

CHAPTER FIVE

‘A FLOCK OF WOLVES INSTEAD OF SHEEP’

The Dutch West India Company, Conflict Resolution, and the Jewish Community of Curaçao in the Eighteenth Century

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‘DO WHAT A FREE, TOLERANT RELIGION DEMANDS’ enjoined Isaac Faesch, governor of the island of Curaçao, to his Jewish colonists in 1748.¹ His pleas came in the midst of a situation of protracted strife amongst the Sephardi community of Curaçao.² The Sephardim had split into two factions and were fighting in the streets, obstructing burials, and refusing to circumcise newborn baby boys whose fathers belonged to the other faction. The *parnasim* were also issuing proclamations of excommunication with abandon, causing a flood of appeals from those excommunicated to come pouring into Governor Faesch’s office. The only comfort for Faesch in this sorry situation was that his was not the only Dutch West India Company colony beset by such troubles. In Suriname, the *parnasim* had excommunicated Isaac Carilho after he joined the opposition to the governor of the colony. Carilho appealed to the States General of Holland and won his case, embarrassing Governor Mauricius and the *parnasim*, as well as causing some confusion about how much authority the *parnasim* had in WIC-controlled colonies.³

These cases illustrate an important and previously overlooked issue: how the WIC administration adjudicated the all too frequent conflicts that arose within the Jewish communities it administered in the Dutch West Indies. In this chapter I will focus on the highly contentious and chaotic situation in the Sephardi community on the island of Curaçao in the mid-eighteenth century. I will argue that the WIC-appointed governor, as the first point of contact with a (supposedly) impartial civil authority, was thrust into an adjudicatory role which he had neither the experience nor the authority to fulfil effectively. The governor of Curaçao was hampered in his ability to control the island’s Jewish community by a lack of clear directives from the WIC itself, including on

¹ Isaac S. Emmanuel and Suzanne A. Emmanuel, *History of the Jews of the Netherlands Antilles*, 2 vols. (Cincinnati, 1970), i. 194.

² Almost all Jews in Curaçao in the eighteenth century were Sephardim. In fact, until the 1920s there were never enough Ashkenazim to form a *minyán* (see *Ibid.* i. 496).

how much power the *parnasim* had on the island, as well as by the political power held by various factions amongst the Jewish congregants in the Dutch Republic.

The case I explore in this chapter demonstrates how several judicial systems and processes for the adjudication of conflicts ran parallel to one another. The Sephardim had their own systems of internal control; however, the situation in mid-eighteenth-century Curaçao was complicated by the fact that the congregation on the island was ultimately under the jurisdiction of the Amsterdam Sephardi community. Likewise, the Jews in Curaçao also answered to the island's civil judicial system, which was responsible to both the WIC's ruling council—the Heren X—and, ultimately, to the States General.

The long-recognized right within the Dutch Republic, and by extension in the WIC, of religious groups to self-government, especially in religious matters, which was the premise upon which Governor Faesch was working in Curaçao, might have been effective in the Dutch Republic. However, the multi-layered, overlapping judicial systems in the colony, combined with very real issues of wealth and class within the Sephardi community—issues which fanned the flames of fractiousness—were a recipe for disaster by the mid-eighteenth century. Thus the general expediency of having groups adjudicate their own conflicts led in many cases to a huge amount of confusion and inefficiency in their resolution—confusion and inefficiency that was ultimately detrimental to the peace and prosperity of the island.

Background of Jewish Settlement in Curaçao

The founder of the WIC, William Usselinx, was a fervent Christian who saw it as the company's duty to bring Calvinism to America. He was also known as an antisemite.⁴ Though many of the company's directors may have shared Usselinx's ideas regarding Jews, they were pragmatically inclined to allow Jewish settlement in their territories. Thus, even though the Dutch Reformed Church was the only denomination officially recognized in the colonies, in a typically Dutch fashion, the Jews and Jewish worship were 'tolerated', and the Jews were given the right to exercise their religion. This is not to say that the WIC as an entity was in any way particularly positively inclined towards Jews. A letter written by the Amsterdam chamber of the WIC in 1652 stated that the Jews are 'sly and traitorous and we should not place too much trust in them'.⁵

³ *Historical Essay on the Colony of Surinam, 1788*, trans. Simon Cohen, ed. Jacob Rader Marcus and Stanley F. Chyet (Cincinnati, 1974), 75, 206. The case is also discussed in Robert Cohen, *Jews in Another Environment: Surinam in the Second Half of the Eighteenth Century* (Leiden, 1991), 129–31. The States General acted as a sort of parliament and governing body for the United Provinces in the eighteenth century.

⁴ Mordechai Arbelle, *The Jewish Nation of the Caribbean: The Spanish-Portuguese Jewish Settlements in the Caribbean and the Guianas* (Jerusalem, 2002), 143.

⁵ Quoted in G. Herbert Cone, 'The Jews in Curaçao According to Documents from the Archives of the State of New York', *Publications of the American Jewish Historical Society*, 10 (1902), 147.

Despite this lack of trust, there were plans for (Sephardi) Jewish settlement on Curaçao from a quite early stage of its existence as a WIC possession. This was, in part, because Curaçao was somewhat different from other Caribbean colonies. The semi-arid climate meant that Curaçao developed an economy with far fewer plantations than other Caribbean islands, and those there were not profitable. In fact, plantations on Curaçao were generally maintained to provide status rather than income.⁶ The economy was based on trade and trans-shipment. For instance, most slaves brought to Curaçao were intended to be sold on other islands in the Caribbean or on the South American mainland. Thus, there was a niche for Jewish merchants, most of whom traded with the nearby English and French colonies, but particularly with the Venezuelan and Colombian coasts.⁷

That said, the original plan of the WIC was to have Jews as planters on Curaçao. In 1651 João de Yllan, at that time living in the Dutch Republic, was given a permit to settle with other Jews on the island. In 1652 Joseph Nunes de Fonseca was also given a permit for settlement.⁸ In the charters granted to both men, they were promised the 'same freedoms as were given to the [Jewish] settlers in New Netherland', meaning the freedom to practise their religion.⁹ Not much came of these early charters for settlement, though, and the first group of any consequence, composed of twelve families, arrived on Curaçao in 1659. The 1659 charter, arranged by Isaac da Costa, has been lost.¹⁰ On the basis of other evidence, however, we can deduce that it contained the official recognition and support of the Jewish Curaçaoan community as an entity, permission to purchase slaves and build houses, and religious freedom. The WIC had entered into a contract with these Jews to provide land which they could settle and cultivate. However, agriculture never became a major enterprise for the Jews. The few who had been engaged in agriculture turned to trade by the early eighteenth century, in part because from 1711 to 1722 the island went through a disastrous drought.

By 1746, the time the conflict I discuss below occurred, the organized Sephardi population on Curaçao had probably reached its demographic peak, numbering around 2,000 people.¹¹ Of these, only a very few could be said to belong to the middle class.¹² The Jewish population was divided between the wealthy, mostly large-scale

⁶ A. F. Paula, *From Objective to Subjective Social Barriers: A Historico-Philosophical Analysis of Certain Negative Attitudes Among the Negroid Population of Curacao* (Curaçao, 1972).

⁷ Wim W. Klooster, 'The Jews in Suriname and Curaçao', in Paolo Bernardini and Norman Fiering (eds.), *The Jews and the Expansion of Europe to the West, 1450–1800* (New York, 2001), 354–9.

⁸ Also known as David Cohen Nassy.

