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SEPHARDIC MERCHANTS BETWEEN STATE
AND RABBINIC COURTS

MALFEASANCE, PROPERTY RIGHTS AND RELIGIOUS AUTHORITY
IN THE EIGHTEENTH-CENTURY MEDITERRANEAN

In 1769, the rabbinic court of Tunis ordered that Joseph Nataf, a prominent Tunisian Sephardi who was then in Genoa on commercial affairs, be banned from the community by means of a *herem*, or excommunication. The Tunisian rabbinate accused Nataf of renegeing on a business agreement with his cousins. A herem was no small punishment for an observant Jew such as Nataf: it forbade him from participating in all religious rites and community gatherings. Yet Nataf showed no fear or remorse. He contested the rabbis' claims by battling his cousins before the Genoese civil tribunals. Meanwhile, he also initiated a public opinion campaign to discredit the Tunisian religious court among his coreligionists. In order to press his case, he turned to publishing broadsides. The Tunisian rabbinate responded similarly. In the months to come, many Jews in Italy – both scholars and merchants – were called to take a position in the ensuing pamphlet war between Nataf and the rabbis of Tunis.¹

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¹ Unless otherwise noted, all information and citations come from a folder of unpaginated documents preserved at the Alliance Israélite Universelle (hereafter AIU), MS 501 I, H. Copies of some (but not all) of the printed documents included in this folder are also preserved at the Jewish Theological Seminar (hereafter JTS), SHF 1745:9 and the Biblioteca degli Istituti Giuridici, Genoa

The details of the 'Nataf affair' – as I will refer to it in light of the proportions that it reached – are fascinating. But their relevance, I argue, is more than anecdotal. This incident raises questions that are crucial to an understanding of the ways in which Sephardic merchants operated in Mediterranean and European long-distance trade in the eighteenth century. For historians of Jewish societies, this case opens up a new window onto the status of rabbinic authority among the Sephardic commercial elites on both the southern and northern shores of the Mediterranean. For economic historians, it offers an opportunity to inquire into the dissolution of trust among coreligionists and to gauge the effectiveness of diverse legal systems and tribunals in arbitrating controversies over property rights among Sephardic merchants who operated or held investments in different towns. The purpose of this essay, then, is to demonstrate concretely the necessity of joining these two disciplinary lines of inquiry, which all too often stand in isolation.

Threats of expulsion were a traditional means of imposing conformity within Jewish communities, and not only in matters concerning religious orthodoxy. In the Ottoman Empire, rabbinic courts remained influential and often adjudicated commercial disputes.² Matthias Lehmann recently spoke of «an aura of sacredness» surrounding rabbinic figures in Tunis at the time of the Nataf affair.³ Among European Sephardim, by contrast, threats of expulsion exerted only limited influence over business conduct.

(hereafter BIG), *Allegaciones*, 25 (13, 73, 73bis). In theory, denouncing a fellow Jew before a state tribunal was an infraction of Jewish law, but the practice was widespread in the eighteenth century; M. ROSMAN, *The Role of Non-Jewish Authorities in Resolving Conflicts Within Jewish Communities in the Early Modern Period*, «Jewish Political Studies Review», XII, 2000, pp. 53-65.

² The situation undoubtedly varied from one location to the other. Jews regularly sued one another before the Muslim qadis in sixteenth-century Jerusalem; A. COHEN, *Jewish Life under Islam: Jerusalem in the Sixteenth Century*, Cambridge, Mass., Harvard University Press, 1984, pp. 110-111, 115-119. The same happened in Salonica, although Jews who took other Jews to an Ottoman court were blamed by their coreligionists; M. ROZEN, *Individual and Community in Jewish Society of the Ottoman Empire: Salonika in the Sixteenth Century*, in *The Jews of the Ottoman Empire*, ed. A. Levy, Princeton, Darwin Press, 1994, pp. 215-274. In contrast, in seventeenth- and eighteenth-century Aleppo, Jews preferred to resolve their disputes before Jewish courts; E. ELDEM, D. GOFFMAN and B. MASTERS, *The Ottoman City Between East and West: Aleppo, Izmir, and Istanbul*, Cambridge, Cambridge University Press, 1999, p. 43. Rabbinical responsa suggest that Ottoman and North African Jews increasingly sidelined rabbinic tribunals after the mid-eighteenth century; M. GOLDISH, *Jewish Questions: Responsa on Sephardic Life in the Early Modern Period*, Princeton, Princeton University Press, 2008, p. XIV. For a revisionist account that downplays the autonomy of Jewish courts in the early modern Ottoman Empire, see J.R. HACKER, *Jewish Autonomy in the Ottoman Empire: its Scope and Limits; Jewish Courts from the Sixteenth to the Eighteenth Centuries*, in *The Jews of the Ottoman Empire*, cit., pp. 153-202.

³ M. LEHMANN, *Levantine and Other Jews: Reading H.Y.D. Azulai's Travel Diary*, «Jewish Social Studies», s. III, vol. XIII, 2007, pp. 1-34, here at p. 16.

To begin with, they were issued and enforced by lay leaders (not rabbis), who for the most part were themselves merchants and bankers involved in local and international commerce – a custom that rabbis traveling from Palestine and North Africa found reprehensible.⁴ Moreover, in European ports such as Livorno, Amsterdam, and London, Iberian Jews regularly appeared before civil and commercial courts where, at least in theory, they were subjected to the same treatment as Christian merchants. In Livorno, Nataf would find plenty of inspiration to challenge rabbinic authority and press charges against coreligionists before lay Jewish and state courts alike.

The fierce and prolonged legal battle between Nataf and his cousins reminds us that we should not presume that trust was a natural attribute of Sephardic commercial networks, or of any other diaspora for that matter. Admittedly, social incentives (beginning with marital alliances) and coercion (ranging from peer pressure to threats of expulsion) curtailed malfeasance among coreligionists. At the same time, it is by no means a wild leap of imagination to consider the possibility that social and emotional proximity could also ignite acrimonious rivalries. When conflicts reached a tribunal, adjudication was rarely simple or fast. The growing interest among economic historians in the role that legal institutions played in furthering market efficiency is seldom matched by a close scrutiny of the ways in which specific tribunals worked, the competition that existed between multiple sovereign and corporate authorities in charge of adjudicating commercial disputes, and therefore also the degree to which merchants (Sephardim and others) sought to exploit the jurisdictional particularism within each state and the lack of coordination between tribunals of different states.⁵

⁴ Y. KAPLAN, *The Social Function of the Herem in the Portuguese Jewish Community of Amsterdam in the Seventeenth Century*, in *Dutch Jewish History: Proceedings of the Symposium on the History of the Jews in the Netherlands* (Nov. 28-Dec. 3, 1982, Tel-Aviv-Jerusalem), ed. J. Michman, Jerusalem, Tel-Aviv University-Hebrew University of Jerusalem-The Institute for Research on Dutch Jewry, 1984, pp. 111-156; A.S. TOAFF, *La giurisdizione autonoma degli ebrei di Livorno e la controversia con R. Ja'acob Sasportas (1680)*, «La rassegna mensile di Israel», vol. XXXI, 1965, pp. 273-285; A. MILANO, *L'amministrazione della giustizia presso gli ebrei di Livorno nel Sei e Settecento*, in *Scritti in memoria di Leone Carpi*, Jerusalem, Fondazione Sally Mayer, 1967, pp. 133-164; E. CARLEBACH, *The Pursuit of Heresy: Rabbi Moses Hagiz and the Sabbatian Controversies*, New York, Columbia University Press, 1990, p. 49.

⁵ Recent and important works by economic historians who insist on the impact of legal institutions on the organization of long-distance trade tend to focus on the medieval period and generally praise the *lex mercatoria* as a self-regulatory mechanism. However, these scholars generally pay little attention to the law's implementation in concrete cases. See, for example, P.R. MILGROM, D.C. NORTH and B.R. WEINGAST, *The Role of Institutions in the Revival of Trade: The Law Merchant, Private Judges, and the Champagne Fairs*, «Economics and Politics», s. I, vol. II, 1990, pp. 1-23; A. GREIF, *Institutions and the Path to the Modern Economy: Lessons from Medieval Trade*, Cambridge, Cambridge University Press, 2006, esp. pp. 70-71.

Commercial law, with its summary procedure, absence of legal practitioners, and minimal use of written evidence, was meant to offer rapid and equitable justice to expedite trade. Even in port cities where merchants' courts did not exist, in the eighteenth century civil courts routinely incorporated the customary and written norms of commercial law and thus contributed to the creation of more uniform rules and expectations for the conduct of long-distance trade. In practice, however, the parties could easily protract their disputes if they wished to do so. That is why studies that focus on the development of legal institutions, rather than the ways in which actors approached them, risk depicting a one-dimensional and overly homogenous portrait of the relationship between merchants and state authorities. As Anthony Molho emphasizes in his study of Mediterranean Jewry, all stateless diasporas, and perhaps European Sephardim most acutely, shared a sharp awareness of the importance of interacting with successive or rival state powers.⁶ At every turn, they needed to carve out a space for themselves. Sometimes it was a matter of survival. But more often, it was a quest for the best deal.

