

## “This Thing Alone Will Preserve Their Nation Forever.” Circumcision and Conversion in the Early Modern Western Sephardic Communities

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### The Confrontation with Those Who Refused to be Circumcised

Many Conversos left Spain and Portugal in the early modern period, but not all of them did so in order to live fully Jewish lives.<sup>1</sup> Some of the emigrants during the first half of the seventeenth century simply wanted to reach a safe haven in order to continue their business activities, which had suffered seriously because of the crises that afflicted Spain under the last monarchs of the Hapsburg dynasty.<sup>2</sup> Quite a few of the New Christians were also impelled by the spirit of adventure to take up a life of wandering or to travel to remote destinations, where they hoped to make their fortune. Others left the Iberian Peninsula because they had fallen victim to the purity of blood statutes, which were enacted in several institutions in Spain and Portugal, discriminating against people of Jewish or Muslim descent.<sup>3</sup> Paulo de Pina, for example, trav-

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- 1 Many examples of this can be found in the fascinating work of D.L. Graizbord, *Souls in Dispute: Converso Identities in Iberia and the Jewish Diaspora 1580–1700*, Philadelphia, 2004. This book deals mainly with New Christians who moved to the Kingdom of France and preferred to remain there, although they were not allowed to live openly as Jews. See also B. Pullan, *The Jews of Europe and the Inquisition of Venice, 1550–1670*, Oxford, 1983, who presents many examples of New Christians who arrived in Venice from Iberia and did not become Jews.
- 2 B. López Belinchón, *Honra, libertad y hacienda (Hombres de negocios y judíos sefardíes)*, Alcalá de Henares, 2001, pp. 397–408.
- 3 A.A. Sicroff, *Les controverses des statuts de pureté de sang en Espagne du xv<sup>e</sup> au xvii<sup>e</sup> siècle*, Paris, 1960; F.M. Burgos Esteban, “Los estatutos de limpieza y sus pruebas en el siglo xvii: la figura del converso en las denuncias y testimonios,” in C. Barros ed., *Xudeus e conversos*

elled to Italy from Portugal in 1599 because he had not been accepted by the Jesuits, due to the regulations that had been adopted in that order six years previously. He hoped that in Italy he could achieve what had been denied him in his homeland, but in Livorno, after meeting Dr. Eliahu Montalto, a Portuguese Converso who had recently adopted Judaism, he resolved to join the Jewish people. He changed his name to Reuel Jessurun and became an active member of the Sephardic community of Amsterdam.<sup>4</sup>

The communities of the Western Sephardic Diaspora went out of their way to attract Conversos and return them to Judaism, but their efforts were not always successful. Many of the descendants of the converted Jews in Late Medieval Spain and Portugal had very strong Christian identities, and some of them had succeeded in assimilating into the majority society in Iberia, despite the many difficulties placed before them. Those who sought to assimilate sealed their ears against the entreaties of their relatives, who had been absorbed within Judaism and wished to draw them in as well.<sup>5</sup> Others felt torn between contradictory tendencies toward both Christianity and Judaism and found it hard to reach a clear decision between the two. Nor were skeptics lacking among them, indifferent to all religious faith. Many New Christians wandered from country to country and city to city in the East and West for

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*na historia. Actas do Congresso Internacional, Ribadavia 14–17 de outubro de 1991*, Santiago de Compostela, 1994, pp. 359–381; J. Hernández Franco, *Cultura y Limpieza de Sangre en la España Moderna. Puritate Sanguinis*, Murcia, 1996; L. Martz, “Implementation of Pure-Blood Statutes in Sixteenth-Century Toledo,” in: B.D. Cooperman ed., in: *Iberia and Beyond. Hispanic Jews between Cultures. Proceedings of a Symposium to Mark the 500th Anniversary of the Expulsion of Spanish Jewry*, Newark and London, 1998, pp. 245–263; R.A. Maryks, *The Jesuit Order as a Synagogue of Jews. Jesuits of Jewish Ancestry in the Early Society of Jesus*, Leiden & Boston, 2010.

4 C. Roth, “Quatre lettres d’Elie de Montalto,” *Revue des études juives*, 87 (1929), p. 141; On Conversos who wished to join the Jesuit Order, see: Y. Kaplan, “R. Saul Levi Morteira’s Treatise ‘Arguments Against the Christian Religion,’” in J. Michman ed., *Studies in the History of Dutch Jewry*, Vol. 1, Jerusalem, 1975, pp. 9–31 (in Hebrew); On the circumstances of Paulo de Pina’s decision to become Jewish, see also W.C. Pieterse, *Daniel Levi de Barrios als geschiedschrijver*, Amsterdam, 1968, p. 65. On the introduction of the purity of blood regulations in the Jesuit order, see mainly Maryks, *The Jesuit Order as a Synagogue*, pp. 117–156. Also see: F. de Borja Medina, “Ignacio de Loyola y la ‘limpieza de sangre,’” in: *Ignacio de Loyola y su tiempo*, Bilbao, 1991, pp. 583–615; A. Foa, “Limpieza versus Mission: Church, Religious Orders, and Conversion in the Sixteenth Century,” in: S.J. McMichael and S.E. Myers eds., *Friars and Jews in the Middle Ages and Renaissance*, Leiden and Boston 2004, pp. 301–311.

5 Roth, “Quatre lettres,” pp. 137–165.

many years, unable to reach a final decision. Sometimes, after opting at last to become Jews, they changed their minds and retracted their decision.<sup>6</sup>

The Inquisition regarded circumcision as one of the gravest sins that could be charged against a New Christian.<sup>7</sup> Unlike the New Christians, who had been circumcised as children and could place the blame on their parents, men of whom it could be proven that they had been circumcised as adults were liable to severe punishment, because the responsibility was entirely their own. The crime was regarded as even more severe if the man had been circumcised outside the kingdoms of Iberia, in centers of former New Christians, because this was a clear indication of intentional affiliation with heretics, i.e. Christians who had fled and abandoned the Church to become Jews. By contrast, the Sephardic communities regarded the willingness of a Converso immigrant to receive the mark of the covenant as an unequivocal sign of the seriousness of his attention to accept the Jewish religion. The third Sephardic congregation to be established in Amsterdam, the Beth Israel [House of Israel] congregation, founded in 1618, drafted a regulation on 16 Ab, 5480 [15 August 1620] that forbade entry to the synagogue to any man who was not circumcised by the Sabbath before the coming New Year:

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6 Martin de Almeida Pereira of Lisbon was circumcised in Hamburg during the 1620s, but in 1623, upon arriving in Venice, he decided to appear voluntarily before a tribunal of the Inquisition so that he could be restored to the bosom of the church. He told the inquisitors that he had been born in a family of veteran Christians of the Portuguese nobility, and that in Portugal and France he had been a faithful Christian. He claimed that he had been misled by two students of Jewish extraction, whom he had met in Spain, and they convinced him to move to Rome, and, having left Iberia, his life fell into disarray. According to his testimony, contrary to his initial plan, he wound up in Flanders [he probably meant Holland] and Hamburg. There he met Jewish emigrants from Spain and Portugal, and they convinced him not to return to Spain, and they influenced him "to become a Jew, which is what I did," and remained with them for two and a half years; Pullan, *The Jews of Europe*, pp. 222–223. See also J. Caro Baroja, *Los Judíos en la España Moderna y Contemporánea*, Madrid, 1978, second edition, pp. 359–364, for an account of the wanderings of Esteban Ares de Fonseca and his vacillating path between Christianity and Judaism.

7 In the opinion of D.M. Gitlitz, *Secrecy and Deceit: The Religion of the Crypto-Jews*, Philadelphia and Jerusalem, 1996, p. 204, most of the Crypto-Jews in Iberia were unable to observe the commandment of circumcision. At the same time, there is reliable evidence, not scarce, that some Crypto-Jews in Spain and Portugal had their sons circumcised, and that adult men also had themselves circumcised. See also Y.H. Yerushalmi, *From Spanish Court to Italian Ghetto. Isaac Cardoso: A Study in Seventeenth-Century Marranism and Jewish Apologetics*, New York and London, 1971, pp. 37–38, 133.