⁹ Jacob Adriaan Schiltkamp, *Bestuur en rechtspraak in de Nederlandse Antillen ten tijde van de West-Indische Compagnie* (Willemstad, Curaçao, 1973), 36. There were some restrictions. For instance, they were not allowed to work on Sundays in deference to the Christian sabbath.

¹⁰ Yosef Hayim Yerushalmi, 'Between Amsterdam and New Amsterdam: The Place of Curaçao and the Caribbean in Early Modern Jewish History', *American Jewish History*, 72/2 (1982), 172–92.

¹¹ Frances Karner, *The Sephardics of Curacao: A Study of Socio-Cultural Patterns in Flux* (Assen, 1969), 29.

¹² In 1659 the Amsterdam Sephardi community began assisting the migration of poorer Sephardim to

merchants and international traders, as well as brokers of all sorts, on one side; and the poor, largely small tradesman, on the other.¹³ On Curaçao, class differences were clearly and externally visible, to the point of separate neighbourhoods and synagogues.¹⁴ Rents in the main city of Willemstad had become too high for the growing number of impoverished Jews, who moved to an area known as Otrabanda. Rents in Otrabanda were cheaper, so it became a haven for the few middle-income and the many poorer Jews. However, traditional Jewish limits on the distance one can walk on the sabbath, plus the fact that a rowing boat was needed to get to the main synagogue, another clear violation of traditional Jewish practice on the sabbath, meant that a synagogue had to be set up there.

The Beginnings of Conflict and Jewish Governance on Curaçao

The original by-laws (*ascamot*) of the Sephardi congregation known as Mikvé Israel (Hope of Israel), drawn up in 1688, did not seem to allow for another synagogue on the island. In 1732, though, the *parnasim* relented and permitted the establishment of a synagogue called Neve Shalom (House of Peace: ironic, in the light of later events) in Otrabanda, for the mostly low-income residents, under the jurisdiction of the main congregation of Mikvé Israel. However, it seems that this synagogue may have been in a private home, and they were refused a Torah scroll, since possession of a Torah scroll would imply the establishment of a second synagogue, which would conflict with the *ascamot*. By 1746 the Jewish families in Otrabanda had increased their membership to about thirty-five and were forming an increasingly visible presence in the Jewish community.

Because of a rather confusing conflict between members of this synagogue, which included a fight, an arrest, and an excommunication, Neve Shalom was closed, though it is not clear if an actual synagogue building was shut down, or if worshippers were told not to gather together in a private house anymore. Whatever the case, seventeen families asked the *parnasim* of Mikvé Israel for permission to pray in a (different) private house. Moreover, because of the growth of the community in Otrabanda, a larger synagogue was required anyway. This caused a great deal of discord, which Governor

Curaçao, which added to the lower-income population on the island (see Robert Cohen, 'Passage to the New World: The Sephardi Poor of Eighteenth-Century Amsterdam', in Lea Dasberg and Jonathan N. Cohen (eds.), *Neve Ya'akov: Jubilee Volume Presented to Dr. Jaap Meyer* (Assen, 1982), 31–42; Yosef Kaplan, *An Alternative Path to Modernity: The Sephardi Diaspora in Western Europe* (Leiden, 2000), 85–6, 287; Evelyne Oliel-Grausz, 'A Study in Intercommunal Relations in the Sephardi Diaspora: London and Amsterdam in the Eighteenth Century', in Chay Brasz and Yosef Kaplan (eds.), *Dutch Jews as Perceived by Themselves and by Others: Proceedings of the Eighth International Symposium on the History of the Jews in the Netherlands* (Leiden, 2001), 51).

¹³ Yosef Kaplan, 'The Curaçao and Amsterdam Jewish Communities in the 17th and 18th Centuries', *American Jewish History*, 72/2 (1982), 193–211, 206.

¹⁴ Kaplan, 'The Curaçao and Amsterdam Jewish Communities in the 17th and 18th Centuries', 199.

Faesch was ill equipped to deal with. Though the conflict sounds relatively minor from the point of view of the WIC, the debate was bitter enough for Faesch to mention it in his report to the Heren X in 1746.¹⁵ In this same letter, he asked for a copy of the rights and privileges given to the Jews in Curaçao because he was unsure of his authority in the matter.

As far as Faesch and the leaders of Mikvé Israel congregation were concerned, the *parnasim* were the sole authoritative body for the Jewish community in Curaçao. They were responsible for collecting the community tax levied by the civil authorities, empowered to supervise the proper operation of congregation and ritual functions, and to resolve disputes between members, including public quarrelling. The *parnasim* ruled, for example, on gambling, dues, ritual duties, dietary compliance, and decorum in the synagogue. Violators were subject to fines and temporary or permanent excommunication.¹⁶

In this respect, Curaçao's Sephardi congregation was no different from those throughout Europe and the Near East. As historian Eli Faber notes, they all regulated dress, morals, reading matter, attendance at plays and operas, and sexual conduct. Sanctions took the form of fines, refusal of admission to the synagogue during services, exclusion of the children of offenders from the community school, denial of interment in the community cemetery, and confession before the entire congregation, which used public shame and humiliation to discipline offenders and to deter others.¹⁷ The ultimate sanction, however, was the complete excommunication of the miscreant, requiring that all members of the community avoid contact of any kind whatsoever with the transgressor.

As historian Miriam Bodian has pointed out, the basic principle behind the Sephardi community's organization, both in Amsterdam and in places like Curaçao, was the concentration of authority in the hands of a few.¹⁸ Bodian goes on to observe how the Mahamad dominated every aspect of community life—so much so that the very first article of the 1639 *ascamot* states that 'the Mahamad shall have authority over everything'.¹⁹ The Mahamad was a communal body in which 'insiders' shared power among themselves, and each outgoing member helped to choose the new member coming in.²⁰ The regulations of the congregations in Venice, Amsterdam, and Curaçao bestowed supreme power on them in all matters.²¹ In Curaçao, though, the Mahamad's power exceeded even that of other Sephardi congregations because they could petition

¹⁵ National Archives of the Netherlands (NL-HaNA), Tweede Westindische Compagnie (Second Dutch West India Company, TWC) 1.05.01.316.

¹⁶ To rejoin the congregation after excommunication, one had to confess publicly in the synagogue, without shoes, from a low bench, in a contrite voice, and often also to resolve the original issue in a satisfactory fashion, which might include a fine.

¹⁷ Eli Faber, *A Time for Planting: The First Migration, 1654–1820* (Baltimore, 1992), 67.

¹⁸ Miriam Bodian, *Hebrews of the Portuguese Nation: Conversos and Community in Early Modern Amsterdam* (Bloomington, 1997), III.

¹⁹ Ibid.

²⁰ Ibid.

²¹ Faber, *A Time for Planting*, 57.

the governor to banish those who lived immorally.²² In fact, the *parnasim* had used this prerogative and requested that the civil government banish a few people they deemed incorrigible. For example, in 1674 a Jewish woman who was suspected of being a prostitute was banished, as was David Aboab in 1746, as I will discuss shortly.²³

Mikvé Israel congregation, then, was essentially a partially self-governing enclave within Curaçao, and it maintained a semi-separate judicial system.²⁴ Yet it was the very power held by the leaders of Jewish congregations, meant to keep intra-communal conflicts in check, which, ironically, was the source of a large amount of internecine quarrelling in the WIC's overseas territories, particularly Curaçao—quarrelling from which even the mother community of Amsterdam was not exempt. Therefore, disputes about decisions of the *parnasim* might be, and often were, appealed 'up the ladder' through either religious or civil institutions. At times, appeals went through both Jewish and civil institutions at the same time until finally arriving in the chambers of either the WIC or the Dutch government—or both. Different judgements at differing levels on the two institutional 'ladders' could make resolving the conflict quite complex.

