

## Jewish Historical Studies

Transactions of the Jewish Historical Society of England

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Shirts, biscuits, and underpants: unveiling the lower social strata of London's Sephardi congregation in the eighteenth century through its inner arbitration court  
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**How to cite:** Kerner, A. 'Shirts, biscuits, and underpants: unveiling the lower social strata of London's Sephardi congregation in the eighteenth century through its inner arbitration court.' *Jewish Historical Studies*, 2018, 50 (1), 4, pp.45-68. DOI: <https://doi.org/10.14324/111.444.jhs.2018v50.003>

Published: 16 April 2019

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# Shirts, biscuits, and underpants: unveiling the lower social strata of London's Sephardi congregation in the eighteenth century through its inner arbitration court\*

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ALEX KERNER

By the mid-eighteenth century, the Spanish and Portuguese Jews' congregation in London numbered about 2,500 people.<sup>1</sup> The wardens and the elders of the congregation hailed from the merchant elite. The vast majority of the community, however, was made up of petty vendors, craftsmen, and day labourers who frequently turned to community authorities for supplementary income that would allow them to bring home enough food, clothing, and coal for cooking and heating.<sup>2</sup>

The image that comes to mind when considering Sephardic ex-Marrano congregations in Western Europe is one of a rich merchant elite, motivated with what could even be described as pseudo-aristocratic aspirations. This elite, it has been thought, promoted *bom judesmo* and strove to be perceived by the non-Jewish environment as a refined social group, different and distinct from other Jewish communities, especially

1 Todd M. Endelman, *The Jews of Britain, 1656 to 2000* (Berkeley, Los Angeles, and London: University of California Press, 2002), 41.

2 See Todd M. Endelman, *The Jews of Georgian England 1714–1830: Tradition and Change in a Liberal Society* (Philadelphia: Jewish Publication Society of America, 1979). 167.

\* This article is the second part of my analysis of the records of this court and readers are referred to the first part in “Arbitration and Conflict Resolution in the Spanish & Portuguese Jews' Congregation in London in the Eighteenth Century”, *Jewish Historical Studies: Transactions of the Jewish Historical Society of England* (hereafter, *Transactions*), 49 (2017): 72–105. The research leading to this article has received funding from the European Research Council under the European Union's Seventh Framework Programme (FP/2007–2013)/ERC grant agreement no 295352, 11. The article was written as part of the “Religious and Cultural Changes in the Western Sephardi Diaspora in the Early Modern Period” project at the Hebrew University of Jerusalem under the direction of Professor Yosef Kaplan.

those of the Ashkenazi Jews.<sup>3</sup> This is indeed the image that emerges from the minutes of the wardens of the Shaar Hashamayim congregation of London, notwithstanding the many folios that witness enormous sums dedicated to the relief of the poor members of the community. However, the structure of the governing bodies of the congregation, the decision-making process of the wardens, and the general feel of the minutes all yield an attitude of social exclusivity.

In his book *The Jews of Georgian England*, Todd Endelman discussed the lower social strata of Jewish society in England in the eighteenth century. Most of the Sephardim were poor, he informs us; yet the much bigger, and much poorer, Ashkenazi community commands his attention. Perhaps this imbalance can be traced to the larger variety and availability of sources on the Ashkenazim. In any event, Endelman's reader is left with the impression that the Sephardim, despite their poverty, were less problematic as a group than the Ashkenazim in Georgian England. Significantly, Endelman's observations are based on the criminal records of the Old Bailey. While much can be gleaned from this source, the obvious risk is that the picture emerging from them will be too inclined to focus on the criminal activities of the members of both communities, while on non-criminal issues the sources are mostly limited to lists of charitable financial support and the sort.

When it comes to the lower strata of the Sephardic community, an additional source, previously neglected by scholarship<sup>4</sup> and apparently not known to Endelman, comes to our aid. This is the *Livro de Pleitos*, or Book of Litigations, which records the activities of the Mahamad as an inner court of arbitration between 1721 and 1864.<sup>5</sup> Unlike the Old Bailey criminal records, the *Livro de Pleitos* offers evidence of petty disputes, making us privy to the economic and social challenges, marital spats, and general relations between members of the congregation, especially the poor. This standpoint is markedly absent in other primary sources relating

3 On *bom judesmo* see esp. Yosef Kaplan, "Bom Judesmo: The Western Sephardic Diaspora", in *Cultures of the Jews: A New History*, ed. David Biale (New York: Schocken Books, 2002), 639–70; Miriam Bodian, "'Men of the Nation': The Shaping of Converso Identity in Early Modern Europe", *Past & Present*, 143 (1994): 48–76; Miriam Bodian, "Hebrews of the Portuguese Nation: The Ambiguous Boundaries of Self-Definition", *Jewish Social Studies*, 15, no. 1 (2008): 66–80.

4 Except for a short essay by Edgar Samuel in 2007, in which he presented in general terms the inner court of litigation of the community: Edgar Samuel, "The Mahamad as an Arbitration Court", *Transactions*, 41 (2007): 9–30.

5 This source is kept at the LMA (LMA/4521/A/01/21/001-006). It is a corpus of six volumes in which a brief abstract of the case and the ruling are inscribed.

to the community, which generally portray the well-off, decision-making merchant elite. Additionally, since the court was an inner mechanism of arbitration managed by the Mahamad, an analysis of these records will enhance our sense of the actual authority of the Mahamad and its role as the entity responsible for the well-being of the community. Furthermore, it opens a window onto the influence of English society and its legal institutions on the community. The *Livro de Pleitos*, then, is precisely the type of source the absence of which Endelman lamented.<sup>6</sup>

This article, then, complements Endelman's research on the Sephardi community in London. In *Radical Assimilation in English Jewish History*, he shows the processes of assimilation and acculturation that affected the Sephardi elite in London. The poorer strata of the community, however, are left aside, mainly due to what Endelman perceived as a lack of sources. Moreover, he rightly held that the processes of modernization by and large affected the wealthy members of the community, while the poor were busy with day-to-day survival. This article answers Endelman's call by unveiling the lower strata of the Spanish and Portuguese Jews' congregation, as they emerge from the *Livro de Pleitos*.<sup>7</sup>

Instead of establishing a rabbinical court of Jewish law, the community in London established an internal court of mediation, which mirrored in many procedural mechanisms and verdicts the local, English instances of law, especially the Court of Requests. This was reflective of the amorphous legal system of England in this period. Voluntary arbitration and out-of-court settlement of disputes was the preferred path.<sup>8</sup> The arbitration court of the Mahamad, allowed the parties to seek an arrangement at an external court only when it had failed to settle a dispute.

Over time, a change took place in the logic and scope of the functions of the inner court of arbitration, as lengthily analysed in the first part of this article.<sup>9</sup>

### *The arbitration mechanism of the congregation*

The first steps of court of arbitration were not taken until 1721, and even then, not as a regular matter. It was active at least until 1864 though not widely used in the first years. The Mahamad convened as a court of

6 Todd M. Endelman, *Radical Assimilation in English Jewish History 1656–1945* (Bloomington and Indianapolis: Indiana University Press, 1990), 32–3.