It is extremely difficult, however, to reconstruct the ways in which Sephardim navigated the web of jurisdictions that existed in each port city and how they exploited the tension between various legal and political entities. The documents generated by Jewish communities alone are not sufficient to capture the breadth of merchants' strategies, nor is it enough to explore archival collections in any one city or state alone. In what might otherwise become an endless research path, chance can sometimes play a role. My reconstruction of the Nataf affair owes a lot to a haphazard encounter with a folder of printed and manuscript documents preserved at the Alliance Israélite Universelle in Paris, whose content has only a weak connection to the rest of this archival repository. Without this folder, the pieces of the story regarding Nataf that exist in various Italian archives would make little sense and would be unlikely to attract a historian's attention. Yet only through close scrutiny of cases such as this can we begin to delve into the ways in which the everyday commercial strategies of Sephardic merchants were entangled with conflicting legal authorities, both inside and outside their communities.

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In May 1757, Joseph Nataf, son of Samuel, arrived in Livorno carrying powers of attorney signed in Tunis by his cousins (Joseph, Joshua, and Judah

⁶ A. MOLHO, *Ebrei e marrani fra Italia e Levante ottomano*, in *Storia d'Italia: Annali*, vol. XI/2, *Gli Ebrei in Italia*, ed. C. Vivanti, Torino, Einaudi, 1997, pp. 1011-1043. A slightly modified English version of this essay appeared as *Jews and Marranos before the Law: Five Mediterranean Stories*, «Gramma: Journal of Theory and Criticism», vol. VI, 1998, pp. 13-30.

Nataf, sons of Solomon) and their mother, Sultana (Fig. 1).⁷ The powers of attorney charged Nataf with recovering his and his relatives' credits from their commission agents in Livorno, a Jewish partnership known as «Cesare Leone & Company».⁸ Headed by Jacob, Isaac, and Daniel Saccuto (Fig. 2), this partnership had been doing business with the Natafs since 1720. In Livorno, the Tunisian Jews bought wool, dye, alum and other products for the Tunisian hat manufactures, as well as fine silk textiles, refined sugar, and other assorted goods. The Saccutos were particularly interested in Tunisian unprocessed coral but also imported food staples (such as chickpeas and fava beans), raw wool, leather, and wax.⁹

The Natafs and the Saccutos belonged to a small but commercially influential cluster of Sephardic families who controlled the exchanges between Tunis, Livorno, and Marseilles during the eighteenth century. This was the only branch of the early modern Mediterranean trade in which Jews held a dominant position for any substantial amount of time. Never did they reach a similar position in the Levant, for example.¹⁰ Through their agents in Livorno,

⁷ These powers of attorney were originally registered at the Habsburg and Dutch consulates in Tunis. Copies were later submitted to the Livorno Jewish court; Archivio della Comunità Ebraica, Livorno (hereafter ACEL), *Tribunale dei massari* (hereafter TM): *Atti civili 1758*, filza 286, no. 1.

⁸ We do not know why the Natafs chose Casare Leone & Co. as their principal commission agents in Livorno but it appears that they did not have close kin of their own in the Tuscan port. Joseph Nataf, son of Solomon, was officially admitted to be part of the Livorno Jewish community only on 16 July 1769, at the time of the lawsuit with his cousin; J.-P. FILIPPINI, *Il porto di Livorno e la Toscana (1676-1814)*, 3 vols., Napoli, Edizioni Scientifiche Italiane, 1998, III, p. 106. In 1814, Samuel Nataf, son of Isaac, died in Pisa leaving an Italian Jewish widow, Giuditta Gentiluomo. Samuel's sister, Fortuanta, was married to Sabato Levi, an Italian Jew of Livorno; ASF, *Notarile Moderno: Testamenti* (hereafter NMT), Antonio Pazzini, 33953, fols. 113v-116v, no. 72.

⁹ Commercial exchanges between the Natafs and Cesare Leone & Co. are mentioned in passing in FILIPPINI, *Il porto di Livorno*, II, cit., p. 265. I did not find references to the ransoming of Christian slaves in Tunis among the papers of the Nataf affair, but in 1709 Cesare Leone & Co. still made large profits from this activity according to L. LO BASSO, *A vela e a remi: Navigazione, guerra e schiavitù nel Mediterraneo (secc. XVI-XVIII)*, Genova, Philobiblion, 2004, pp. 157, 160.

¹⁰ L. VALENSI, *On the Eve of Colonialism: North Africa before the French Conquest*, trans. K.J. Perkins, New York, Africana Publishing Co., 1977, pp. 57-70; FILIPPINI, *Il porto di Livorno*, III, cit., pp. 256-273; F. TRIVELLATO, *The Familiarity of Strangers: The Sephardic Diaspora, Livorno, and Cross-Cultural Trade in the Early Modern Period*, New Haven and London, Yale University Press, 2009, pp. 115-127. On the Jewish trade between Tunis, Livorno and Marseilles, see R. PARIS (ed.), *Histoire du commerce de Marseille*, 6 vols., V, Paris, Plon, 1957, V; H.Z. HIRSCHBERG (ed.), *A History of the Jews in North Africa*, 2 vols., II, Leiden, E.J. Brill, 1981, p. 91; M. ROZEN, *The Leghorn Merchants in Tunis and their Trade with Marseilles at the End of the 17th Century*, in *Les relations intercommunautaires juives en Méditerranée occidentale, XIII^e-XX^e siècles*, ed. J.-L. Miège, Paris, CNRS, 1984, pp. 51-59; S. BOUBAKER, *La Régence de Tunis au XVII^e siècle: Ses relations commerciales avec les ports de l'Europe méditerranéenne, Marseille et Livourne*, Tunis, Ceroma, Zaghouan, 1987, esp. pp. 155-156.

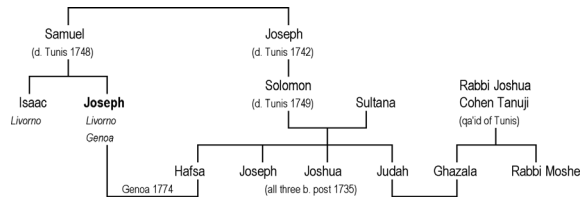


Fig. 1. The Natafs of Tunis involved in the 'Nataf Affair'.

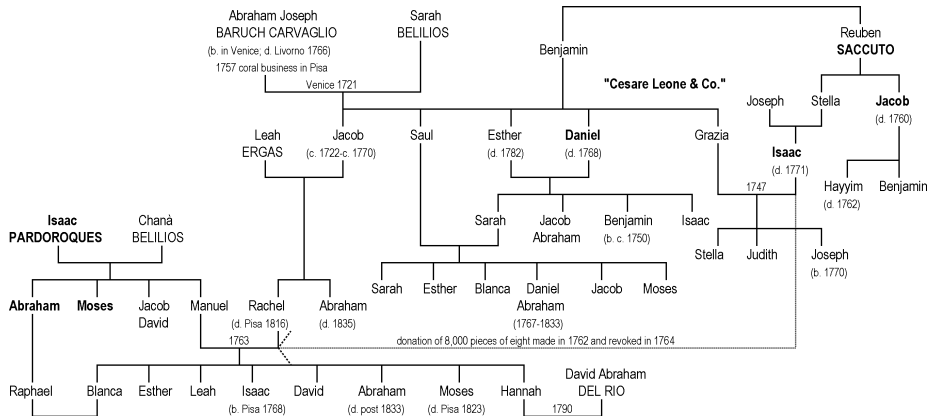


Fig. 2. Members of the «Cesare Leone & Co.» partnership in Livorno and their relatives.

