

The Honor of Reading from the Sefer Then and Now

Teacher's note: The purpose of this part of the class is to enrich our understanding of the distribution of the Ngaliyot in modern Spanish and Portuguese communities by exploring the Sephardic experience of the pre-modern period. Particularly revealing is a comparison of the *values* placed on performing Mitsvot during the seventeenth through early nineteenth centuries versus today. In the latter, Jews are equal citizens of a vast public sphere whose religious life is often confined to ceremonial observance in communities with which they affiliate voluntarily. In the former, Jews ruled themselves through powerful, quasi-governmental religious societies in which the synagogue was the most important public space and participation was often mandatory.

Such a comparison will require us to discuss the absolute authority of the communal leadership structure during this period, since the ruling body known as the *Mahamad* was responsible for distributing the Mitsvot during the service. I would like to emphasize the importance of withholding judgment when encountering this material, much of which is from a time when the concepts of modern democracy and equal rights had barely occurred to anyone. The sources we are about to read are included in this handout with the highest degree of reverence and respect to the communities that they discuss, and were written by people who dedicated their professional lives to preserving their noble memory in the historical record.

The Mahamad and its Powers – Amsterdam

Bodian, Miriam. *Hebrews of the Portuguese Nation: Conversos and Community in Early Modern Amsterdam*. Bloomington, IN: Indiana University Press, 1997.

Context: Paraphrase of pp. 43-50

This section describes the formation of three congregations in the early seventeenth century. The first was founded sometime between 1602 and 1606, and was called *Bet Jacob* for its patron Jacob Tirado (a.k.a. James Lopes da Costa). Its leader was Ashkenazic rabbi from Emden named Uri Halevi, whose fifteenth century Torah scroll can still be seen in Amsterdam today. The second congregation, *Neve Salom*, was created between 1609 and 1612 under the spiritual leadership of Venetian Rabbi Jacob Pardo, who it seems supplanted Halevi at *Bet Jacob* and led both congregations simultaneously. A few years later, a disgruntled congregant at *Bet Jacob* (likely David Farar) openly challenged Pardo's homiletical methodologies, leading Pardo and a group of supporters to break off and form a third congregation, *Bet Israel*, in 1619.

Consolidation, and the creation of the joint Mahamad in 1639, pp. 50 – 51:

The advantages of unifying the three congregations must have been evident to many of the communal leaders at this point... Witnessing the demographic growth of the Ashkenazim, at a time of their own demographic stagnation, must have encouraged the “Portuguese” to unify...

The merger agreement was signed by the congregational leaders, but also by “the entire Nation, heads of households” — 218 additional signatures. It was no doubt important to obtain unanimous approval. But given the terms of the agreement, these signatures represented a relinquishment of power, an agreement to accept the virtually dictatorial powers of the *Mahamad*, or governing board of seven. The members of the community had no choice in the composition of the *Mahamad*: the first *Mahamad* was elected by the fifteen *parnasim* of the three dissolving congregations. Moreover, the document provided that in the future each outgoing *Mahamad* would elect the incoming *Mahamad*, making it an entirely self-perpetuating institution. Such procedures were not unknown in Jewish communal life. They were, however, also entirely consistent with the values and norms of a patriarchal elite of wealthy international merchants. Members of that same elite – or at least those who were committed to rabbinic Judaism – became the natural leaders of the rejudaized community. While rabbinic and popular lay approval of its measures was certainly needed and desired by the *Mahamad*, power and authority were entirely concentrated in its hands...



The phoenix of the unified K”K Talmud Torah, suckling three chicks representing the original congregations — relief on the back of the president’s chair in the Chamber of the *Mahamad*.

After unification was agreed upon, a set of statutes was drawn up which along with those of the merger agreement were to regulate the governance of the community. The first statute of these *Haskamot* (a Hebrew term for communal statutes) makes clear at the outset what the guiding principle was to be: “The *Mahamad* shall have authority and pre-eminence in all matters. No person may defy the resolutions made by this *Mahamad*... and those who do so shall incur the penalty of the ban.” As we shall see, the unghettoized nature of the Jewish community in Amsterdam occasionally undercut the absolute authority that the *Mahamad*, dominated by the merchant elite, arrogated to itself. But in general the principle laid down in the *Haskamot* was the principle by which the community was governed.

The Mahamad and its Powers – London

Hyamson, Albert M. *The Sephardim of England: A History of the Spanish and Portuguese Community, 1492-1951*. London: Methuen & Co., Ltd. 1951.