So that no unclean person might enter the synagogue at the time when God is judging His people; and if they are not circumcised by that day, we command them not to enter until they have done so. If other men arrive [from Spain or Portugal] during the year, who, for various reasons, did not have occasion to be circumcised, they will be given a grace period of two months, and after that time they will not be permitted to enter the synagogue until they have been circumcised.<sup>8</sup>

Most likely, regulations in the same spirit were enacted in the other two veteran congregations of Amsterdam, Bet Jakob [House of Jacob] and Neveh Shalom [Dwelling of Peace]. However, their registers have not been preserved. It seems that the three congregations were not satisfied with merely prohibiting the entry of uncircumcised Jewish men into the synagogue. They also ostracized them, and for the ostracism to be effective, in their synagogues they also proclaimed excommunication against anyone who came into contact with the men who refused to be circumcised.

In 1619, Rabbi Saul Levi Mortera gave a vehement sermon in the synagogue on the utmost importance of circumcision. Mortera launched an attack against those who refused to accept the sign of the covenant, who were not, apparently, few in number, and he emphasized that any man who did not keep the commandment of circumcision would not only be punished by excision from the community but also, every single minute of delay in fulfilling that commandment, without any justification, entailed further excision. He repeated this sermon in 1626, perhaps in the wake of the echoes raised in public by the confrontation with the Converso Esteban Ares de Fonseca, who refused to be circumcised. Moreover, he saw fit to deliver the same sermon once again in 1650, when the flow of New Christians from Spain to Amsterdam increased, because of the economic crises that struck that country after the fall of the Count-Duke of Olivares.<sup>9</sup> It seems that not everyone who left Spain in that wave of emigration, which brought bankers and merchants who had previously been

8 Livro de Ascamot do Kahal Kados Bet Israel, in the Municipal Archives of Amsterdam (=GAA), PA 334, No. 10, fol. 60.

9 M. Saperstein, *Exile in Amsterdam. Saul Levi Morteira's Sermons to a Congregation of 'New Jews'*, Cincinnati, 2005, pp. 299–300. And see also: Ishac Athias, *Thesoro de Preceptos adonde se encierran las joyas de los Seyscientos y treze Preceptos que encomendó el Señor a su Pueblo Israel*, Amsterdam, 5409 [1649], Primera Parte, 215, fol. 61r: “Porque solo este Affirmativo, y el Carnero Pascual tienen esta pena.”

protegés of Olivares to the centers of the Western Sephardic Diaspora, resolved to join the Jewish people.<sup>10</sup>

The Sephardic community in London, too, which began to take shape in the mid-seventeenth century, was forced to cope with the phenomenon of those who refused to become Jews. It is known that during the first days of that community, which was founded at the end of Cromwell's commonwealth, a group of New Christians were active there, recent arrivals from Iberia who had not been circumcised. The pattern of leading a double life persisted within English Jewry even after 1663, when the Sephardic community had already received official recognition and had taken the name "Sha'ar Hashamayim" [The Gate of Heaven]. At that time, a large group of New Christians arrived with the retinue of the Portuguese princess, Catherine of Braganza. Not only did their Jewish ancestry not impel them to adopt the Jewish religion in a place where this was possible, but most of them had no connection at all with Judaism beyond that of ancestry. Nevertheless, though they had not been circumcised, some of them maintained close social connections with the Jewish community and even used to attend synagogue services! Their social and public influence on the Sephardic community was not negligible, and the leaders of the London community did not always know how to cope with this complex state of affairs.<sup>11</sup> Rabbi Jacob Sasportas, who had arrived there in 1664, after being appointed the rabbi of the new community, was not reconciled with this situation, and launched a struggle against the uncircumcised. He wanted to institute regulation forbidding entry into the London synagogue by men who had not been circumcised—a measure adopted in Amsterdam more than forty years earlier. With the bellicose spirit that characterized his public activity throughout his life, he succeeded in removing all those who refused to accept the sign of the covenant, including several of the wealthiest and most influential merchants in the congregation.<sup>12</sup> However, his stubborn struggle

10 On the crises during the rule of Olivares, see: J.H. Elliott, *The Count-Duke of Olivares. The Statesman in an Age of Decline*, New Haven & London, 1986, pp. 409–673. Against the common view that Olivares showed a positive attitude toward New Christians, see J.I. Pulido Serrano, *Injurias a Cristo. Religión, política y antijudaísmo en el siglo XVII*, Alcalá de Henares, 2002; For a comprehensive analysis of the economic activities of the New Christians in Olivares' time, see M. Schreiber, *Marranen in Madrid 1600–1670*, Stuttgart, 1994.

11 L. Wolf, "The Jews of the Restoration 1600–1664," *Transactions of the Jewish Historical Society in England*, v (1902–1905), pp. 4–42.

12 Tishbi identified Solomon Franco and one of the Francia brothers among the Portuguese Jews whom Sasportas confronted; see, I. Tishbi, "New Information of the 'Converso' Community in London According to the Letters of Sasportas from 1664/1665," in A. Mirsky,

did not solve the root of the problem, and when he left London, a year after his arrival, because of the plague that had claimed many victims in the city, some of those who had been expelled could breathe easily and once again attend services in the synagogue without hindrance.

Not everyone adopted Sasportas' rigid and uncompromising attitude. Certain communities did not prevent uncircumcised men from coming to the synagogue. About fifty years after Sasportas' confrontation in London, the rabbis of the Sephardic communities in Pisa and Livorno had to give their attention to the presence of uncircumcised men in the synagogue. Rabbi Jacob, the son of Moses Senior, expressed his opinion on the case of “one of the forced converts of the time [who] saved his life from the destruction of the land of evil decrees and came to a city where Jews live, and with the knowledge of the righteous and the congregation he acknowledged the Lord with all his heart.” Unlike the uncircumcised men in London, who were not remarkable for their loyalty to the Law of Israel, this man observed the commandments faithfully, “and three times a day he recites the blessings and recited the Shema with its benedictions and he wraps himself in a fringed garment and he is active in performing the commandments, as he is from the seed of our Father Abraham.” But despite that devotion, “he has not yet entered the covenant because his wealth is found scattered in the hands of gentiles in one of the cities that he left,” and therefore he was in doubt “lest he should have to return there to save his wealth, and not for an unworthy purpose, perish the thought.” While he was dwelling in the Jewish community, “he became accustomed to the synagogue, and he bought the honor of opening the Holy Ark and removing the Torah scroll and taking it in his arms and bringing it to the reading platform.” Senior wrestled with the question:

According to the law is it permitted to allow him to perform that commandment and to hold something that is holy while he is not circumcised and has not immersed himself, and there is no a motive for prohibition, or whether he should be rejected and protested against and prevented just as they do not enable him to put on phylacteries until he is circumcised.

From the way he has worded the question, it is clear that he tended to permit the man to hold the Torah scroll although he was uncircumcised. In

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A. Grossman & Y. Kaplan eds., *Exile and Diaspora. Studies in the History of the Jewish People Presented to Professor Haim Beinart on the Occasion of His Seventieth Birthday*, Jerusalem, 1988, pp. 470–496 (in Hebrew).

contrast, several rabbinical scholars in the general yeshiva of the community of Livorno wrote:

The time does not demand this, and they shall not be held equal to full Jews to permit them to handle holy objects as long as they are uncircumcised, for this would give rise to ruin. People will excuse themselves from entering the covenant of our Father Abraham seeing that while still uncircumcised they are not prevented from handling every holy thing like absolute Jews, which would not be the case if some explicit difference were made between them, for then everyone would hurry and rush to do the act and complete the portion and circumcise the flesh of their foreskin to be counted in every respect in sanctity like the Jews, the people close to Him, may he be praised.