Tunisian Sephardim such as the Natafs also gained an entry in northern European hubs and financial markets. Coral was shipped to the English capital, and from there to India, where it sustained a lucrative trade for diamonds. The British financial institutions also attracted large and small speculative investments from foreigners. Starting in 1732, the Saccutos began to purchase stocks and bonds on behalf of the Natafs. By 1757, the latter held investments for at least 4,300 British pounds in the East India Company and 4,000 pounds in the Bank of England. In fact, Nataf claimed that Cesare Leone & Co. owed him and his cousins interest on even larger amounts. These were conspicuous sums (£ 8,300 equaled about 37,000 pieces of eight, the silver currency used in Livorno for international trade). Handling Natafs' investments in the East India Company was Benjamin Mendes da Costa, who, with a deposit of £ 23,000, was the Company's second largest Jewish stockholder in 1725.¹¹ As

¹¹ J.A. GIUSEPPI, *Sephardi Jews and the Early Years of the Bank of England*, «Transactions of the Jewish Historical Society of England», vol. XIX, 1955-1959, pp. 53-63, here p. 61.

a further term of comparison, consider that when he died in 1754, Francis Salvador bequeathed £ 8,500 worth of East India Company stocks, among other assets, to his son Joseph Salvador, who went on to exert considerable influence over the Company in spite of his failed attempt to sponsor the so-called «Jew bill», which would have made all British Jews subjects of the crown.¹²

The economic interdependence of Sephardim on opposite shores of the Mediterranean did not erase social and cultural differences among them. The Saccutos made it into the upper crust of Livorno Jewish society. In 1723, the Attias-Saccuto faction was said to dominate the community's office holding.¹³ The Sephardic aristocracy of the Tuscan port sought to keep at a distance other Jewish groups, which it perceived as socially inferior. Called «Livorno Jews» (or *Grana*, from the Arabic name of Livorno) in Tunis, families like the Natafs were «North African Jews» in Livorno; only after prolonged struggles did they gain access to the governing boards of the Livorno Jewish community in 1715.¹⁴ North African Jews and Livorno Sephardim slowly began to intermarry during the eighteenth century as a result of intense commercial exchanges, but prejudice persisted. During a bitter diatribe before the Jewish court, Isaac Saccuto responded indignantly to the insinuation made by Nataf that he (Saccuto) had forged his account books. «We are not in Barbary», Saccuto proclaimed. Quick with his words, Nataf replied with a pun, «I may be a barbarian but I am no thief».¹⁵

The Sephardic trading diaspora in Europe was small (it numbered maybe 15,000 members and only a fraction of them were involved in international commerce and finance). Its ability to penetrate certain niches depended on privileges granted by state authorities as much as on commercial prowess. So-

¹² M. WOOLF, *Joseph Salvador 1716-1786*, «Transactions of the Jewish Historical Society of England», vol. XXI, 1962-1967, pp. 104-137, here p. 104. Saccutos's other commission agents in London included some of the foremost Sephardic merchants and financiers of the English capital, such as Diego and Ephraim d'Aguilar, Álvaro Lopes Suasso, and other members of the Mendes da Costa family; ACEL, *TM: Atti civili 1758*, filza 286, no. 1.

¹³ ASF, *Mediceo del Principato*, 2477.

¹⁴ In Tunis, one observes the opposite trend, whereby Spanish-, Portuguese-, and Italian-speaking Sephardim distanced themselves from Arabic-speaking Jews. Between 1685 and 1710, the *Grana* founded their own synagogue and communal organization. See I. AVRAHAMI, *La contribution des sources internes, bébraïques, judéo-arabes et arabes à l'histoire des Juifs Livournais à Tunis*, «La rassegna mensile di Israel», vol. L, 1984, pp. 725-741; HIRSCHBERG, *A History of the Jews*, II, cit., p. 98; P. SEBAG, *Histoire des juifs de Tunisie: Des origines à nos jours*, Paris, L'Harmattan, 1991, pp. 80-82, 95-96; L. LÉVY, *La nation juive portugaise: Livourne, Amsterdam, Tunis, 1591-1951*, Paris, L'Harmattan, 1999, pp. 65-67.

¹⁵ «Detto signore Isache Saccuto disse a detto signor Nataf "Non siamo in Barberia" ed esso signor Nataf soggiunse e rispose "Se son Barbaro, non son ladro"». ACEL, *TM: Atti civili 1758*, filza 286, no. 1 (II July 1760).

cial and cultural divisions weakened its cohesion. Trust was crucial to Sephardic networks but was never a fixed stock on which individuals could draw. Matrimonial alliances, community oversight, and economic incentives sustained fiduciary relations. These too, however, could come to a halt. How, then, did Sephardic merchants cope with failures of trust? And were these instances of failed trust random and the result of personal enmities or were they symptoms of broader patterns?

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Trust in this context should be understood as the expectations that govern business conduct in circumstances that are not specified in a legally abiding agreement.¹⁶ Early modern merchants displayed an ambivalent attitude toward contracts and litigation. They had to be versed in a vast array of contractual forms (partnership contracts, bills of exchange, maritime insurance, powers of attorney, and bills of lading, to name a few). They had to know how to approach both civil and commercial tribunals at home and abroad. They had to choose when to use legal means in order to demand compensation and when to forgive debtors. Indeed, merchants involved in long-distance trade were, together with legal practitioners and aristocrats, the social group that appeared in court most frequently. But they were also aware of the limits and costs of litigation. Although in theory sentences adjudicated by commercial law could not be appealed, in practice dispensations regularly allowed merchants to bypass this rule. Meandering civil jurisdictions often meant that lawsuits, including commercial ones, dragged on. Thus, it is not surprising that merchants also used lawsuits to stall their creditors and, when possible, preferred informal arbitration to formal adjudicating procedures. While demanding security and protection from state authorities, they were ever suspicious of government intrusion in their businesses. In his first testament of 1752, for example, Isaac Saccuto forbade his heirs from drafting a notarized inventory of his estate.¹⁷ Similar instructions appear frequently enough to suggest that they were aimed to conceal parts of a patrimony from possible creditors.

It is impossible to establish whether (or even when and where) Sephardim may have been particularly mistrustful of civil courts. For sure, they constantly confronted the tension between formal and informal systems of oversight.

¹⁶ I borrow the definition from Partha Dasgupta, *Trust as a Commodity*, in *Trust: Making and Breaking Cooperative Relations*, ed. D. Gambetta, Oxford, Blackwell, 1998, pp. 49-72, here at p. 53.

¹⁷ ASF, NMT, Giovanni Battista Gamerra, 25280, fols. 100r-102v, no. 68.

Certain features of their business organization in Livorno suggested that Sephardim relied on social incentives more than legal precautions when forming their partnerships. After Cesare Leone & Co. was terminated at the death of one of its principals (Jacob Saccuto) in 1760, the Saccutos enlisted another Sephardic family of Livorno, the Pardoques, to raise new capital for their ventures.¹⁸ As was common among their Jewish peers, the Saccutos and Pardoques did not form a limited liability partnership (*società in accomandita*), which was then a common means of raising capital outside the family while protecting investments from a partner's incompetence. Rather, Sephardim chose to use endogamic marriages and specific dowry arrangements in order to curb the risks of general partnerships, which entailed full liability but also offered greater flexibility in the management and transmission of family capital. Sephardim like the Saccutos and Pardoques were thus accustomed to invest large sums, if not the bulk of their money, in ventures that counted on familial and social bonds more than contractual protection.¹⁹

Merchants' efforts went to prevent rather than remedy failures of trust. But deterrence was not always effective. When the Natafs felt betrayed by the way in which Cesare Leone & Co. had accredited the interests accrued on their stocks and bonds in London, they saw no alternative but send one of their own to Livorno in order to recover their due credit. At the time, Joseph Nataf seemed a natural choice for the task.

In Livorno, Nataf initially sought to settle the dispute with the Saccutos informally through the mediation of relatives and common acquaintances. After these attempts failed, in November 1758 he petitioned the prince and thus brought the case outside the sphere of Jewish society. The charters that in 1593 spelled out the terms according to which Jews could live in Livorno prescribed that all lawsuits between Jews be first heard by the Jewish tribunal. Run by the five elected lay officials of the Jewish community (the *massari*, the Italian equivalent of *parnassim* or *senhores de mahamad*), the Jewish tribunal of Livorno adjudicated civil disputes and minor criminal offences on the basis

¹⁸ ASF, NMT, Raffaello Tortolini, fols. 42v-46v, no. 34; ASF, NMP, Giovanni Matteo Novelli, 26730, fol. 143rv, no. 265.

¹⁹ Isaac Pardoques signed two limited liability partnerships with other Jewish merchants, but in both cases the investments were very small. One was a general shop that operated in Livorno from 1757 to 1760 with a starting capital of 3,000 pieces of eight (ASF, *Mercanzia*, 10858, fol. 198rv); the other was an even smaller company established to buy and sell textiles established in Livorno in 1758, which was dismissed two years later (ASF, *Mercanzia*, 10859, fols. 15rv, 28v). Cesare Leone & Co. invested 3,500 pieces of eight in a limited liability partnership in Florence in 1761 but had to retrieve the investment six months later (ASF, *Mercanzia*, 10859, fols. 36v-27r, 41r). On the structure of Sephardic partnerships in Livorno, see TRIVELLATO, *The Familiarity of Strangers*, cit., pp. 132-152.

of Jewish law (*halakhab*), but also incorporated customary and written norms of civil and maritime law. Thus, Nataf cited the city statutes of Florence and the statutes of the Florentine commercial court (Mercanzia) as sources of law.²⁰ In Livorno as in Amsterdam, rabbis were often called on to mediate disputes among coreligionists, but did not sign decrees of expulsion or other sentences. The self-government of the Livorno Jewish community, in other words, as that of all Sephardim in Europe, rested firmly in the hands the lay leadership – a fact that must not have escape Nataf's attention.