7 See *ibid.*, I, 3, 9–33; Endelman, *Jews of Georgian England*, 8.

8 J. H. Baker, *An Introduction to English Legal History*, 4th ed. (Bath: Butterworth, 2002), 60.

9 See asterisked note.

arbitration only 5 times in 1721 and dealt with only 5 cases. In each of the subsequent years the number of cases never counted more than 15 (in 1735 and in 1738) and there were several single and sometimes consecutive years in which no sessions or cases are to be found at all (1730–34, 1761–68). Only from 1771 onwards do we see a regular use of the courts. The peak years were 1783 and 1784. In 1783 the Mahamad convened as an arbitration court 28 times and dealt with 121 cases; in 1784 there were nineteen sessions during which 128 cases were heard. In the whole of the eighteenth century, a total of 2,307 cases were recorded in 591 sessions. By comparison, in the years 1670–1709, a period of about 40 years, the wardens in Livorno dealt with 5,666 cases, an average of 142 cases per year. In London, with a community numbering approximately 2,500 members, the average was almost 30 cases per year for a period of almost 80 years (1721–99). Although the data from Livorno is from an earlier period than the one analysed here, the numbers can give a sense of the use of the court. The number of Sephardim in Livorno was not much larger than that of London (about 3,000 in Livorno, about 2,500 in London), yet the Livorno arbitration court seems to have been in much wider use.<sup>10</sup> Bearing in mind the few cases registered in the early years after 1721, we may conclude that before 1721 the Mahamad dealt with little litigation. We recall, in this context, that until the first decade of the eighteenth century the congregation in London did not number more than 500 people, most of them wealthy merchants, who in the event of commercial disputes may have applied to court directly, as permitted by the *ascama*.<sup>11</sup> Only from the second decade of the eighteenth century on do we see a rapid growth in numbers, by then mainly of poor Sephardim, which made more acute the demand for a working legal mechanism.

Despite the *ascama* that obliged members to appeal to the Mahamad in cases of litigation, non-attendance was widespread. In approximately a third of the cases in the period 1721–99, one of the sides did not appear. In some years, more than half the summonses were ignored by one of the sides (including first and second call). Lacking any enforcement measures, the Mahamad was left to hope that both sides in a dispute would

<sup>10</sup> The data about Livorno was taken from Attilio Milano, “L’Amministrazione della giustizia presso gli ebrei di Livorno nel Sei-Settecento”, *Scritti in memoria di Leone Carpi*, ed. Daniel Carpi, Attilio Milano, and Alexander Rofe (Milan: Fondazione Sally Mayer, 1967), 156.

<sup>11</sup> As they indeed did, e.g. NA/C/9/319/49, *Gómes da Costa v. Henriques Bernall*, 15 Nov. 1698.

show up. Its only leverage was the policy of almost automatically granting licence to the plaintiff to go to court if the defendant did not appear in court at the second summons. Such a high level of non-attendance is indicative of the limited practical and moral sway held by the Mahamad over its members. As long as litigants found it convenient, they went to the communal arbitration court. If, however, interests so dictated, they resolved their disputes at the Court of Requests or at any other court (such as the Chancery Court).

### *Petty conflicts*

As described in the first part of the article, the wardens rapidly became engaged with settling arguments on financial, business, and property disputes, employer–employee relationships, familial and marital conflicts, neighbours' relations, defamation, and minor cases of non-criminal violence. These petty conflicts shed light on relations among the poor of the community and their daily challenges. Arbitration records naturally skew our gaze towards conflict; more peace and less poverty may have characterized our sample of interest than meets our eyes. Nonetheless, the Mahamad's arbitration court dealt with issues common to much of the congregation and they reflect the general condition of it.

The case of the butchers Rodrigues and Bendahan discussed in the first part of the article<sup>12</sup> discloses the kind of conflict that characterized day-to-day life among the poor members of the community (in this, they were not different from other poor echelons of society, regardless of ethnic or religious background<sup>13</sup>).<sup>14</sup>

Several cases handled by the arbitration court reflect the financial distress in which members found themselves. Thus, in January 1787 Moseh da Costa Andrade sued Benjamin Nunes Lara in his capacity as the bursar of the Honen Dalim Menahem Abelim e Hebrath Yetomoth charity fraternity. Da Costa Andrade claimed that he was entitled to receive a sum of £25 as dowry for marrying his wife (who probably was supported by this fraternity). Lara was at the time a member of the Mahamad and one of the sitting judges at the session. He thus temporarily ceded his position

12 Kerner, "Arbitration and Conflict Resolution", 95–6.

13 See Tim Hitchcock and Robert B. Shoemaker, *London Lives: Poverty, Crime and the Making of a Modern City, 1690–1800* (Cambridge: Cambridge University Press, 2015).

14 LMA/4521/A/01/21/002, Rodrigues v. Abendahan, 25 Shvat 5533/18 Feb. 1773 and 30 Shvat 5533/23 Feb. 1773.

as warden and judge and offered, as a private person, his side of the story (which unfortunately does not appear in the records). Subsequently, the wardens recommended that Andrade address himself directly to the managers of the fraternity.<sup>15</sup>

Samuel Cohen de Corsica's complaint against Moseh Gomes Soares, the bursar of the Ahabat Hesed health-care fraternity, further exemplifies the kind of quarrel taken to the arbitration court. When he was sick, Cohen de Corsica explained, he was in need of medicine, which as a member of the fraternity he was entitled to receive. However, the fraternity's pharmacist did not honour his request and Cohen de Corsica had to buy the medicines himself. Now he wanted the bursar to refund him the expenses he incurred buying the medicine. The bursar responded that he could act only on orders from the management of the fraternity. The Mahamad opted not to issue a ruling, explaining that this "is a case that the Mahamad cannot judge" (*sendo isto caso q o Mahamad não podia jusgar*).<sup>16</sup>

The bulk of the cases, however (about 45 per cent), were arguments related to small sums of money. It is mainly from these cases that we learn about the dire financial straits of many congregation members. Defendants stated that they were not able to cover their debts due to the "extreme poverty in which they find themselves" or some similar wording.<sup>17</sup> Or, defendants would confess that he or she owed a sum but would ask the plaintiff "to exercise patience" because he finds himself "so poor at the moment".<sup>18</sup> Sometimes it was a debt as small as 10d for some biscuits that the defendant could not pay.<sup>19</sup> The Mahamad members were not indifferent to their flock's pecuniary predicaments and in the most extreme cases they stepped in personally. The debt of the widow of Daniel Beraha was covered by the wardens.<sup>20</sup> When Agar Nunes Martines summoned her sister Abigail for 4s, one of the wardens took out his purse and paid the debt on the spot.<sup>21</sup> In some cases, the debt was covered by

15 LMA/4521/A/01/21/002, Costa Andrade v. Nunes Lara, 27 Tevet 5547/17 Jan. 1787.

16 LMA/4521/A/01/21/003, Cohen de Corsica v. Gomes Soares, 26 Adar 5550/11 March 1790.

17 LMA/4521/A/01/21/003, Habilho da Fonseca v. Abendana, 14 Tishrey 5548/26 Sept. 1787; Nunes Martines v. Méndes, 27 Elul 5550/6 Sept. 1790.

