoted by small social and economic elites that exercised increasing control over the communities and their interaction with the surrounding environments.

**Keywords:** diaspora; Sephardic Atlantic; Judaism; Jewish congregation; *ascamot*; identity



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## 1. Introduction

In the conclusion of *The Cambridge History of Judaism's* volume on the *Early Modern World*, David Ruderman defines “the blurring of religious identities” as one of the “five primary components of the early modern experience for Jews”. Ruderman was thinking specifically here of the experiences of New Christians and New Jews (Ruderman 2018, pp. 1096–97). The late fifteenth-century expulsions of the Jews from Spain and Portugal and the emergence of the category of New Christian—Jews forcibly converted to Christianity and their descendants—gave rise to a new experience that traversed both Jewish and Christian worlds. Thereafter, the continuous migration of New Christians from Iberian territories until the second half of the eighteenth century created new Jewish communities made up of exiles whose Catholic background profoundly influenced their Judaism. Yosef Kaplan, mirroring the concept of “New Christian”, defines these exiles as “New Jews” (Kaplan 1994). The diasporic movement throughout the Atlantic and these newly formed communities ran parallel to the other “components” of the Early Modern Jewish experience as defined by Ruderman, namely an “accelerated mobility” that enhanced the contact between Jews of different backgrounds and between Jews and non-Jews as well as “a heightened sense of communal cohesiveness throughout all Jewish settlements”, all of which was characterized by the decline of rabbinic authority and the increasing power of lay elites (Ruderman 2018, pp. 1096–97).

As well as being an agent of change for Early Modern Jewish experience, the Western Sephardic Diaspora also constituted, in my view, an alternative facet of the role played by the Iberian empires in the so-called “first globalization”. Portuguese and Spanish New Christians and Jews spread throughout the Atlantic commercial structures, social patterns, cultural standards, and religious perceptions rooted in their Iberian background, in this way, uniting a dispersed group under the unifying concept of *Nação* (nation).

Being or not being part of the *Nação* marked the borders of the Western Sephardic Diaspora and held its disparate parts together as elements with a shared background. The *Nação* was, however, far from being a uniform or static notion. Different ethnic and religious realities were encompassed under this conceptual umbrella, and its scope was not homogeneously understood throughout the Western Sephardic Diaspora. Notwithstanding this, the unity and preservation of the *Nação* was the ultimate objective enshrined in most of the regulations of the Jewish congregations in the Sephardic Atlantic.<sup>1</sup> The framework in which the *Nação* emerged within the Atlantic area differs substantially from that which informed the communities of Iberian exiles in the Mediterranean. While in Italian cities, North Africa and Ottoman Empire exiles were integrated into existing Jewish communities, the Atlantic port cities lacked these pre-existing structures. Iberian exiles in the Atlantic had to establish their own congregational organizations and make up their own rules (Kaplan 2002, p. 643). Consequently, these newly established congregations’ *ascamot* (bylaws) were unique in character, expressing the anxieties of new communities that were founded in environments with differing levels of tolerance towards a foreign and non-Christian minority.

The *ascamot* of the earliest Western Sephardic communities embodied shared models of organization (Bodian 1985, pp. 10–11). The introductory remarks to the first *ascamot* of the congregation of London, for example, acknowledged “the likeness of those which are observed in the *Kahal Kados* of *Talmud Tora* of the city of Amsterdam, wherein they have included the usage of that of Venice” (Barnett 1931, p. 3). In turn, the regulations and structures of the communities formed in Dutch and British America and the Caribbean were inspired by the organizational models of Amsterdam and London. However, different social and cultural contexts meant that there were deviations from the original shared patterns and saw the increasing emergence of local peculiarities (Oliel-Grausz 2019, p. 229).

As Daniel Swetschinski demonstrated, the construction of the first synagogue in Amsterdam in 1612 preceded the official recognition of members of the *nação portuguesa* (Portuguese nation) as Jews. Soon afterwards, the city authorities tacitly allowed them public worship when they authorized the purchase of a plot of land in Ouderkerk as a Jewish burial ground (Swetschinski 2000, pp. 10–13). In the meantime, the community suffered internal divisions that led to the formation of three separate congregations—*Bet Jacob* (c. 1602), *Neve Shalom* (c. 1612), and *Bet Israel* (1618)—which were merged into the *Kahal Kados Talmud Torah* in 1639 (Kerkhof 2018). The first decades of the Portuguese Jewish settlement in Hamburg were also marked by splits within the community. In 1652, the four existing Portuguese congregations—*Talmud Torah*, *Keter Torah*, *Neve Shalom*, and *Magen David*—were reorganized into a general congregation, the *Bet Israel*. However, the emergence and consolidation of the Portuguese community of Hamburg occurred within a limited legal framework, with lingering restrictions on public worship (Martins 2021, pp. 66–74). The restrictions were even narrower for members of the Portuguese *Nação* who settled in Southwestern France. From the sixteenth to the mid-eighteenth century, the Sephardim of Bayonne, Bordeaux, and other French port cities lived in a semi-clandestine regime, keeping their Jewish practices private but, even so, enjoying a structured organization and privileges as members of a foreign merchant nation (Wilke 2019). The first bylaws (significantly named as *réglements* instead of *ascamot*) of the *Nação Portuguesa* of Bayonne in 1752 mirrored this context in their focus on the regulation of institutional structures, poor relief, and relations with local authorities while addressing religious issues in a very parsimonious and discreet way (Nahon 1981). The origins of the Spanish-Portuguese congregation of London dated back to the aftermath of the Whitehall Conference in December 1655, which debated the readmission of the Jews England, from where they had been ban-

ished in 1290. Despite the inconclusive resolutions of the conference, in the following two years, the small New Christian community that settled in London made themselves known publicly as Jews with the establishment of an informal synagogue in Creechurch Lane, Aldgate, and a Jewish cemetery in Mile End, in the city outskirts (Katz 2002, pp. 107–44). The de facto Jewish presence in London was recognized later by a charter of Charles II in 1664, confirmed by James II in 1685, which granted a certain legal autonomy to the Jewish minority (Kerner 2017b, pp. 236–37).

Colonization strategies and commercial interests favored Jewish settlement in Dutch and English colonies in the New World. Dutch Brazil (1636–1654) became the first place in America where public worship was allowed, and a synagogue was established, the *Zur Israel* in Recife. Another temple was founded in Mauricia, the *Magen Abraham*, later merged with the Recife congregation in 1648. Jews in Dutch Brazil enjoyed freedom of conscience and substantial residential and commercial rights until the Portuguese reoccupation in 1654 (Feitler 2009; Klooster 2006). This event increased Jewish settlement in the Dutch and British West Indies. In Curaçao, the first Jewish settlers arrived in 1651, and they were supplemented in the following years by refugees from Recife. The first Jewish congregation of the Caribbean, the *Mikveh Israel*, was founded there in 1659. Around the same time, a new community was established in Jodensavanne, Suriname, which was still under British rule. But by the time the synagogue *Beraha VeSalom* opened in 1685, Suriname was already a Dutch colony. Both in Curaçao and Suriname, Jews enjoyed broader privileges than those granted in most of Europe (Klooster 2018). The symbolic foundational moment of the Jewish presence in British America also occurred in the aftermath of the Portuguese occupation of Recife, when a group of 23 refugees landed in New Amsterdam in 1654. Although this original group did not remain in the colony, a small community slowly formed, and significant progress was made in the following decades, turning colonial New York into a city where Jews enjoyed extensive citizenship rights and a free environment to profess their religion. In 1730, the first synagogue in North America, the *Shearith Israel* (Remains of Israel), opened its doors. At that time, a group of wealthy merchants, including both Sephardi and Ashkenazi Jews, headed the congregation. In fact, Sephardim soon became a minority, although the *Shearith Israel* continued to adopt the Sephardic *minhag* (law and customs) and be known as the Spanish and Portuguese synagogue of New York (Faber 1992, pp. 4–26; Rock 2012, pp. 5–70).