We can see this complexity in the case of David Aboab. In 1746 Aboab, who probably grew up in Venice, moved from Jamaica to Curaçao. The conflict that his short stay on the island provoked is well documented.²⁵ Essentially, he clashed with rabbis Raphael Jesurun, who served on the island from 1717 to 1748, and Samuel Mendes de Sola, formerly a rabbi in the Amsterdam synagogue, who arrived as Jesurun's assistant in 1744, and pronounced a religious ruling contrary to theirs. As a result, he was excommunicated. When he refused to express the public contrition necessary to bring the excommunication to an end, the *parnasim* of Mikvé Israel appealed to Faesch to have him banished. Faesch, bowing to the authority of the *parnasim*, as he felt it was

²² Emmanuel and Emmanuel, *History of the Jews of the Netherlands Antilles*, ii. 544–5. Mikvé Israel congregation in Curaçao was particularly independent. It chose to ignore the ordinances of its mother community in Amsterdam and refused to ban members who went to the 'countries of idolatry', those where Judaism could not be practised openly, though the term usually referred to Iberia and her overseas territories. For information on Sephardi proscriptions on travel, see Yosef Kaplan, 'The Travels of Portuguese Jews from Amsterdam to the "Lands of Idolatry" (1644–1724)', in id. (ed.), *Jews and Conversos: Studies in Society and the Inquisition* (Jerusalem, 1985), 294–324; id., 'The Struggle against Travelers to Spain and Portugal in the Western Sephardi Diaspora', *Zion*, 64 (1999), 65–100.

²³ Emmanuel and Emmanuel, *History of the Jews of the Netherlands Antilles*, i. 188.

²⁴ Alan F. Benjamin, *Jews of the Dutch Caribbean: Exploring Ethnic Identity on Curaçao* (London, 2002), 112. For example, in the eighteenth century, the Dutch government passed a law that Dutch community property arrangements would be in effect for all marriages. The Sephardim, however, objected and in 1740 received an exception for Jewish marriages in Curaçao and Suriname (Emmanuel and Emmanuel, *History of the Jews of the Netherlands Antilles* i. 149). The objections were based on the fact that the Jewish wedding ritual involves the signing of a *ketubah*, a marriage contract, prior to the wedding ceremony. In case of a divorce, the *ketubah* includes provisions for distributing the property brought into the marriage.

²⁵ See Benjamin, *Jews of the Dutch Caribbean*, 112; Emmanuel and Emmanuel, *History of the Jews of the Netherlands Antilles*, i. 187–9.

his duty to do, based on his understanding of Jewish self-government on the island, agreed, despite the fact that Aboab had violated no civil laws. Nevertheless, Faesch felt that Aboab's exile was a religious matter and that he had been stirring up partisanship in the Jewish community. In his letter to the WIC, Faesch stated that Aboab's exile was based solely on the request of the *parnasim*.²⁶

This was not the only conflict to be roiling the Jewish community in Curaçao at the time. It had been rocked by a bitter conflict over an inheritance between the Pereira and Leão families, which had taken ten years to resolve.²⁷ The case set something of a precedent for conflict resolution within the Sephardi community in mid-eighteenth-century Curaçao. The *parnasim* of Mikvé Israel could not resolve it satisfactorily and had to appeal to the Amsterdam *parnasim*, who (as would become typical for them) urged that the two families settle their differences and not go to the civil courts. In the end, this conciliatory approach did not work, and the Pereira family took the case to the civil authorities. The civil authorities ruled in their favour in 1750. The Leão family appealed to the States General, as was to ultimately become the norm for the litigious members of Curaçao's Sephardi community.²⁸ Thus we begin to see what could be termed 'judicial shopping', with litigants appealing to multiple adjudicatory entities in search of their favoured outcome. Moreover, we begin to see the confusion engendered by the overlapping jurisdictions of the WIC on Curaçao, the Heren X in the Dutch Republic, the Amsterdam *parnasim*, and the *parnasim* in Curaçao.

Around this time, we also see the beginning of a precedent for a rather heavy-handed use of excommunication in Curaçao. A Sephardi merchant, Isaac Pardo, was excommunicated by Rabbi de Sola over a somewhat minor commercial matter. Pardo then complained to the WIC fiscal controller, Jan van Schagen, claiming his excommunication was invalid. Van Schagen intervened with the *parnasim* on his behalf by writing a sharply worded letter.²⁹ While Aboab had been excommunicated ostensibly for religious matters, Pardo was not. His excommunication seemed to have been an

²⁶ NL-HaNA, TWC 1.05.01.02/316. Aboab left for Amsterdam with a manuscript about the events in Curaçao which he intended to publish. In Amsterdam Aboab blamed Rabbi de Sola for his problems. He was denounced by the Amsterdam community, at the request of the Curaçaoan *parnasim*, who were afraid that Aboab would appeal against his exile to the States General and try to return to Curaçao. The Amsterdam *parnasim* forced Aboab to sign a statement saying that his charges against de Sola were untrue and that he would not publish anything without the consent of the *parnasim*. Moreover, they petitioned the States General to deny any request for a permit to return to Curaçao that Aboab might make, and their request was granted. Aboab proclaimed 'What could a lamb do amidst wolves?' In 1746 the governor stepped in, despite being unsure of what his authority over the matter was, and ordered a general amnesty, including the absolution of all those who had been excommunicated during the Aboab conflict (see Emmanuel and Emmanuel, *History of the Jews of the Netherlands Antilles*, i. 188).

²⁷ See Emmanuel and Emmanuel *History of the Jews of the Netherlands Antilles*, i. 181–3.

²⁸ NL-HaNA, Oude Archief Curacao (Old Archive of Curaçao, OAC) 1.05.12.01.825.

²⁹ Emmanuel and Emmanuel, *History of the Jews of the Netherlands Antilles*, i. 183.

attempt by de Sola to keep an increasingly fractious congregation in line. De Sola declared angrily that his congregation was 'a flock of wolves instead of sheep'.³⁰

Perhaps the congregation had become more bellicose because this was a time of general trouble in Curaçao. There had been a rash of murders along with a severe drought from 1746 to 1749.³¹ In addition, in 1747 France had invaded Holland, which meant that many Curaçaoans suffered financial losses. In 1750 a slave uprising on the island complicated matters further. Moreover, there was a clear precedent for resorting to civil authorities and a definite tendency for both the civil and the communal authorities to be rather ineffectual. The civil authorities deferred to the Jewish community, especially the Amsterdam *parnasim*, while the Sephardi congregation had a pattern of delegating decision-making to the litigants themselves. These competing authorities allowed the Leão–Pereira inheritance case to drag on, entailing multiple appeals to various adjudicatory bodies. The Sephardi communal authorities were deeply concerned with keeping conflicts out of the civil courts, but were often unable to accomplish this. Meanwhile, the WIC officials, particularly Faesch, was stymied by the legacy of what historian C. R. Boxer has called 'a policy of masterly inactivity' in the mediation of competing ethnic and religious interests in WIC-controlled territories.³² That policy seemed to have become the unsanctioned model for governors of WIC territories.