They went on to write:

Those who keep themselves and others from being circumcised not for reasons of constraint but for reasons of laziness, we must be very severe with them and prevent them from handling anything sanctified, and they must not wrap themselves in a fringed garment, and they must not come to pray in the synagogue, only by themselves in their home until they are circumcised like us, and we are one nation.<sup>13</sup>

In London, some of the New Christians who did not join the Jewish community continued to behave like the Conversos in Iberia: they observed certain Jewish customs but refrained from observing central commandments such as circumcision. The Conversos in Spain and Portugal acted in that manner for fear of the Inquisition, but the members of the Nation in London, who were satisfied with minimal observance of the commandments, did so without any external constraint.<sup>14</sup> Unlike the policy adopted in a large and consolidated community such as that of Amsterdam, where all contact with the uncircumcised was forbidden, the *Mahamad* [council of governors of the congregation] in London permitted maintaining contact with them, “so as not to damage

13 See the Responsa of Rafael Meldola, *Mayim rabbim*, Amsterdam, 1737, Yoreh Deah, Part II, Nos. 51–52.

14 Y. Kaplan, *An Alternative Path to Modernity. The Sephardi Diaspora in Western Europe*, Leiden, Boston and Köln, 2000, pp. 155–167.

trade.”<sup>15</sup> Various regulations of the Sha’ar Shamayim congregation relate to those who refused to submit to the commandments as having “removed themselves from the community to enjoy their freedom.”<sup>16</sup> Indeed, when the barrier was lowered between those who adopted Judaism and those who were not willing to take that decisive state, it was difficult to limit contacts among them solely to the area of business and to prevent contacts of other kinds, including marriage. Some of the uncircumcised men sought to observe certain Jewish rites and even expressed the wish to marry according to the Jewish religion, in a ceremony including all the traditional elements. A special resolution was passed in 1678, reflecting this strange situation:

That if a Daughter of Israel [...] is married to a man who is not circumcised, let no Jewish man, whether it be a Jew from the congregation or not, come to the marriage ceremony or to the party held after it; and it is forbidden to serve as witnesses to the wedding or to write the marriage contract or to sign it or to recite the seven [marriage] benedictions or to be present when they are recited; and whoever violates any prohibition of all these aforesaid prohibitions—he will be excommunicated, and together with him will be excommunicated all those who knew about the act and did not inform the lords of the *Mahamad*.<sup>17</sup>

The *Mahamad* in London was unable to exert effective pressure on people with the social status of Duarte da Silva and the physician Fernando Mendes da Costa, who had connections with the royal court, and they could not persuade them to accept circumcision. Shortly before the regulation just cited Fernando Mendes married Isabel (Rachel) Marques, the daughter of the wealthy Diego Rodríguez Marques, who was Jewish in every respect.<sup>18</sup>

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15 Libro de los Acuerdos A, Archives of the Spanish and Portuguese Congregation of London, fol. 13r.

16 Libro do Mahamad A, *ibid.*, fol. 16r.

17 *Ibid.*, fol. 6r.

18 On the Mendes da Costa family who vacillated between Christianity and Judaism see: N. Perry, “La chute d’une famille sefardie: les Mendes da Costa de Londres,” *Dix-huitième siècle*, 13 (1981), pp. 11–25; *idem*, “Anglo-Jewry, the Law, Religious Conviction, and Self-Interest (1655–1753),” *Journal of European Studies*, 14 (1984), pp. 1–23; on the separation of these two men from the congregation, see M. Endelman, *Radical Assimilation in English Jewish History 1656–1945*, Bloomington-Indianapolis, 1990, pp. 12, 14, 23; E. Samuel, *At the End of the Earth: Essays on the History of the Jews of England and Portugal*, London, 2004, pp. 194–197, 243–245; see also Libro do Mahamad A, Archives of the Spanish and Portuguese Congregation of London, fol. 6r.



In contrast, the *parnassim* [governors] of the community were quite capable of taking a hard and decisive position regarding poor immigrants who could not afford to pay the price of the decision to accept circumcision. Support for them was conditional upon their clear decision to cast their lot with the Jewish community, and in most cases the pressure and threats exerted against them bore fruit. In 1727, when trials against Conversos were resumed in Spain and Portugal, the *Mahamad* in London tried to send dozens of poor New Christians, who had fled from the persecution of the Inquisition, to the British colonies across the Atlantic, but assistance was offered only to those who were circumcised before departing.<sup>19</sup> A short time later, the officers of the community decided to take a harder stand and to demand of anyone who refused to be circumcised the return of all the money from the charity fund that had been advanced to bring them from Iberia to England.<sup>20</sup>

The *parnassim* were not the only ones who were forced to cope with the phenomenon of Conversos who vacillated between Christianity and Judaism. The danger of the blurring of boundaries of Jewish identity threatened both the unity of the community and also that of families. Many wills written in the seventeenth and eighteenth centuries reflect the apprehension that dwelt in the hearts of many householders in the Sephardic communities that their wealth might depart from the framework of the Jewish family or that their heirs or beneficiaries might sever themselves from the Jewish faith. Abraham Rodríguez Marques of London wrote the following in his will in 1688: "Many times I wished that the physician Fernando Mendes would name one of his children after me; but if, during the coming two years, he and his

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- 19 Libro do Mahamad B, *ibidem*, fol. 32a ff., decisions taken on 10 Sivan 5487 (30 May 1727).  
 20 *Ibid.*, fol. 36b, 28 Heshvan 5488 (11 November 1727): "[...]avendo vindo alguns sujeitos q[ue] depois de averlhes pago o frette, dadolhe assistencia se tem jdo p[ar]a fora jnsencunsizos, por tanto fazem saber os dittos SSres do Mahamad q[ue] se de oje em diante qualquer pessoa q[ue] vier de dittas ou outras partes a judaismo y estiuer quinze dias sem sircuncidar salvo justo empedim[en]to, não tão som[en]te lhe não darão ajuda alguma nem despacho, porem passado ditto termo o persiguirão p[e]lo frette ja pago [...]" R. Barnett's claim that every New Christian arriving in London had to be circumcised within fifteen days is inexact, and there is no doubt that this regulation applied only to poor people receiving support from the community, cf. R.D. Barnett ed., *Bevis Marks Records IV: The Circumcision Register of Isaac and Abraham de Paiba (1715–1775)*, London, 1991, pp. 2 ff. By contrast, Regulation no. 30 in the revised regulations of 1693 implies that at that time it had already become the practice for newcomers from Iberia to be circumcised within thirty days of their arrival in London. See Libro de los Acuerdos B, Archives of the Spanish and Portuguese Congregation of London, fol. 11 ff. From the wording of the regulation it does not sound as if steps were taken against those who did not do so.

sons are not circumcised, none of them shall receive any part of my property.”<sup>21</sup> Jacob the son of Israel Pereyra, a central figure in the Sephardic social elite of Amsterdam, placed the condition in the will that he drafted in 1705 that only “family relations born in marriage according to law, who keep the Law of Moses publicly” should enjoy the fruit of the sum he would be leaving.<sup>22</sup> When Abraham Penso Felix set aside a sum in his will to be distributed among needy brides of the community in Amsterdam, he demanded of the beneficiaries that they “keep the Law of Moses publicly.”<sup>23</sup> Henriques de Medina wrote in a similar spirit in September 1716: he bequeathed his shares in the Dutch East India Company to his nephews, but at the same time he ordered that the property must be transferred from generation to generation as an inheritance, in memory of the patriarch of the family, “if they keep the Law of Moses”; and if the beneficiary decides to marry a woman “she must be one of the daughters of our Portuguese nation, who observes the aforesaid Law of Moses.”<sup>24</sup> Clauses of this kind were common in the wills of former Conversos, and they are indicative of the fear that gnawed at the heart of many of them that the members of their family might abandon Judaism, because their absorption in the Jewish community was unsuccessful, or because they refused to join it from the start.

As noted, the arrival of a New Christian in a place where a Jewish community existed did not necessarily indicate his willingness to return to Judaism. The first period in his contacts with members of the community was a liminal stage, in which the transition to the new identity had not yet been decided upon.<sup>25</sup> Circumcision was intended to remove the Converso from his undefined

21 On Fernando Mendes' marriage, see above, note 18.

22 This is the wording composed on the New Moon of Adar, 5465 (1705). See file No. 518, in the Archives of Portuguese Jewish Community of Amsterdam (GAA, PA 334); and see Livro de Escamoth B, *ibidem*, No. 20, fol. 209 ff., the first version from 26 Elul 5456 (23 September 1696): “Declaro que os que ouvierem de gozar em qual quer tempo tanto dos 4/5 como do 1/5 hão de ser parentes avidos de legitimo matrimonio e que fassão publica proffissão da observancia da ley de Mosseh excluindo a todos os que não tiverem ambas estas calidades.”

23 Livro de Escamoth B, *ibidem*, fol. 531: “Todas as pesoas que ouverem de gozar en algum modo desta misva hão de ser de legitimo y judaico matrimonio e qui fasão da observancia da Ley de Mosseh com a tradisão que ensinão os sabios de Israel [...]”

24 GAA, PA 334, No. 518, fol. 302: “com expressa clausa e condisão que aja de profesar a Ley de Mosseh e juntamente que chegando a cazar aya de ser com filhas de nossa Nação Portugueza e observantes da mesma Ley de Mosseh.”