The Western Sephardic Diaspora struggled to maintain unity in diversity. The notion of belonging to the *Nação* served to unify these diverse dynamics and frameworks and structured the organizational processes of the various communities. Thus, the *ascamot* of Jewish congregations of the Sephardic Atlantic will be the lens through which this paper will analyze the different and nuanced understandings of the *Nação*. Following Evelyne Oliel-Grausz's proposal of an inter-communal approach to the Western Sephardic Diaspora (Oliel-Grausz 2004), I will undertake a comparative analysis of the *ascamot* of eight congregations—Amsterdam, London, Hamburg, Bayonne, Recife, Suriname, Curaçao, and New York<sup>2</sup>—in order to shed light not only on the cohesive elements of the Western Sephardic Diaspora, but also upon the particularities of each community. This comparative view allows us, I believe, to identify different levels of commitment to exilic communities' Iberian heritage and, consequently, to the idea of belonging to the *Nação*. Thus, after an overview of recent historiographical approaches to the concept of *Nação* and its defining features, I will question the ways in which the concept of *Nação* was a structuring element for different Western Sephardic communities from two points of view: First, I will explore the concept of *Nação* as delimiting the borders of belonging to the community and the fluidity of these frontiers; and second, how the unity and preservation of the *Nação* was an essential motivating factor in the organization and management of the various communities. Both points of view will lead to the idea of the *Nação* as a conservative factor that contributed to the cohesion of the Western Sephardic diaspora and the definition of its boundaries, but which is in constant tension with the dynamic nature of the diaspora and its relation with the surrounding environments. Finally, following the social identity complexity theory

(Roccas and Brewer 2002), I will conclude that in contexts of higher ethnic and religious diversity and where the integration of the Sephardic minority is greater, the attachment to the *Nação* tends to be weaker.

## 2. The *Nação*: Connecting the Western Sephardic Diaspora

In “Origem da denominação de Cristão Velho, e Cristão Novo” (Origin of the terms Old Christian and New Christian) (1735), António Ribeiro Sanches (1699–1783), a Portuguese New Christian physician then based in Saint Petersburg, wrote against the long-lasting discrimination against the New Christians, whom he defined as descendants of the “*Nação Judaica*” (Jewish Nation) (Sanches 2003, p. 2).<sup>3</sup> In the same opuscle, he extended the concept of “*Nação*” to New Christians in general—e.g., “since it is an honor to be an Old Christian, he who insults and despises one of the Nation is honored and distinguished” (Sanches 2003, p. 3). Sanches’s contradiction in using the term “*Nação*” for two different (as he sees it) subjects—Jews and New Christians—is paradigmatic of the complexity and vagueness of this concept, the meaning of which evolved and changed over time.

“*Gente de nação*” (People of the Nation) or “*homens da nação*” (Men of the Nation) were expressions used to designate New Christians and distinguish them from the majority “Old” Christian society in Portugal. “*Nação*” is here an abbreviation of “*nação judaica*” (Jewish Nation) or “*nação hebraica*” (Hebrew nation) and emphasizes the Jewish background of the New Christians and their supposed lingering Jewishness (Graizbord 2013, p. 117). According to the seminal study of Miriam Bodian (1994), the great migratory movement of Portuguese New Christians to Spanish commercial hubs such as Madrid or Seville during the Iberian Union (1580–1640), to which the Portuguese Inquisition was very much attentive (Paiva 2017, pp. 373–80), constituted a turning point for the conceptualization of the *Nação*. It was at this moment that the attribute “Portuguese” was added to “Nation” (“*nação portuguesa*”) with the aim of distinguishing these newcomers and other New Christians of Portuguese origins from native Spanish *conversos* (Bodian 1994, pp. 59–60). The corporative meaning of the *Nação*, which labeled a marginal group within Portuguese Catholic society, gained here another sense, more connected with an idea of territorial belonging and a specific economic function, namely involvement in large-scale commerce (Feitler and Stuczynski 2018, p. 9).

This new meaning of the *Nação* had a reinvigorated expression outside Iberia. “Portuguese Nation” or “Spanish nation” originally referred to corporations of merchants of Portuguese or Spanish origins, much as the term was applied to other foreign merchants based in commercial hubs. Local authorities granted these “nations” special privileges and liberties in light of their common interests, and freedom to maintain different religious practices from the prevailing creed was usually granted to these groups. In Amsterdam, religious tolerance was extended to the Portuguese Nation, together with other privileges of an economic nature, such as tax benefits and protection of private property (Antunes 2018, p. 33). Portuguese Nations demanded similar rights in other port cities such as Hamburg, Bordeaux, or Bayonne, for instance (Poettering 2019, pp. 44–48; Nahon 1993, pp. 95–153). The interpretation of religious tolerance extended to Portuguese merchants in these cities as permission to profess Judaism reflected their ethnic composition. The result was a symbiosis between the economic and ethno-religious meanings of the term “Portuguese Nation”. The case of London was somewhat different. Although it was a group of New Christian merchants of Iberian origin that triggered the debate in 1655, the readmission of the Jews in England was claimed for the “Jewish nation” in general (Katz 1982). Notwithstanding this, the first Jewish congregation of London after the resettlement was designated Spanish-Portuguese, reflecting both the Iberian background of its members and the influence of the congregation *Talmud Torah* in Amsterdam, then the greatest hub of the Western Sephardic Diaspora. It is no coincidence that it was an Amsterdam rabbi, Menasseh ben Israel, who had been called by Iberian merchants based in London to voice their aims before the Lord Protector, Oliver Cromwell, in 1655 (Rauschenbach 2019). Israel’s arguments in favor of readmission were mainly economic in nature, in this regard following



a Venetian model, Simone Luzatto's *Discorso circa il stato de gl'ebrei*, published in Venice in 1638 (Ravid 1982).

The case of London illustrates how the idea of the “economic utility of the Jews”<sup>4</sup> helped improve the status of Iberian New Christians and Jews within foreign countries, drawing as it did on the mercantilist *raison d'état* of European economic centers (Israel 1985; Dubin 1999). This political framework provided conditions for the expansion of the *Nação* throughout the Atlantic and Mediterranean worlds.

The critical role played by commerce in forming and consolidating the Western Sephardic Diaspora explains why understanding the “*Nação* as an economic community” (Graizbord 2013, p. 135) has been privileged in scholarship (see, among others, Israel 2002; Klooster 2006; Studnicki-Gizbert 2007; Roitman 2011; Strum 2013; Poettering 2019; and the collective works of Bernardini and Fiering 2001; Kagan and Morgan 2009). From the concept of “port Jew”, coined by Lois C. Dubin (1999) and interpreted by David Sorkin as a social type that included Sephardic and Italian Jews settled in Atlantic port cities on the edge of border-crossing and cross-cultural trading networks (Sorkin 1999),<sup>5</sup> to Jonathan Israel's view on intertwined and overlapping diasporas boosted by the rise of the Early Modern maritime empires (Israel 2002), economic approaches have been at the center of the Western Sephardic Diaspora debate, to such an extent that the latter has been defined as a “trading diaspora” (Israel 2009; Trivellato 2004, 2009b).

Taking another approach, Oliel-Grausz proposes a re-evaluation of the Sephardic port Jewries focusing on the circulation of people and information moving through overlapped networks (social, religious, economic, diplomatic) and driven by multiple motives, such as the exercise of congregational functions (rabbis, *hazanims*, schoolteachers, among others), kinship relations, patronage, or poverty (Oliel-Grausz 2004). This view tempers the econocentric views of the *Nação* by emphasizing alternative factors contributing to its cohesion. Social assistance, for instance, constituted a powerful agent of unity within Sephardic communities and between them and the New Christian world. A meaningful example was the *Santa Companhia de Dotar Orphãs e Donzelas* (literally, Holy Company for Endowing Orphan and Young Girls), a dowry society founded in Amsterdam in 1615 to promote marriages within the *Nação*, which included both Sephardic Jews and New Christians as members and beneficiaries (Bodian 1987; Roitman 2005). In fact, questions around assistance and poor relief in the Western Sephardic Diaspora have gained particular prominence in recent historiography, with the studies of Tirtsah Levie Bernfeld (2012) and Julia M. Lieberman (2017, 2019) on Amsterdam and London communities being cases in point. These and other studies emphasize the essential role played by assistance within communal organizations, and how assistance efforts served to unify the *Nação* by promoting solidarity amongst Sephardic communities and between them and those who remained in places where Judaism was still forbidden.