Structure of WIC Governance on Curaçao

The WIC, unlike the better-known Dutch East India Company, had as one of its major goals the promotion of privateering against the Spanish. In exchange for the rights to all seized goods, privateers were awarded permits to attack enemies of the Dutch Republic. However, after years of mismanagement, the WIC folded in 1674, and a new and reorganized WIC emerged that eschewed privateering and, instead, focused on the African slave trade and the exploitation of its remaining possessions, including Curaçao. The second WIC was dependent upon the States General and was a semi-public entity. Curaçao was a possession of the WIC under the authority of the Dutch Republic and was represented by the States General.³³ The company was organized, as the first WIC had been, in five 'chambers' representing the interests of the various cities and regions in the Dutch Republic, each of which received a certain share of the profits.³⁴ Each 'chamber' had a certain number of directors who, in turn, answered to the overall governing board, comprised of nine WIC directors and one member of the States General.³⁵

³⁰ Ibid. i. 184.

³¹ NL-HaNA, TWC 1.05.01.02.597/584.

³² C. R. Boxer, *The Dutch in Brazil, 1624–1654* (Oxford, 1957), 122.

³³ Schiltkamp, *Bestuur en rechtspraak*, 8.

³⁴ These chambers were Amsterdam, Zeeland, Maze, Noorderkwarter, and Stad en Lande (see Henk den Heijer, *De geschiedenis van de WIC* (Zutphen, 2002), III, 114).

³⁵ The directors were known in Dutch as *bewindhebbers*, and the governing board was called the *Heren X*,

Unfortunately, as historian Cornelis Goslinga observed, 'the Company had a nearly impossible combination of tasks to fulfil. As a commercial enterprise it had to make profits, and as a governing institution it had to master the techniques of good government. . . . As a result, it never succeeded in both fields: bad management eroded the profits, and it never mastered the techniques of good government.'³⁶ Bad management was clearly a problem in Curaçao by the mid-eighteenth century. The colonial government was run by the WIC, and the governor of Curaçao was selected and appointed by the Heren X.³⁷ Despite being appointed by the Heren X, the governor's authority ultimately stemmed from the States General, and he ruled in the name of both the WIC and the States General.³⁸ Thus, the settlers in Curaçao had no direct influence over who was appointed governor of their island.³⁹

This arrangement was particularly galling to the colonists, because the office of governor was so important, and the governor was the most influential person in the colony.⁴⁰ The colonial government's executive, legislative, and judicial powers were vested in him. His power was almost absolute, though dependent on orders from the Heren X, who were, in turn, dependent for certain decisions on the States General.⁴¹ The operative word, though, was 'almost', because the governor shared the legislative and judicial power, to some degree, with the ruling council of the island. The council, which also acted as a court of justice, served mainly in an advisory capacity, although the governor needed its co-operation to hire, fire, or suspend any employee in the company's higher ranks. The Heren X functioned as a court of appeal in these matters. The governor was chairman of the council, voted with the other members, and, in case of a tied vote, could cast a double vote. He chaired the sessions in which the council acted as a court of civil or criminal justice.⁴²

During the governorship of Isaac Faesch, the number of council members was increased from nine to ten, in order to have another citizen on the council.⁴³ Until then, six of the nine council members were WIC employees. Unfortunately, the make-up of the council of Curaçao gave no guarantee that good governance would follow. The

or the Ten Gentlemen. The first Dutch West India Company, active from 1621 until 1674 was governed by the Heren XIX. With the establishment of the second Dutch West India Company, the governing board was whittled down to ten.

³⁶ Cornelis Christiaan Goslinga, *The Dutch in the Caribbean and in the Guianas 1680–1791* (Assen, 1985), 79.

³⁷ Ibid.

³⁸ Schiltkamp, *Bestuur en rechtspraak*, 11.

³⁹ Ibid. 59 n. 5.

⁴⁰ The position of governor on the island of Curaçao was an attractive one due to the perks he would receive. For instance, he received 1,200 florins for each slave that was sold and 4 per cent of the value of the food that was sold on the island (see Henk den Heijer, *De geschiedenis van de WIC*, 149).

⁴¹ Goslinga, *The Dutch in the Caribbean and in the Guianas*, 80.

⁴² Ibid. 81.

⁴³ Schiltkamp, *Bestuur en rechtspraak*, 43. It was lowered to nine again in 1764. For the three non-WIC employees, being a council member was often a burden. As the only real organ of government on the island, the members were often overwhelmed by all the business they had to deal with. This meant that the non-WIC council members often had to put their own business affairs aside.

council had to make decisions about issues with which its members were unfamiliar; there were far too many WIC employees on the council, even with the addition of an extra citizen, and the WIC's interests were promoted, even if they were at odds with those of the settlers; and the members' lack of judicial knowledge caused problems, especially in the latter part of the eighteenth century.⁴⁴ The council could only decide on matters, including judicial issues, which the governor brought to it.⁴⁵ Essentially, the organization of the colonies was modelled on the Dutch Republic, with as much as possible of the judicial and other systems of governance being exported to the overseas territories.⁴⁶ Unlike in the Dutch Republic, however, where the States General had to take into consideration the various rights and privileges of cities and provinces, it was possible to have a uniform set of rules and regulations with much more centralized government.⁴⁷ Despite this, the WIC still relied on a system of unofficial checks and balances to deal with the various issues raised by the diverse ethnic and religious population of the colonies. For instance, the Sephardi Jewish community in Amsterdam exerted a not inconsiderable influence on the directors of the WIC thereby serving as a counterweight to the power of the colonial governors.⁴⁸

The influence of the Sephardi community in Amsterdam on Jewish affairs in Curaçao is perhaps best demonstrated in their famous intervention with the directors of the WIC in Amsterdam in 1655 on behalf of their fellow Sephardim against the antisemitic measures taken in the colony of New Netherland by Governor Peter Stuyvesant. Less well known was their intervention in a case involving Balthazar Beck, the brother of Curaçao's governor Matthias Beck. In 1668 Balthazar Beck was a slave commissioner, captain of the civil guard, member of the ruling council, and a judge on Curaçao. He complained about the Jews constantly, imprisoned them with little justification, and allowed the sailors on one of his Spanish slave ships to string up an effigy of Judas who happened to strongly resemble Rabbi Pardo. Little happened to restrain him until one of the company's Jewish shareholders in Amsterdam, Jeronimo Nunes da Costa (Moses Curiel) complained forcefully to the company. Beck was dismissed.⁴⁹ In 1701 Governor Nicolaas van Beek ordered Jews to send their slaves to

⁴⁴ Schiltkamp, *Bestuur en rechtspraak*, 46. There were specific days on which the council would decide on legal matters. Interestingly, Jews and Christians were segregated, with matters concerning Jews being decided on Thursdays from 9 to 11 a.m. Matters concerning both Jewish and Christian mortgages were decided together (Schiltkamp, *Bestuur en rechtspraak*, 60–1). ⁴⁵ Ibid. 24.

⁴⁶ In the seventeenth century, both orphans and inheritance chambers were set up on Curaçao to deal with children who lost one or both parents, as well as to deal with estates and inheritance issues. This was modelled on the same entities in the Dutch Republic. As an aside, Jewish orphans also fell under the authority of the general orphans chamber until 1810, when they set up their own (see *ibid.* 8). ⁴⁷ Ibid. 39.

⁴⁸ In return, the Mahamad forbade the Jewish merchants on Curaçao from participating in actions against the government or from criticizing it. In instances of complaints, the Mahamad turned either directly to the head office of the WIC or to the States General or appealed through the Jewish community in Amsterdam (see Arbelle, *Jewish Nation of the Caribbean*, 145). ⁴⁹ Ibid. 143.

work on Saturdays. When the conflict escalated, the Jews on Curaçao appealed to the Heren X and the Amsterdam *parnasim*. Two of these *parnasim*, Baron de Belmonte and Alexander Nunes da Costa, were shareholders of the WIC. The Heren X, therefore, ordered van Beek to back off, 'as otherwise the trade and population of the aforementioned island would suffer considerable damage'.⁵⁰

The WIC, despite its employees and directors' personal expressions of antisemitism, wanted to stem the flow of Jews to the British colony of Barbados, where they could compete against the Dutch in the growing commerce with the Spanish colonies and in the sugar trade.⁵¹ Therefore, the governors were always under pressure from the Heren X, to treat the Jews well, as they were vital to Curaçao's economy.⁵² Though the WIC administration would almost always act to protect its Sephardi settlers from any perceived 'outside' threat, including, as we have just seen, from its own employees, at least in Curaçao and Suriname, they were often stymied in dealing with internal conflicts. These conflicts were expected to be resolved internally, if at all possible.