25 On the concept of ‘liminality’ and on the liminal period in *rites de passage* see: V. Turner, *The Forest of Symbols: Aspects of Ndembu Ritual*, Ithaca and London 1967, pp. 93–111; *idem*, *The Ritual Process: Structure and Anti-Structure*, Ithaca, 1969, pp. 94–130.

situation, and his agreement to accept the sign of the covenant could be interpreted as a final decision to join the Jewish people. Since from that moment on his Judaism was stamped in his flesh, it is quite likely that his willingness to return to the lands of the Inquisition would be diminished.

It should be recalled that in Iberia and in the Spanish and Portuguese colonies in the New World there were few New Christians who had been circumcised in the sixteenth and seventeenth centuries.<sup>26</sup> In Mexico, for some reason, the situation was exceptional: many New Christians there did observe the commandment of circumcision. Of the 120 men condemned in the Inquisitional tribunal of Mexico between 1630 and 1649, thirty-eight were circumcised.<sup>27</sup> It appears that in the 1650s the number of circumcised men in that country increased. The historian Eva Uchmany calculated that ninety-eight percent of the men who were condemned for Judaizing in the autos-de-fe that took place in Mexico in that decade were circumcised.<sup>28</sup>

The picture was entirely different elsewhere in colonial America. Among the New Christians in Peru, for example, circumcision was very uncommon.<sup>29</sup> Even among the *Chuetas*, the Crypto-Jews of Majorca, who were known for their devotion to the observance of Jewish customs, no circumcised men were found during the entire seventeenth century.<sup>30</sup> Despite the rarity of circumcision among New Christians in the early modern period, some of them adopted the practice of puncturing their foreskin, and there were some cases of total removal of it.<sup>31</sup> Ritual circumcisers from North Africa or other centers in the

26 See above, note 7.

27 S.M. Hordes, *The Crypto-Jewish Community in Colonial New Spain: 1620–49: A Collective Biography*, PhD dissertation, Tulane University, New Orleans, 1980, p. 214. Some scholars have even claimed that most of those condemned for Judaizing in Mexico during the 1640s were circumcised, but this is doubtful. See S.B. Liebman, *The Jews of New Spain*, Coral Gables, 1970, p. 254.

28 E.A. Uchmany, "El judaísmo de los cristianos nuevos de origen portugués en la Nueva España," in A. Haim ed., *Society and Community: Proceedings of the Second International Congress for Research of the Sephardi and Oriental Jewish Heritage 1984*, Jerusalem, 1991, p. 135.

29 Indeed, the case of Manuel Fonseca was exceptional. He was circumcised in Livorno during a visit there in the early seventeenth century, before he left for the Americas. See P. Castaneda Delgado and P. Hernández Aparicio, *El tribunal de la Inquisición de Lima, 1570–1635*, Madrid, 1989, pp. 436, 447.

30 B. Braunstein, *The Chuetas of Majorca: Conversos and the Inquisition of Majorca*, New York, 1936, p. 104.

31 For examples of the examination of suspects by physicians and surgeons on behalf of the Inquisition in Iberia, in which it was discovered that Crypt-Jews had been circumcised, see: Y. Kaplan, *From Christianity to Judaism. The Story of Isaac Orobio de Castro*, Oxford, 1989, pp. 6–7, 47; Yerushalmi, *From Spanish Court*, pp. 37–38.

Sephardic Diaspora were willing to travel to Spain, Portugal, and even Mexico in secret to circumcise New Christians, despite the threatening shadow of the Inquisition.<sup>32</sup>

The decision to return to the Jewish religion often caused rifts in the families of emigrants, as we see from the content of a question addressed to Rabbi Jacob Sasportas:

Reuben, one of the forced converts of this time, the Lord aroused his spirit, and he came, with his three sons, to the city of Amsterdam, may the Lord preserve it, to accept upon themselves the yoke of the kingdom of heaven and thus did he and two of his younger sons, for the eldest went back to where he had come from, drawn by his foreskin, and he reverted to his former practice.<sup>33</sup>

The severe approach taken by a number of rabbis at the end of the sixteenth and the beginning of the seventeenth centuries toward the descendants of the Conversos in Iberia, relating to the New Christians as absolute gentiles whose adherence to Judaism required conversion, did not take hold in the Sephardic communities of Western Europe, most of whose members were former Conversos or descended from them. In the communities of the Western Sephardic Diaspora, the new arrivals were not regarded as gentiles but as Jews who had been forced into apostasy, and who were now returning to the bosom of Judaism. And if there were places where they required the new members to immerse themselves as well, this was because they accepted the opinion that immersion was even required of a Jew who had converted to another religion and then returned to Judaism, according to rabbinical law.<sup>34</sup>

Furthermore, it appears that throughout the seventeenth century no strict inquiry was made into the origins of women married to New Christians whose Jewish ancestry was well known. Not only that, even when testimony was presented regarding the Jewish ancestry of a New Christian who wished to become a Jew, in most cases no effort was made to prove the Jewish ancestry

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32 See, for example, H. Beinart, “A Salonikian Jew in 17th Century Spain,” *Sefunot*, XII (1971–1978), p. 195 (in Hebrew). The New Christian, Gabriel de Granada, who was restored to the Church in Mexico in 1646, told the Inquisition that he had been circumcised as a boy, according to his mother’s wishes, by a well known rabbi who had come to Mexico and who was a relative of his father’s. See Liebman, *The Jews of New Spain*, p. 209.

33 Jacob Sasportas, *Responsa Ohel Yaakov*, Amsterdam, 5497 [1737], No. 59, fol. 64 a.

34 Cf. S. Schwarzfuchs, “Le retour des marranes au judaïsme dans la littérature rabbinique,” in Barros ed., *Xudeus e conversos* (above, note 3), pp. 339–348.

of his mother.<sup>35</sup> Explicit demands that women must convert have come down to us only in reference to gentile women who became Jewish while unmarried or mulatto servant women. On 10 March 1624 the *parnassim* of the Sephardic community in Amsterdam decided to bury the mulatto woman, Sara Israel, beyond the fence of cemetery, *por não ser banhada* [because she had not immersed herself]. Her name indicates that she was regarded as a convert, but it appears that some flaw was found in her conversion.<sup>36</sup> Similarly they were strict with the circumcised sons of non-Jewish women of this kind, when there was suspicion that they had not been properly converted, and they, too, were buried outside the fence. On 27 June 1622, in the same cemetery, they buried “a child, the son of Joseph de Silva, a *mamzer* [the offspring of an incestuous or adulterous union], in the area beyond the fence, where the Ashkenazi is buried, because his mother had not immersed herself properly.”<sup>37</sup>

Indeed, in the signed testimony presented by emigrants from Iberia so they would be recognized as members of the Nation who wished to return to the bosom of Judaism, there is no explicit reference to the origin of their mothers in particular. Written evidence presented by Juan de Marques Gallardo, apparently at the beginning of the eighteenth century, stresses that the witnesses knew his father, “who was arrested in the prison of the Inquisition because of his Judaism.” Another document adds that his father was kept in the prison of the Inquisition in Seville. On the basis of these documents, the *Mahamad* authorized his circumcision.<sup>38</sup> Around 1718 a man named Francisco Nieto submitted a similar request to the community governors, “after he came from Lisbon about four weeks ago in order to receive the holy Jewish sign, because he is the son of Juan Nieto, who was burned in [17]18, and this is known to other Jews in this land [...] They can testify that he is the descendant of Jews.”<sup>39</sup>

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35 Thus, for example, it is known that Isabel Pérez de la Peña, who was married to the physician Isaac Orobio de Castro came from an Old Christian family, but there is no hint in the documents of the community that she was regarded as a convert. She adhered to Judaism with her husband and took the name Esther. Their two children, who arrived in Amsterdam with them, were not regarded as converts, nor were the three other children whom they bore in Holland. See Kaplan, *From Christianity to Judaism*, pp. 66–67, 107–109.

36 *Livro do Bet Haim do Kahal Kados de Bet Yahacob*, original text, introduction, notes and index by W.C. Pieterse, Assen, 1970, p. 107.

37 *Ibid.*, p. 102. This was also the practice with the daughters of mothers who had not converted according to Jewish law. See *ibid.*, p. 98: on 24 January 1621 is mentioned the daughter of Daniel Belmonte, whose mother had not immersed herself (“por sua maj não ser banhada”).

38 See in GAA, PA 334, No. 503, fol. 52.

39 *Ibid.*, No. 381.