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The massari lined up all types of evidence normally used to ascertain accountability in commercial lawsuits. On 7 February 1759, they ordered Isaac and Daniel Saccuto to hand in to court all business letters, account books, and other receipts that contained information about their transactions with and on behalf of the Natafs.²¹ They hired licensed experts to establish the veracity of the paper trail, interrogated witnesses and the accused under oath, and gathered written testimonies by Christian and Jewish merchants alike about the prevailing business practices in Livorno. Every bit of evidence was important to try to establish the truth in a world in which judges confronted even greater technical and logistical obstacles than fretted merchants in gathering reliable information.

The massari proceeded slowly, and the Governor's tribunal, which was led by a legal professional (*auditore*) and functioned as an appeal court for all cases adjudicated by the massari, took over the case. Isaac and Daniel Saccuto were found liable to refund Nataf 6,289:1:1 pieces of eight and hand back control over the £ 8,300 invested in London. The Saccutos appealed the verdict to the Consulta Imperiale, a higher court in Florence, which nonetheless upheld the sentence and ordered them, as a temporary measure, to give a security (*mallevadoria*) for the requisite sum.²²

In the budget of a Sephardic partnership, 6,000 pieces of eight was no small amount. As their cash reserves were limited, the Saccutos were author-

²⁰ ACEL, *TM: Atti civili 1758*, filza 286, no. 1 (16 Feb. 1759). On the massari court, see footnote 4 and RENZO TOAFF, *La nazione ebrea a Livorno e Pisa (1591-1700)*, Firenze, Olschki, 1990, pp. 155-160, 206-228.

²¹ Since the late Middle Ages, merchants' papers had probate value before European courts even if they were not sealed by a notary.

²² ASF, *NMP*, Giovanni Matteo Novelli, 26731, fols. 82v-84v, nos. 146-149 (Livorno, 30 July and 1 Aug. 1763); Archivio di Stato, Livorno (hereafter ASL), *Capitano, poi Governatore, poi Auditore: Atti civili spezzati*, filza 2298, no. 711; ASF, *Consulta poi Regia Consulta: Prima Serie* (hereafter *Consulta*), 308, fol. 271v (9 July 1763) and 56v-57r (21 July 1763).

ized to deposit their wives' dowries as a security. Frustrated with the outcome of the lawsuit, however, they also seem to have tried to evade their obligation altogether. On 7 October 1763, Isaac Saccuto pledged a donation of 8,000 pieces of eight to Rachel Carvaglio, his wife's niece. The sum was meant to supplement Rachel's dowry upon her imminent marriage to Manuel Pardo-roques, the brother of one of Saccuto's business partners.²³ We do not know the value of Saccuto's overall patrimony, but dowries were ways of sheltering a partnership's funds because they had to be repaid before any other credits in case of bankruptcy. The donation to Rachel Carvaglio may have been an attempt to divert available resources away from those which could be used to pay Nataf back.²⁴

If that was the aim, however, it did not work. The Consulta granted Isaac Saccuto several deferrals, but did not overturn the verdict. Saccuto and Nataf reached an agreement through a private arbitrator on 1 June 1764.²⁵ Saccuto called off his 8,000 piece donation to Rachel Carvaglio; Nataf recovered his credit and regained control of his London investments. After five years (not a short period of time), the Tuscan institutions enforced Nataf's property rights.²⁶ However slowly, justice was done. Or so it would seem if one were to consult only the documents preserved in Tuscany. In fact, a whole new chapter of the story subsequently began to unfold.

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Back in Tunis, Nataf's cousins awaited his return. As agreed, they were to divide the credit Nataf had successfully reclaimed from Saccuto in half. Betraying their expectations, however, in July 1765 Nataf sailed from Livorno

²³ The contract prescribed that if Rachel should die childless, the 8,000 pieces of eight would revert to Saccuto. Otherwise, under the provisions of Jewish law, the dowry supplement would go to Manuel in the event of a divorce or at Rachel's death (ASF, NMP, Giovanni Matteo Novelli, 26731, fol. 93rv).

²⁴ When dissolving Cesare Leone & Co. in 1760, Isaac and Daniel Saccuto split the 29,000 pieces of eight they invested in the Bank of London and the English East India Company, while Isaac kept the £ 340 they held in the South Sea Company for himself (FILIPPINI, *Il porto di Livorno*, III, cit., pp. 288-289). In the absence of clearer figures, these sums suggest that the Saccutos still had margins of financial autonomy, but a few years later their position may have declined.

²⁵ ASF, *Consulta*, 308, fols. 154v, 194v, 228v, 312v, 413; ASF, *Consulta*, 309, pp. 76, 205, 282; BIG, *Allegaciones*, 25 (73).

²⁶ As a term of comparison, in the second half of the sixteenth century, most lawsuits adjudicated by the Chancery of London (where equity rather than common law prevailed) lasted three years, but their average duration increased in the seventeenth and eighteenth centuries. See W.J. JONES, *The Elizabethan Court of Chancery*, Oxford, Clarendon Press, 1967, p. 306, and H. HOROWITZ and P. POLDEN, *Continuity or Change in the Court of Chancery in the Seventeenth and Eighteenth Centuries?*, «Journal of British Studies», s. I, vol. XXXV, 1996, pp. 24-57, here pp. 52-55.

to Genoa instead. Why Genoa? The Jewish community was small (maybe 60 individuals) and lived there on a precarious legal basis. Apart from a handful of merchants who traded with Iberia and Livorno, its members were poor.²⁷ A savvy legal calculation rather than attractive business opportunities took Nataf to Genoa. To encourage the flow of capital into a city suffering from economic decline, the Genoese authorities had declared the city a «free port» in 1763. Similar provisions had been passed before, with limited effect. The Genoese «free port» legislation consisted of rather cumbersome fiscal immunities and extended minimal religious toleration to non-Catholic minorities – thus departing from the example set by Livorno. What interested Nataf, however, was not Genoa per se, but a particular clause of its new free port legislation, which applied to Jews as well: the debts of new settlers would be forgiven as long as they had been incurred outside the state borders with persons other than Genoese subjects and without any taint of criminal activities.²⁸

How could Nataf's cousins in Tunis now collect their share of the family's recovered credit? There was no international arbitration authority to which they could appeal or ask for Nataf's extradition. As a result, they pursued the only two roads that remained open: a formal lawsuit and an assault on Nataf's reputation. After two years of unsuccessful mediation through a common relative, one of Nataf's cousins traveled to Genoa in person and brought charges against him on 1 September 1767 before the city's civil magistrates. (That once again a family member had to travel overseas in order to pursue a credit is indication of how commercial law, and other competing legal systems, did not always provide fast and satisfactory resolution.) Litigation in Genoa turned out to be as slow as in Livorno and likely more expensive because both parties had to hire lawyers who marshaled jurisprudential evidence before the different civil courts that oversaw this case.

On 15 January 1768, Nataf was granted a safe-conduct. But for the following fifteen months, his cousin gathered damaging evidence against him and

²⁷ C. BRIZZOLARI, *Gli ebrei nella storia di Genova*, Genova, Sabatelli, 1971, esp. pp. 191-211; R. URBANI and G.N. ZAZZU, *The Jews in Genoa*, 2 vols., Leiden, Brill, 1999, pp. XCI-XCVII: CVII for the figure of 60 Jews in Genoa at the time when Nataf arrived.