Therefore, the *Nação* was generated by ethno-religious persecution and segregation, especially those promoted by the Iberian Inquisitions, expanded by socio-economic networks, and tied together by a sense of kinship, solidarity, social affinity, and shared identity. This last point is probably the most complex to define, but also one that has inspired new historiographical approaches in recent years (see, among others, Bodian 2008; Graizbord 2008, 2013; Ray 2008, 2013; Kaplan 2011, 2019). Jonathan Ray, for example, relates the construction of a shared and unifying identity with the phenomenon of exile. According to Ray, there was no sense of a Sephardic identity prior to the expulsion and the diaspora (Ray 2008, pp. 17–18; 2013, pp. 135–36).<sup>6</sup> Therefore, as in other diasporic phenomena (Safran 1991), the experience of mass emigration and the challenges faced in the destination countries, namely the confrontation with Gentile societies and Jews of other backgrounds, instigated the idealization of the cultural origins and a “homeland orientation” towards a remembered (and also imagined) Iberia “as an authoritative source of value, identity and loyalty” (Brubaker 2005).<sup>7</sup>

The “homeland orientation” of the Western Sephardic Diaspora was embodied in three key dimensions: The Sephardic *minhag*, the Sephardic-Iberian heritage, and the New Christian background.

The adoption of the Sephardic rite in the new synagogues founded by Portuguese and Spanish Jews is probably the most evident expression of connection to a Sephardic heritage. As Miriam Bodian demonstrates, this connection was not natural but imposed by communal leaders, who tried to rebuild the bonds to Sephardic culture in individuals who had lived their entire lives in exclusive and highly repressive Catholic environments (Bodian 2008). The prevailing conservatism in the Spanish-Portuguese congregations served as a counterbalance to a communal atmosphere that was home to a multiplicity of religious experiences (Schorsch 2010) but also traditionalist tendencies. The receptivity among members of the *Nação* to a “strikingly un-modern eschatological fervor and speculation” (Graizbord 2013, p. 138) was reflected in the flourishing and spread of Messianism and Kabbalism in Western Sephardic communities (Goldish 2001; Leibman 2012).

The experience of exile kindled a sense of belonging to a shared Iberian-Jewish cultural heritage that was to become a source of legitimacy and distinctiveness (Ray 2013, pp. 135–36). This also included a genealogical dimension, based on an idea of descent from distinguished forebears within the Medieval Iberian Jewry that was common among New Christians, and which was preserved in the diaspora and became, in David Graizbord’s words, “one of the imaginary bases of the transoceanic *Nação*” (Graizbord 2008, p. 50; 2019, p. 15). In fact, the notion of descent from an exclusive and high-status common origin both nourished a sense of Sephardi separateness from other Jewish groups and Gentile society while also instilling a sense of kinship that connected the whole *Nação*.

As Alex Kerner recently demonstrated with regard to the Sephardic community of London, language was another mark of Iberian belonging that acted as both a separating and uniting factor. On the one hand, it distinguished the community linguistically; on the other hand, it served to unite it. Reflecting on the case of the *Sha’ar Hashamayim* of London as a “linguistic community”, Kerner proved that communal leaders used language as a device to control behaviors and interactions among the members as well as for communication within non-Jewish settings (Kerner 2018). The “language policy” that determined the Iberian languages as the official languages of the community persisted for a long time, with the registers of London and Amsterdam congregations still being written in Portuguese in the early nineteenth century. For instance, the last entry in the minute book of the meetings of the *Mahamad* of the London congregation in Portuguese dates from 2 February 1819; from then on, the records were written in English.<sup>8</sup> Such persistence, even when the number of Portuguese or Spanish speakers was increasingly insignificant, can be regarded as an effort to maintain the community’s ties to its Iberian origins.

The Sephardic *minhag* and an Iberian cultural heritage were common features of the whole Sephardic world. However, one element was peculiar to the Western Sephardim—their New Christian background. If inquisitorial persecution and exile shaped a layer of the Western Sephardic collective memory, endowing it with a shared foundational trauma (Monge and Muchnik 2022, pp. 25–32), the experience of living in an exclusively Catholic environment also determined how Iberian exiles embraced Judaism, giving rise to complex and innovative religious experiences, or, using the expression coined by Yosef Kaplan, “alternative paths” to modern Jewish life (Kaplan 2000). The “faith of remembrance” (Wachtel 2013) that bounded New Christians scattered throughout Iberian territories was reflected in the complex experience of living as a public Jew in the diaspora communities. Such complexity was both an inner feature of the religious life of Western Sephardic communities and a source of tension since it clashed with the communal leaders’ efforts to unify a *Nação* composed of “divided souls” and families torn between Christian and Jewish worlds (Kaplan 2011, pp. 327–32). For this reason, the New Christian experience was not just a question from the past for New Jews. Most of them had left relatives in Iberian territories with whom they continued to clandestinely correspond. Trading networks linked some of them to Portugal and Spain, and, at times, they were obliged to return and once

more put on the mask of Catholicism (Graizbord 2004; Vieira 2021). Thus, exiles' New Christian background and the remaining connections to the Iberian world were both part of the ethnic bonds that united the *Nação* and, at the same time, a threat to its cohesion.

### 3. Who Is Part of the *Nação*?

This pivotal question was far from uncontroversial within the Western Sephardic Diaspora, and the bylaws of different congregations expose significant variations with regard to the use of the *Nação* as a self-referential concept as well as to the imposition of limits on those who do not fall under its aegis.

*Nação* is a ubiquitous term in the earliest *ascamot* of the European communities. Expressions such as “*governo da Nação*” (governance of the Nation) or “*aumento da Nação*” (increase of the Nation) are repeated over and over again throughout the bylaws of the *Talmud Torah* of Amsterdam. The unification agreement of 1639 asserted that “this congregation is formed for the Jews of the Portuguese and Spanish Nation who are at present in this city and later may come to it, and that Jewish people who may come here from any other nations may be admitted to praying if it seems good to the Mahamad in office” (Kerkhof 2018, p. 108). The same formula is repeated in the 1664 regulations of the congregation of London (London 1664, §2).

The idea of belonging to the *Nação* seems less fundamental to the regulations of some communities in the New World. The *ascamot* of the congregations of Curaçao and New York did not use the term “*Nação*” to define the specific origin of their members. In Curaçao, the term defines the community in general as opposed to the Iberian background of its members.<sup>9</sup> Nevertheless, this meaning did not necessarily imply that Jews of other origins were allowed to become members of the congregation. A list of *parnassim* and bridegrooms of the Law,<sup>10</sup> who served the congregation from 1671 to 1799, shows a large majority of individuals as having Portuguese or Spanish surnames, with only a few having surnames that are not readily ascribable to a specific origin, such as Levy, Gaon, or Namias (Emmanuel and Emmanuel 1970, pp. 782–802). The *ascamot* of the congregation of *Zur Israel* established that all “*moradores de nossa nação*” (“inhabitants of our nation”) who lived in Recife and all of Dutch Brazil, as well as those newly arriving “*sejão Yahidim*” (shall become *Yehidim*, full members) (Recife 1648, §10). In this context, “our nation” can be interpreted as both “Portuguese and Spanish Nation” or “Jewish Nation”. However, this interpretation should take into account that among the signatories of these *ascamot* were individuals whose surnames suggested a non-Sephardic background, such as David Loeb, David Zuzorffe, Abraham Mog, or Izaque Seboff (Wiznitzer 1953, pp. 278–80).

In New York, the term “*Nação*” is absent from the first bylaws of the *Shearith Israel*.<sup>11</sup> The few instances of the use of the word “nation” in the earliest minute books of the congregation are found in a petition for extending the burial ground of the community on 23 August 1728, and simply alludes to the “Hebrew nation” and the “Jewish nation” (Israel 1913, pp. 6–8). In fact, in the early eighteenth century, the *Shearith Israel* already included several members of non-Sephardic background, some of them serving the highest offices within the congregation, such as, for instance, Jacob Franks, *parnas* in seven bienniums between 1729 and 1764 (Pool 1955, p. 502).