From an examination of the registers in Amsterdam and London the impression arises that during the eighteenth century a greater effort was made to inspect the Jewish origins of emigrants who wished to join the congregation, but then, too, they did not inquire into the origins of the mother and were satisfied with general testimony that indicated a family affiliation with the Nation, which is to say, the ethnic group of New Christians.<sup>40</sup> Only the sons of non-Jewish wives were asked to undergo ritual immersion (*tevillarse*) as part of the conversion process.<sup>41</sup>

### Circumcision as a Sacrament and as a Condition for the Redemption of the Soul

Both among the Conversos and among those who returned to Judaism the view took hold that circumcision had sacramental status, parallel to Christian baptism. According to this view, circumcision became the main identifying mark of a Jewish man and the sole condition for the redemption of his soul. The Inquisitors in Mexico who interrogated the New Christian Juan Pacheco de León learned that he used to declare that “circumcision is for the Jews what baptism is for Christians” (*“Lo mismo es entre los judíos la circuncisión que el*

40 Ibid., No. 503, fols. 12, 22, 43, 50, 51, 55, 59. See No. 26 in this archive, (Memorial de Advertencias D), fol. 204, a resolution passed on 25 Iyyar 5523 (8 May 1763) regarding Fulano Nunes de Portugal, who was asked to produce proof of his Judaism. Regarding London, see Libro do Mahamad D, fol. 13, on Cristóbal del Sotto Mayor y Martínez, who escaped from Spain in 1788 and received authorization to be circumcised after his origins were “examined scrupulously.” In contrast, Luis da Costa, who claimed shortly after that he had been born in Portugal and asked to join the community, did not manage to convince them, because they could not rule with certainty about his origins. They suggested that he should go to Amsterdam, where they could reach a decision, and he was even offered monetary support for the voyage. See *ibid.*, fol. 42.

41 A regulation of the Ouderkerk cemetery of Sephardic community of Amsterdam, dated Iyyar 5384 (1624) stated explicitly that the sons of gentile women could be buried there only if the women had been properly immersed; the sons of those who had not done so were not regarded as Jews and were to be buried beyond the fence, “as though in the water [of the Amstel river, ΥΚ], a decision that aroused a great scandal among the gentiles.” See: *Livro do Bet Haim do Kahal Kados de Bet Yahacob*, p. 45: “O primeiro que he ley de Israel que qualquer pessoa de qualquer qualidade que seja que por linha feminine tenha raça de goy tem necessidade de tevillarse na forma que o din ordena para ser reputado por judeu e se poder enterrar em Bet Hajm en caso que Ds o leve para sj nesta cidade [...] doutro modo não he contado por judeu e não se ha de enterrar dentro de Bet Hajm en enterrandose na cerqa de for como sobre agoa e he de muito escandalo para os goim que o vem.”

*bautismo es entre los cristianos*").<sup>42</sup> This statement was commonly made by many New Christians throughout the early modern period. Quite probably that belief was prevalent among the Jews of Spain in the late Middle Ages, in the wake of the waves of conversion and the gap that opened between Jews and converts to Christianity during the fifteenth century, and it was also absorbed by the Conversos, taking on particular significance among those who returned to Judaism.<sup>43</sup> The words of Rabbi Isaac Caro, who said that "the first and most essential commandment is circumcision, because if a man is not circumcised, he is not a Jew,"<sup>44</sup> were heeded attentively by those who became Jewish, and not only because of the implicit criticism of New Christians in Spain who lived without the sign of the covenant, but also—and primarily—because it gave the circumcision ceremony essential sacral meaning in drawing the boundaries of their new identity. Similarly, the arguments of the type advanced by Hasdai Crescas served as a response for them to the Christian belief in the redemptive power of baptism: the sacrament of baptism did not save the soul from perdition but rather that of circumcision. Here is Crescas' argument:

The commandment of circumcision, which was given to our Father Abraham, and it is a special thing in the entire nation, is a matter upon which part of Providence depends. And this is evident in the benediction that our Rabbis of blessed memory composed . . . And it is explained as salvation from perdition and from destruction of the grave, and it in itself is eternal life, which is a great part of Providence.<sup>45</sup>

In this spirit Rabbi Immanuel Aboab of Venice wrote from the Levant, around 1626, a letter of reproach to one of his New Christian acquaintances, who chose to remain in Labastide in France rather than join the rest of his family, who had returned to the Jewish people. Aboab wrote, "Without the praised sign of His holy and eternal covenant [...] there is no salvation."<sup>46</sup> Ishac Athias

42 B. Lewin, *Singular Proceso de Salamón Machorro (Juan de León), Israelita liornés condenado por la Inquisición (México, 1650)*, Buenos Aires, 1977, p. 191; and see Gitlitz, *Secrecy and Deceit*, pp. 207, 214 n. 35.

43 A. Gross, "Reasons for Circumcision: Trends and Historical Influences," *Daat*, 21 (1988), pp. 25–46 (in Hebrew).

44 Isaac Caro, *Toledot Yitzhak*, Amsterdam, 5468 [1708], Parashat Tazri'a, p. 52v. The book was first printed in Istanbul, 1518.

45 Hasdai Crescas, *Or Adonai*, Ferrara, 4315 [1555], Second Book, 2, chapter 6.

46 C. Roth, "Immanuel Aboab's Proselytization of the Marranos," *Jewish Quarterly Review*, N.S., XXIII (1932–1933), p. 143: "[...] para los descuidados Israelitas que esparcidos en

wrote something similar in his book, *Tesoro dos Dinim* [The Treasury of the Commandments], which he dedicated to the Jewish education of Conversos who adopted Judaism:

According to the true law of our masters, a Jewish man will not merit salvation without that sign, for anyone who revokes the sign of our Father Abraham, even if he performed many commandments of the Torah and did good deeds, he will have no portion in the world to come . . . And everything proves that circumcision is the first essence and the gateway to the holy faith.<sup>47</sup>

In his *Excelencias de los Hebreos* [The Virtues of the Hebrews], which he wrote a few years after returning to Judaism, Isaac Cardoso offered a principled formulation of the sacramental approach, which had taken root in the consciousness of the New Christians who returned to the Jewish people. Cardoso wrote of circumcision as one of the virtues of the Jews and argued that it atoned for original sin [sic!], and without it “no Jew has salvation.”<sup>48</sup> It is no coincidence that among all the commandments, he devoted an entire chapter to the Sabbath and to circumcision, and Y.H. Yerushalmi has noted the decidedly Christian influences that left their mark on Cardoso’s formulation.<sup>49</sup>

Among the New Christians in Iberia it was commonly thought that an uncircumcised man was exempt from observing the commandments. Rabbi Samuel Aboab relates to this view at length:

One must remove from them the worthless opinion that has spread almost among the majority of the sons of our nation who come from the

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aquella y en otras prouincias pasan la vida fuera del uzo de la ley del Dio Bendito olvidados de su seruicio, sin la Gloria diuisa de su santo y eterno firmamento, sin el qual no ay saluasion [...]”; see also M. Orfali’s introduction to the Hebrew translation of *Nomologia*, by Immanuel Aboab, Jerusalem 1997, pp. 20–21.

47 Ishac Athias, *Thesoro de Preceptos*, Primera Parte, 215, fol. 61r: “[...] sin este Firmamento, no puede ningun hombre de Isr[ael] salvarse segun la verdadera doctrina de N[uestros] M[aestros]. Que todo el que anula el Firmamento de Abraham nuestro Padre, aunque tenga mucha Ley, y obras pias, no tiene parte en el mundo venidero; Y todo muestra, ser la Circuncision el primer fundamento della; y la puerta dela Fe santissima.”

48 Yshac Cardoso, *Las Excelencias de los Hebreos*, Amsterdam, 1679, p. 91: “Sin este firmamento del Berit no se puede salvar el judío, pues dize Dios que sera el alma deste pueblo cortada, sino fuere circunciso, y aquel que anula el firmamento de Abraham nuestro padre, aunque tenga mucha ley, y obras pias, no tiene parte en el mundo venidero.”