18 LMA/4521/A/01/21/003, Mendes v. Silva, 27 Shvat 5545/7 Feb. 1785.

19 LMA/4521/A/01/21/002, Nunes Martines v. Sebolla, 29 Av 5541/20 Aug. 1781.

20 LMA/4521/A/01/21/003, Ribeiro v. Beraha, 25 Adar I 5546/23 Feb. 1786.

21 LMA/4521/A/01/21/003, Nunes Martines v. Nunes Martines, 27 Heshvan 5545/11 Nov. 1784.

reducing the charity received by the debtor.<sup>22</sup> The policy of the wardens regarding debts was realistic and prudent. Aware of the economic difficulties of those indebted, they attempted to find solutions that would allow the creditors to recover at least a part of the debt, while not putting the debtors under undue strain. Hence, a typical arrangement was to reduce the sum of the debt and to spread it out over instalments.<sup>23</sup> This policy paralleled the prevailing policy at the Court of Requests when dealing with similar cases. The Mahamad, like the Court of Requests, strove not for total justice or compensation for misconduct but for the restoration of at least part of the rights of the affected party.<sup>24</sup> A major advantage of the court of the Mahamad, however, was that in cases of non-compliance with the agreed arrangement, the debtor would not end up in prison (up to 40 days), as was a possibility at a court of the realm.<sup>25</sup>

Disputes often concerned the supply of goods and merchandise. The delivery of coal for cooking and heating in winter, for instance, was a recurrent issue. Arguments arose as to the weight of the sacks. Abigail Nunes Martines was one of many who complained that the quantity in the sacks was not the quantity declared. She took it on herself to weigh one of the sacks she had bought, only to find, as she suspected, that it had a reduced quantity of coal. However, since the sack had not been checked by a certified measurer, the Mahamad could not issue a ruling in her favour.<sup>26</sup> Selomoh Mendoza, who wished to buy some coal sacks from Abraham Días, had a similar experience. When Días heard that Mendoza wanted to weigh the sacks, he refused to give them to him, probably knowing that the quantity declared was greater than the actual quantity sold.<sup>27</sup> In both cases, heard by the Mahamad on the same day, the Mahamad recommended that in the future the poor should have the right to ask that the sacks be officially weighed prior to payment, provided that they paid for this service themselves. The disputes also concerned lent goods that were not paid for and not returned. This could be a horse that died while in

22 LMA/4521/A/01/21/001, *Jamías v. Saguy*, 24 Yiar 5512/8 May 1752.

23 See e.g. LMA/4521/A/01/21/003, *Cohen v. Cohen*, 3 Heshvan 5549/3 Nov. 1788; *Tedeschi v. Días Santillano*, 28 Adar 5549/26 March 1789.

24 Baker, *Introduction to English Legal History*, 58.

25 William Hutton, *The Court of Requests* (1787; Edinburgh: William and Robert Chambers, 1840), 10; David Deady Keane, *Courts of Requests, their Jurisdiction and Powers* (London: Shaw & Sons, 1845), 74–5.

26 LMA/4521/A/01/21/002, *Nunes Martines v. Paiva*, 1 Shvat 5542/16 Jan. 1782.

27 LMA/4521/A/01/21/002, *Mendoza v. Días*, 1 Shvat 1782/16 Jan. 1782.

lease,<sup>28</sup> a mahogany table and a mirror,<sup>29</sup> a bundle of tobacco<sup>30</sup> and even a pair of underpants.<sup>31</sup>

Quarrels over services and work relations surfaced frequently at the court of the Mahamad. In general, these cases did not relate to long-standing work relationships or intricate employment contracts. Rather, they concerned day-labourers and one-time errands. The sums involved were minimal, reflecting a daily struggle of the lower strata of the congregation to earn the basic means for their existence and the often poor treatment to which employees were subjected by their employers. Here we see the Mahamad not only trying to settle accounts between litigants but also seeking to repair working relations. For instance, the son of Moseh Vaz Martines was an apprentice at Jacob Hernandez's workshop. An argument arose between the two, becoming an exchange of insults and blows between the parents of the apprentice and his employer. Both sides appeared interested in proceeding to a court of the realm. However, the Mahamad stepped in and, while withholding the required licence, recommended that the apprentice go to his employer's house and be reconciled with him.<sup>32</sup> A complaint could be about a delayed payment for cleaning shoes<sup>33</sup> or for various errands on which payment could not be agreed.<sup>34</sup> Sometimes, what one side perceived as a favour, the other saw as a labour worth payment. Moshe Azouguy, for example, arranged the wedding coiffure of Jacob Henriques's wife and demanded payment for it. However, Henriques's wife claimed that Azouguy said he would do the job for free. The Mahamad ordered the woman to pay Azouguy 1s.<sup>35</sup>

Although the congregation had its own school, families often opted to employ private tutors or to send their children to privately run educational facilities. This was the source of not a few litigations. Parents did not always pay fees in a timely manner. The widow of Joseph Rey had to address the Mahamad in order to coerce Abraham Nunes Martines to pay for the education of his child<sup>36</sup> and the same happened to Abraham Henriques

28 LMA/4521/A/01/21/002, Torres v. Nunes Martines, 27 Elul 5539/8 Sept. 1779.

29 LMA/4521/A/01/21/002, Saguy v. Fernandes, 28 Tevet 5543/2 Jan. 1783.

30 LMA/4521/A/01/21/001, Costa v. Saguy, 20 Elul 5513/19 Sept. 1753.

31 LMA/4521/A/01/21/003, Henriques v. Boltibol, 26 Sivan 5546/22 June 1786.

32 LMA/4521/A/01/021/002, Martines v. Cardozo, 1 Heshvan 5544/27 Oct. 1783.

33 LMA/4521/A/01/21/003, Guedes v. de Crasto, 28 Heshvan 5546/1 Nov. 1785.

34 LMA/4521/A/01/21/003, Abenduza v. Benvallide, 28 Kislev 5546/30 Nov. 1785.

35 LMA/4521/A/01/21/002, Azouguy v. Henriques, 28 Shvat 5537/5 Feb. 1777.

36 LMA/4521/A/01/21/003, Rey v. Martines, 27 Tevet 5549/25 Jan. 1789.

Leon, who instructed Jacob Gomes da Costa's two children. In this last case the debt was spread into instalments and, on failure to pay, licence was given to the plaintiff to proceed to court.<sup>37</sup> We glimpse the multiplicity of layers of relation between the members of this small community in the complaint of David Henriques Valentine (the plaintiff) against Ribca Rodrigues da Costa (the defendant). The plaintiff claimed that he sent his young daughter to the defendant's kindergarten with a shirt so that the defendant would mend it. However, once in her hands, the defendant refused to return the shirt. The plaintiff asserted that the shirt was not his but belonged to one Isaac Luria. The defendant admitted that she had retained said shirt, alleging that the plaintiff had long owed her money for tutoring the plaintiff's child. The Mahamad suggested that the plaintiff pay his debt in one payment or in instalments and that the defendant would then release the "abducted" shirt.<sup>38</sup> We may guess that the shirt in question was lent to the plaintiff by Luria and that it had been damaged while in the plaintiff's hands. In this vein, it seems that garments were frequently shared between poor members of the community. The wife of Ishac Rodrigues wanted back the dress and peignoir that she had lent to a neighbour.<sup>39</sup> Agar Nunes Martines was not able to return a dress lent to her by Miriam Vitta because she had pawned it and did not have the means to buy it back (the Mahamad allowed Vitta to go to court but recommended that she not be too rigorous in her dealings with Martines).<sup>40</sup> Joseph Treve claimed that he left two coats at his tutor's house. The tutor responded that he never saw those coats. The Mahamad recommended that they arrive at a solution between themselves or proceed at their own discretion.<sup>41</sup>

Baking *matzah* was a perennial motif in work-related litigation. Deborah Costa, for example, complained that Mordehay Paz de Leon hired her to bake *matzah*. However, when the time came to start working, Paz de Leon did not want her services. Costa asked for permission to file a lawsuit against Paz de Leon. As the Mahamad was of the opinion that there was no breach of contract in this case, it did not grant the requested licence.<sup>42</sup>