The Conflict

By 1746 there were several unresolved conflicts simmering within the Sephardi community on Curaçao. There was the long-running Leão-Pereira inheritance case, David Aboab had just been exiled from the island, and Isaac Pardo was excommunicated, causing much consternation among the community. Moreover, the debate about how to deal with the Neve Shalom Synagogue was unresolved, and there were very real class divisions. At the same time the economic situation was worsening as a result of drought and war. In this context of factionalism and strife, a new conflict broke out, though it could, rather, be seen as an extension of the previous ones, involving the controversial and divisive Rabbi de Sola, he who had found himself among wolves instead of sheep, and Moses Penso, who had already locked horns with de Sola over the financing of a new synagogue. Penso had also been a supporter of David Aboab. By examining this dispute, we can see the ways in which the WIC and the Sephardi community struggled to deal with intra-communal conflict that escaped the bounds of the communal systems of justice set up precisely to keep such disputes in check.

For reasons that are not entirely clear, Rabbi de Sola and the *parnasim* grew increasingly at odds with Moses Penso and others who supported him. In the beginning Penso was cited for violating communal laws by removing a letter written by de Sola, probably concerning the exile of Aboab, from the synagogues files. Penso was brought before the *parnasim*, but refused to submit to their judgement because he viewed them as biased. Therefore, he turned to the civil authorities and went to the government secretary, requesting that de Sola confront him before the governor and the island

⁵⁰ NL-HaNA, TWC 1.05.01.02/357, 15.

⁵¹ Arbell, *The Jewish Nation of the Caribbean*, 243.

⁵² Goslinga, *The Dutch in the Caribbean and in the Guianas*, 80.

council. The second in command to the governor on the island, the quartermaster councilman Jan Gerard Pax, brought the two men in front of Governor Faesch and brokered a peace between them: it lasted ten weeks.

The conflict soon erupted again. The 'opposition' to Rabbi de Sola and the Curaçaoan *parnasim* first appealed to the *parnasim* of the mother community in Amsterdam for redress of their grievances. But the Amsterdam *parnasim* counselled their brethren in Curaçao to settle their differences and stop the case from reaching the civil courts. However, such vague directives did nothing to resolve the issues. Very soon thereafter Penso and two other members of the community were excommunicated. Penso sought to prove that the *parnasim* had no right to excommunicate, based on a case from 1712 in Curaçao when the governor ordered that the excommunication of David Senor be rescinded. All three complained to the governor and the island's council against the misuse of the ban, but Faesch ultimately ordered them to obey the *parnasim*. In light of this precedent, Penso looked to the States General.⁵³ The *parnasim* wanted to avoid this intrusion of civil authority into community affairs, so they backed down and absolved all three men. Nevertheless, it seems that Penso felt morally obliged to continue with the appeal in order to annul all excommunications and to ensure that there were no further excommunications for secular matters.

Meanwhile, the controversy grew and a spate of excommunications followed. Many of those excommunicated by Rabbi de Sola and the *parnasim* appealed to Faesch, who was in a bind as he was caught between civil precedent and the autonomy of the Jewish community.⁵⁴ He soon became swamped with appeals against excommuni-

⁵³ NL-HaNA, OAC 1.05.12.01.863/139; 1.05.12.01.1528; 1.05.12.01.818/47.

⁵⁴ There was a clear precedent in Amsterdam for the incursion of civil authority into the Sephardi practice of excommunication. In the seventeenth century, the Amsterdam city authorities ratified the Sephardi community ordinances and acknowledged its right to exercise the instrument of excommunication against deviants and rebels. This right was explicitly acknowledged on various occasions. Nonetheless, the city magistrates took action if members of the Sephardi community complained that they had been unjustly excommunicated (see Gemeente Stadsarchief Amsterdam (Amsterdam Municipal Archives, GSA), Portugees-Israëlietische Gemeente te Amsterdam (Portuguese Jewish Congregation of Amsterdam, PIGA) 334, 88; GSA, PIGA 334, 20/67; GSA, Notarieel Archief (NA) 964/443). See also the fascinating case of heiress Rebecca Naar in Lydia Hagoort, 'Persons of a Restless Disposition: Conflicts between the Jewish Merchants Lopo Ramires and Manuel Dias Henriques and the *Parnassim* of the Portuguese Nation about the Inheritance of Rebecca Naar', *Studia Rosenthaliana*, 32/2 (1998), 155–72. Until 1683 the Amsterdam magistrate took no steps that might limit the right of the Jewish community to use excommunication, but then, after a complicated situation involving the excommunication of a congregant who bought poultry from an Ashkenazi butcher, the city authorities stated that the leaders of the Sephardi community could not excommunicate its members without the prior agreement and authorization of the city authorities. This was, according to Yosef Kaplan, the result of hidden pressure exerted by the city authorities, who preferred the more moderate measure of nullifying a members rights rather than outright excommunication—probably because that was more in line with their Calvinist understanding of religious discipline. This nullification did not have any religious or sacral significance, nor did it prevent anyone who had been expelled from maintaining social and economic contacts with members of his community (see Kaplan, *An Alternative Path to Modernity*, 137).

cations. In fact, excommunication was wielded so freely that he wrote to the Heren X in the Dutch Republic asking for more information about when the ban could be imposed, so that 'the Jews are not given more power than they already possess'.⁵⁵

De Sola preached offensive sermons against Penso and a few of his supporters. So Penso and forty-five others petitioned the governor to either forbid de Sola from preaching against them or to allow them to open another synagogue. A supporter of Penso's, Mordechai Alvares Correa, was then threatened with excommunication.⁵⁶ At the same time, the *parnasim* lobbied Faesch not to grant the request for a new synagogue, submitting a petition with 235 signatures. The *parnasim*, covering their bases, also urged the *parnasim* in Amsterdam to submit the petition directly to the Heren X. Faesch also wrote a letter to the Heren X, in which he stated that he would not allow another synagogue until he heard otherwise from them.⁵⁷ Two principal stockholders in the WIC, Jacob de David de Pinto and Manuel Lopes Suasso, presented the petition and it was accepted. The WIC, bowing to the power of the Amsterdam community, ordered Faesch to deny any permit for a third synagogue and to endeavour to enforce Jewish obedience to the *parnasim*.⁵⁸

The Amsterdam *parnasim* submitted a thirty-eight-page report on the conflict in January 1747, in which it was disclosed that some of the 'opposition' had been beaten up in the synagogue courtyard. The report gives unequivocal support for de Sola and the *parnasim* in Curaçao. Nevertheless, the Curaçaoan *parnasim* were advised to be sparing in the use of the ban.⁵⁹ Meanwhile, Penso's appeal to the States General had been effective, and they had ordered that his excommunication be overturned.⁶⁰

The conflict nevertheless kept escalating. A fight broke out in the synagogue itself, and the *parnasim* now asked the government authorities in the Dutch Republic to empower them to have anyone they considered unacceptable jailed and/or banished from the island. This last request was too much even for the Amsterdam *parnasim*, who had so far been deeply invested in supporting their fellow oligarchs in Curaçao, and they wrote that they could not agree to 'such unlimited power'.⁶¹ The governor

⁵⁵ NL-HaNA, OAC 1.05.12.01.863/423. This played on fears of Jewish self-government common among the increasingly centralized governments of early modern Europe, who viewed such power as an infringement of the sovereignty of the state. Objections to Jewish self-government were not unique to Curaçao. There were lengthy debates on the subject in early seventeenth-century Venice. In fact, the Venetians refused the Jewish community the right to excommunicate certain offenders, saying problems should be referred to the state's magistrates. In the early fifteenth century the issue came up in Sicily. In 1639 the Florentine government allowed the leaders of its Jewish community to deal with legal disputes between Jews, but required governmental approval of decisions ordering offenders to be exiled (see David Malkiel, 'The Tenuous Thread: A Venetian Lawyer's Apology for Jewish Self-Government in the Seventeenth Century', *AJS Review*, 12/2 (1987), 223–50.