The category *Yehidim*, as already quoted in the *Zur Israel* bylaws, was initially extended to all members of the congregation. The first *ascamot* of the Hamburg community stated that all people of the *Nação*, without exception, were *Yehidim* (Hamburg 1652, §1). The 1754 bylaws of the congregation of Suriname use a similar formulation, although including an exception for non-white Jews, who would not be admitted as *Yehidim* (Suriname 1754, chp. 25, §1, chp. 26, §1). Some communities were characterized by an increasing differentiation between members. The 1688 *ascamot* of the congregation of Curaçao did not distinguish categories of membership, but a later revision in 1756 already differentiated *Yehidim* from other congregants (Curaçao 1756, chp. 5, §5).<sup>12</sup>

In the case of London, the earliest bylaws did not mention any distinction in membership (London 1664). However, the concept of *Yahid* was increasingly refined in later

regulations. The 1693 *ascamot* added the expression “*cabeças de casal*”, limiting the *Yahid* status to heads of household (London 1693, §1, §39). In a new version in 1784, the requirements for attaining the status of *Yahid* were clarified: being a married or widowed man, or a bachelor over 25 years old and financially independent, or a widow, or a financially independent spinster over 25 years old whose father had already passed away (London 1784, §7).

In the *Shearith Israel* of New York, the difficulty of deciding who could be a *Yahid* provoked uncertainty and, so as “to prevent any dispute that may arise concerning who is properly a *Yachid* and entitled to a *Vote*”, a revision in 1761 made clear that only natives over 21 years old and strangers living in the city for more than one year were eligible for this status. After being admitted, the *Yehidim* were entitled to “all rights and benefits appertaining to the synagogue; and none but *Yehidim* shall be elected *Parnas*, *Hatan Torah*, or *Hatan Bereshith* or have the privilege to order the *Mitzvoth* in Synagogue, for a Marriage, or Circumcision” (New York 1761, §12, §13). Besides these rights and benefits, which were similar to those of other congregations, the *Yehidim* were also subject to certain obligations, such as the payment of taxes and mandatory contributions to the *Sedaca* (general fund of the congregation). Those who could not pay these contributions and needed assistance from their brethren would lose their *Yahid* status.

The incompatibility between being a full member of the community and receiving financial support from the *Sedaca* is commonly emphasized in the bylaws of Western Sephardic communities at a more advanced stage of development. It reflects, on the one hand, the demographic growth of these communities and the increasing number of members requiring aid, and, on the other hand, the need to limit the decision-making power to a financially independent elite. Considering that certain congregational offices, including the *parnassim*, were not remunerated and demanded a significant investment of time, this elite tended to become increasingly exclusive and practically limited to the wealthiest *yehidim* (Kerner 2017a).

Defining the *Nação* also depends on identifying who it excludes. *Goyim* (non-Jews) and Jews of other backgrounds were the Other in the eyes of Portuguese and Spanish Jews, but if, concerning the former, the distinction is evident, the same is not true of the latter. The exclusive character of the *Nação* clashed with the Jewish law and the principle of the Jewish people as one nation (Bodian 1994, pp. 70–72; 1997, pp. 125–31). As seen above, according to the first *ascamot* of the congregations of Amsterdam and London, non-Sephardic Jews were not accepted as members but could attend synagogue services with the permission of the *Mahamad* (congregation’s governing body). As time went by, restrictions on accepting *tudescos* (German Jews) were reinforced. In 1707, they were prohibited from attending the Portuguese synagogue of Amsterdam (Kaplan 2000, p. 54). The same interdiction was imposed in the 1732 *ascamot* of the congregation of London (London 1732, §67). Communal leaders also regarded the marriage between Sephardim and Ashkenazim as objectionable and tried to avoid it through regulatory mechanisms. In 1671, the *Mahamad* of the Talmud Torah established that no German or Polish Jew married to a Portuguese or Spanish woman could be admitted as *yehidim*, a restriction that also applied to their descendants (Kaplan 2000, p. 74). In London, an Ashkenazi woman married to or widow of a *yahid* or congregant was not eligible for the *Sedaca*’s aid, and her *ketubah* (marriage contract) could not be celebrated by the rabbi, in order to distinguish “between those who marry with all honor, and those who have strayed from it” (London 1784, §30, §36).

Regulations as to the provision of social aid to non-Sephardic Jews were outlined in the *ascamot* of Spanish-Portuguese congregations and served to establish boundaries between both groups. Even before the approval of the first bylaws, the congregation *Talmud Torah* drew up an “*askamah sobre tudescos*” (*ascamah* on German Jews) to address the issue of Ashkenazim who arrived in Amsterdam and lived by begging (Kaplan 2000, p. 67). According to the *ascamah*, these Jews had become a problematic source of expense for the community, and it was imperative to avoid their arrival and settlement in the city. Thus, the *ascamah* forbade that congregation members give them alms at the gates of the



synagogue or that they intercede in their favor if they were arrested by local authorities (Kerkhoff 2018, pp. 139–40). The bylaw reflects tensions regarding the way in which to deal with Ashkenazim: On the one hand, they were considered lower-rank Jews, “*alheos da virtude e bom judesmo*” (“devoid of virtue and worthy Judaism”); on the other hand, they were also part of the Jewish nation and, for this reason, the congregation was obliged to provide them with some form of assistance. Other communities shared such concerns. For instance, in Bayonne, the aid granted to “wandering Jews, Germans, and Italians” was limited in time (3 days) and money amount (20 *sols*) (Bayonne 1752, §21).<sup>13</sup> Therefore, as Yosef Kaplan notes, in the bylaws of Spanish-Portuguese congregations, the word *tudescos* was practically synonymous with paupers or beggars and *tudescas* with servant women. This attitude regarding Ashkenazic Jews informed long-lasting stereotypical associations of them with poverty and emphasized their difference with regard to Iberian Jews (Kaplan 2000, pp. 65–66).

In Caribbean communities, the “*tudesco* problem” was a minor concern since the presence of impoverished masses of German and Polish Jews was not part of everyday experience. Notwithstanding this, the 1754 bylaws of the congregation of Suriname included a few *ascamot* concerning Ashkenazim, including those that excluded men married to Ashkenazi women from attaining the status of *yahid*, forbade members from attending the Ashkenazic synagogue and prohibited the president from calling *tudescos* to the *Sepher* (Suriname 1754, chp. 26, §5, chp. 1, §3, chp. 38, §3). The environment where the Spanish-Portuguese congregation of New York flourished was very different. Here, the Ashkenazim soon became a majority, and German Jewish merchants such as Jacob Franks or Judah Hays were very far from the image of the deprived and miserable *tudesco* as portrayed in Amsterdam or London (Rock 2012, pp. 25–41).<sup>14</sup>

The social fabric in Caribbean port cities differed profoundly from that which Portuguese and Spanish Jews would find in New York and European metropolis. In plantation societies supported by African enslaved labor, interaction with non-white people and even non-white Jews occupied an essential place in the community’s everyday life and, consequently, was reflected in the communal legislation. Jonathan Schorsch has recently approached this issue by revisiting existent scholarship and surveying *ascamot* relating to non-white people from the communities of Suriname, Curaçao, and Amsterdam (Schorsch 2019). The specific nuances of the integration of non-white people within the Spanish-Portuguese community of Suriname have attracted particular interest among historians of the Sephardic Atlantic, from the seminal study by Robert Cohen (1991) to more recent approaches by authors as Schorsch himself (Schorsch 2004), Aviva Ben-Ur (2009, 2012), Wieke Vink (2010), Jessica Vance Roitman (2011), or Natalie Zemon Davis (2016). The congregation *Beracha ve Shalom* admitted “mulatto” Jews and Jews married with mixed-race women as *congregantes* (congregants) but not as *yehidim* (Suriname 1754, chp. 26, §1). Thus, non-white Jews were denied numerous rights, including voting and election for leadership of the congregation. However, the simple recognition of children of enslaved mothers and Jewish fathers as Jews was unique, a deviation from *halakhic* norms (Schorsch 2004; Ben-Ur 2009). According to the estimates of Aviva Ben-Ur and Jessica Roitman, by the second half of the 18th century, mixed-race Jews constituted about 10% of Suriname Jewry (Ben-Ur and Roitman 2014, p. 205). This figure declined to nearly 5% in the following century (Vink 2010, p. 256).