37 LMA/4521/A/01/21/003, Henriques de Leon v. Gomes da Costa, 26 Adar 5550/11 March 1790.

38 LMA/4521/A/01/21/002, Henriques Valentine v. Rodrigues da Costa, 25 Elul 5538/17 Sept. 1778.

39 LMA/4521/A/01/21/003, Rodrigues v. Rodrigues, 25 Elul 5549/16 Sept. 1789.

40 LMA/4521/A/01/21/002, Vitta v. Nunes Martinez, 25 Tishrey 5536/21 Oct. 1775.

41 LMA/4521/A/01/21/002, Treve v. Henriques, 29/Kislev 5542/15 Dec. 1781.

42 LMA/4521/A/01/021/002, Costa v. Paz de Leon, 27 Adar I 5535/27 Feb. 1775.

Simha Cardozo, who had worked for Eliahu Henriques's wife, demanded on behalf of herself and several other women payment for extra hours they had spent baking *matzah*. The Mahamad decided that the plaintiff, who also represented the other women involved, should be paid no more than the regular daily wage, since a sack and a half of flour was customarily dedicated to make *matzah* for the poor; hence this extra work was to be considered as the plaintiffs' contribution to charity.<sup>43</sup>

One of the main challenges confronted by the lower strata of the congregation was to ensure themselves a stable dwelling place. Housing was a persistent worry for these people and a permanent source of conflict between community members. A landlord could ask the Mahamad to compel a tenant to vacate his house, which the Mahamad indeed would do, giving the tenant one month to leave the apartment.<sup>44</sup> Another landlord would address the Mahamad in order to coerce a tenant to pay his rent as agreed or else to sue him in a court of the land.<sup>45</sup> In these kinds of cases, feelings were often at play. The wife of Isaac Boltibol filed a complaint against Moseh Benabo and his wife for not vacating her apartment despite the warning given to them after she had seemingly filed a lawsuit against them at a court of the realm. Boltibol, in turn, claimed that his landlord had insulted his wife with "very indecent names". Considering the case, and not awarding significance to the insults, the Mahamad ordered the tenants to vacate the apartment in fifteen days' time and the plaintiff to recall her complaint at the court of the realm.<sup>46</sup> Tense landlord-tenant relations were indeed common. When Jacob Valencia bought the house of one Greene, he had some frictions with the tenant, Selomoh Tomar, probably because he wanted to raise the rent. Taking the case to the Mahamad, it was agreed that the tenant and the landlord would live in "friendship and peace" and that the rent hitherto paid would remain the same as before the house was bought by the plaintiff.<sup>47</sup>

### *Physical and verbal violence*

As seen earlier, the Sephardi community in London is commonly considered a group of rich merchants who perceived themselves almost as nobility, prioritizing decorum and proper behaviour (*bom judesmo*),

43 LMA/4521/A/01/021/002, Cardozo v. Henriques, 28 Adar 5544/21 March 1784.

44 LMA/4521/A/01/21/003, Nunes Martines v. Palache, 29 Tevet 5551/5 Jan. 1791.

45 LMA/4521/A/01/21/003, da Costa v. Alvares, 29 Shvat 1791/2 Feb. 1791.

46 LMA/4521/A/01/21/004, Boltibol v. Benabo, 28 Sivan 5556/4 July 1796.

47 LMA/4521/A/01/21/001, Valencia v. Tomar, 14 Tamuz 5481/9 July 1721.

as did its sister community in Amsterdam.<sup>48</sup> Perhaps the gap between this perception and reality is most salient in the conflictual relations between the poorer members of the congregation, which were rife with verbal abuse and physical violence. Approximately twelve per cent of the complaints brought to the Mahamad were of this sort. Some examples will give us an idea of how the lower class of the community engaged in continuous internal bickering, a phenomenon found across the lower strata of eighteenth-century London, as wonderfully described by the historian Robert B. Shoemaker.<sup>49</sup> Hanah Mendes complained that Moseh Terachino had called her an “adulterous whore”. Terachino, for his part, responded that she had insulted him and denied the accusation. Terachino’s promise to the Mahamad, that he would never again use this epithet to describe her, satisfied Mendes.<sup>50</sup> Aron Mendoza summoned Jacob Mendoza’s wife for calling his wife “infamous names”. She replied by saying that Aron Mendoza’s wife, in fact, had insulted her. The Mahamad recommended that they live in peace.<sup>51</sup> Sometimes the very appearance before the Mahamad sufficed to take the edge off the rancour. Abraham Gomes was called by the Hazan (cantor) of the congregation, Daniel Cohen d’Azevedo, for insulting him and for desecrating the memory of his father, the former Haham (rabbi) of the congregation. Gomes apologized for his behaviour, stating that he had been enraged at the time (*em paixão*).<sup>52</sup> Others made insulting their neighbours a daily practice, an activity which the Mahamad deplored.<sup>53</sup> Even simple discussions between parents and children sometimes ended at the Mahamad. It was asked to make peace between Joseph Nunes Martines and his mother, after he had insulted her.<sup>54</sup> Far from functioning in a purely juridical capacity, the Mahamad seems to have acted as custodian

48 This phenomenon was described and analysed by Kaplan, “Bom Judesmo”. In the specific context of the Sephardi community in Amsterdam, which was also relevant to the higher strata of the congregation in London, see Yosef Kaplan, “Gente Política: The Portuguese Jews of Amsterdam Vis-a-Vis Dutch Society”, in *Dutch Jews as perceived by themselves and by Others: Proceedings of the Eighth International Symposium on the History of the Jews in the Netherlands*, ed. Chaya Brasz and Yosef Kaplan, Series in Jewish Studies 24 (Leiden and Boston: Brill, 2001), 21–40.

49 Robert B. Shoemaker, *The London Mob: Violence and Disorder in Eighteenth-Century England* (London and New York: Hambledon, 2004), 51–78.

50 LMA/4521/A/01/21/002, Mendes v. Terachino, 30 Shvat 5533/23 Feb. 1773.

51 LMA/4521/A/01/21/003, Mendoza v. Mendoza, 28 Av 5549/20 Aug. 1789.

52 LMA/4521/A/01/21/004, d’Azevedo v. Gómes, 6 Tevet 5558/15 Jan. 1798.

53 LMA/4521/A/01/21/004, Provenzal v. Nunes Martines, 28 Av 5554/24 Aug. 1794.

54 LMA/4521/A/01/21/003, Nunes Martinez v. Nunes Martines, 25 Tamuz 5548/21 July 1788.

of the congregation. Masaod Boltibol submitted a complaint that Moseh Hassan's widow had insulted him, his parents, and his children. The defendant justified her behaviour by saying that the Hassans had insulted her "fat daughter". Hassan was sent by the Mahamad to reprehend his children and all were enjoined to live in peace.<sup>55</sup>

Poor litigants were commonly encouraged to arrive at reconciliation through threat of the suspension of charity.<sup>56</sup> Sometimes, however, harsher measures were needed. A case that involved insults and blows ended with one of the sides ordered by the Mahamad to post a written notice at the synagogue courtyard, to be kept hanging there for three consecutive years, with the following text: "By the order of the gentlemen of the Mahamad, I, Mordehay Mendes, ask for Isaac Hernandez Cardoso and his wife's forgiveness for having scandalized them, and I declare that the accusation I made was unjust and uttered in a moment of rage".<sup>57</sup>

Blows (*golpes*, *levantar a mão*, *pancadas*), strikes, smacks, and slaps (*boffetadas*) were not an uncommon feature of this litigation.<sup>58</sup> Particularly intriguing is what seems to be an intentional differentiation made between violence in the public space of the congregation, that is to say, at the synagogue or in its vicinity, and cases of violence (oral or physical) in what we might define as a private area or one not expressly linked to the community. Members who had a violent physical exchange were generally sent away with a reprimand and an adjuration to live in peace. However, violence on the premises of the congregation or in its vicinity was considered an offence against the community, not just against an individual member of it. According to an *ascama* approved in 1664, a person charged with violence at the synagogue or within what was defined as the synagogue's district was to be punished by *herem* (excommunication) and not to be accepted back into the congregation unless repentance was expressed and a fine of £10 was contributed to charity.<sup>59</sup> It seems that the

55 LMA/4521/A/01/21/004, Boltibol v. Hassan, 26 Tamuz 5557/20 July 1797.

56 LMA/4521/A/01/21/001, Lópes v. Marsilio, 25 Sivan 5512/7 June 1752, 1 Tamuz 5512/13 June 1752, 26 Tevet 5513/2 Jan. 1753.