⁵⁶ NL-HaNA, OAC 1.05.12.01.867/79, 211.

⁵⁷ NL-HaNA, TWC 1.05.01.03/403.

⁵⁸ Ibid. 1.05.01.04.475/45.

⁵⁹ GSA, PIGA 344, 1029.

⁶⁰ NL-HaNA, Resolutions of the States General 1.01.03.

⁶¹ Emmanuel and Emmanuel, *History of the Jews of the Netherlands Antilles*, i. 194.

then issued an ineffective proclamation outlawing all fighting. However, he made the mistake of threatening troublemakers with prosecution according to Jewish law.⁶² Although Penso's excommunication had been overturned, many of his faction were still being punished by excommunication—which they felt to be deeply unfair—and Faesch's proclamation, therefore, had little influence on their behaviour. More excommunications of those who were against de Sola and the *parnasim* followed.

The plot thickened, however, because the fiscal controller, Jan van Schagen became involved in a dispute with a supporter of de Sola and the *parnasim*. Governor Faesch, meanwhile, suspected van Schagen of plotting against him to take over the governorship of the island. Faesch thought that van Schagen was going to go to the Dutch Republic, ostensibly to argue the case of Penso and his supporters, but also to undermine Faesch's standing with the Heren X. Thus, Faesch wrote that Penso and his group should be ordered to obey the *parnasim*.⁶³

As Isaac Emmanuel and Suzanne Emmanuel point out, it is clear from the archival evidence that Faesch supported the *parnasim* and was far from an impartial point of contact with the civil authority.⁶⁴ Whether this support was due to his personal dislike of Moses Penso, his suspicion of van Schagen, who backed the opposition, or out of some personal belief in the assertion of traditional religious authority, is unknowable. The island council itself appears to have been divided, while the WIC directors seemed to be trying to balance the recommendations of the governor, which most often coincided with that of the wealthy Jewish shareholders representing the Amsterdam *parnasim*, and the demands of the opposition and van Schagen, some of whom were also wealthy and who also had recourse to the authority of the States General. Meanwhile, the States General was inclined to favour the opposition, if only to prevent a 'government within a government', and thereby to rein in the power of the *parnasim*.⁶⁵

Yet, clearly, nothing was being resolved among the Jewish community in Curaçao. Fights began to break out at burials, because the *parnasim* had ordered that certain prayers for the dead not be said over the bodies of deceased opposition members or their families.⁶⁶ Fifty-seven people petitioned the governor and his council to keep de Sola from making inflammatory sermons and imposing excommunication and for permission for them to conduct services in their own homes. This time, perhaps finally recognizing the futility of directing the petitioners to appeal to the *parnasim*, the governor forbade the opening of another synagogue and urged them to appeal to the civil courts.⁶⁷ However, the opposition had already appealed to the civil authority, including the States General, which had ruled in their favour, and this had still not reined de Sola in, so this directive was particularly ineffectual. In fairness to Faesch, though, he was ordered to pursue a do-nothing policy in deference to pressures

⁶² NL-HaNA, OAC 1.05.12.01.180/132.

⁶³ NL-HaNA, TWC 1.05.01.02/596.

⁶⁴ Emmanuel and Emmanuel, *History of the Jews of the Netherlands Antilles*, i. 206–7.

⁶⁵ Ibid. i. 207.

⁶⁶ NL-HaNA, OAC 1.05.12.01.183/27.

⁶⁷ Ibid. 1.05.12.01.12.

brought to bear by the Amsterdam *parnasim*.⁶⁸ Because of this, the strife worsened. The authorities were even worried it would affect the well-being of the entire colony, because the Jews made up such a large percentage of the white population.

Over several days in May 1749 there were near riots in the streets between the two groups. The governor sent out a sergeant and twenty-four men to put a stop to the violence. He also issued yet another proclamation commanding the Jews to stop fighting with each other. Moreover, he acknowledged in a letter to the Heren X that the trouble came from the excommunications and sought their advice about resolving the problem.⁶⁹ The governor's letters make clear that he felt the *rabbi* and *parnasim* were misusing their authority, which had been restricted to issuing edicts of excommunications solely in religious matters. It seemed clear to him that these congregants had been excommunicated on the grounds of personal and economic issues, not religious ones. The confused Faesch entreated his superiors for clarification on the right of the *parnasim* to excommunicate. He wrote: 'I am not a Jew that I can understand their law'.⁷⁰ The Heren X could do little, however, as they had already ceded the authority to excommunicate to the *parnasim*, and to challenge that authority would not only violate the charters upon which Sephardi settlement on the island was founded, but also undermine the authority of other religious groups, including the state-sponsored Dutch Reformed (Calvinist) Church, to police their own members. Nevertheless, it is clear that the WIC officials felt a deep discomfort with the liberal use of excommunication—a discomfort that went far beyond a desire to check the power of a small group of settlers.

Within Sephardi communities, excommunication, also known as the *herem*, or ban, was not necessarily a severe measure. In fact, it was sometimes used fairly regularly to enforce communal norms.⁷¹ Thus, as Henri Méchoulán has argued, it is quite misleading to translate *herem* as 'excommunication', because the implication of the word was one of complete expulsion, which was only rarely the case.⁷² For instance, even relatively minor infractions, such as buying meat from an Ashkenazi butcher, could incur the *herem*. Sometimes it meant only a day's ban. At other times the *herem* was confined to barring a man from being called to the Torah during a limited period of time. From time to time Christian scholars and theologians criticized the use of the *herem* by the *parnasim* in order to suppress critical opinions.⁷³ For Calvinist sensibilities

⁶⁸ Goslinga, *The Dutch in the Caribbean and in the Guianas*, III.

⁶⁹ NL-HaNA, TWC 1.05.01.02.596.

⁷⁰ Ibid. 1.05.01.02.597/768; quoted in Emmanuel and Emmanuel, *History of the Jews of the Netherlands Antilles*, I, 201.

⁷¹ Kaplan, *An Alternative Path to Modernity*, 108–39.

⁷² Henri Méchoulán, 'Le herem à Amsterdam et "l'excommunication" de Spinoza', *Cahiers Spinoza*, 3 (1979–80), 117–34.