²⁸ This clause imitated article IV of the charters issued in 1593 for the Jews of Livorno, which forgave them all debts accrued outside the Grand Duchy at least four months before settling in Livorno. In order to obtain such a safe-conduct, the applicant had to go through a formal admission process administered by the Livorno Jewish community, which sought to dismiss fraudulent applications; FILIPPINI, *Il porto di Livorno*, III, cit., pp. 75-80. On Genoa's «free port» legislation, see G. GIACCHERO, *Origini e sviluppo del porto franco genovese 11 agosto 1590-9 ottobre 1778*, Genova, SAGEP, 1972; T.A. KIRK, *Genoa and the Sea: Policy and Power in an Early Modern Maritime Republic, 1589-1684*, Baltimore, Johns Hopkins University Press, 2005, pp. 151-185.

eventually succeeded in having him imprisoned on 17 April 1769.²⁹ The Collegi magistrate, on the basis of an investigation conducted by the Protettori della Nazione Ebraica, found Nataf guilty of actions that cast a shadow on his good faith. In August 1766, for example, Nataf had tried to sell stocks worth £ 2,000 without consulting his cousins.³⁰ The Protettori argued that he had betrayed the good faith his cousins had bestowed upon him by granting him power of attorney to act in their mutual interest; in so doing, they maintained, he had committed a criminal rather than civil offence, and was thus not entitled to claim the privileges of the free port legislation. Nataf enlisted two lawyers and appealed the ruling by appending evidence according to which his cousins actually owed him more than he owed them (his cousins, he claimed, had not paid him the full share of his father's inheritance). On 2 June 1769 the city's highest magistrate (Supremi Sindacatori) reconfirmed the safe-conduct previously issued to Nataf and released him from prison, thus freeing him from the legal obligation to repay half of the credits he had recovered in Livorno to his cousins.³¹ The Genoese Jewish community, to which he had been admitted in July 1766, now embraced him as one of its leading figures.³²

* * *

Recourse to the Genoese civil courts, as we saw, brought no relief to Nataf's cousins. Foreseeing this deadlock, they had initiated a case against him before the rabbinic tribunal in Tunis hoping that religious sanctions would work where the arm of the state could fail. Nataf was clearly not indifferent to being excommunicated, because even after winning his case in court, instead of ignoring the ban, he began a scholarly diatribe that aimed to dismiss every single argument that the Tunisian rabbinate put forth against him. He published a series of vitriolic rebuttals of his excommunication. These apologetic texts, all in Italian and printed in Lucca and Genoa, aimed to win the hearts and minds of his coreligionists in Italy, including the self-assured Sephardim of Livorno, who were unlikely to concede ground to the Tunisian

²⁹ Archivio di Stato, Genoa (hereafter ASG), *Archivio Segreto*, 1390A (2 July 1768); BIG, *Allegationes*, 25 (12); Società Ligure di Storia Patria, Genoa, *Allegationes*, A.5.60 (43).

³⁰ A power of attorney to Ephraim Aguilar to this effect was registered with a notary in Genoa (ASG, *Notai antichi*, filza 15571, no. 83). See also URBANI and ZAZZU, *The Jews in Genoa*, cit., pp. 907-908. Later on, in 1780-1781, the firm «Nataf & Borthers» represented Baron Ephraim d'Aguilar of London before the Jewish tribunal of Livorno in a lawsuit concerning the shipment of some branches of coral; FILIPPINI, *Il porto di Livorno*, III, cit., pp. 290-294.

³¹ BIG, *Allegationes*, 25 (73).

³² ASG, *Archivio Segreto*, 1391; URBANI and ZAZZU, *The Jews in Genoa*, cit., pp. 940, 946, 960-961.

rabbinate, as well as the more conservative and smaller communities of central and northern Italy. Since they were aware that knowledge of Hebrew was poor outside the Italian rabbinic circles, including among the Livorno Sephardim, the Tunisian rabbis also ordered a certain David de Montel to prepare an Italian translation of their letters of excommunication and had it printed in Livorno.³³

What guaranteed the integrity of each translation? This was a harrowing problem for all forms of commercial, diplomatic, and other cross-cultural communication. Every Jewish community and state tribunal in a Mediterranean port city had its own licensed translators, who performed a vital function. Translators' personal reputation, as well as the seal of notaries and other sovereign authorities, certified the faithfulness of each translation at the bottom of a printed document. Thus David di Montel included a sworn declaration by two witnesses who supposedly consulted the original when the Italian copy of the herem was printed on 21 June 1769. But of course, all documents were subject to misinterpretation and modification in translation. Nataf contested the herem's Italian translation commissioned in Livorno for downplaying his scholarship, and commissioned a new one. He also went further and doubted the authenticity of the herem altogether. Why hadn't the text been translated at one of the European consulates in Tunis, where the signatures of all rabbis could have been verified, instead of in Livorno?³⁴ The question was legitimate and raised concerns that did not pertain to intra-Jewish polemics alone. The difficulty that civil tribunals had in verifying the accuracy of legal proofs drafted in another state or under a separate corporate authority added time and uncertainty to the course of justice for merchants involved in long-distance trade.

Nataf's rebuttal of the herem was grounded on more substantive arguments as well. First, invoking the Torah and *halakhah*, and more specifically

³³ The manuscript letters of Livorno Sephardim and Genoese Jews are written in Italian and interspersed with Hebrew words when referring to the names of individual rabbis or Jewish institutions (see n. 43). Whether by choice or necessity, Nataf printed his documents in Lucca and Genoa rather than in Livorno. Copies of the herem were printed in Rashi script, the semicursive typescript used in Talmudic commentaries, as well as in Italian translation. After 1767, all printing establishments in Livorno were allowed to produce texts in Hebrew and Rashi script; F. BREGOLI, *Mediterranean Enlightenment: Jewish Acculturation in Livorno, 1737-1790*, Unpublished Ph.D. thesis, University of Pennsylvania, 2007, pp. 219-228. A printing press had recently been established by the Jews of Tunis but it was not fully operational. See D. CAZÈS, *Essai sur l'histoire des israélites de Tunisie*, Paris, Librairie Armand Durlacher, 1888, pp. 242-246; HIRSCHBERG, *A History of the Jews*, cit., p. 126.

³⁴ Nataf also wondered why ten instead of the usual three rabbis had signed the herem. In its reply, the Tunisian rabbinic court contended that as many as ten rabbis signed the ban hoping that Nataf, recognizing their signatures, «would feel ashamed of his deeds».

chapter 14 of *Shulhan Arukh, Hoshen Mishpat*, the premier post-Talmudic legal text, Nataf claimed that the Tunisian rabbinate had no jurisdiction over him because the plaintiffs (his cousins, in this case) must confront the accused where he resided, and not the other way around.³⁵ (The argument, however, was somewhat disingenuous because Genoa at the time lacked a rabbinical court to which Nataf's cousins could have appealed.) Second, as his lawyers had argued in court in Genoa, Nataf accused his cousins of concealing crucial pieces of information from the Tunisian rabbinate. The Italian translation of three private agreements suggested that Nataf was still owed a share of his father's inheritance. He volunteered to repay his cousins if they agreed to settle the inheritance dispute. Once again, the accuracy and verifiability of translations raised concern.

Both these and other arguments were illustrated in detail in a «letter of an anonymous rabbi in Mantua», written in Italian and printed in Genoa in 1770.³⁶ The anonymous letter is an acerbic and pitiless attack on the Tunisian rabbinate and their lines of reasoning. Who was its anonymous author? The three chief rabbis of Mantua – Jacob Saraval (1707-1782), Israel Ghedalia Cases, and Salomon Raffaele Vivanti – publicly denounced the letter as an «imposture».³⁷ If Nataf was indeed a very learned man, he may have written the letter himself.³⁸ If not, he could have hired someone to do it. But whether or not he wrote it himself, why choose Mantua? The Jewish community of Mantua no longer commanded the prestige of two centuries earlier. Yet it was still one of the oldest and largest in Italy, and a new *yeshiva* had opened there in 1767.³⁹ Mantua may have thus attracted Nataf's attention because it

³⁵ An annotated English translation of this chapter can be read in C.N. DENBURG (ed.), *Code of Hebrew Law: Shulhan 'Aruk*, 2 vols., Montreal, The Jurisprudence Press, 1954-1955, II, pp. 190-212.

³⁶ *Lettera di un rabbino dimorante in Mantova ad un altro ebreo abitante in Livorno concernente le due Lettere Citatorie, e Comminatorie, che si dicono emanate dal Magistrato Ebreo di Tunis sopra le controversie vertenti fra Giuseppe di Samuel Nataff da una parte, e li fratelli Nataff q. Salomone tutti di Nazione Ebraea dall'altra*, In Genova, Nella Stamperia del Casamara, dalle cinque Lampadi, 1770, Con licenza de' superiori.

³⁷ *Manifesto o sia Dichiarazione de' Signori Rabini che compongono l'Accademia dell'Università della Nazione Ebraea di Mantova contro una lettera data alla Stampa sotto nome d'un rabbino anonimo di detta Università*, In Livorno, Nella Stamperia di Strambi e Figlio sotto le Logge, 1770, Con licenza de' superiori.

³⁸ Nataf had initially asked a rabbi in Tunis, Menachem Buzkirah, to work on his defense, but Buzkirah soon abandoned the case. Even Nataf's enemies called him «a scholar of such stature and the descendent of such prestigious lineage». When Nataf claimed that a scholar and wise man (*Talmid hakham*) could not be excommunicated, the Tunisian rabbis dismissed his claim not because he could not aspire to such a title, but because he had desecrated the name of the divine.