57 LMA/4521/A/01/21/003, Méndes v. Henriques Cardozo, 1 Kislev 5549/30 Nov. 1788.

58 See e.g. LMA/4521/A/01/21/001, Jamias v. Saguy, 24 Yiar 5512/8 May 1752; LMA/4521/A/01/21/002, Nunes Martines v. Genese, 30 Shvat 5533/23 Feb. 1773; LMA/4521/A/01/21/002, Robles v. Messieas, 28 Nisan 5537/5 May 1777; LMA/4521/A/01/21/002, Mendoza v. Gómes, 26 Tamuz 5537/30 July 1777; LMA/4521/A/01/21/002, Birda v. Beraho, 21 Sivan 5541/14 June 1781; LMA/4521/A/01/21/002, Cardozo v. Luzzato, 29 Kislev 5542/15 Dec. 1781.

59 Lionel D. Barnett, *El Libro de los Acuerdos, being the Records and Accompts of the Spanish and Portuguese Synagogue of London, from 1663 to 1681* (Oxford: Oxford University Press, 1931),

wardens were intimately familiar with the contention that plagued part of their community. Hence, they strove to maintain decorum at least near the places more strongly identified with the community, thus avoiding public scandal. However, a scrutiny of the whole corpus of litigations and the frequent appearance of non-Jewish witnesses leaves in my opinion no doubt that the non-Jewish neighbours were well aware of the blows and insults regularly exchanged between members of the community. In this too, the congregation members were not different from their non-Jewish peers, since they lived among them.

### *Marital and familial relations*

Conflicts occurred not only between neighbours but also in questions of inheritance, marital, and familial relations. These, too, often ended up at the court of the Mahamad, where they comprise seven per cent of the cases. In June 1784, for example, Ribca Capua, through Moseh Machorro, demanded from her brother, Mordehay, a third of the inheritance left by their late father, Emanuel Capua. Her complaint obstructed the execution of the will. The Mahamad reached an agreement between the parties, according to which two-thirds of the inheritance would be registered as belonging to the brother, while the third, corresponding to the sister, was to be kept in trust for a period during which said sister was to move into the brother's house.<sup>60</sup> Cases related to divorces are most interesting, perhaps not only for their "juicy" details but also for the fact that we would expect these cases to be dealt with by the Beth Din (rabbinical court) and not by the court of the Mahamad. Yet, many cases arrived on the desk of the Mahamad and even when transferred to the Beth Din, the final decisions were often made by the Mahamad. The Mahamad did not necessarily rule in accordance with Halakhic principles. Legal separation was a common solution for estranged couples.<sup>61</sup> Sometimes weddings were cancelled, as when Selomoh Mendoza summoned his bride, Abigail Noah da Costa, demanding a clarification regarding what he understood to be her wish

8–9. The synagogue district was defined as the whole Street of the Synagogue, both in its width and in its length, from the entrance of the house of the packer up to the houses which stand opposite; *ibid.*, 64.

60 LMA/4521/A/01/21/003, Machorro (Capua) v. Capua, 27 Sivan 5544/16 June 1784. Other examples of inheritance issues: LMA/4521/A/01/21/003, Vanano v. de la Penha, 28 Tamuz 5546/24 July 1786; LMA/4521/A/01/21/002, Boltibol v. Tidesguy, 15 Kislev 5542/2 Dec. 1781; LMA/4521/A/01/21/002, Lealtad v. Lealtad, 27 Shvat 5541/22 Feb. 1781.

61 See e.g. LMA/4521/A/01/21/002, Mendoza v. Mendoza, 27 Av 5539/9 Aug. 1779.

to annul their upcoming marriage. Confirming his impression, the bride was required to formalize with a notary the cancellation of all previous agreements between her and her fiancé prior to the previously agreed wedding date.<sup>62</sup> Mothers-in-law carry a reputation for interfering in the marriage of their children. The wife of David Martines was convinced that hers was responsible for shattering her marriage prospects. She called her future mother-in-law to the court of the Mahamad and accused her of encouraging her son to sever the relationship. The Mahamad summoned the future husband and, by its recommendation, the parties made peace. However, moments after the litigants left the hall, the future wife re-entered, this time accompanied by her brother, and declared that despite the agreement, the future husband vehemently refused to rejoin his future wife and even refused to walk her to her brother's house. Considering the situation, the Mahamad recommended that the woman and her brother sue the future husband at court in order to at least secure her maintenance.<sup>63</sup>

The intricacies of human relations with which the wardens had to deal when sitting as a court of arbitration are nothing short of remarkable. The following case, poignant in detail, illustrates further the advisory nature of the opinions given by the rabbinical authorities and the efforts made by the wardens to smooth relations and ameliorate difficulties for those most deprived. Rachel Moravia appeared on 21 June 1781 with her child aged two in her arms, calling her parents. Two years earlier her father had agreed to let her marry the father of her baby by religious ceremony (*kidussim*). According to the marriage contract, her parents were supposed to participate in the maintenance of the couple. The parents reneged on their agreement and Rachel's husband refused to let her continue to live in his house until her parents fulfilled it. The Haham, who was consulted on the issue, confirmed that indeed the couple had married according to religious law; hence both sides were bound to the agreement. However, the husband was not obliged to maintain his wife, implying that he was within his rights when not allowing his wife to live with him. Seeing the young woman with her child in her arms, the Mahamad bent over backwards to resolve the dispute. After three separate meetings with the

62 LMA/4521/A/01/21/002, Mendoza v. da Costa, 27 Kislev 5534/30 Nov. 1774. For another case see LMA/4521/A/01/21/003, Velasco v. Nunes Martines, 9 Iyar 5550/22 April 1790.

63 LMA/4521/A/01/21/004, Martines (Lyon) v. Martines, 20 Nisan 5557/22 April 1797.

men involved, all the parties reconvened and an agreement was reached by which Rachel's parents would pay their part.<sup>64</sup>

The Mahamad, then, was presented with an extraordinarily wide array of issues to adjudicate. Across these fields, we witness an attitude marked by benevolence. The Mahamad consistently sought compromise, doing its best to avoid putting members of the congregation in impossible social, personal, or pecuniary positions. In sharp relief against the tough language of the *ascamot* and resolutions at the community level, when dealing with individuals and their day-to-day woes, the Mahamad was less an autocratic regime and more a social service, patently seeking the benefit of the community.