⁷³ This was in contrast to Church discipline—in France, the Netherlands, and Germany, at least—which had as its prime objective penitence, not punishment. The aim was to reconcile people to each other and to the community at large. Reformed Churches all tended to follow a number of steps in their disciplinary routine. The final and most drastic step was permanent excommunication, which was very rare. Of nineteen

however, the concept of excommunication, as they understood it, was at odds with the role of religious discipline and unduly harsh.⁷⁴

Despite his personal distaste for the use of the *herem* by the Jews, the governor had little ammunition in his arsenal. The WIC's organization was deeply rooted in Dutch urban culture, a culture in which groups arbitrated their own disputes, by and large; but turned to a series of adjudicating entities such as the orphan's and bankruptcy chambers, small claims courts, and as a near last resort to the municipal council for disputes. Faesch did not have the authority to deal with these problems. He could and did turn to the Heren X for help, but its authority over the congregation was also not entirely clear, particularly because the boundaries of what constituted a religious infraction in the early modern period, especially in a community which, as we have seen, exerted so much control over all aspects of congregants' lives, were not well defined. Moreover, they were checked by the economic and political power of the Amsterdam *parnasim*, which had steadfastly supported their fellow oligarchs in Curaçao. The governor's desperation increased.

Meanwhile, one bridegroom was refused permission to marry, because his future father-in-law was in the opposition camp. The gravediggers' society was ordered not to dig a grave for one Samuel Touro who had died suddenly. Indeed, the situation deteriorated so severely that there were fights in the cemetery, and the opposition started burying their own dead clandestinely, passing coffins over the cemetery walls.⁷⁵ The governor was forced to send soldiers to keep the peace at Jewish funerals on the island.⁷⁶ For instance, after the death of Mordechai Alvares Correa, one of the opposition leaders, the *parnasim* refused to make the cemetery keys available to the next of kin. Penso and Correa's son-in-law hired sailors to help them gain access to the cemetery. This shocked even those in the Jewish community who had been neutral, and the opposition grew. Once again, the opposition complained to the governor.⁷⁷ By this

cases of disciplinary action recorded in Utrecht in the 1620s no one was excommunicated. Likewise, over nearly 125 years (from 1578 to 1700), there were only thirty-three excommunications in Amsterdam, and the last, with one exception, occurred in 1642, probably because Calvinism had 'won out', and there was less competition among churches (see Judith Pollmann, 'Off the Record: Problems in the Quantification of Calvinist Church Discipline', *Sixteenth Century Journal*, 33/2 (2002), 423–38; Raymond A. Mentzer (ed.), *Sin and the Calvinists: Moral Control and the Consistory in the Reformed Tradition* (Kirkville, Miss., 1994)).

⁷⁴ There were some who viewed it positively. As early as 1615 there is an approving mention of the right of the Jewish community to excommunicate in Hugo Grotius's *Remonstrantie*: 'The masters of the Jews or those who are appointed to that end among them, will have the right to excommunicate and ostracize Jews whose way of life or opinions are evil'. But he also writes: 'Nonetheless, anyone who wishes to complain that he was excommunicated even though he was innocent should submit his complaint to the local authorities, who will investigate the matter and decide according to the laws of the Old Testament', which allows for the intrusion of civil authority into Sephardi communal discipline (see J. Meijer, *Hugo de Groot, Remonstrantie nopen de Ordre dije in de Landen van Hollandt ende Westvrieslandt dijet gestlt op de Joden* (Amsterdam, 1949), 42; quoted in Kaplan, *An Alternative Path to Modernity*, 133).

⁷⁵ NL-HaNA, TWC 1.05.01.02.596/1261.

⁷⁶ Ibid. 1.05.01.02.597/765a–68.

⁷⁷ NL-HaNA, OAC 1.05.12.01.821.

point, the Amsterdam *parnasim* were beginning to lose patience with their brethren in Curaçao and ordered that 'communal matters should not be allowed to end in litigation'.⁷⁸

By 1750 the back and forth between Rabbi de Sola, the Curaçaoan Sephardim (both opposition and 'loyalists'), Faesch, and the *parnasim* in Amsterdam had become too much. As chief of police, Jan van Schagen felt he had to ensure that Curaçao remained peaceful. He had been planning to go to Amsterdam for some time to broker a peace agreement for the Jews on Curaçao. Governor Faesch, as we have seen, had opposed this trip because he suspected that van Schagen was trying to affect a coup and have him removed as governor. Be that as it may, after several delays, van Schagen finally went to Amsterdam. He was initially greeted with little enthusiasm by the Amsterdam *parnasim*, who had heard defamatory things about him from Faesch, as well as from the Curaçaoan *parnasim*. They therefore rejected his plan for peace on the island. He trumped their authority and went directly to the States General. The States General endorsed his plan and referred it back to the Amsterdam *parnasim*. Perhaps under some pressure, they agreed to sign it.

This plan limited the authority of the rabbi. He was no longer to be allowed to attend meetings of the *parnasim*, in the hope that the *parnasim* would act as an independent and neutral body. Moreover, the rabbi was only to be consulted in religious matters and was not to take on the role of judge. Most importantly, he was only allowed to use excommunication in 'exceptional' cases regarding exclusively religious issues. Even then, the excommunication had to be ordered by the *parnasim*.⁷⁹ Thus, there was an acknowledgement of the need to limit the power the rabbi could exercise over the congregation. There was also a clear recognition that the States General was the ultimate adjudicator, despite the rights and privileges given to the Jewish community and the long tradition in the Dutch Republic of religious self-government. Essentially, then, members of the *parnasim* as well as of the ruling council of the island of Curaçao had to break down the boundaries between ecclesiastical and civil court, moral admonishment and legal punishment, in ways that they had not been able to do before, due to the lack of clear guidance on the part of the WIC and an increasingly outdated notion of the religious and social unity of communal life.⁸⁰ This dissolution of religious and civil boundaries was symbolized by the fact that the peace plan was signed by the *stadhouder*, Prince William IV of Orange-Nassau, as representative of the entire Dutch Republic.

⁷⁸ Quoted in Emmanuel and Emmanuel, *History of the Jews of the Netherlands Antilles*, i. 198–9.

⁷⁹ Ibid. ii. 604.

⁸⁰ Mark Valeri, 'Religion, Discipline, and the Economy in Calvin's Geneva', *Sixteenth Century Journal*, 28/1 (1997), 129.

Conclusion

Rabbi Joshua de Cordoba preached a sermon on one of the three days of fast and prayer proclaimed by the Jews of Curaçao around the time of these events. The sermon paints a vivid picture of the social conditions prevailing among them. In his sermon he details a plague and a drought which devastated the island. In addition, he deplores the distinct lack of community solidarity. Commercial competition through price-cutting was the norm. Jewish ship-owners attacked ships owned by their co-religionists on the high seas and even near port. These same Jewish ship-owners refused to band together in the face of attacks by Spaniards on boats owned by other Jews.⁸¹

Nor were the Jews the only ones suffering: plague, drought, and the depredations of the Spaniards affected everyone on the island. There were also bitter conflicts within the Protestant and Catholic communities. These conflicts had begun in the early 1730s, when there was an ill-fated attempt to depose the Protestant minister Wigboldus Rasvelt.⁸² Meanwhile, the Catholics were, like the Jews, fighting with their brethren in the streets of Otrabanda. Among the reasons for Catholic unrest was the rumour that Catholic priests were stirring up the 'coloured' and black people against the white (Protestant and Jewish) minorities, giving rise to continual quarrelling among the various factions among the Catholics on the island.⁸³ The fights were so violent and frequent that Faesch threatened to exile the troublemakers. Much like the assertion of traditional religious authority he had promoted in the cases of intra-communal conflict among the Jews, he ordered that the congregants obey their pastor until a new one arrived. Clearly, then, as Goslinga noted, 'the small island community displayed the characteristic of vicious backbiting'.⁸⁴

Yet despite the problems in the religious communities on the island, the default policy of 'masterly inactivity' promoted by the WIC remained the model on Curaçao. This inactivity, coupled with the long-recognized right in the Dutch Republic and the WIC of self-government for religious groups was diffused throughout the Dutch territories overseas. For the WIC officials, religion was necessary for society to function well. The clergyman—whether rabbi, priest, or protestant minister—represented his congregation and was officially invested with authority over that congregation. He helped society to stay well ordered by ensuring that his congregants behaved in appropriate ways. Because values were asserted through religion in Dutch culture, religious institutions both in the Dutch Republic itself and in the territories overseas provided the means for the transmission of values.