Legal acceptance and communal consolidation, pp. 26-28

Within a year of the return of Charles [II in 1660], the position of the Community had been well established... The period of provisional [Jewish legal] status had passed and the Community seemed now on a permanent basis. On such a basis it was possible to build. The first step was to appoint a regularly elected governing committee. In this the precedents of the ex-Marrano communities in Venice and Amsterdam were followed, and a *Mahamad* [of three] was appointed on 18 November, 1663...

Second only to the appointment of a *Mahamad* was the drawing up of laws and regulations, the adoption of a constitution for the young community. The *Ascamot* in which this constitution was formulated followed in many details those of the *Kahal Kados* of the *Talmud Torah* of Amsterdam and of the Sephardi Congregation of Venice. These two communities, especially that of Amsterdam from which city many of the original members of the London Community came, may consequently with justification be considered the parents of the *Kahal Kados Sahar Asamaim* (The Holy Congregation of the Gate of Heaven), the name by which the London Congregation is known. These laws or *Ascamot*, as formulated in 1663 and adopted on the 1st of Nisan, the eve of the Festival of Passover 1664, numbered forty-two. The first of them forbade, under penalty of *Herem* or excommunication, the formation of any other Sephardi congregation in the City of London or its surroundings or even the assembly of ten persons (a religious quorum) for the purpose of worship, except on the occasion of a wedding or in the house of mourners, with a prophetic proviso, however, that some day in the future in other circumstances the establishment of a second congregation might be authorized by the *Mahamad*. Next came the provisions for the election of a *Mahamad*, consisting of two *parnassim* and one *gabay* to be elected by the members of the retiring *Mahamad* and two elders nominated by them...

The *Mahamad* were given absolute power. "The *Mahamad* shall have authority and supremacy over everything, and no person shall rise nor shall they draw up papers concerning it, and they who shall do so shall be subject to the penalty of *Herrem*." There was however, one safeguard against the abuse of this absolute power. "The *Mahamad* that shall be elected, on entering upon their duty, in the presence of the *Mahamad* that shall be retiring, shall take an oath with the doors of the *Ehal* open, promising to fulfill their duties with truth, justice, and fear of God, without respect or despite to the prejudice of parties, and this shall be observed inviolably."

The Mahamad and Synagogal Mitzvot **Examples from Communities not Mentioned by Gaguine**

Curaçao: Emmanuel, Isaac S. and Suzanne E. *History of the Jews of the Netherlands Antilles*. Cincinnati: American Jewish Archives, 1970.

Context – the Importance of the Curaçaoan community, p. 180:

With [Samuel Mendes] de Sola's arrival, the community maintained two *Morenu ve Rabenus* in 1745 and sixteen ecclesiastical employees on a yearly payroll of over 3,000 pesos. It also had numerous societies and various welfare institutions supported by approximately 270 families. For all her local institutions, schools, synagogues and remarkable contributions to the Holy Land and other communities, Congregation Mikvé Israel well merited the tribute paid by David Aboab, Talmudic student visiting Curacao in 1746 – "Mother City of all the islands in America."¹

From the Askamot of 1688, p. 543:

Article 10: The assignment of *Misvot* and calling one to the Torah shall remain within the discretion of the presiding *parnas*, who shall seek to give everyone his place, as is proper. No *parnas* may deprive anyone of his due for personal reasons and any member refusing to perform the *Misvot* shall be excluded from such privilege for a period of three years...

From the Askamot of 1699, p. 549:

Article 2: The penalty of *Beraha* shall be imposed on any person or persons who may insult the gentlemen of the *Mahamad* [as a whole] or any of them in their official but not private capacity, either by word or deed, or by raising his voice insolently against them to contradict their orders or to criticize the distribution of the *Misvot* in the Synagogue and outside of it, or to disparage their work of an official nature.

The gentlemen of the *Mahamad* shall be unable to pardon such effrontery, but shall be forced to proceed against such a person or persons, without exception, by denying [admittance to] the Synagogue. For the enlightenment of all, that [punishment] shall be announced from the pulpit. Former members of the *Mahamad*, as well as other disinterested individuals, shall use all their efforts in carrying out this Regulation. Such person or persons incurring this penalty shall

¹ By comparison, the vast sweep of the North American colonies at this time maintained just 5 small congregations, all but one of which was unable to afford anything but rented quarters. In 1732, the synagogue in Curaçao was opened at a cost of over 20,000 pesos, and had seats for 600 people. The contemporary synagogue in New York, opened two years earlier in part through funding from the Curaçaoan community, cost merely £600 and could seat about 150 people. Until 1825, Curaçao had the largest Jewish community in the Western Hemisphere.

not be excused until giving full satisfaction to the gentlemen of the *Mahamad* and paying the fine of twenty-five pesos. The penalty of *Beraha* shall thereupon be removed with the ceremonies necessarily held in such cases, at the disposition of the Haham.