### *Acculturation and religious laxity*

The interaction between the congregational arbitration court and the courts of the realm offers insight into the processes of acculturation and assimilation that affected the Sephardi community in the eighteenth century. From the analysis of the arbitration records, the picture that emerges accords well with the one sketched by Shmuel Feiner as to the secularization processes that occurred in Jewish communities in Western Europe in general and by Todd Endelman regarding the specific case of the Jews in England throughout this period.<sup>65</sup>

The Mahamad regularly referred litigants who did not manage to find a solution at the Mahamad's desk to the courts of the realm (even more often than it referred them to the Beth Din). Contrary to the practice in other Jewish communities, such referral was an integral part of the process of resolving conflict administered by the congregation. The rather frequent non-licensed appeal to the court of requests attests the deteriorating status of the Mahamad as a supreme congregational authority and the gradual integration of the rank and file members of the congregation within English society. Two cases, Carcas against Boltibol in 1779 and Taitasach against Aboab in 1795, are interesting for another reason as well.<sup>66</sup> Both appearances at the Court of Requests took place on a Saturday. These

64 LMA/4521/A/01/21/002, Moravia v. Paz de Leon, 28 Sivan 5541/21 June 1781.

65 Shmuel Feiner, *The Origins of Jewish Secularization in Eighteenth-Century Europe* (Jerusalem: Zalman Shazar Center for Jewish History, 2011); Endelman, *Jews of Georgian England*.

66 For several examples of this phenomenon see Kerner, "Arbitration and Conflict Resolution", 101–2.

were members of the congregation, as their appeal for licence proves, and yet they appeared in court on the Sabbath. And these two cases were no exception. The Court of Requests held hearings on Wednesdays and on Saturdays. A party to litigation had to appear exactly at eleven o'clock in the morning on the date he or she was summoned. Postponements were possible but at a certain point in the late 1770s this ceased to be an option.<sup>67</sup> This meant that if a Jew was summoned by a court to come on a Saturday, he or she was compelled to do so. In contrast, since 1659, Amsterdam Jews had been officially exempt from attending the courts on the Sabbath.<sup>68</sup> But Jews in England did so.

Now, by the late eighteenth century the level of religious observance among the Sephardim in London was not particularly high and was heavily influenced by the increasingly secular character of eighteenth-century life.<sup>69</sup> As Yosef Kaplan observes, in the case of the Sephardi community in London these centrifugal processes of estrangement from communal life and adherence to religious tradition in fact shaped the community from the very moment of its foundation in the mid-seventeenth century.<sup>70</sup> Convenience, rather than ideology, was at issue. Jews, at their discretion, opted to keep or cease to practise religious traditions, without rationalizing their behaviour with intellectual justifications.<sup>71</sup> As such, it would not be shocking to find them attending sessions of court on the Sabbath. Evidently, one could be a member of the congregation, attend synagogue, and abide by the authority of the Mahamad but at the same time attend to one's own interests, even if this was at the expense of keeping the Sabbath to the letter.<sup>72</sup> As Endelman has already noted, this phenomenon does not reflect a sudden disassociation from the community but, rather, a progressive distancing from religion and community life, which advanced from one generation to the next, before it ended in total assimilation. The

67 This can be learned from the citation form used in the late 1770s. See LMA/CLA/038/03/002 and LMA/CLA/038/02/7, unbound sheets.

68 See Daniel M. Swetschinski, *Reluctant Cosmopolitans: The Portuguese Jews of Seventeenth-Century Amsterdam* (London and Portland, Or: Littman Library of Jewish Civilization, 2000), 215.

69 Endelman, *Jews of Georgian England*, 143–4; Feiner, *Origins of Jewish Secularization*, 43 and esp. 293–301.

70 Kaplan quoted by Feiner, *Origins of Jewish Secularization*, 42.

71 Endelman, *Jews of Georgian England*, 132.

72 In many locales, Jews were exempt from summons to court on the Sabbath. It seems that in London this was not the case: see Simcha Assaf, *Batei ha-din u-sidreihem acharei chatimat hatalmud* (Jerusalem: Family Library, 1924), 18 n. 1.

echoes of this phenomenon found in the arbitration records help us to make sense of these metamorphic processes that lack resonant events or turning-point cases.<sup>73</sup>

More unexpected though, and even more indicative of the general level of religiosity of the congregation, would be to find at court on the Sabbath preachers (*darsantes*) and members of rabbinical families whom we would expect to have observed the Sabbath strictly. Thus, we find Isaac Mendes Belisario, one of the most important preachers at the synagogue, and even Pinhas Nieto, the son of the late Haham David Nieto, appearing at court on the Sabbath. Nieto did not avail himself of licence granted by the Mahamad. Belisario, for his part, did.<sup>74</sup> All of them came to the court on the Sabbath, and so seemingly did the brokers, who as indicated in the first article were former and sometimes incumbent members of the Mahamad. Thus we are dealing with a widespread phenomenon that, while evidently known to the Mahamad, was not overtly addressed by them. If we go back a hundred years, we find a related instance. In 1678, the Mahamad issued an *ascama* condemning those who went to the post office to deliver and collect letters on the Sabbath. Of course, showing up at court, unlike going to the post office, was obligatory. Yet, already at the end of the seventeenth century we see a measure of laxity in the observance of that sacred day on the part of the members of the congregation. A similar laxity regarding the observance of the Sabbath can be found in Amsterdam in the last decade of the seventeenth century. There, too, the reactions of the Mahamad were rather mild.<sup>75</sup>

### Gender

The Sephardi community in London was a society ruled by men belonging to an upper class comprised of rich merchants. These men directed the communal institutions, controlled the religious space, and were the source of capital for the pecuniary activities of the congregation, which included charity fraternities and the like. In the sources from which we can learn the history of this segment of the Sephardi society in London, women's voices are almost unheard. The situation was different in the

73 Endelman, *Radical Assimilation*, 5–7.

74 LMA/CLA/038/03/008, Court of Requests, Summons Book 1785–1786, Belisario v. Belilo, 25 March 1786; LMA/CLA/038/03/006, Court of Requests, Summons Book 1783/1784, Netto v. Lyon, 17 July 1784.

75 CAHJP/HM2/991, Minutes of the Mahamad 5438–5484, f. 1r. See Swetschinski, *Reluctant Cosmopolitans*, 215–16.

lower classes of the community. As it transpires from litigation records, women belonging to the poorer families of the community were actively involved in earning for themselves and their families a basic livelihood. This also meant that *de facto*, though not *de jure*, they had more personal and legal rights than what could be expected in such a conservative society. Women appeared at the arbitration court of the Mahamad as independent entities, enjoying what we could easily define as personal legal autonomy, even if married.<sup>76</sup> Not infrequently, however, men appeared as parties in a dispute as “the husband of . . .”, representing their wives’ cases.<sup>77</sup> At the same time, women often appeared representing their husbands’ interests, as “the wife of . . .”.<sup>78</sup> Often, when women presented their own cases, they appeared as “the wife of” or “the widow of”.<sup>79</sup> At other times, women appeared as independent parties, by their names but with the addendum “wife of”.<sup>80</sup> This nuance – women appearing at court as individual legal entities but at the same time being identified by their husbands’ names – is indicative of the gap between the ideal of a traditionalist, male-dominated society and day-to-day practices in which women played larger roles than the ones assigned to them by men.

A case heard at the court of the Mahamad in August 1775 is interesting in this regard. Ribca Dinah was a tenant of Judith, the wife of Menahem Romano. Since Dinah owed Romano 2s for the rental of her dwelling place, Romano confiscated from her some chattels. Dinah summoned Romano to the court of the Mahamad. She confessed her debt but claimed that Romano’s husband had previously renounced the debt, and demanded her chattels back. The husband’s attitude was found irrelevant

76 See e.g. LMA/4521/A/01/21/002, *Lópes v. Benzaquen*, 27 Av 5533/16 Aug. 1773; *Nunes García v. Días*, 24 Sivan 5535/22 June 1775; *Habilho v. Arobas*, 2 Nisan 5542/16 March 1782.

