

EARLY MODERN WORKSHOP: Jewish History Resources

Volume 5: Law: Continuity and Change in the Early Modern Period, 2008, Yeshiva University, New York, NY

Evasion as a Legal Tactic: The 1616 Amsterdam Regulations Concerning the Jews

Miriam Bodian, University of Texas at Austin, USA

ABSTRACT: Early modern rulers (or ruling bodies) who chose to readmit Jews in places where they had long been banned were faced with theological dilemmas and practical problems. Although it is true that the principle of freedom of conscience was gaining increasing acceptance, its adherents were rarely clear about whether it could be applied to non-Christians. And while the economic interests of rulers favored the settlement of Jews in their lands, the opposition of guilds and clergy could not be ignored. In these circumstances, a rather striking policy of evasion was adopted - in France, in the Netherlands, and in England. The legal status of the Jews remained formally unclear, while in practice Jews were allowed to establish themselves with unprecedented rights. To illustrate this legal tactic, I will present the Amsterdam Regulations of 1616 concerning the Jews - a rather meager document which constituted the legal basis for Jewish settlement in that city for nearly two centuries.

This presentation is for the following text(s):

- The Regulations for the Jews of Amsterdam (1616)



PLAY VIDEO

Miriam Bodian

University of Texas at Austin, USA

Duration: 54:28

Copyright © 2012 Early Modern Workshop

EARLY MODERN WORKSHOP: Jewish History Resources

Volume 5: Law: Continuity and Change in the Early Modern Period, 2008, Yeshiva University, New York, NY

Introduction to the 1616 Regulations for the Jews of Amsterdam

Miriam Bodian, University of Texas at Austin, USA

INTRODUCTION – REGULATIONS FOR THE JEWS OF AMSTERDAM, 1616

In the 1590s, a trickle of emigrés from Portuguese and Spanish lands (including Antwerp) made their way to the city of Amsterdam in the newly independent Dutch Republic. These emigrés were “New Christians” – descendants of baptized Jews who had lived outwardly as Catholics in Iberian lands. Their religious identity upon their arrival in Amsterdam (as in other places where they spearheaded the resettlement of Jews in western Europe) was initially ambiguous. But by the early years of the seventeenth century they had organized an openly practicing Jewish community, with the implicit consent of the authorities. From this nucleus there developed one of the most powerful Jewish communities in seventeenth-century Europe.

In marked contrast to the Jewish communities of Germanic lands and Italy, where medieval patterns continued to evolve, the Portuguese Jews of Amsterdam were never granted a charter of settlement. They were never officially denied (or granted) freedom of worship. They were not burdened with sweeping economic restrictions or special taxes. The rather meager document presented here constitutes the primary legal instrument that governed their settlement in Amsterdam for almost two centuries. It was issued in 1616 by the burgomasters of Amsterdam as a provisional measure, but was never expanded or revised. It was amended only by an (admittedly significant) regulation of 1632 that denied Amsterdam’s Jews the full rights of burghers. Since the States, or governing body, of the province of Holland decided in 1619 to leave the responsibility for determining the status of the Jews in the hands of the municipalities, the 1616 document oddly became the definitive statement concerning the status of the Jews of Amsterdam.

The regulations appear to have been prompted by complaints from members of the Reformed clergy about a) sexual relations between Portuguese Jews and Christian

women; b) criticisms of Christianity by Portuguese Jews; and c) the conversion of Dutch Christians to Judaism (a rare but scandalous occurrence). There is nothing novel in the prohibition of these behaviors; indeed, they were standard features of Jewry law. What is striking is the absence of hostile rhetoric. The restraint in the prohibition of anti-Christian speech and writing is particularly noteworthy. Portuguese Jews were notorious for their anti-Christian views (indeed these views was integral to their elaboration of Judaism). Yet the regulation prohibiting the public airing of their views entirely lacks the usual references to Jewish “blasphemy,” “impudence,” and the like.

A casual reader might almost overlook the endorsement in these regulations of a municipal council decision made four years earlier. The Jews were “to comport themselves...in all modesty, according to the laws of this country and the specific regulations of this court, and particularly according to the resolution issued to them on May 2, 1612.” In fact, the resolution of 1612, issued under pressure from the Calvinist clergy, not only called for modesty, but prohibited the construction and use of a synagogue. In a maneuver that was to be repeated many times, the municipal council had pacified the clergy by passing the resolution, while quietly subverting it: The building was purchased by a Christian (indeed, a member of the municipal council), and was used, as intended, as a synagogue. The regulations of 1616, like this earlier resolution, served to mollify the Reformed Church authorities and send a message to the Jews to keep a low profile.