New York City: Congregation Shearith Israel, *Constitution and By-Laws of the Congregation Shearith Israel in the City of New York, Adopted June 24th 1805*. New York: Clarence S. Nathan, undated [must be after 1897]

Mitsvot and mandate, pp. 9 and 16:

Article II, Section 2: If any person or persons interrupt the service when assembled for divine worship at any place, in any manner whatever, the *Parnass* shall command order; and if such person or persons persist, he shall cause the offenders to be removed therefrom.

Article X: It is also declared, that all and every person or persons who shall have been considered of the Jewish persuasion, resident within the limits of the Corporation of the City of New York, that do not commune with us under the Constitution and By-laws now established, shall be assessed and charged by the Board of Trustees ten dollars per annum, and in case of refusal to pay the same, shall not be entitled to any of the rights, benefits and immunities granted to the electors and members thereof, until he or they shall have paid up his or their arrearages, and the consent of the Board of Trustees had thereto.

South Carolina: Elzas, Barnett. A. *The Jews of South Carolina: From the Earliest Times Until the Present Day*. Philadelphia: J. B. Lippincott Co., 1905.

From the constitution of 1820, pp. 152 - 153:

Rule VI: The *Parnass Presidenta* shall have the sole direction in the Synagogue, during divine service, and all officers under pay shall be under his control... He shall be authorized to call before the Private *Adjunta* any person or persons, who may misbehave either in Synagogue [or] its enclosures during divine service, or other legal occasions of meeting, and moreover shall make it his indispensable duty to support, protect, and defend this Constitution, and call any one to account who shall violate the same.

Rule XIII: No person being called to the *Sephar*, having *Portos-Hechal*, or going up there to offer [a *nedabah*], shall leave the same, without offering at least one shilling to the *Parnass Presidenta*, and prosperity of the Congregation, nor shall any ridiculous or unusual offering be permitted.

Any person offending either of these cases, shall be called before the Private *Adjunta*, and at their discretion fined, or dealt with according to the nature and aggravation of the offence, and shall continue under all disabilities in and out of the Synagogue, until such decision is complied with.

Themes Emerging from these Early Sources

- **Disabilities with self-governance:** even in the relatively tolerant Dutch and English societies of the pre-modern era, which had no tradition of medieval Jewry laws, Sephardim had a diminished legal status with respect to their gentile neighbors. Yet simultaneously, they were granted wide civil and religious powers to govern themselves internally. By creating a centralized oligarchy in the form of the *Mahamad*, many Sephardic communities fulfilled two important goals:
 - **Maintaining political relations** with gentile officials for the collective welfare of the entire Jewish community.
 - **Ensuring continuity** of Sephardic ideas of ritual, decorum, and education, both in the contemporary milieu and in future generations

When the *Mahamad* clashed with some of its more strident members over Mitsvot and other seemingly minor issues, these greater goals were just under the surface. An affront to the established order, however slight, challenged the community's essential apparatus for seeing to its own wellbeing, and was swiftly suppressed with a harshness that was typical of the age.

- **Lay Leadership was the most powerful:** while the communal Rabbi was an influential figure in congregational life who could, and often did, resist the *Parnasim* or even set their agenda in certain areas, the tempo of life in the pre-modern Sephardic world was set by the merchant elite, who are the ones who controlled the show when push came to shove. This is a precursor of the model used in many American synagogues today: the board engages the Rabbi, and he is responsible to them even though he is hired to be an honored spiritual and communal leader.
- **The importance of the synagogue:** since pre-modern Sephardic communities were like mini-states, the synagogue and its outbuildings served a role that straddled "divine conventicle" and "administrative seat." This gave unusual significance to the question of synagogal Mitsvot, which were nothing less than opportunities to fulfill divine commands on behalf of the "state." In a society in which Honor (with a capital H) could make or break a man's career, the distribution of Mitsvot was no small issue, and the frequent bickering on this score is thus less surprising than it might seem at first glance.
- **Benefits of the system:** concentrating the authority to distribute honors into the hands of a few individuals made it easier to ensure that everyone received his due in turn. As long as *Parnasim* fulfilled their responsibilities with integrity, disputes about the distribution of Mitsvot could take for granted that there was a system, and focused only whether that system was fair in the eyes of certain individuals.
- **Limits of the system:** that the various *Mahamadim* had to establish fines and punishments for failure to uphold the *Askamot* or serve in communal offices – and to reissue them periodically with increasing severity – reveals that it was an imperfect setup. While the institution of the autocratic *Mahamad* was a successful mainstay of Sephardic life for over two centuries, it was never without its detractors.