³⁹ S. SIMONSOHN, *History of the Duchy of Mantua*, Jerusalem, Ktav Pub., 1977, pp. 594-598, 699-

combined rabbinic authoritativeness with a peripheral position in the Sephardic world. The anonymous letter contained incendiary statements that would have been too risky to attribute to the rabbis of Livorno, who commanded great esteem across the Sephardic diaspora. And as we will see, the latter displayed exceeding caution in this controversy.

Some details remain uncertain, but one thing is sure: the animosity between Nataf and his cousins ran deep – so deep that no legal or ethical sanction seemed able to resolve it. What stirred such hostility among relatives? The anonymous letter, as well as Nataf's lawyers in Genoa, relayed that Nataf had fled Tunis for Tripoli in 1757 in order to escape the harassment («persecuzione») of the city's chief rabbi (*qa'di*), Rabbi Joshua Cohen Tanuji, a close relative of Nataf's cousins (Fig. 1). The travel account of the Jerusalem Rabbi Hayyim Joseph David Azulai (1724-1806), who sojourned in Tunis in 1773-1774, lends credence to this allegation. Azulai found not only that one of Nataf's cousins, Judah, was married to the *qa'di's* daughter, but also that the chief rabbi exerted a tyrannical rule over his community and was especially hostile to Livorno Jews, whom he called a bunch of «Freemasons» (a term referring to their lax religious observance rather than their literal membership in the freemasonry).⁴⁰ If relations were indeed so tense, it is not clear why his cousins dispatched Nataf to Livorno to recover their credit. Perhaps they underestimated the nature of Nataf's resentment, or perhaps there was no real reason to worry about his loyalty – Nataf could have just been one among the many Jews who escaped to Tripoli in the wake of the Algerian capture of Tunis in 1756.⁴¹ Or maybe no one else was eager or willing to embark on a sea voyage that exposed travelers to the risk of piracy and armed conflicts.

700, 733-34; P. BERNARDINI, *La sfida dell'uguaglianza: Gli ebrei a Mantova nell'età della rivoluzione francese*, Roma, Bulzoni Editore, 1996, pp. 102-107. There were 2,140 Jews in Mantua in 1770, or about 8% of the total population; SIMONSOHN, *History of the Duchy of Mantua*, cit., p. 195.

⁴⁰ B. CYMERMAN (ed.), *The Diaries of Rabbi Ha'im Yosef David Azulai ('Ma'agal Tov' – The Good Journey)*, Jerusalem, The Bnei Issakhar Institute, 1997, part II, pp. 19, 27, 41; CAZÈS, *Essai*, cit., pp. 140-141; HIRSCHBERG, *A History of the Jews*, cit., pp. 101-103. Even after the *Grana* set up their own synagogue and communal organization in Tunis, there was only one *qa'di*, who responded to the bey regarding all taxes owed by Jews and who supervised communal life at large. Upon the initiative of British merchants and travelers, a free masonry lodge was formed in Livorno as early as 1734. The Livorno rabbi Joseph Attias kept close personal and intellectual ties with some Freemasons, but like all Jews, he was excluded from membership in the lodge. See Z. CIUFFOLETTI (ed.), *Le origini della massoneria in Toscana (1730-1890)*, Livorno, Bastogi, 1989, pp. 15-31; F. SANI, *Il Settecento*, in *La Massoneria a Livorno: Dal Settecento alla Repubblica*, ed. F. Conti, Bologna, Il Mulino, 2006, pp. 27-98, here pp. 27-42. On the relationship between Jews and Masonic lodges in England, Germany, and the Netherlands in the eighteenth century, see J. KATZ, *Jews and Freemasons in Europe 1723-1939*, Cambridge, Mass., Harvard University Press, 1970, pp. 1-53.

⁴¹ HIRSCHBERG, *A History of the Jews*, II, cit., p. 97.

* * *

Whatever the precise cause of the bitterness between Nataf and his cousins, the printing press transformed this family feud into a public affair. As was customary in a herem, the Tunisian rabbis forbade all Jews from speaking and interacting with Nataf. How seriously did coreligionists in Italy take this injunction? In November 1770, after receiving a copy of the herem against Nataf, the Jewish community in Genoa consulted the Livorno rabbis to find out whether or not they should permit Nataf to open the sacred ark containing the Torah rolls considering that he had been excommunicated in Tunis. Seven months later they still awaited a reply.⁴² Three of the most prosperous merchants in Livorno, Isaac Recanati and the brothers Joseph and Raphael Franco, offered a compelling explanation for this silence in their private letters to their Genoese friends: neither the *parnassim* nor the rabbis of Livorno wished to express their opinion on the Nataf affair «for political reasons», and more specifically for fear of upsetting the ruling authorities.⁴³ The Recanati were the first Jewish family of Italian origin to acquire substantial wealth and to break the Sephardic monopoly of power in Livorno. In 1769, Lazzaro Recanati was still the only Italian among the nine most prominent Jewish merchants in town.⁴⁴ Visiting Livorno twenty years later, a German traveler noted that the Recanati and Montefiore families replaced the Francos as the most internationally active Jewish merchants of Livorno.⁴⁵ As well-integrated in local society as merchant families like the Francos and Recanati were, and as engaged in commercial and financial transactions with non-Jews as they could be, they

⁴² Lacking a response from Livorno, the Jewish community of Genoa consulted the rabbi of Nice, Joshua Margalit, who ruled that excommunications issued from abroad ought not to apply to Jews in Genoa. This decision naturally pleased the local ruling authorities as well; ASG, *Archivio Segreto*, 1391 (4 Mar. 1771, 24 Mar. 1772, 11 and 30 Apr. 1772); URBANI and ZAZZU, *The Jews in Genoa*, cit., pp. 924, 926, 930-931.

⁴³ Joseph and Raphael Franco wrote to Solomon Malvano, Ottavio Rabeni, and others in Genoa on 31 Oct. 1770 relaying that the massari had convened the Livorno rabbis twice but the latter did not wish to rule over the Nataf affair «per ragioni pulitici che non comple ponerli in carta». Malvano and Rabeni were among the leaders of the Jewish community in Genoa; BRIZZOLARI, *Gli ebrei*, cit., pp. 192-193, 202-206, 216; URBANI and ZAZZU, *The Jews in Genoa*, cit., *ad vocem*. Two weeks later, the Franco brothers wrote more candidly to Moisé Iona Levi in Genoa that it was preferable not to generate avulsion among secular authorities: «riguardo a che non si abbia a entrare in qualche disgusto con chi comanda». In a letter of 8 February 1771 Isaac Vita Recanati repeated the same expression («per ragioni politiche») to explain the silence of the Livorno rabbis, and added that if any rabbi had privately lent his support to Nataf, it was not made public.

⁴⁴ The others were five Sephardim (Joseph Franco, Isaac Attias, Joseph Leon, Jacob Ergas, and Jacob Bonfil) and three North African Jews (Judah Farro, Michel Pereira de Leon, and Jacob Aghib); TOAFF, *La nazione ebrea*, cit., p. 182.

⁴⁵ G. GORANI, *Siena, Lucca e Livorno nel XVIII secolo*, Pontedera and Pisa, Bandecchi e Vivaldi, 1986, p. 102; FILIPPINI, *Il porto di Livorno*, cit., III, p. 246.

were nonetheless always anxious about the disdain of the Christian populace and its rulers. They had no more interest than rabbis in attracting attention to the quarrels that divided their communities.

Molho would call this attitude «disenchanted realism» («realismo disincantato»), a stance that, he claims, European Jews maintained toward all state powers in the Mediterranean after their expulsion from Iberia and which arguably penetrated their consciousness at a deep level.⁴⁶ Livorno in the seventeenth and eighteenth centuries was, in the words of a prominent historian of Italian Jewry, an «oasis».⁴⁷ In the rest of the Italian peninsula, in the years of the Nataf affair Jews experienced mounting hostility from the Papacy and local authorities.⁴⁸ Nowhere in Italy did Jews mingle with Christians as much or enjoy ampler legal autonomy than in Livorno. An important port, Livorno was also home to several foreign and heterodox communities; and for being neither a capital city nor a court, it had an unusually vibrant cultural life. The first edition of Beccaria's *On Crimes and Punishments* (1764) and the third edition of the *Encyclopédie* (1770-1778) were printed there. In the Tuscan port, as in Amsterdam, Sephardim adopted many habits of the local elites with whom they sought to mesh. Isaac Saccuto resided in his countryside house (*in villa*, according to the Italian expression). His partners also lived in luxurious homes, rode coaches, and attended the theater.⁴⁹ These forms of acculturation, however, are not to be confused with postemancipation assimilation. Saccuto conducted a pious life. He bequeathed a precious Pentateuch as well as several charitable donations to his congregation. In 1763, he threatened to disinherit his cousin Jacob David if he shamed the family by converting to Catholicism.⁵⁰ Others in his entourage maintained religious schools (*yeshivot*) in their houses and paid rabbis to teach there.⁵¹ Yet, in this

⁴⁶ MOLHO, *Ebrei e marrani*, cit., p. 1043. In his *Jews and Marranos before the Law*, cit., p. 27, Molho speaks of Sephardim's «skepticism» and «their often refined sense of disenchantment».