The ambiguous, ill-defined status of the Jews of early modern Amsterdam does not lend itself to easy interpretation. Striking parallels can be found in the indeterminate legal status of other communities founded by New Christians and their descendants in southwest France and London. One could argue that the ruling elites of these nations adopted a policy of legal evasion as a means of attracting an important mercantile population while at the same time keeping powerful clerical bodies and guilds at bay. There is a good deal of truth to this. But it is also a grave simplification. The ruling elites of these nations were not free of their own historical anxieties about Jews, and were not always at odds with the clergy. For example, the great jurist Hugo Grotius, asked by the States of Holland to draw up a set of regulations for the Jews in 1615 (his draft regulations were never implemented), recommended a quite restrictive policy with an explicitly conversionist agenda. And although the 1616 regulations granted extraordinary freedoms to the Jews of Amsterdam, these freedoms were not anchored in explicit legal principles.

Bibliography

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

Hsia, R. Po-Chia and Henk van Nierop, eds. *Calvinism and Religious Toleration in the Dutch Golden Age*. Cambridge, 2002.

Israel, Jonathan. *Empires and Entrepots: The Dutch, the Spanish Monarchy and the Jews*,

Swetschinski, Daniel. *Reluctant Cosmopolitans: The Portuguese Jews of Seventeenth-Century Amsterdam*. London, 2000.

Copyright © 2012 Early Modern Workshop

EARLY MODERN WORKSHOP: Jewish History Resources

Volume 5: Law: Continuity and Change in the Early Modern Period, 2008, Yeshiva University, New York, NY

The Regulations for the Jews of Amsterdam (1616) Amsterdam Regulations Concerning the Jews (1616) 1616

Translated by Miriam Bodian and Wijnie de Groot

Representatives of the Jewish Nation, having been so ordered, were summoned today by the magistrates of the Court, and they arrived in sufficient number. It has been found that some among them exercise very great and unchecked license to visit and converse with the women and daughters of these lands: this not only causes great vexation in this City and its environs, but produces other harmful results. There is no longer any intention of tolerating this, but rather to punish appropriately the offenses that have been committed. And to better warn them [the Jews] and to prevent such excesses in the future, which violate the good governance of this city and the constitution of this same Christian community, they will be admonished not to speak or to write, and to ensure that nothing be spoken or written, which could in any way serve to harm our Christian religion; nor to attempt to entice any Christian person away from our Christian faith or to circumcize such a person; nor to have sexual intercourse with any Christian women or daughters in or out of wedlock, even if they are of ill repute. And [they are] to comport themselves with others, as well as with the good authorities of this city, in all modesty, according to the laws of this country and the specific regulations of this court, and particularly according to the resolution issued to them on May 2, 1612; and [they are] also to distribute this proclamation and warning to everyone of their Nation. It is the intention of the Magistrates of the Court to proceed severely against offenders and violators of the Christian Religion and the good governance of this city, and to administer such justice as circumstances require in accordance with civil law, as well as with public ordinances and decrees. The excuse of ignorance will not be accepted. Moreover, in future, the following form will be used in taking the oath (which will be imposed upon them by the judiciary or by the request of any party), and the oath will be administered accordingly.

Oath

You swear by the Almighty, living God who has created heaven and earth and who has handed down His laws through Moses, to be honest and sincere in your replies to what is asked of you or presented to you here; but if you make a false statement, fully or in part, you will be subjected to all the temporary and eternal curses, plagues, and punishments which the God of Israel visited on Sodom and Gomorra, as well as on Korach, Dathan and Abiram, and with which He has threatened all those who invoke and use His name frivolously and in vain. So may the Almighty and Omniscient God, Creator of heaven and earth, help or punish you.

[same in Spanish]

And all this [is] provisional until a more specific order is issued by resolution of the High Lords of the States of Holland and West Friesland or by the Magistrates of the Court. Thus confirmed by the Mayors *demptis* Witsen and Benninck and all the aldermen on November 8, 1616, and announced to the Jewish Nation, in order to regulate them accordingly, on the 17th of the aforesaid month.