The question of the legitimacy of circumcising non-white men was taken differently within the Sephardic Atlantic. The congregation *Zur Israel* forbade the circumcision of enslaved people “without first having been freed by his master, so that the master shall not be able to sell him from the moment the slave will have bound himself [to Judaism]” (Recife 1648, §32). Thus, the community of Recife opened the door to non-white Jews. In Curaçao, a deafening silence emerges in the congregation’s *ascamot* regarding this question. The few racial issues addressed in the bylaws concerned the prohibition of black and mulatto women entering the synagogue, and the possibility of lending money at interest to free non-white men, since taking interest from white men and enslaved people was

forbidden (Schorsch 2019, p. 532). In Amsterdam, the presence of non-white Jews within the community is witnessed in the resolutions of the *Mahamad*, which make clear that they were considered second-class members. For instance, non-white Jews could not be called to the Torah, nor could they receive any *misvah* (an honorary function in the synagogue) (Kerkhof 2018, p. 305) and, excepting those who married white Jews or were born of Jewish marriages, were buried in a separate section of the cemetery (Schorsch 2001, pp. 62–63). In fact, the regulations of the place of black and mixed-race Jews in communal life reveal the intense commercial and family bonds of Portuguese Jewish merchants of Amsterdam in Western Africa (Green 2008). In contrast, in the case of London, their absence in the *ascamot* and the decisions of the *Mahamad* suggest that non-white people were not part of the Jewish community.

Another marginal group with whom Portuguese and Spanish Jews interacted were those New Christians who did not become part of the Jewish diasporic communities and continued to live as Catholics. Notwithstanding this, they were generally considered as part of the *Nação*. After all, living “*fora do judesmo*” (outside Judaism) did not signify living wholly disconnected from local Jewish communities. Family, social, and economic ties linked them to members of the Spanish-Portuguese congregations, challenging the communal leaders to manage the problematic balance between religious adherence and social and ethnic affinities (Kaplan 1994). The boundaries established were not always consistent, even within the same community. For instance, in Amsterdam, uncircumcised men could not be buried in the Jewish cemetery (Kerkhof 2018, pp. 330–31), but the *Santa Companhia de Dotar Orphãs e Donzelas* accepted Iberian New Christians as both members and applicants for dowries, as we have seen above. The burial of uncircumcised men in the Jewish cemetery was also forbidden in London. However, there were exceptions, namely when Iberian exiles died less than a month after their arrival and, due to illness, had no opportunity to be circumcised (London 1693, §30). This exception reflects the more lenient attitude of the community in London regarding those who lived “*fora do judesmo*”, as compared to the congregations in Amsterdam or Hamburg (Kaplan 2000, pp. 155–67). Even so, in 1727, the *Mahamad* of London imposed a deadline of 15 days for those who arrived in the city to be circumcised, under the condition of losing any assistance and being forced to repay the travel expenses that the community had advanced (Kaplan 1994, p. 38).

#### 4. Ruling for the Unity and Preservation of the *Nação*

In a review of books on the Sephardic Atlantic, Jonathan Schorsch called attention to a discrepancy in the Western Sephardic diaspora—while individuals generally demonstrated significant adaptability, the communities tended to be highly conservative (Schorsch 2010, pp. 498–500). In my view, the emphasis on the words “*união*” (unity) and “*conservação*” (preservation) in the bylaws is a clear expression of such conservatism and voiced the two main goals of the *Nação*—ensuring the internal unity of a community composed of heterogeneous individuals and preserving its status within the host countries.

In his approach to the process of confessionalization in the Western Sephardic Diaspora, Yosef Kaplan argued that the principles of group unity and peace between members were the bedrock of the confessionalization process (Kaplan 2011, p. 340). However, the circumstances that motivated and shaped the diaspora made fulfilling these two pivotal principles particularly challenging. New Christian backgrounds and commercial activity were fertile ground for contentions and ruptures derived from old family rivalries, social tensions triggered by the long-lasting inquisitorial persecution, failed business deals, and unpaid debts, among several other factors. The early history of the Spanish-Portuguese communities of Amsterdam and Hamburg witnessed the hardships arising from these circumstances, with internal dissensions giving rise to separate congregations (Swetschinski 2000, pp. 225–77; Martins 2021, pp. 109–29). As a consequence, the first *ascamot* of the unifying congregations expressed concern about maintaining this newly acquired unity by forbidding the formation of new communities in the city and surroundings (Kerkhof 2018, p. 108 (*Acordo da Nação*, §2); Hamburg 1652, §1, §12). Even in communities that had not suffered this kind of

division, *ascamot* prohibited the establishment of separate congregations within their area of influence (London 1664, §1). The only exceptions made were for reasons of convenience in areas where poor communications prevented worshippers from attending the local synagogue. For instance, the 1688 *ascamot* of the *Mikve Israel* allowed planters living away from Willemstad to meet as a congregation (Curaçao 1688, §11), while the Recife community authorized Jews based on Antonio Vaz island to congregate, albeit under the regulations of the congregation *Zur Israel* (Recife 1648, §9). In Suriname, the inhabitants of plantations outside Jodensavanne and Paramaribo—in which were located, respectively, a synagogue and a prayer house, both under the government of one single congregation—could gather to pray with *minyan* (quorum of ten men over the age of 13 years old required for Jewish public worship) but were forbidden from forming *kehila* (congregation) “or anything else that looks like congregation” (Suriname 1754, chp. 1, §2).

Maintaining unity required the existence of a strong centralizing power. In most Western Sephardic communities, this power was concentrated in a single body, the *Mahamad*.<sup>15</sup> “The Mahamad will have authority and superiority over everything, and no person will be able to go against the resolutions that the said Mahamad takes and makes public [. . .], and those who do so will incur the penalty of herem” (Amsterdam 1639, §1)—this formula was repeated in the bylaws of other congregations, in some cases with a few nuanced variations (Hamburg 1652, §6; New York 1728, §2; Suriname 1754, chp. 37, §4), in others almost literally (London 1664, §4). If these regulations were designed to ensure the unity and preservation of the *Nação*, the members of the *Mahamad*, as responsible for their compliance, were the wardens of this unity. It was their duty to interpret the application of the *ascamot* to specific cases and apply the stipulated penalties, including the *herem* (excommunication).

Therefore, the *Mahamad* had the power to decide who was or was not part of the congregation by allowing individuals on the margins of the *Nação* to be welcomed (as we have seen above) and banishing those they considered deviant elements. In Amsterdam and Hamburg, the *Mahamad* exercised this power with a vehemence unrivaled in the Western Sephardic diaspora (Kaplan 2000, pp. 168–95). In London, although *herem* was prescribed for a significant number of the infractions in the first *ascamot* and further revisions, Alex Kerner notes that it was not applied after the second half of the 18th century (Kerner 2017b).

The bylaws of the congregations of Recife, Curaçao and Suriname also prescribed excommunication for several infractions, such as the formation of other congregations (Recife 1648, §9; Curaçao 1688, §11; Suriname 1754, chp. 1, §3–4), the circumcision of gentiles (Recife 1648, §32), clandestine marriages (Suriname 1754, chp. 27, §1), or the non-payment of fines and contributions to charity (Recife 1648, §15; Curaçao 1756, chp. 5, §13). However, their practical application was less extensive than the *ascamot* suggested. Arnold Wiznitzer found no evidence in the minute book of *Zur Israel* that the penalty of excommunication—expressed as “*ser apartado da nação*” (“separated from the nation”) instead of the Hebrew word *herem*—was ever imposed (Wiznitzer 1953, pp. 251–52). In Curaçao, the 1786 *ascamot* no longer included excommunication. The 1728 regulations of the *Shearith Israel* of New York only considered pecuniary sanctions. Despite these differences, harsh sanctions like the *herem* were instrumental measures in controlling and eradicating deviant behaviors, ensuring cohesion, and bolstering the authority of the *Mahamad* (Kaplan 2000, pp. 143–44). In other respects, it also became a source of contention. In 1752, the Portuguese Nation of Bayonne had already realized that frequent and too extensive excommunications had been “the first origin and the main cause of the dissensions with which the Nation has been plagued for a long time” and, for this reason, limited this penalty only for matters of religion and clandestine marriages, making its prescription dependent on the consensus of the governing assembly and the rabbi (Bayonne 1752, §30).<sup>16</sup>

In addition to the administration of the excommunication penalty, the power of the *Mahamad* to change and create new bylaws also differs between communities. In Amsterdam, the *Mahamad* was allowed to “add or subtract anything in these *ascamot*” (Amsterdam 1639, §55). In contrast, the *Mahamad* of the *Zur Israel* could not “add to or violate” any *ascamot*, but “if such action happens to become necessary, they shall have

to give an account to the *Kahal*" (Recife 1648, §42). In between, the first regulations of the London community permitted the *Mahamad* to add new *ascamot* but not to diminish or annul any existing ones (London 1664, §41). A later revision included the possibility of the *Mahamad*, in extraordinary cases, calling at least ten people to the ballot in order to "break" an *ascamah* (London 1693, §38).<sup>17</sup> The different capacities attributed to the *Mahamad* to modify community regulations indicate that the power was more limited in some communities than others. For instance, the 1754 *ascamot* of the Suriname congregation dedicated its most extended section (chapter 39, 44 articles) to the duties of the *Mahamad*, imposing restraints to its action, such as limits on annual spending or the obligation to call the *Junta* (enlarged assembly) or even all *yehidim* for the election of certain offices.