⁴⁷ ATTILIO MILANO, *Storia degli ebrei in Italia*, Torino, Einaudi, 1963, p. 322.

⁴⁸ M. ROSA, *La Santa Sede e gli ebrei nel Settecento*, in *Storia d'Italia: Annali*, cit., pp. 1067-1087; M. CAFFIERO, *Tra Chiesa e Stato: Gli ebrei italiani dall'età dei lumi agli anni della Rivoluzione*, ivi, pp. 1089-1132.

⁴⁹ Isaac Saccuto's residence, called «The Origin», was located in the plain outside Livorno. It was valued at about 7,500 pieces of eight. Information about his estate comes from the many last wills he drafted at different times: ASF, NMT, Filippo Gonnella, 27200, fols. 54v-60v (Livorno, 15 Dec. 1757); ASF, NMT, Raffaello Tortolini, 27864, fols. 33v-35r, no. 26 (Pisa, 19 Jan. 1759) and fols. 42v-46v, no. 34 (Pisa, 28 Aug. 1760); ASF, NMT, Giovanni Braccini, 27662, fols. 48v-51v, no. 38 (7 Feb. 1771). In 1752, Isaac Pardoroques purchased a theater box for 500 pieces; ASF, NMP, Niccolò Mazzinghi, 27112, fol. 41rv, no. 75.

⁵⁰ ASF, NMT, Giovanni Matteo Novelli, 26739, fols. 24v-28v, no. 25 (Livorno, 29 Dec. 1762); ASF, NMT, Valerio Batini, 25540, fols. 93r-97r, no. 71 (30 Oct. 1763).

⁵¹ Examples in ASF, NMT, Filippo Filippini, 25175, fols. 101r-108r; ASF, NMT, Giuseppe Maria

unique blend of gentile decorum and Jewish orthodoxy, the Livorno rabbis had become accustomed to defer their legal prerogatives to the lay leaders of the community. For their part, merchants such as Recanati and the Francos had their own reasons to be disenchanted. Livorno did not have a Moses Mendelssohn in the years when the Nataf affair unfolded and the reforms initiated by Emperor Peter Leopold (ruler of Tuscany after 1765) reinforced more than they eroded the social segregation and corporate separateness of Livorno Jewry.⁵²

* * *

While the Livorno Jews sought to keep the dispute under wraps, Nataf escalated it by rallying as many Jewish authorities as possible to his side. In March 1771, he paid to print the testimonies of several Jews of Genoa who confirmed that he kept kosher and attended synagogue regularly. In the following months, he scored his most important point by securing the endorsement of one of the highest rabbinic authorities of the time, the Lithuanian Rabbi Moses Margoliot (c. 1719-1781), author of the first comprehensive commentary on the Jerusalem Talmud. Asked by Nataf's brother to comment on the herem, Margoliot reached the same two conclusions as the anonymous letter. First, the plaintiff had to travel to where the accused resided; and second, Tunis lacked the status of high rabbinic court (*beit vaad*), and thus had no jurisdiction over Nataf when the latter was overseas.⁵³

This was music to Nataf's ears. Most Jewish authorities in northern and central Italy initially embraced Margoliot's authoritative ruling, including the rabbis of Padua, Venice, Verona, Reggio, and Guastalla. The endorsement, however, was not unanimous. The rabbi of Alessandria (in Piedmont), Elia Levi, sided with Tunis from the beginning.⁵⁴ With characteristic vehemence,

Mencacci, 29940, fols. 20r-23v, no. 12; ACL, *TM: Atti civili 1797*, filza 358, no. 57 (copy of Leah Medina Ergas's testament of 26 Mar. 1797). After 1694, the community sought in vain to limit the number of these private oratories so that wealthy Jews congregate in the main synagogue; ASL, *Governo*, 961, no. 25.

⁵² J. KATZ, *Out of the Ghetto: The Social Background of Jewish Emancipation, 1770-1870*, Cambridge, Mass., Harvard University Press, 1973, pp. 42-56; U. WYRWA, "Perché i moderni rabbini pretendono di dare ad intendere una favola chimerica [...]": *L'illuminismo toscano e gli ebrei*, «Quaderni storici», vol. CII, 2000, pp. 139-162; BREGOLI, *Mediterranean Enlightenment*, cit.

⁵³ After a long responsum, Margoliot wrote a second, abbreviated one, which was printed in Hebrew in Livorno in May 1771 (JTS, SHF 1745:9). The Italian translation of the last paragraphs of Margoliot's first ruling was printed in Livorno together with the endorsement of several Italian rabbis. On Margoliot and his work, part of which was published in Livorno in 1770, see L. GINZBERG, *On Jewish Law and Lore*, Philadelphia, The Jewish Society of America, 1955, p. 42; R.J. ZWI WERBLOWSKY and G. WIGODER (eds.), *The Oxford Dictionary of the Jewish Religion*, New York and Oxford, Oxford University Press, 1997, p. 442.

⁵⁴ The Jewish community of Alessandria counted about 400 members at the time, virtually all

mence and cunning, Nataf pursued his adversary. Exploiting the silence of the Livornese rabbis, he accused Levi of ignorance: how could he, rabbi of such a small congregation, dare to differ from scholars of more prestigious communities? Other rabbis, in the meantime, distanced themselves from Nataf. One decried his activities as contrary to both common morality and the *ius gentium* («contro la buona morale ed il ius delle genti»). Rabbi Menachm Azaryah from Padua retracted his initial support even if it meant going against Margoliot. In April 1771, Israel Beniamino Bassano, son of Isaiah, rabbi in Reggio Emilia, urged Nataf not to pursue his case before a secular court and blamed him for sending his writings to print – an act that he called a declaration of war.⁵⁵ Yet Nataf persisted in his campaign. In October 1771, he even sent parcels containing all the writings pertaining to his case to the same rabbis of Mantua who had previously smeared him, hoping to persuade them to revisit their opinion.

In the end, neither a religious nor a secular court brought the feud between Nataf and his cousins to a conclusion. Rather, the reconciliation likely came through the hard work of family and friends. In June 1774 Nataf agreed to marry his cousins' sister, Hafsa, and received a dowry of 5,000 pieces of eight (part in cash and part in jewelry).⁵⁶ By paying this sum, his cousins indirectly acknowledged that they owed something to Nataf, as he had always claimed. The family dispute waning down, Nataf's traces in the documents of European archives begin to fade. He may have moved back to Tunis with his new wife or settled down in Livorno, but he certainly left Genoa.⁵⁷

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Not every merchant had as much zeal, audacity, money, and time on his hands as Joseph Nataf. Not every merchant's legal and familial dispute over

Italian Jews, and for the most part of modest means; A. PEROSINO, *Gli ebrei di Alessandria: una storia di 500 anni*, Genova, Le Mani, 2002, pp. 17-20. The AIU folder includes two manuscript letters exchanged between Joseph Nataf and Rabbi Elia Levi in 1771. Nataf's letter is written in a Sephardi-Hebrew cursive script, while Levi's letter is in an Italian-Hebrew cursive.

⁵⁵ Copies of the writings of Rabbi Menachm Azaryah and Rabbi Israel Beniamino Bassano are in JTS, SHF 1745:9 and British Library, 1931. f.20.(6).

⁵⁶ Nataf in turn offered his future wife jewelry worth a little more than 145 pieces of eight. The marriage was to be officiated following the Spanish rights. Provisions deriving from Jewish law governed the dowry's restitution in the event that Nataf repudiated his wife or died before her. It would appear that Hafsa's mother, Sultana, traveled to Genoa in order to negotiate this marriage; ASG, *Notai antichi*, filza 15581, no. 170; ASG, *Archivio Segreto*, 1390A, *Libro degl'instromenti dotali nella Nazione Ebraica 1774 in 1784*, fols. 11-5v; URBANI and ZAZZU, *The Jews in Genoa*, cit., pp. 956-959.