Copyright © 2012 Early Modern Workshop

EARLY MODERN WORKSHOP: Jewish History Resources

Volume 5: Law: Continuity and Change in the Early Modern Period, 2008, Yeshiva University, New York, NY

Amsterdam Regulations Concerning the Jews (1616) The Regulations for the Jews of Amsterdam (1616) 1616

Prepared by Miriam Bodian, University of Texas at Austin, USA

Op huyden is by mijne Heeren van den Gerechte die van de Joodsche Natie in competenten getale voor hare E. ontboden en verschenen sijnde aengeseyt/ Alsoo klaerlick word bevonden/ dat eenige onder haer luyden seer groote ende ongebonde licentie gebruycken in 't frequenteren en converseren met de vrouwen ende dochteren van dese Landen: daer uyt niet alleen groote ergernissen onder de Gemeente van dese Stad ende al-omme worden gecauseert/ maer oock geschapen sijn andere schadelicke effecten ende inconvenienten te sullen ontstaen; dat men over sulx niet van meeninge is 't selve langer te gedoogen ende te passeren/ maer de fauten ende delicten al reede gepleegt te doen straffen naer behooren. Ende ten eynde haer voor het toekomende beter mogen wachten ende onthouden van soodanige en andere excessen/ strijdende jegens de goede policie van dese Stad ende constitutie van der selver Christelicke Gemeente/ dat syluyden ten over-vloet worden gewaerschout niet te spreken ofte schrijven/ oock sorge te dragen/ dat niet gesproken often geschreven worde, 't welcke eenigsints soude mogen strecken tot versmadenisse van onse Christelicke Religie; niet te poogen eenig Christen persoon van onse Christelicke Religie af te trecken ofte te besnijden; met geene Christenen vrouwen ofte dochteren in ofte buyten houwelick eenige vleeschelicke gemeenschap te hebben/ niet tegenstaende oock de selve van oneerlick leven mochten wesen. En haer voorts so onder den anderen als tegens de goede Gemeente deser Stad te gedragen in alle modestie ende volgens de Placcaten van den Lande en particuliere Keuren van desen Gerechte; oock voornamentlickens volgens sekere Resolutie haerluyden op den 2 May 1612, bekend gemaect; mitsgaders alle die van hare Natie van alle 't selve advertentie ende waerschouwinge te laten doen; alsoo de meeninge is van mijne Heeren van den Gerechte jegens de contra-venteurs ende violateurs van de Christelicke Religie en goed Policie binnen dese Stad ernstelick te doen procederen ende in conformité van de Civile ende Beschreven Rechten/ mitsgaders publijcke Ordonnantien en Keuren over de selve soodanig Rechte en Justitie te

administreren/ als naer exigentie van saken bevinden sullen te behooren; sonder dat eenige excusen van ignorantie sullen worden geadmitteert. Sal mede die van de Joodsche Natie voortaan in 't doen van den eed (welcken haer of by Sententie gedefereert ende op-geleyd/ of ten versoecke van eenige partijen van de selve sal worden gevordert) het na-volgende Formulier voor-gedragen/ ende den eed daer op af-genomen worden.

Eed.

Gy sweert by den Almagtigen ende Levendige God/ die Hemel ende Aerde geschapen heeft/ ende door Mosem sijne Wetten gegeven/ oprecht ende waerachtig te wesen 't gene u alhier gevraegt ende voor-gehouden word; en so gy in 't geheel ofte deel iets valschelicke ofte t'onrechte verklaert/ dat gy u alle tijdelicke ende eeuwige vermaledijdingen/ plagen en straffen onderwerpt/ welcke den God Israels over die van Sodoma ende Gomorra/ oock Corah/ Dathan ende Abiram heeft gesonden/ ende allen den soodanigen gedreygt/ die sijnen name valschelick ende lichtvaerdelick aen-roepen en gebruycken. Soo waerlick helpe ofte straffe u den Almagtigen en Al-wetenden God, Schepper des Hemels ende der Aerden.

Vos jurais a Dios todo poderoso y vivo, quien criò el Cielo y la Terra, y díó sus Leyes por Moysen, ser justo y verdadero lo que aqui se vos pregunta y propone; y si en todo ò en parte declarais alguna cosa falsa ó injustamente, que Vos os condenais y someteis a todas las maldiciones, plagas y castigaciones temporales y eternas, que el Dios d'Israël ha embiado a los de Sodoma y Gomorra, y assi mismo a Corah, Dathan y Abiram, y ha menaçado a todos los que invocan y usurpan sy nombre falsa y temeramente. *Que assy verdaderamente os ayude ò castigue Dios todo poderoso y todo sabidor, Criador del Cielo y de la Tierra.*

Ende dit alles by provisie tot dat by Resolutie van de Ed. Hg. Mo: Heeren Staten van Holland ende West-vriesland/ ofte by mijne Heeren van den Gerechte hier op nader ende speciaelder ordre sal wesen geraemt. Gearresteert by alle de Burgermeesteren/ demptis Witsen ende Benninck/ ende alle de Schepenen/ den 8. Novembris Anno 1616. ende dien-volgende die van de Joodsche Natie aen-geseyd/ om haer naer deser te reguleren/ den 17. der voorsz. maend.

From: Hermanus Noordkerk, *Handvesten ofte Privilegien ende Octroyen...der Stad Amstelredam* (Amsterdam 1748).