The collective nature of the *Mahamad* and the regular rotation of its members also assured some control over the power of the elements that composed it. The structure of the *Mahamad*, formed by a group of *parnasim* and one *gabay* (treasurer), provided a certain uniformity to the internal organization of the Western Sephardic congregations, varying only in the number of elements.<sup>18</sup> In most congregations, the governing bodies were elected yearly, and there were time limits for reelections.<sup>19</sup> Limits were also imposed on the admission of relatives in the same *Mahamad*.<sup>20</sup> However, these restrictions were not always easy to comply with due to the lack of available eligible members to exercise the offices of *parnas* or *gabay*. In some communities, besides extraordinary meetings, the *Mahamad* met weekly (Amsterdam 1639, §4) or twice weekly (Recife 1648, §25). Thus, the governance of the community life tended to fall to a limited number of members.

The concentration of power in a social elite generated tensions and opposition, as evidenced by the attention given to punishing hostile actions against the members of the *Mahamad*, such as speaking in public against them (Amsterdam 1639, § 20; Suriname 1754, chp. 2, §1), censuring their resolutions (Suriname 1754, chp. 2, §7) or conspiring against them (Recife 1648, §19). The list of prohibited actions reflects the high levels of contention inherent to everyday life in these diasporic communities. Sanctions against insulting, physically assaulting, or slandering other fellows are common in the different *ascamot* (Amsterdam 1639, § 19, §43; Recife 1648, §8, §19; London 1664, §33; Curaçao 1688, §4; New York 1728, §3; Suriname 1754, chp. 14, §1, §4).

The control and mitigation of conflict within Spanish-Portuguese Jewish communities was enforced through internal mechanisms of dispute-settling.<sup>21</sup> Common to all congregations was a concern with limiting the resolution of conflicts between members to processes within the community. "That no sworn or non-sworn broker should call any of his brethren to the City Court for brokerage purposes, except before the Lords of the Mahamad"—other communities repeated or adapted this *ascamah* of the congregation Talmud Torah of Amsterdam.

The Recife congregation extended the range of matters that should be presented to the *Mahamad* before the local justices to "any difference regarding money, or goods, or crimes, of differences of any other kind among the *Yahidim*" (Recife 1648, §28). This tendency was followed by other communities, such as Curaçao (1688, §6) or Suriname, whose 1754 *ascamot* dedicated one of the most extensive chapters (chp. 34, with 34 articles) to detailing the arbitration procedures of its governing body. Even in London, the *ascamot* progressively enlarged the scope of the quarrels to be arbitrated at first instance by the *Mahamad* from business disputes to domestic and labor conflicts, defamations, and other cases of non-criminal violence (Kerner 2019; Samuel 2007).

Although the arbitration mechanisms of the Western Sephardic congregations shared a common background, they were adapted to the specific environment of each community. These particularisms have inspired interesting approaches in recent scholarship. Regarding the *Talmud Torah* of Amsterdam, Evelyne Oliel-Grausz demonstrates how its dispute-settlement functions, although rooted in the Jewish culture of arbitration, fitted local patterns of church discipline and were "embedded in the local court system by a process of mutual legal acculturation" (Oliel-Grausz 2019). Alex Kerner found a similar process of "legal acculturation" regarding the *Mahamad* of the *Sha'ar Hashamayim* of London, whose



functioning as a court of arbitration mirrored local justices, in particular the legal procedures of the Court of Requests (Kerner 2017a).

Even more important than mitigating conflicts was avoiding them, and one way of doing this was to ensure that all members had conditions decent enough to live with tranquillity. Poor relief was an effective mechanism to ensure peace and unity within the community by calming discontent and strengthening bonds of dependence on the leadership (Bernfeld 2012; Lieberman 2019; Studemund-Halévy 2015). Thus, the regulation of taxes and voluntary contributions to the *Sedaca* and their distribution occupied a special place in the *ascamot* of Western Sephardic communities.<sup>22</sup> For instance, the founding bylaws of the *Bet Israel* of Hamburg considered poor relief one of the bedrocks of the congregation (Hamburg 1652, introduction), and the regulations of the Portuguese Nation of Bayonne devoted four articles to poor relief issues (Bayonne 1752, §18–21).

Both the management of the community's income and its distribution were the responsibility of the *Mahamad*. This responsibility increased as the communities grew. A good example is the evolution of the poor relief topic in *Sha'ar Hashamayim's ascamot*. The first bylaws already contained articles regarding the payment of the *imposta* and *promessas* (London 1664, §7, §8, §10), the distribution of the *nedaba* (§18), the collection of alms at *Purim* (§19) and the prohibition of begging other *yehidim* (§24). Further revisions to the community's bylaws added new articles to regulate the collection and distribution of the *Sedaca* funds (London 1693, §9–§13, §15, §16, §51, §56, §67–§69, §73; London 1732, §9–§12, §13, §46–§48, §50, §52–§53, §62, §64). The 1784 *ascamot* both increased the regulatory refinement of the *Sedaca* management and added specific articles regarding the administration of new charitable institutions and private funds bequeathed to the community.<sup>23</sup> Demographic growth and the increasing number of poor members deprived of decision power strengthened the authority of the *Mahamad* and enlarged its web of reliant congregants. In addition, new welfare institutions funded by wealthy *yehidim* enhanced individual social prestige and the bonds of dependency on a governing elite (Lieberman 2017).

The elite controlling access to the community's governance and welfare system aimed to become the public face of the *Nação* before host societies. Wealthy, learned, polite, and compliant with the rules of the congregation and the *Halakah*, the members of this elite should embody the principle of *bom judesmo*, virtuous Judaism, and encourage their brethren to follow their example (Kaplan 2002). Besides setting boundaries for Jews of other backgrounds, as seen above, the principle of *bom judesmo* also ensured the "*conservação da Nação*" (preservation of the Nation) by promoting an image of the Portuguese and Spanish Jews as resourceful individuals able to contribute to the progress of the host countries, a cohesive and stable religious group whose structures mirrored the orthodoxy of mainstream societies (Bodian 2008, p. 75). As the bylaws of the community of London warned in 1784, "one of the main points on which the good preservation of this congregation depends is the honorable and religious behavior of its Yehidim" (London 1784, §7).

The 1754 *ascamot* of the Suriname congregation stipulated that no *yahid* should enter the *Esnoga* poorly dressed or "with a bonnet of any shape whatsoever, briefs, slippers, caps, sticks, colored scarfs around the neck, on the head or the body" (Suriname 1754, chp. 2, §5). The *Shearith Israel's* bylaws briefly remarked that "every person congregating with us is to behave orderly" (New York 1761, § 9). Such regulation of the conduct in the synagogue stemmed not only from inner ritualistic and religious concerns but also from the awareness that, even in their place of worship, they were not safe from outside eyes.