49 Yerushalmi, *From Spanish Court*, pp. 378–380.



slavery of the soul, and it is an obstacle and an impediment to them, for they believe that so long as a man has a foreskin and is uncircumcised, he does not belong to the Jewish people, and his transgressions are not transgressions, and his crimes and rebellions are as if they never were, and from this great damage is caused to them, and some of them have persisted in their sins and did not hurry to save their souls. And I have seen someone who was already in a place of freedom and repeated in his foolishness the claim that he was going to bring his household, and he did not want to have himself circumcised, and he did not heed the voice of teachers, because of the aforementioned claim, that if he should sin and be guilty, no blame would be upon him for sinning, and he went and did not return and was drowned in the sea, and that was his punishment in this world, and behold we have learned an entire Mishnah in Chapter 3 of Nedarim [fol. 31B]: a [person who has sworn an] oath not to benefit from circumcised men is forbidden [to benefit from] uncircumcised Jewish men but permitted [to benefit from] circumcised idol-worshippers. [Showing that during the age of Mishnah, there were uncircumcised men who nevertheless were regarded as Jews].<sup>50</sup>

Aboab was active in Venice for many years, and in the course of his long life, which extended through most of the seventeenth century, he encountered quite a few Conversos who were in no hurry to be circumcised, and their excuse was that so long as they had not been circumcised, they were not regarded as Jews, and they were exempt from the obligation to perform the commandments. Among those who refused he also found some who argued “that the day of circumcision was in their opinion the first day that their sins were counted.”<sup>51</sup> Aboab opposed this opinion fiercely, defining it as “flawed” and “contrary to the principles of our holy faith”:

For circumcision is a commandment like all the other commandments in the Torah, and although it is the gate to the Lord, and the righteous shall enter it, and it is a holy covenant in the congregation of the Lord, the Torah does not depend on it. And therefore someone who is of the seed of Israel and is not sealed with it, because of that lack he is not exempt from the other commandments of the Torah . . . And he who is a son of

50 Samuel Aboab, *Sefer ha-Zichronot*, [s.l., s. d.], Jerusalem, 5761 [2001], pp. 259–260.

51 *Ibid.*, p. 260.

Israel must do the deeds of Israel, and he is not a son of Noah to be exempt from it.<sup>52</sup>

An echo of the argument that a man who is uncircumcised is not required to keep the commandments can also be found in the work by Abraham Israel Pereyra, *La certeza del camino* [The Certainty of the Path], printed in Amsterdam in 1666 and influenced by the mass movement of religious fervor that took place in Amsterdam during the great Sabbatian ferment:

Those miserable sinners propose another excuse in their lack of prudence, that because they were not circumcised, they are exempt from keeping the divine commandments; but in this matter, as in all the rest, they are wrong, for from the moment they came into the world they are obligated to serve God, and the fact that they are uncircumcised only increases their misfortune.<sup>53</sup>

Although many rabbis expressed themselves vehemently against the view that attributed sacramental power to circumcision, the opinion that circumcision was sufficient to define the Converso's identity and assure him a place in the world to come became an important component of popular thinking among the members of the Nation who returned to Judaism. Moreover, the very approach that attributed supreme status to the commandment of circumcision in defining a Jew's identity sometimes led many New Christians to delay fulfilling it, because, as we have seen, they believed that so long as they were not yet circumcised, they did not have to obey the other commandments.

### Burial of the Uncircumcised

During the first generation of renewed Jewish settlement in England, a sizable number of members of the Sephardic community in London chose to be buried in Christian cemeteries for various reasons. Some of them were apparently

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52 Ibid.

53 H. Méchoulán, *Hispanidad y judaísmo en tiempos de Espinoza: Estudio y edición anotada de 'La Certeza del Camino' de Abraham Pereyra, Amsterdam 1666*, Salamanca, 1987, p. 204: “Tambien estos pobres pecadores llevan otro pretexto en su descuydo de que, por incircuncisos, se libran de la observancia de los divinos preceptos; en que viven abuzados como en los demás, pues desde que nascieron, vinieron al mundo con la obligación de servir a Dios y assí, estando incircuncisos, tanto mayor es su desdicha.”

swayed by the desire to be buried near their loved ones, who had been buried as Christians before 1656, before the first Sephardic cemetery was established at Mile End.<sup>54</sup> Most likely this phenomenon was known in other Sephardic communities in the West as well in the early stages of their establishment, especially in places where there had been a concentration of New Christians for a long time before official permission was given to live openly as Jews. At the same time, in certain places in France, especially in Labastide, Peyrehorade, and Bidache, the Portuguese New Christians buried their dead in their own cemeteries even when they were officially regarded as “Catholics of the Portuguese Nation.” Although these cemeteries were regarded as Christian, the research of Gérard Nahon shows that as early as the second half of the seventeenth century, before the central regime in France officially recognized the Judaism of the members of the Portuguese Nation, Jewish symbols and identifying marks were inscribed on many of the tombstones in them.<sup>55</sup>

In contrast to the specific preference of several of the first Sephardic Jews in London to be buried in Christian cemeteries, among quite a few New Christians who wished to become Jewish toward the end of their lives, one notes the opposite tendency: the desire to be buried as Jews in order to assure the redemption of their souls, according to their belief. With the approach of death, or even while on their deathbeds, though it could endanger their lives, they asked to be circumcised and buried as Jews, fearing the punishment of excision in store for them after their death.

Some of the Conversos of France also made great efforts to see that their dying relatives were circumcised before their death. A ritual circumciser named Manuel Peres da Mota was employed in Bordeaux during the seventeenth century to operate on the dying men. From testimony before the Spanish Inquisition by Juan Núñez Sarabia we learn that in 1631 he engaged a Jew from Amsterdam to circumcise his dying father.<sup>56</sup> A man named Diego de Mesquita arrived in London from Bordeaux in 1670. He had lived a double life in France for many years, like other New Christians there, without openly returning to Judaism. Before managing to rejoin the Jewish people, he fell prey to a mortal illness and was struck by great fear. He swore before several of the members of

54 A.S. Diamond, “The Community of the Resettlement, 1656–1684: A Social Survey,” *Transactions of the Jewish Historical Society in England*, xxiv (1975), pp. 140–141; idem, “The Cemetery of the Resettlement,” *ibid.*, xix (1960), pp. 163–190.

55 G. Nahon, “Inscriptions funéraires hébraïques et juives à Bidache, Labastide-Clairance (Basses Pyrénées) et Peyrehorade (Landes), Rapport de mission,” *Revue des études juives*, 127 (1968), pp. 223–252, 347–365; *ibid.*, 128 (1969), pp. 349–375; *ibid.*, 130 (1971), pp. 195–230.

56 G. Nahon, *Juifs et judaïsme à Bordeaux*, Paris, 2003, p. 5.

the community there that if he recovered from the illness he would perform the commandment of circumcision. He also ordered his brother and his wife, who had remained behind in Bordeaux, to bring his only son to Bayonne and make sure to induct him in the covenant of Abraham. When Diego passed away, several of his acquaintances in London said of him that “nothing weighed upon him more heavily than his failure to honor that obligation.” The governors went beyond the letter of the law for him and ordered to have his body buried in the community cemetery, but “in a place separate from our brethren.”<sup>57</sup> They could not have acted otherwise, because five years earlier, in 1665, it had been strictly forbidden in the bylaws of the newly founded *Bikur holim and guemilut hasadim* [Visiting the Sick and Providing Welfare] Confraternity to bury any uncircumcised man in the community cemetery.<sup>58</sup> In Amsterdam a decision had been in effect since 1614, from the time that the Bet Jakob and the Neveh Shalom congregations drafted the bylaws for the cemetery in Ouderkerk, making it possible to transfer the remains of people who had been buried elsewhere to the new cemetery, on condition that the men had been circumcised before their first burial.<sup>59</sup> They defined the uncircumcised men as *peessoas indignas* [unworthy people] and buried them on the other side of the fence, along with blacks, mulattoes, and the children of gentile women who had not been properly converted.<sup>60</sup>

Just as there were circumcised Sephardic Jews who preferred to be buried next to their loved ones who had died as Christians, others went out of their

57 See Libro de los Acuerdos A, Archives of the Spanish and Portuguese Congregation of London, fol. 20r, an undated regulation, written after 24 Nissan and before the end of Iyyar 5430 (between 14 April and 19 May 1670). Diego de Mesquita made his promise in the presence of several members of the community. In this document, as in others of its type, circumcision is called “sancto firmamento.” See *Ibid.*: “[...] y en el discurso de su enfermedad mostro euidentemente no lleuar mayor pesar en esta vida, que hauer faltado a esta obligaci3n.” See the English translation in L.D. Barnett ed., *El Libro de los Acuerdos Being the Records and Accompts of the Spanish and Portuguese Synagogue of London from 1663 to 1681*, Oxford, 1931, p. 40.