⁵⁷ On 3 July 1775 Nataf paid a small fine to step down from the office of *massaro* and thereafter his name ceases to appear in records of the Genoese Jewish community. ASG, *Archivio Segreto*, 1391 (3 July 1775); URBANI and ZAZZU, *The Jews in Genoa*, cit., p. 971.

unpaid credit was heard across the Mediterranean and as far as Lithuania, although conflicts between the Livorno and Tunisian Jewish communities must have increased as commercial ties intensified.⁵⁸ Nataf's story nonetheless brings into relief the structural webs of authorities that constrained as much as enabled Sephardic merchants to do business in the Mediterranean. Their endeavors relied on a combination of personal ties, communitarian surveillance, contractual obligations, shared norms of behavior (including the practice of letter writing and commercial agency), and legal enforcement. While these different spheres of mercantile action generally reinforced one another, they also produced points of friction that savvy actors such as Nataf could easily manipulate.

Trust, as is often claimed, was the glue that allowed merchants to conduct long-distance trade in a time when slow transportation endangered information flow and when legal systems were highly fragmented. The role that families and ethnoreligious communities played, historically, in economic exchanges has induced economists such as Mark Casson to define trust as «a warranted belief that someone else will honour their obligations, not merely because of material incentives, but out of moral commitment too».⁵⁹ This was certainly the Tunisian rabbis' expectation when they wrote to Nataf, «After all, they are your kin. [...] What you have done is regarded as desecration of the divine name even among non-Jews because your cousins trusted you when they entrusted you with their possessions [...]». In fact, their consternation was the measure of their powerlessness. The Nataf affair shows two instances of colossal failure of trust: between the Natafs of Tunis and the Sacutos of Livorno and among the Nataf cousins themselves. It also reveals how a capable and determined man could take advantage of the conflicts between Jewish authorities on two shores of the Mediterranean while also taking his chances in the legal forums of different states. At a minimum, this case reminds us of the need for more crossover between Jewish history and economic history.

Conflicts between rabbinic centers or individual rabbis and challenges to rabbinic authority were hardly new in eighteenth-century Italy and Europe. However, scholarship concerned with rabbinic disputes tends to focus on

⁵⁸ The Tunisian rabbis and the Livorno massari had already engaged in a dispute over the terms of a purchase of coral at least once in 1725 (ASF, *Mediceo del principato*, 2485 and 2486).

⁵⁹ MARK CASSON, *Information and Organization: A New Perspective on the Theory of the Firm*, Oxford, Clarendon Press, 1997, p. 118. There is, of course, a long tradition that goes back at least to the Scottish Enlightenment and even further back in time of investigating the extraeconomic factors of commercial trustworthiness.

their religious aspects. Admittedly, these controversies were generally conducted in Hebrew and, even if in print, were thus confined to the Jewish world. In the 1730s, the Padua Rabbi Moses Hayyim Luzzatto fought against his Venetian colleagues' right to excommunicate him and prohibit the publication of his heterodox works.⁶⁰ Earlier in the century, a wealthy Ashkenazi merchant in London mobilized reputed scholars across northern Europe to question a bill of divorce issued secretly by the esteemed Rabbi Uri Phoebus.⁶¹ In 1766-1767, another divorce case, this time in the duchy of Cleves, raised a heated debate among German rabbis.⁶² What amounts to «arguably the most contentious rabbinic controversy in the last three hundred years» erupted in Metz in 1751 when Rabbi Jonathan Eibeschutz circulated five amulets whose contents were crypto-Shabbatean. For the first time, a Jewish religious debate found a hearing in European gentile newspapers and periodicals.⁶³

Because European Sephardim ceased to consult rabbis about their tribulations concerning commercial and financial transactions, we know very little about the conflicts between Ottoman and European Sephardim that the renewed Mediterranean trade of the eighteenth century surely generated. A learned man as well as a merchant, Nataf pursued a double strategy that involved taking his cases before the civil courts of Livorno and Genoa, as well as engineering a defamation campaign against the Tunisian rabbinate (a campaign that, though hinged purely on material grounds, naturally sought to undermine this religious court's authority). Nataf was certainly not the only Sephardic merchant over whom Ottoman rabbis lost influence at the time. In 1756, the Venetian consul in Aleppo was at pains to establish if Isaac Belilios, a Sephardic merchant with ties to Venice and Livorno who had recently gone bankrupt, was hiding any of his fortune from his creditors in Europe. Though living in the Levant, Belilios belonged to those Jews who enjoyed European diplomatic protection (after 1747, normally either Venetian or British protec-

⁶⁰ CARLEBACH, *The Pursuit of Heresy*, cit., pp. 232-237.

⁶¹ DAVID KAUFMAN, *Rabbi Zevi Ashkenazi and his Family in London*, «Transactions of the Jewish Historical Society of England», vol. III, 1896-1898, pp. 102-125, here pp. 108-115; N. ZEMON DAVIS, *Women on the Margins: Three Seventeenth-Century Lives*, Cambridge, Mass., Harvard University Press, 1995, p. 42.

⁶² M.A. MEYER (ed.), *Tradition and Enlightenment 1600-1780*, I, New York, Columbia University Press, 1996 («German-Jewish History in Modern Times», ed. Mordechai Breuer and Michael Graetz), p. 259.

⁶³ P. MACIEJKO, *The Jews' Entry into the Public Sphere: The Emden-Eibeschutz Controversy Reconsidered*, «Simon Dubnow Institute Yearbook», vol. VI, 2007, pp. 135-154, cit. from p. 135. Among a vast literature on this incident, see also S.Z. LEIMAN and S. SCHWARZFUCHS, *New Evidence on the Emden-Eibeschutz Controversy: The Amulets from Metz*, «Revue des études juives», s. I-II, vol. CLXV, 2006, pp. 229-249.

tion) in the Ottoman Empire. Upon instigation of the British consul, the grand rabbi of Aleppo, Solomon Laniado, threatened to excommunicate any Jew, and particularly any relatives or employees of Belilios, who might have hidden commodities, precious stone or cash belonging to him. The Venetian consul was opposed to the *hakham's* intervention, arguing that he had no place mingling in disputes between Europeans, whether Christians or Jews («tra Franchi e Franco»). In any case, no one came forward.⁶⁴

Now increasingly acquainted with the legal courts of Europe, merchants like Nataf learned to navigate both commercial and civil courts. But in either forum, the adjudication of ordinary conflicts between merchants over unpaid credit was rarely a simple matter. There is ample evidence of the development of an ever more uniform and locally codified commercial law in the early modern period, but the coordination among civil and commercial courts, even in one single state, and their degree of efficiency is often assumed more than demonstrated. Thus when Saccuto ordered the influential Sephardic merchant and banker Benjamin Mendes da Costa to buy and sell some stocks and bonds on his behalf, he found that Mendes did not feel compelled to abide by the sentences passed in Livorno. In fact, Mendes wrote, he was not allowed to admit rulings issued outside the United Kingdom.⁶⁵ Nataf was quick in exploiting the absence of an inter-state regulatory system, even if taking refuge in Genoa meant betraying the substance of the agreement with his cousins. His case proves once more that coercion was not necessarily effective in commercial disputes and that legal enforcement only went as far as the parties involved were willing to compromise. Tribunals could judge on the applicability of the terms of a contract, but not restore trust when it was broken.

Scholars interested in Halakhic disputations may be drawn to the letters and libels exchanged between Nataf, the Tunisian rabbis, and other religious leaders as ways of probing the expanding boundaries of secularization in Se-

⁶⁴ Archivio di Stato, Venice, *Cinque Savi alla Mercanzia, I serie*, busta 603. The murky partnership structure set up by Belilios (with several affiliates using similar names in Venice and Livorno) likely helped him shield part of his extended family's patrimony.

⁶⁵ The letter was written on 12 Aug. 1763 in Spanish and translated by the court of the Governor of Livorno on 2 Sep. 1763: «Ricevei la cara vostra del 29 luglio per vendere solo sterline 800 delle vostre sterline 1000 della azioni della Compagnia dell'Indie e comprare 653:6:8 di azioni del Banco lo che ho diligenziando [...], e resteranno in mio nome a vostra disposizione giacché non posso ammettere le determinazioni dei tribunali di fuori del Regno, però se voi mi ordinate che tenga dette sterline 653:6:8 di Banco e sterline 200 dell'Indie al vostro ordine con altri due o tre signori uniti seguirò li vostri ordini». ASL, *Capitano, poi Governatore, poi Auditore: Atti civili spezzati*, filza 2298, no. 711 (my emphasis).

phardic society. But such documents should also be of interest to economic historians concerned with legal institutions. For in fact, they do less to unveil the patchy process through which an increasingly standardized commercial law was set in place and implemented, than they reveal the extent to which – short of causing a diplomatic incident – merchants could mobilize personal networks, means of communication (including the printing press), competing legal sources, and multiple corporate affiliations to pursue their own goals, irrespective of good or bad faith.