The Spanish-Portuguese synagogues were, in general, open to Christian visitors. Thus, even between their four walls, Jews were instructed to be self-aware of their conduct and follow patterns suitable to those cherished by the host societies (Kaplan 2002, pp. 653–55). Even so, some occasions could provoke deviations from these behavior patterns. It was the case of the *Purim*, whose celebration communal leaders attempted to moderate so as to avoid scandal. For instance, in 1640, the *Mahamad* of the *Talmud Torah* of Amsterdam forbade the students at the congregation's school from bringing hammers to the synagogue and pounding with them in celebration (Kerkhof 2018, p. 188). The congregation of London

also tried to restrain the *Purim* celebrations by prohibiting its members from disguising themselves in masks, except within their homes (London 1732, §44). In Suriname and Curaçao, where *Purim* festivities transcended the walls of the synagogue and were shared by both Jews and non-Jews, the *Mahamad* tried to control excesses and mitigate behaviors that could lead to disapproval from colonial authorities (Ben-Ur 2013).

The principle of *bom judesmo* implied strict compliance with local law, which was, after all, a mandatory condition of the residence contracts and privileges granted to the *Nação* in the host countries. The Suriname community's bylaws constantly insist on the observance of the "*placates da colônia*" (*plakateen*, the colony's placards or laws), whether it was a ban on people suffering from "*boubas*" (yaws) walking in the streets of Savanna (Suriname 1754, chp. 22) or the prohibition of gambling (chp. 23, §1).

The respect for the decisions of secular justices and the ban on interceding in favor of someone who had been convicted of a crime was established in the 1639 regulations of the Amsterdam community (Amsterdam 1639, §45) and followed by most Western Sephardic congregations (Recife 1648, §26; London 1664, §35; Curaçao 1786, chp. 5, §9).

Breaking with elements living outside mainstream society's norms was a move that aimed to avoid damage to the community's reputation as a whole. The 1688 *ascamot* of the *Mikve Israel* adverted that the *Mahamad* had the duty to "take care that no one among our nation leads an indecent life" and, as a last resort, should request the banishment of the transgressors from the island because "if we do not do so, it will be said that we approve of improper conduct and on that account we may suffer some prejudice" (Curaçao 1688, §13). The bylaws of the Suriname congregation devote an entire chapter to how to deal with insurgents and enacted a similar resolution to that of the Curaçao community (Suriname 1754, chp. 24: "*Sobre revoltosos e sua rejeição*"). The Suriname community's communal leaders were committed to maintaining a smooth relationship with colonial authorities and ensuring the enforcement of their privileges. The 1754 *ascamot* even decreed that every time a new governor came to the colony, the gentlemen of the *Mahamad* would personally welcome him on behalf of the *Nação* and give him a copy of the Jewish community's privileges and a gift (Suriname 1754, chp. 39, §40).

It is reasonable to question how the concern with the public image of the *Nação* reflected the anxieties of a minority whose integration was characterized by different levels of uncertainty. A comparison of the discourse used in the first *ascamot* of the communities of Amsterdam, London, and Hamburg sheds some light on these questions. The bylaws of the *Bet Israel* of Hamburg exposed a concern with following the newly acquired privileges strictly. In the residence contract of 1650, the *Senat* had authorized gatherings for Jewish worship in private homes of up to 25 families, which was clear progress in relation to previous contracts (Martins 2021, pp. 66–69). Regulating the community by "*o estado da Terra e nossos privilegios*" (the law of the land and our privileges) was thus a pivotal principle of the newly formed congregation (Hamburg 1652, introduction, §2, §3).

At the time of the unification in 1639, the Jews of Amsterdam already held their religious services in synagogues. The less hostile environment where the Amsterdam community flourished is reflected in the nuanced way in which the relation with the host society was addressed, with a focus mainly on questions of justice, the prohibition of proselytism (religious disputes and circumcision of non-Jews, except Iberian New Christians) and attacks against Christianity, and restriction to the *Mahamad* of the right to communicate on behalf of the *Nação* with individuals and institutions outside the community (Amsterdam 1639, §38–§40).

A similar subtle approach is visible in the first *ascamot* of the congregation of London (London 1664, §31, §32, §34), but references to the status of the Jewish minority became more evident in later revisions. The 1693 bylaws begin with a warning about the importance of uniting the nation "in order to preserve ourselves without causing scandal to the people of this city, as we have been recommended by His Majesty King Charles the Second" (London 1693, §1). The mention of the charter granted by Charles II in 1664 is repeated in a decision of the *Mahamad* on 31 July 1721 to remove *Yahid* status from those who married non-Jewish

women (London 1693 [1721], §74). The same formulation is repeated in the 1732 *ascamot*. At that time, other situations were regarded as potentially provoking scandal, such as the presence of impoverished Jews who begged in Exchange Alley (London 1732, §46). The growing concern about keeping a discreet and orderly profile within London society at a time when the Jewish community was mature and established might seem bizarre at first glance. In reality, however, it reflects the apprehension of a minority that was becoming more visible and started to lose control over its public image after the great migratory waves of the 1720s–30s (Lieberman 2019; Vieira 2022a). The concern persisted decades later when in 1784 the bylaws continued to emphasize that “one of the most essential points for our preservation” was “not to cause scandal to the Nationals, nor to oppose the established laws” (London 1784, §28).

## 5. Conclusions

Western Sephardic communities were formed aiming for unity and preservation but were possessed of a cultural background and surrounded by environments that pushed to change. Even the concept that was supposed to grant coherence to the diversity of Sephardic communities by conferring a sense of belonging and shared identity—the *Nação*—, although conservative in nature, was built upon dynamic foundations of border-crossing trading networks and a twofold religious background. The different connotations of the term—a foreign trading nation, the Portuguese nation, the Jewish nation—were even reflected in the bylaws drafted to ensure the unity of these communities. Contact with Gentiles and Jews of other origins challenged the conceptual borders of the *Nação*. There were people of the *Nação* on the margins of Sephardic communities, and these communities, in turn, could include members from outside the *Nação*. As communities grew, evolved, adapted, and were integrated into the surrounding environment, memory of their original substratum—an Iberian cultural heritage and a New Christian existence—tended to fade as the generations passed and ties with Portugal and Spain were weakened. The level of connection of the community members to their Iberian background tended to weaken as they took part in multiple social groups—e.g., Spanish-Portuguese Jew, Sephardic Jew, Jew, British, merchant—, the Spanish-Portuguese Jewish group lost cultural dominance and, as a consequence, their social identity complexity was increasingly higher (Roccas and Brewer 2002). Under these circumstances, the *Nação* tended to become more a construction than the expression of a real sense of belonging. It became an aggregating concept that aimed to preserve the connection to the Iberian Jewish tradition, designed and protected by a tiny elite that exercised overwhelming control over the community as a whole and managed its public image in mainstream society. This all-powerful elite emerged as the key-conservative element in the community, which endeavored to keep the Sephardic tradition and the ties to the Iberian homeland alive. However, the levels and types of conservatism exercised by these elites were not uniform throughout the Western Sephardic diaspora. These differences were reflected in the diverse understandings of the scope of the concept of *Nação*, as well as in the different attachments of each community to this notion.

Comparing the *ascamot* of the various communities sheds light on the tensions between conservative and dynamic elements within the Sephardic Atlantic. The communities of Amsterdam, Hamburg, and London tended to maintain stricter borders regarding elements outside the *Nação* and faced threats to their unity and preservation by refining hierarchies amongst their members and enforcing the authority of governing bodies. The original anxieties of being an alien minority whose official status was, in some cases, ill-defined continued to mark the tone and the content of their *ascamot*, which included appeals to avoid scandal and follow the established laws. On the other side of the Atlantic, such anxieties had subsided as the rights and privileges of the Jewish minority were strengthened. Fewer external threats and less segregation fostered greater integration into local mainstream societies and, consequently, a more complex representation of each community member’s multiple identities (Roccas and Brewer 2002, p. 99). This circumstance

was mirrored in the community's internal organization. Although the congregations in Colonial America and the Caribbean were also ruled by authoritative governing bodies, the limits imposed on membership were more flexible. The idea of belonging to a shared Spanish-Portuguese background tended to be less rooted than in Europe. This was not only a question of geographical but also generational distance since, from the origins of the Caribbean and American communities, the number of first-generation Iberian immigrants had been less significant.