58 Barnett, *ibid.*, p. 23. In the original: Holy Hebra of Bikur Hulim (sic) and Guemilut Haçadim.

59 *Livro do Bet Haim do Kahal Kados de Bet Yahacob*, p. 6, article 11: “Bem entendido que os que fallecer3o nestes estados, sircunsidados antes de nelles aver Bet Haim lhes poder3o trazer seus ossos [...]”

60 See above, note 36. At that time it was not yet the custom to bury Ashkenazim in “unworthy plots,” for this was only begun after 1702; see I. Hagoort, *Het Beth Haim in Ouderkerk aan de Amstel: De begraafplaats van de Portugese Joden in Amsterdam 1614–1945*, Hilversum, 2005, pp. 28–29.

way to provide a Jewish burial for relatives who had died uncircumcised and outside of Judaism. Occasionally we hear of instances in which circumcision was performed posthumously in order to get around the prohibition against giving a Jewish burial to men who had died uncircumcised. Henrique Garces, the son-in-law of the prominent merchant Duarte Fernández and one of Baruch Spinoza's grandfathers, was circumcised after his death in 1619, receiving the name Baruch Senior, but the *parnassim* would only agree to bury his body "on the other side of the fence," in the area set aside for the uncircumcised.<sup>61</sup> The New Christian Fernando Montesinos, one of the most influential financiers in the Spanish royal court during the seventeenth century, received special treatment, and, though was circumcised posthumously, was buried in an impressive ceremony in an honorable place in the cemetery. He died in Antwerp in April 1659, and according to testimony delivered to the Inquisition by an eye witness, his body was brought to Amsterdam and his funeral was held in November of that year. After he was circumcised in the courtyard of the synagogue, in the presence of a large crowd, he received the name David Arari and was buried in a sumptuous funeral, with many in attendance, in the cemetery in Ouderkerk.<sup>62</sup>

In contrast to the practice in Amsterdam, the *Mahamad* in London forbade posthumous circumcision completely. In a special regulation enacted in 1677 and ratified again sixteen years later, it threatened to excommunicate anyone involved in circumcising dead men.<sup>63</sup> In Bordeaux they followed the example of Amsterdam, and during the eighteenth century they used to circumcise Conversos after their death, and the practice aroused no official opposition.<sup>64</sup>

61 *Livro do Bet Haim do Kahal Kados de Bet Yahacob*, p. 93: "Em 13 de Março se enterrou Baruk Senjori por outro nome Henrique Graces (junto ao filho incircunciso do Lobato) ao coal circuncidarão depois de morto." Garces settled in Amsterdam in 1605, but he was not involved in community life, and he spent a large part of his time in Antwerp. On the lawsuit between him and Isaac Pallache, see M. García-Arenal and G. Wiegers, *A Man of Three Worlds: Samuel Pallache, a Moroccan Jew in Catholic and Protestant Europe*, Baltimore and London, 2003, pp. 64–71; on Duarte Fernandes, see E.M. Koen, "Duarte Fernandes, Koopman van de Portugese Natie," *Studia Rosenthaliana*, 11 (1968), pp. 178–193.

62 López Belinchón, *Honra, libertad y hacienda*, pp. 407–408.

63 *Livro de los Acuerdos B*, Archives of the Spanish and Portuguese Congregation of London, (no page number), article 34: "Nenhã pessoa de qualquer calidade que seja que falecer estando yncircumsizo sera enterrado em Bethaim, nem nenhum judeu o circuncidara depois de morto"; See *ibid.*, in the revised regulations of Tishrei 5454, fol. 11 (Ascama 30), which repeats the earlier wording verbatim.

64 Nahon, *Juifs et judaïsme à Bordeaux*, pp. 111–112. The expression used in these cases was: "circuncisión sobre la sepultura," meaning "circumcision at the grave."

The *parnassim* of the communities in Amsterdam and London agreed to show consideration for those uncircumcised men who died in special circumstances and to grant them a Jewish burial, going beyond the strict letter of the law. For example, in 1645, following the sinking of a ship from Portugal that was bearing Conversos who intended to become Jewish, the *Mahamad* of the Amsterdam community declared: “In this case we cannot deny the deceased any grace accorded to all Jews, and if one day their bodies are found, they shall be buried in the cemetery, at a slight distance from the other graves.” From then on it was permitted to bury uncircumcised Conversos in the cemetery belonging to the Amsterdam community, if they died on their way to a place where they could return to Judaism, if they sailed by sea from a “land of evil decree,” and if there was reliable testimony that they had resolved to be circumcised.<sup>65</sup> However, in 1654 the members of the *Mahamad* in Amsterdam protested vehemently against “certain people who seek to bring the bones of the dead of our nation who died outside of Judaism for burial in the cemetery,” against the stipulations that had been determined by the congregation.<sup>66</sup>

The *parnassim* of the community of London were also willing to display flexibility with regard to Converso refugees who died of illness before they could be circumcised. The *Mahamad* was called upon to decide in each particular case, by majority vote, whether to bury the deceased in the community

65 Livro de Escamoth A, GAA, PA 334, No. 19, fol. 191, 4 Sivan 5405 (29 May 1645): “Com a occaſſão do deſaſtrado ſuſeſſo que eſtos dias oiue de alguas peſoas de noſſa naſão que com zelo de vir ao ſeruico del dio ſe embarcaron en Portugal e por occultos juizios diuinos ſe afogaron no mar antes de tomar o firmamento.” The *parnassim* of the community determined that ſince, according to reliable testimony, it was known that the dead men in queſtion “had acknowledged the holy God and worſhiped Him as much as poſſible in the conditions that prevailed in thoſe countries, and that they had ſailed on that ſhip in order to accept the yoke of heaven,” they ſhould be regarded as entirely Jewish with reſpect to the laws of mourning, memorial prayers, and the like. Cf. the caſe of Luis Franciſo Alvares, a Converso from the city of Porto, who failed to reach Amsterdam, deſpite many efforts, and died in 1715 in the priſon of the Inquiſition. His ſon Isaac Alvares did reach Amsterdam, and after joining the Jewish community, he aſked that his late father be given the ſtatus of a Jew and be named “Abraham Alvares.” After the intervention of two members of the community, who teſtified about the father’s intention to become Jewish (he had even left money to the community for charity), the *Mahamad* agreed, after conſulting the rabbi, that memorial prayers ſhould be recited in the ſynagogue for Abraham Alvares “on the firſt Sabbath on all the days when the Torah is read, for a year after his death, and afterward on holidays and on the Day of Atonement in the morning and on 28 Heshvan, which correſponded with 29 October, the day when he was taken by God, and alſo on the firſt Sabbath after that day”; ſee GAA, PA 334, No. 19, fol. 377.

66 Livro de Escamoth A, GAA, PA 334, No. 19, fol. 377.

cemetery.<sup>67</sup> At the same time, members of the community were strictly forbidden to deal with the bodies of people who had died uncircumcised or to participate in their funerals, with the exception of the closest members of the family, and anyone who violated that prohibition would be excommunicated.<sup>68</sup> In regulations instituted in 1693 it was explicitly determined:

No man, no matter of what quality, if he dies while still uncircumcised, shall be buried in the cemetery, and no Jew shall circumcise him after his death or wash his body or dress him in shrouds or accompany him to burial, and he may not bury him in any other place, and if he does so, he shall pay a fine in the sum of twenty pounds sterling and raise up the coffin and beg forgiveness.<sup>69</sup>

In the light of the severe approach that was adopted in this community, it is that much more surprising to see that in 1716 the officers of the Sha'ar Hashamayim congregation agreed to bury Alvaro da Costa in the community cemetery, and in 1724 they agreed to bury Fernando Mendes da Costa there, although they had not been circumcised and had avoided all contact with the community institutions.<sup>70</sup> They belonged to a very wealthy family of merchants, who specialized in trade in diamonds and coral from India and in commercial ties between England and Iberia and the colonies in South America. Both of them had purchased splendid mansions for themselves in an area outside the

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67 Libro de los Acuerdos B, in the Archives of the Spanish and Portuguese Congregation of London, fol. 9r (no page numbers). These matters are mentioned in the Regulations of the years 1677 and 1693. On the New Moon of Kislev 5471 (12 November 1700), the governors of the community, as well as the Council of Elders, consisting of all those who had previously served on the *Mahamad*, were in doubt as to whether to bury Francisco Roiz Mogadoro, who died before he was circumcised. They took into consideration that “he was unsettled in his mind and mad,” and they decided, by a majority of twelve votes out of the eighteen men present, to bury him “in a plot deemed appropriate” by the officials of the charity confraternity. Out of a sense that this decision was out of the ordinary, all those present were asked to sign it. See Libro do Mahamad A, in the Archive of the Spanish and Portuguese Congregation of London, fol. 38v.