77 E.g. LMA/4521/A/01/21/001, *da Costa Mesquita v. Luzena*, 23 Av 5496/31 July 1736; LMA/4521/A/01/21/002, *Henriques v. Belforte*, 25 Av 5537/28 Aug. 1777; LMA/4521/A/01/21/003, *Arobas v. Martines*, 28 Tamuz 5546/24 July 1786.

78 E.g. LMA/4521/A/01/21/002: *Cohen v. Nunes Martines*, 15 Tamuz 5339/29 June 1779; *Habilho Fonseca v. Gatenho*, 27 Av 5539/9 Aug. 1779; LMA/4521/A/01/21/003, *Nunes Martines v. Nunes Martines*, 25 Kislev 5545/8 Dec. 1784; *Cohen v. da Costa*, 27 Tevet 5547/17 Jan. 1787; LMA/4521/A/01/21/002, *Habilho da Fonseca v. Nunes Matines*, 27 Elul 5541/17 Sept. 1781.

79 E.g. LMA/4521/A/01/21/001, *Hacohen v. Lópes de Oliveira*, 28 Adar 5508/27 Feb. 1748; LMA/4521/A/01/21/002, *Fonseca Pimentel v. Levy Pimentel*, 18 Adar 5534/1 March 1774; *Genese v. Rathom*, 28 Sivan 5544/7 June 1774; *Lealtad v. Lealtad*, 27 Shvat 5541/22 Feb. 1781.

80 LMA/4521/A/01/21/002, *Benzaquen v. Nunes Martines*, 21 Adar II 5535/29 March 1775; *Henriques v. Henriques*, 26 Elul 5536/10 Sept. 1776.

by the Mahamad. In fact, we understand, he did not have a legal right to make decisions about a debt owed to his wife. Hence it was ruled that the chattels be returned to Dinah and that she pay her debt in instalments.<sup>81</sup>

Roughly a quarter of the cases dealt with by the Mahamad involved women. They could appear as plaintiffs against men (13 per cent), as defendants summoned by men (8 per cent)<sup>82</sup> or as both sides to a dispute (5 per cent). Generally speaking, women pleaded their cases themselves, even as single persons (when they were legally dependent on a father), as married persons (when they were legally dependent on their husbands), and as widows. This situation stands in clear contrast to the established status of women in English society, where married women had no legal personality: they lacked the power to borrow, sue, or transact any legal business.<sup>83</sup> Interestingly, Sephardi women can also be found at the Court of Requests presenting their own cases, assuming the appearance of a *feme sole* even if she were married. This probably reflected not only the status of Sephardi women within the community boundaries but also wider developments in English society regarding gender relations and women's legal status during the second half of the eighteenth century.<sup>84</sup>

Indifference towards the congregational authorities was particularly manifest in the field of marital relations. Cohabitation, marriages prohibited by Jewish law, and unlawful sexual relations were common among the poor,<sup>85</sup> as we can see by cases brought to the arbitration court of the Mahamad. What stands out from the records is that in this field as well, Sephardi women enjoyed a more equitable status than might be expected. Not only could they divorce by religious law (*guet*),<sup>86</sup> a privilege that English women did not have, but for the exceptional cases in which they were granted a divorce by Parliament, they could also separate from their husbands (*a mensa et thoro*), or even by "private separation", while their husbands remained responsible (or partially responsible) for their maintenance, as was often the case in English society.<sup>87</sup> That is, alimonies were often granted to women who did not go through the full process

81 LMA/4521/A/01/21/002, Dinah v. Romano, 28 Av 5535/24 Aug. 1775.

82 This small percentage may be related to the fact that often men would summon the husband of a woman involved in a dispute.

83 Lawrence Stone, *Road to Divorce* (Oxford: Oxford University Press, 1990), 150.

84 *Ibid.*, 153.

85 Endelman, *Jews of Georgian England*, 145.

86 E.g. LMA/4521/A/01/21/003, Nunes Martines v. Nunes Martines, 28 Sivan 5549/22 June 1789.

87 Stone, *Road to Divorce*, 182; on the ways open to break up matrimony in early modern England, 141.

of religious divorce.<sup>88</sup> There were exceptions, though. When Judy Crasto Orobio demanded that her husband, from whom she was separated, give her a specific sum for her maintenance, the Mahamad responded that since she was an Ashkenazi, they could not force him to do so and neither could they take any sum from the charity he was receiving. However, she was given permission to proceed to a court of law.<sup>89</sup> Had Crasto Orobio been a member of the Sephardi congregation, however, the Mahamad might well have sided with her. The general impression is that the Mahamad tended to side with women in marital disputes, granting them dignified lives, as free as possible from oppressive financial concerns. The Mahamad also ruled in favour of estranged husbands, for example when children were involved. When Israel Barda demanded that his estranged wife take care of their child, she answered that she would do so if he paid her 2s per week. However, Barda was not ready to pay more than 1s a week. The Mahamad decided to grant custody to the father. (Of course, it might have been the case that the mother did not wish to take care of her child.)<sup>90</sup> We find women summoning their husbands for physical mistreatment, for verbal abuse, and for not providing them with a livelihood and a decent dwelling place, as in the case of Daniel Mendoza, who was advised by the Mahamad to be industrious after his wife complained that he did not work in order to make a living. (This Daniel Mendoza might be the famous pugilist (1763–1836). However, this may seem unlikely, given that the boxer made a profitable living from his prizefights and in this case the wife complained that her husband was not working to make a living.)<sup>91</sup> Wives, too, were summoned for mistreating their husbands.<sup>92</sup>

While in English society legally separated women could not be a direct party in any settlement with their estranged husbands, which had to be signed through a trustee,<sup>93</sup> Sephardi women sought their rights directly at the court of the Mahamad, with their estranged husbands as defendants. Women did not have to be married in order to seek their rights; however, they were not always backed by the Mahamad. When in December 1779

88 E.g. *Cortisos v. Bernal*, 25 Adar 5543/27 Feb. 1783; LMA/4521/A/01/21/003, *de Crasto v. de Crasto*, 15 Av 5546/9 Aug. 1786.

89 LMA/4521/A/01/21/002, *Crasto Orobio v. Crasto Orobio*, 27 Adar 5533/22 March 1773.

90 LMA/4521/A/01/21/003, *Barda v. Barda*, 26 Elul 5544/12 Sept. 1784.

91 LMA/4521/A/01/21/003, *Mendoza v. Mendoza*, 28 Sivan 5549/22 June 1789.

92 E.g. LMA/4521/A/01/21/002, *Barda v. Barda*, 26 Tamuz 5541/19 July 1781; LMA/4521/A/01/21/003, *Rodrigues Ribeiro v. Rodrigues Ribeiro*, 5 Sivan 5544/25 May 1784; *Cardoso v. Cardoso*, 7 Kislev 5546/9 Nov. 1785.