The *ascamot* of the New York congregation provides an extreme example of detachment in relation to the concept of the *Nação*. Since its foundation, the *Shearith Israel* was composed of both Sephardim and Ashkenazim, and the latter soon overcame the former. Its first *ascamot* and early minute books were written in both Portuguese and English—nearly a century before Portuguese ceased to be the official language of the records of the congregation of London. In colonial New York, foreign Jews could apply for naturalization from 1740, while their brethren in Britain had to wait until the nineteenth century for similar rights. More integrated within the local society and the Jewish community, the members of the *Shearith Israel* followed bylaws that omitted the word *Nação*. In New York, the *Nação* was fading away by the late 1720s. In the Sephardic Atlantic, it lasted for a few more decades but without the consistency and unifying vigor of the earlier period.

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## Notes

- <sup>1</sup> On the concept of Sephardic Atlantic, see (Schorsch 2009, pp. 46–73).
- <sup>2</sup> In this paper, I use transcriptions of the *ascamot* already published by scholarship. I resort to the original manuscripts only in the absence of published sources or in cases of doubt. The following are the sources of the *ascamot* cited: Amsterdam 1639: (Kerckhoff 2018, pp. 140–42); Hamburg 1652: (Martins 2021, pp. 359–64); London 1664: (Bodian 1985) (Spanish original), (Barnett 1931) (English translation); London 1693: London Metropolitan Archives, Spanish and Portuguese Jews' Congregation, LMA/4521/A/01/01/003; London 1733: LMA/4521/A/01/01/005; London 1784: *Ascamot para o Governo 1784*; Recife 1648: (Wiznitzer 1953); Curaçao 1688: (Emmanuel and Emmanuel 1970, vol. 2: pp. 542–46) (English translation); Curaçao 1756 and 1786: *Ibidem*, vol. 2, pp. 586–609; New York 1728: (Salomon 1995); New York 1761: (Pool 1955, pp. 500–1); Suriname 1754: Nationaal Archief, Digitaal duplicaat van het archief van de Nederlandse Portugees-Israëlitische Gemeente in Suriname, 1678–1909, 101 (digital copy); Bayonne 1752: (Nahon 1981, pp. 172–211) (Gerard Nahon published the “primitif” (1752) and a redacted (1754) versions of the Bayonne community regulation, and both were used in this paper). For more clarity and abbreviation, I will cite the *ascamot* in the body text, only referring to the community, date and *ascamah* number (e.g., Amsterdam 1639, §23).
- <sup>3</sup> This opuscle was written in a context of growing criticism against the procedures of the Portuguese Inquisition and the mechanisms of discrimination based on the “purity of blood” that would culminate in the law of 25th of May 1773 that abolished distinction between New Christians and Old Christians (Marcocci and Paiva 2013, pp. 247–48).
- <sup>4</sup> For the long-lasting association of the Jewish people with a specific economic function, see (Mell 2017).
- <sup>5</sup> See further problematization of the “port Jew” concept in the dossier organized by Lois Dubin in volume 20 of *Jewish History* (2006), particularly Jonathan Sarna's (2006) article. See also Dubin's chapter in *The Cambridge History of Judaism* (Dubin 2018) and (Oliel-Grausz 2004).
- <sup>6</sup> David Graizbord has a different view on the origins of this sense of a shared identity among Iberian Jews. He dates back to the late-12th-century exile of Iberian Jewish intellectuals during the Almohad “the first emergence of what we might call a self-conscious Sephardicity” (Graizbord 2008, p. 48).
- <sup>7</sup> In a recent article, I had the opportunity to develop the question of the “homeland orientation” in the Western Sephardic Diaspora. See (Vieira 2022b).
- <sup>8</sup> London Metropolitan Archives, Spanish and Portuguese Jews' Congregation, Minute book: The Mahamad, 9 Tisry 5579 to 28 Elul 5584 (LMA/4521/A/01/03/008), pp. 14–15.



- 9 For instance: “The gentlemen of the Mahamad shall take care that no one among our nation leads an indecent life [. . .]” (Curaçao 1688, §13); “[. . .] he shall be set apart from the Nation as a disturber [. . .]” (§16).
- 10 *Parnassim* were the congregation’s trustees who composed the *Mahamad* (governing body). The bridegrooms of the Law (*Hatanim*) were two members of the congregation who had the honour of reading the first (the *Hatan Beresit*) and the final (the *Hatan Torah*) chapters of the Pentateuch on the *Simha Torah* holiday.
- 11 These *ascamot*, written in both Portuguese and English, are the earliest known regulation of the Congregation *Shearith Israel* and were based on a lost group of *ascamot* dating from 1706 (Salomon 1995, pp. 74–75).
- 12 As it was not possible to access the original Portuguese documents of the community of Curaçao and our source was the translation published in the second volume of (Emmanuel and Emmanuel 1970), it is uncertain which is the exact Portuguese word used in the Curaçao *ascamot* for “members”, but the original term was likely “*Yehidim*” since the authors translated *yehidim* by members in other cases (Emmanuel and Emmanuel 1970, vol. 2, p. 1093).
- 13 In the redacted version, the expression “*Juifs vagabonds, Allemand & Italiens*” was revised to “*vagabonds*” (Bayonne 1752, §20).
- 14 For instance, a list of *finta* payers of the *Shearith Israel* congregation on 16 April 1747, included 33 Ashkenazim and 19 Sephardim (Pool 1955, p. 293).
- 15 The literature on the overpowering authority of the *Mahamad* in Spanish-Portuguese Jewish congregations is abundant. See, among others, (Kerner 2017a, 2017b, 2019; Samuel 2007; Oliel-Grausz 2019).
- 16 In the 1754 revised version of the Bayonne community’s regulations, this article was replaced by another that required the consensus of the assembly in the prescription of any penalty, except in the case of punishing misconducts of the syndics themselves (Bayonne 1752, §28).
- 17 This position is close to those adopted by the Curaçao community, where the *Mahamad* could not add to or diminish the *ascamot* without the opinion of the seven *yehidim* (Curaçao 1688, § 16) and also by the *Nação Portuguesa* of Bayonne, whose regulations determine that any change should be discussed and defined by an enlarged assembly of 26 members and authorised by the intendant of Bayonne or his subdelegate (Bayonne 1752, §15).
- 18 In the congregations of Amsterdam and Hamburg, the *Mahamad* was composed of seven members (Kerkhof 2018, pp. 108–9 (agreement §3); Hamburg 1652, §4). The *Mahamad* of the *Zur Israel* of Recife included four *parnassim* and one *gabai* (Recife 1648, §1). In the case of Curaçao and London, the *Mahamad* evolved from three (two *parnassim* and one *gabai*) to five elements (Curaçao 1688, §1; Curaçao 1756, §2; London 1664, §3; London [1701] 1693, revision, §42).
- 19 The exception was Hamburg, where the *parnassim* were elected for two years (Hamburg 1652, §4).
- 20 See (Amsterdam 1639, §2; Recife 1648, §3; London 1664, §3; Curaçao 1688, §1; Bayonne 1752, §5; Suriname 1754, chp. 37, §2). Two exceptions are found in governing bodies of the congregation of New York—composed of one *parnas* (or president) and two *hatanim* (a *Hatan Torah* and a *Hatan Bereshit*) who assisted him (New York 1728, §1)—and the *Nação Portuguesa* of Bayonne—an assembly composed by three *syndics* (one was the president), six notables *anciens* (elders), four *adjoints* (assistants) and one treasurer (Bayonne 1752, §1).
- 21 The bibliography on dispute-settling within Western Sephardic communities has increased in recent years. See, for instance, (Trivellato 2009a; Kerner 2017a, 2017b, 2019; Oliel-Grausz 2019; and Martins 2021, pp. 195–228).
- 22 There is some uniformity in the typology of taxes and contributions paid by the members of Western Sephardic communities, among which the most relevant were the *finta*, a communal fixed tax calculated according to the income of each *yahid*; the *imposta*, a tax on commercial transactions; the *nedabot* (or *nedavot*), voluntary offerings to the *Sedaca*; and the *promessas*, vows for charitable funds. There were some exceptions within the Western Sephardic Diaspora, even regarding these more common taxes and contributions. For instance, the *finta* was not applied in the community of Curaçao before the 19th century (Emmanuel and Emmanuel 1970, vol. 1, pp. 173, 363).
- 23 Abraham Rodrigues Marques’s fund (London 1784, §40), Isaac da Costa Villa Real school (§41), Moseh Lamego’s bequest (§42), Benjamin and Luna Mendes’s bequest (§43), and Maasem Tobim brotherhood (§46).

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