68 Ibid.: “Nenhã pessoa de qualquer calidade que seja que falecer estando yncircumsizo [...] nenhum judeu [...] o lauara, amortalhara, acompanhara ao Enterro nem fara a Sepultura.”

69 Ascamos of the Spanish and Portuguese Congregation of London, 1693, article 30. The prohibition applied to those beyond a third degree of family relationship, and if anyone did not pay the fine, he would be forbidden to enter the synagogue for three years!

70 Endelman, *Radical Assimilation*, pp. 12, 14, 23.

municipal boundaries of London, and they had integrated into English high society. Some of their children did join the community, though they had not taken the trouble to give them any Jewish education. Alvaro received English citizenship, which entailed taking a Christian oath, and Fernando, who had at first served as the physician to Queen Catherine of Braganza, remained a Catholic till the end of his days. His daughter, the artist Catherina Mendes da Costa, who painted his portrait, chose Judaism, though her father refused to do so, even though he knew that because of his refusal he would lose his part of the large estate left behind by his wife’s Jewish uncle.<sup>71</sup> Neither Alvaro nor Fernando ever expressed the wish to be buried in the cemetery at Mile End, so it appears that the wishes of their Jewish relatives were decisive. The economic influence of the Mendes family was so great that they apparently managed to persuade the officers to agree to something that was entirely contradictory to the spirit of the community regulations.<sup>72</sup>

With respect to women whose Jewish origins were not in doubt, matters were much simpler, especially if they were connected to wealthy and influential families. Thus, for example, the remains of Maria de Fonseca were laid to rest in the cemetery in Ouderkerk. She was the wife of Geronimo Nuñez Ramírez of Lisbon, who had been the physician of Marie de Medici, the queen of France. Maria de Fonseca was the mother of David and Jacob Curiel, two prominent merchants who occupied important positions in the communities of Amsterdam and Hamburg, thanks to their great wealth and wide-ranging diplomatic activity. Maria de Fonseca died in Saint Jean de Luz in 1614, and her bones were given a Jewish burial in 1628, thanks to the influence of her two wealthy sons, as is hinted in the cemetery register.<sup>73</sup> Did she receive the name Sara at the time of her burial, or had she received the Jewish name during her lifetime? The matter is unclear, but from the genealogical work written by Isaac the son of Matatia Aboab, who was married to her granddaughter, we learn that the family took care to remember the Hebrew date of her death.<sup>74</sup>

71 See above note 18; and see also A.M. Hyamson, *The Sephardim of England*, London, 1951, pp. 114–115.

72 Endelman, *Radical Assimilation*, p. 23.

73 *Livro do Bet Haim do Kahal Kados de Bet Yahacob*, p. 118: “Em 2 de Nisan primeiro de reshodes se levarão a Bet Haim os ossos de Sarah Curiel may de Jaacob e David Curiel los quais vierão de Juan de Lus [...]” Jacob was known as Duarte Nunes da Costa, and David as Lopo Ramírez. See: D.M. Swetchinski, *Reluctant Cosmopolitans: The Portuguese Jews of Seventeenth-Century Amsterdam*, London and Portland, 2000, pp. 114, 119, 132, 173, 229, 239–242, 275.

74 I.S. Révah, “Pour l’histoire des nouveaux-chrétiens portugais. La relation généalogique de I. de M. Aboab,” *Boletim Internacional de Bibliografia Luso-Brasileira*, 11, 2 (1961), p. 307;



### Circumcision and the Chinese Topknot

“I think that the sign of circumcision has such a great importance as almost to persuade me that this thing alone will preserve their nation for ever.”<sup>75</sup> These are the words of Spinoza, written several years after he was excommunicated by the Amsterdam community. Seeking to provide a rational explanation for the continued existence of the Jews, “for their being dispersed and stateless for so many years,”<sup>76</sup> Spinoza detached them completely from Divine Providence and stated that the hatred of the other nations, which never lets up from them and prevents them from assimilating, is what maintains them. However, that hatred, according to Spinoza, was nourished by the tendency of the Jews to keep apart from the other nations: “after separating themselves from all the nations.” Among all the “external rites” that they keep to separate themselves from the other nations, “which are contrary to the rites of other nations,” circumcision played a central role: “the sign of circumcision which they zealously maintain,” could, in Spinoza’s opinion, maintain the Jewish people forever.<sup>77</sup>

Spinoza analyzed the significance of circumcision for the Jewish people like an objective anthropologist, distant culturally and emotionally from the tribe, whose codes of behavior and customs he sought to decipher. And with the same distance and restrained irony, he compared the circumcision of “that nation” to “an excellent example of this among the Chinese, who likewise zealously retain a kind of topknot on their heads, by which they distinguish themselves from all other men.” However, according to Spinoza, the Chinese topknot proved its effectiveness far beyond Jewish circumcision, because the Chinese “have preserved themselves in this distinctive manner for many thousands of years, so that they far surpass all nations’ antiquity.”<sup>78</sup>

Scholars have long since taken note of Spinoza’s classical and Jewish sources regarding the self-segregation of the Jews as well as his position as a harbinger of a secular interpretation of Jewish history.<sup>79</sup> Attention should also be paid

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she died on 10 Adar 5374 (18 February 1614), and the author of the family chronicle also indicated the hour of her death: eight in the evening.

75 Benedict de Spinoza, *Theological-Political Treatise*, ed. by J. Israel, tr. By M. Silverthorne & J. Israel, Cambridge 2007, p. 55.

76 Ibid.

77 Ibid.

78 Ibid., pp. 55–56.

79 Y.H. Yerushalmi, “Spinoza’s Remarks on the Existence of the Jewish People,” *Proceedings of the Israel Academy of Sciences and Humanities*, IV (1984), pp. 171–213 (in Hebrew).

to Baruch Spinoza’s attitude toward the existential situation of the Western Sephardic Diaspora, since he was a member of the “Sephardic Jewish Nation” and the descendent of New Christians from Portugal. He was born in a society where circumcision had taken on unique symbolic importance. It became the sign that absolutely differentiated those who had chosen to join the separate Jewish community and those who chose to sever themselves from Judaism and assimilate among the gentiles. According to Spinoza, the Conversos of Spain, unlike those of Portugal, could indeed assimilate without difficulty, because the Spanish kings supposedly did not discriminate against them and or deny them any office or honor.<sup>80</sup> Spinoza translated the special sacramental significance that circumcision had received among the former New Christians into secular concepts. He did not regard it as the ceremony of accepting Abraham’s covenant with his God. Rather he saw it as a ceremony of joining the Hebrew nation, whose separation from the other nations was essentially no different from that of the Chinese. Reference to the Chinese, who “far surpass all the other nations in their antiquity,” was meant to refute the pretentious Jewish claim that their preservation for such a long time was proof that they had been chosen by God. He had certainly heard the argument of his friend, Dr. Juan de Prado, that “since the Chinese exist, and they count ten thousand years since the creation of the world, how can we say (according to the account of Moses) that only a little more than five thousand years have passed (since the creation of the world), because the Chinese could not be in error, since they erected a column every year.”<sup>81</sup>

It is quite likely that Baruch Spinoza knew that his grandfather, Baruch Senior, had been circumcised posthumously, because he was named after him. His grandfather was circumcised only before his burial, because during his lifetime he had vacillated and never committed himself to Judaism till the end of his days, fearing that it would interfere with his frequent business trips to Antwerp. Spinoza’s grandfather was buried beyond the fence of the cemetery thirteen years before the philosopher’s birth and thirty-seven years before Baruch chose to live beyond the boundaries of Judaism.

80 Yerushalmi, *ibid.*, pp. 181 ff.; see also Y. Kaplan, *Les Nouveaux-Juifs d'Amsterdam. Essais sur l'histoire sociale et intellectuelle du judaïsme séfarade au XVII<sup>e</sup> siècle*, Paris 1999, pp. 65–68.

81 See also the words spoken by Daniel (Juan) de Prado to his young student Samuel Nassi, around 1657, when he was closely associated with the young Spinoza, in Kaplan, *From Christianity to Judaism*, p. 140. On the possible influence of Isaac la Peyrère on Prado and Spinoza, see R.H. Popkin, *Isaac La Peyrère (1596–1676): His Life, Work and Influence*, Leiden, 1987, pp. 84–86.

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