⁸¹ Kaplan, 'The Curaçao and Amsterdam Jewish Communities in the 17th and 18th Centuries', 206.

⁸² NL-HaNA, TWC 1.05.01.02.243/53–61; 70–83; 135–36; 180–2.

⁸³ Goslinga, *The Dutch in the Caribbean and in the Guianas*, 261. Most of the blacks (both enslaved and free), as well as the people of mixed descent were members of the Catholic church. Most of the white elite were either members of the Dutch Reformed (Calvinist) church or Sephardi Jews.

⁸⁴ Ibid. 261.

The expectations of citizens and municipal authorities alike were that religious institutions would resolve conflicts between their members, and almost everyone was affiliated in some way with a religious institution. Groups like the Sephardim and Mennonites, among other religious groups in Amsterdam, even prescribed heavy penalties for, as it were, airing intra-communal dirty laundry in public by not submitting their conflicts to communal arbitration.⁸⁵ Yet the religious institutions on Curaçao, particularly the Jewish congregation, could not resolve their communal conflicts, because the near all-encompassing social and even economic role that religious communities possessed in the early modern period was fading.⁸⁶

This situation was complicated by the fact that the rights and privileges given to Jews in the territories governed by the WIC were not uniform and were often the result of commercial expediency. For instance, in an effort to stimulate settlement and profit from existing Sephardi trade networks in the region, the WIC had guaranteed the Sephardi settlers in Curaçao and Suriname freedom of religion. But this also meant that there was no standardized set of laws or regulations for the WIC governors which might help determine how and when they had the authority to intervene in Sephardi communal governance. Moreover, the Heren X did not always have the final word in adjudicating decisions. It was not uncommon for colonists of all stripes to appeal the decisions made by the WIC's Heren X to the States General of the Dutch Republic—and those making such appeals sometimes won and the directives of the WIC were overturned. In fact, in the conflict I have analysed here, the States General almost always took the side of the 'opposition', while the Heren X, perhaps influenced by its wealthy Jewish shareholders, tended to side with the *parnasim*.

Because the Heren X were strongly influenced by the wealthy shareholders representing the interests of the Amsterdam (and Curaçaoan) *parnasim*, it is tempting to cast the conflict solely in terms of class. The conflict looks, on one level at least, very much like the result of an explosion of tensions between the wealthy Jewish traders who lived in the main city of Willemstad and the oligarchic *parnasim* who represented them, on the one side, and the poor Jews living in Otrabanda struggling for representation and recognition, on the other. In fact, as a consequence of this conflict, in 1752 the notables of the Amsterdam community tried to mitigate the class conflict and dissent on Curaçao, by giving a degree of influence to people from the middle and lower middle classes and curbing to some extent the extreme oligarchic tendencies which marked the Curaçaoan community.⁸⁷ So the class-based analysis is partially true. But Moses Penso,

⁸⁵ For an excellent analysis of how the Dutch Reformed Church dealt with intra-communal conflicts, see Herman Roodenburg, *Onder Censuur: De Kerkelijke Tucht in de Gereformeerde Gemeente van Amsterdam, 1578–1700* (Hilversum, 1990).

⁸⁶ The Sephardi community in eighteenth-century France was also notoriously fractious (see Zosa Szajkowski, 'Internal Conflicts within the Eighteenth Century Sephardic Communities of France', in id. (ed.), *Jews and the French Revolutions of 1789, 1830 and 1848* (New York, 1970), 167–75).

⁸⁷ Kaplan, 'The Curaçao and Amsterdam Jewish Communities in the 17th and 18th Centuries', 203; see also

the opposition leader, was a wealthy merchant, as were several other members of the opposition. Moreover, not all opposition members lived in Otrabanda. There were already long-simmering tensions within the community based on intra-familial feuds, such as that between the Pereira and Leão families, and issues of religious interpretation, like those that arose during the short and turbulent tenure of David Aboab on the island. Therefore, a class-based analysis will only take us so far.

I am more inclined to view the conflict as stemming from bad leadership, at least in part. De Sola was known to be hot-headed and impetuous.⁸⁸ He was clearly autocratic and unwilling or unable to compromise at any turn and primarily concerned with asserting his own authority and that of the *parnasim* against any perceived challengers. He seemed to have had little concern for reconciliation and the promotion of peaceful coexistence. Faesch was known as a generally fair and reasonable governor through most of his long term, but it seems that he allowed his personal dislike for Penso to cloud his judgement.⁸⁹ For instance, he refused to annul Penso's excommunication, but a few days later he overrode the *parnasim*'s excommunication of other congregants—congregants who had been excommunicated at the same time and for the same alleged infractions as Penso. Moreover, he often behaved in a contradictory manner, especially regarding excommunications. Sometimes he asserted his authority to overrule them, at others he acted as though he did not have the authority to do so, demanding answers about Jewish law from the Heren X.

Bad leadership is nothing new. However, in mid-eighteenth-century Curaçao, this bad leadership was set within the context of inefficient governmental and judicial structures. The Jewish community was supposed to regulate itself, as religious affiliation was all-encompassing. Yet it could not do so, as it became ever easier for members to live outside their religious community. Moreover, no one seemed sure of what to do when the policy of having the Jews adjudicate their own conflicts failed, as it did quite frequently. The *parnasim* were deeply invested in maintaining their own power and control yet were under the authority of the *parnasim* in Amsterdam. The *parnasim* in Amsterdam would almost always support their fellow oligarchs in the colonies, because not to do so would have undermined their own authority—until such time as the conflict became so big that the States General and the *stadhouder* became involved. The governor was supposed to be an impartial authority, yet he was far from being so, at least regarding Penso. The island council was meant to represent the islanders, yet it had little or no judicial expertise. Moreover, it could only rule on issues that the governor brought to its attention, and its members were mostly WIC employees, who

'Sermão Pregado por R. Jeosuah de Cordova em 11 Adar Risson 5513, dia instituido de Jejum e Rogativas na ilha de Curacao' (Sermon preached by R. Jeosuah de Cordova on 17 March 1753, a day set aside for fasting and prayer on the island of Curaçao), Library Ets Haim–Livreria Montezinos, Amsterdam, MS 48D46, 17–18.

⁸⁸ Emmanuel and Emmanuel, *History of the Jews of the Netherlands Antilles*, i. 204.

⁸⁹ Goslinga, *The Dutch in the Caribbean and in the Guianas*, 109, III.

acted in the interests of the company, which, in this case, generally seems to have meant keeping the largely wealthy *parnasim* and their supporters happy. The Heren X was intended to be the main authority, but was influenced by lobbying from the *parnasim* in Amsterdam, which complicated the overlapping and sometimes contradictory systems for the adjudication of conflicts. Ironically, we can also see that the unofficial system of checks and balances instituted by the WIC 'worked', to some extent, because the States General, as the ultimate adjudicating authority, balanced out the power of the conflicting interests. Nevertheless, the system of resorting to the States General was a painfully time-consuming and inefficient way to rule a colony. Little wonder, then, that the days of the WIC were numbered. Within fifty years, the company was no more.