93 Stone, *Road to Divorce*, 150, 153.

Judith Rodrigues Rueda claimed that she was pregnant from Abraham Mattos, both sides were sent away to find a solution to the “situation” by themselves. By January 1780, the baby had already been born and Rodrigues Rueda returned to the Mahamad, seeking some maintenance from Mattos. The Mahamad ordered Mattos to give 2 guineas as a one-off sum. Rodrigues Rueda was required to sign a receipt for the said sum and was advised “not to molest the said Mattos directly or indirectly on this case, and in the event that she does so from this moment on, she will not be given anything by this community”.<sup>94</sup> In other words, apart from finding a solution, however temporary, for the mother of the baby, the affair was to be kept as discreet as possible in order to avoid tarnishing the father’s respectability. This was surely a case that did not add to the decorum and *bon judesmo* expected from the members of the community. In this respect, the situation in London seems not to have differed much from other Jewish communities in Western Europe, which also reflected the libertarian sexual trends in Western European society in general.<sup>95</sup> In all these cases, the Mahamad upheld its policy of seeking compromise and peaceful agreement. Judging from the litigation records of the community, there were almost no cases of desertion or elopement, which were rife among the lower classes in English society. In the case of a husband who deserted his wife but was brought to the court of the Mahamad, the latter was even aided by the Mahamad to plead her cause at court.<sup>96</sup>

Gender issues aside, marital disputes ought to have fallen within the domain of the rabbinical court. This court granted religious divorces but many aspects of marital relations, including “legal” (*a mensa et thoro*) separation and granting the rights of women in these cases, were taken care of by the Mahamad as an arbitration court.<sup>97</sup> In some cases, women appealed to the court of the Mahamad in order to be granted a religious divorce, a measure that should be taken by the rabbinical court.<sup>98</sup> And here again we see the rabbinical authorities fulfilling an advisory function

94 LMA/4521/A/01/21/002, Rodrigues Rueda v. Mattos, 27 Kislev 5540/6 Dec. 1779; 27 Tevet 5540/5 Jan. 1780.

95 Feiner, *Origins of Jewish Secularization*, 99.

96 Stone, *Road to Divorce*, 141., LMA/4521/A/01/21/003, Belforte v. Belforte, 28 Shvat 5548/6 Feb. 1788 & 27 Adar 5548/6 March 1788; see also LMA/4521/A/01/21/003, Uzili v. Uzili, 26 Av 5553/5 Aug. 1793.

97 LMA/4521/A/01/21/002, Mendoza v. Mendoza, 27 Av 5539/9 Aug. 1779; Bernal v. Bernal, 28 Nisan 5541/23 April 1781; LMA/4521/A/01/21/003, Mendoza v. Mendoza, 3 Heshvan 5552/31 Oct. 1791.

98 LMA/4521/A/01/21/004, Espinoza v. Espinoza, 28 Shvat 5557/23 Feb. 1797.

only. Following a complaint by David Baruh that his wife Ester had committed adultery, seemingly with Israel Bendahan, the Haham was asked by the Mahamad to investigate the case. As the Haham confirmed that the suspicions were well based, the Mahamad (not the rabbinical court) decided to separate the couple and dissolve (*desolver*) the marriage “in order to avoid the augmentation of such an atrocious and criminal sin”. (From the halakhic point of view, this means annulling the marriage, which returns the sides to their status as single persons; this differs from coercing a divorce, which has implications on future marital relations for the woman.) The Haham was given authority to proceed in a similar way in future cases too.<sup>99</sup> Adultery exposure did not always end in divorce or in annulment of marriage, however. The wife of Selomoh Mendoza, for example, admitted to her husband that she had not been faithful to him. Following an appearance at the court of the Mahamad, and with the intervention of the Haham, the parties were reconciled and promised to behave properly.<sup>100</sup>

### Conclusion

On 23 April 1778, the Mahamad issued a decree, to be read aloud at the synagogue before the reading of the Torah, and to be posted on the door of the office of the Mahamad: it stressed the obligation of community members to address themselves to the Mahamad in order to settle their disputes and reminded them of the severe punishments applicable to those who fail to do so and who appealed directly to the courts of the realm.<sup>101</sup> By 1778, as is clearly reflected in the decree, the inner court of litigation was devoted to serving the poor. Indeed, as noted in my earlier article, the cases mostly concern people struggling for a sack of coal and basic food and clothing. We read about street brawls and marital violence, small debts of the destitute dependent on the charity fraternities.<sup>102</sup> With time, the litigation court became a kind of charity system or social service, seeking compromise, promoting peace and saving the poor members of the community the costs and risks of appealing for justice at an external court. Despite the ideals of *bom judesmo* cultivated by the founding fathers

99 LMA/4521/A/01/21/002, Baruh v. Bendahan, 27 Iyar 5543/29 May 1783; LMA/4521/A/01/02/002, 11 Sivan 5543/11 June 1783.

100 LMA/4521/A/01/21/002, Mendoza v. Mendoza, 16 Adar 1781/13 March 1781.

101 LMA/4521/01/02/002, Minutes of the Mahamad 1776–1788, 23 April 1778, fol. 59; see Kerner, “Arbitration and Conflict Resolution”, 104.

102 See Kerner, “Arbitration and Conflict Resolution”, 104.

of the congregation in the second half of the seventeenth century and the aspirations of the wardens to control their flock and make of them a disciplined congregation, the majority, the poor and non-privileged, were quite an unruly assemblage of people. This made control impossible, as we learn from the numerous appeals by members of the congregation to the courts made without licence from the Mahamad.

Countering both Endelman's contention that the percentage of Sephardim who arrived in England without property was far less than the percentage of Ashkenazim who did so,<sup>103</sup> and the popular image of the Sephardi community as one of a rich merchant elite, it seems that the socio-economic fabric of most of the Sephardi was akin to the Ashkenazi one or, for that matter, to that of the larger, Gentile world. The poor of both communities had in common with non-Jewish society unskilled professions, financial difficulties, marital problems, and neighbourly conflicts.<sup>104</sup> Both Sephardim and Ashkenazim underwent similar processes of acculturation, secularization, and assimilation. These, as we saw earlier, were driven by social, economic, and convenience factors, not by some ideological or religious breakdown. The one field in which it seems that the poor of the communities differed is in the level of criminality, which seems to have been higher among the Ashkenazim,<sup>105</sup> although Sephardi names are not absent from the criminal records, as a search for Spanish and Portuguese surnames in the Old Bailey online databases shows.<sup>106</sup> Moreover, the negative image of the Jews in eighteenth-century England was not spurred by poor Ashkenazim only and their street-level social behaviour:<sup>107</sup> poor Sephardim, too, earned their share in the creation of this image, as emerges from the litigation records.

After considering the litigation records and without entering into an overly Marxist historiographical approach, it seems that from the socio-economic point of view, in the eighteenth century, and in an even more accentuated manner its second half, the poor of the Spanish and Portuguese Jews' congregation had more in common with their Ashkenazi poor contemporaries and with their indigent Gentile neighbours than with the members of the upper class of their own congregation. In the struggle for survival, their identity was more defined

103 Endelman, *Radical Assimilation*, 34.

104 Endelman, *Jews of Georgian England*, 192.

105 Endelman, *Radical Assimilation*, 56.

106 [www.londonlives.org/](http://www.londonlives.org/); [www.oldbaileyonline.org](http://www.oldbaileyonline.org) (accessed November 2018).

107 Endelman, *Radical Assimilation*, 44.

by class than by religious faith or ethnic origin. This is not to say that from the ethno-religious angle they did not regard themselves as belonging to Spanish and Portuguese Jewish stock. Similarly, the upper classes of the congregation, while grooming a distinct Ibero-Jewish identity (which they held in common with the poor of the community) and while providing for the lower classes of the community, felt more social, and even cultural, affinity with their parallels in English society, as part of the process of acculturation and assimilation.

The relatively welcoming atmosphere for the Jews in England, then, promoted a twofold trend of socio-economic integration with English society. At one level stood the rich, who merged with the upper-middle English class; at a second level stood the poor, who mingled with their peers. Both trends ended, with the passage of time, in the full integration, and perhaps virtual assimilation, of most of the members of Shaar Hashamayim.