

RELIGION AND LAW IN THE WESTERN SEPHARDI COMMUNITY: SOME REMARKS FROM THE CASE OF LIVORNO DURING THE EARLY MODERN PERIOD¹

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Abstract: This article examines documents of the Sephardic Community of Livorno during the 17th century, with special attention to the *escamot* that refer to legal aspects of Jewish life in this port-city, in order to contribute to the study of the religious community experiences during political changes in Europe in the Early Modern Period. This enables analysis of how, and to what extent, the mechanisms of communal socialization and social control in the public and private spheres were related to the process in which the territorial authority and the political control of its borders were reinforced in Tuscany. It argues that Sephardic community legal decisions reinforced political processes in Livorno (and Tuscany), rather than merely been unconnected to them. This argument implies reconsidering not only the role of Diasporic religious communities in local political context, but also the role of local context in the tension between religion and law. From this perspective, it is possible to deepen our understanding of the experience of religious communities regarding the conception on Justice.

Keywords: Western Sephardic Diaspora, Justice, Law, Livorno, Confessionalization, Political and Territorial borders.

Resumen: Este artículo examina documentos de la Comunidad Sefardí de Livorno durante el siglo XVII, con especial atención a las *escamot* que se refieren a los aspectos jurídicos de la vida judía en esta ciudad-puerto, con el objetivo de contribuir al estudio de las experiencias de las comunidades religiosas frente a los cambios políticos en Europa durante la Edad Moderna. Esto permite analizar el alcance de los mecanismos de sociabilización comunitaria y de control social en las esferas pública y privada en relación con los procesos en donde se reforzó la autoridad territorial y el control político de las fronteras en Toscana. El argumento del artículo sostiene que las decisiones legales de la comunidad sefardí reforzaron los procesos políticos en Livorno (y en Toscana), en lugar de simplemente ser independiente de ellos. Este argumento implica reconsiderar no solo el papel de las

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comunidades religiosas diaspóricas en el contexto político local, sino también el rol del contexto local en la tensión entre la religión y el derecho. Desde esta perspectiva, es posible profundizar la comprensión de la experiencia de las comunidades religiosas respecto a la concepción de la Justicia.

Palabras claves: Diáspora sefardí occidental, Justicia, Derecho, Livorno, Confessionalización, Fronteras políticas y territoriales.

INTRODUCTION

The complex and often tense relationship between Religion and Law, like the tension between the *Nuntius Divinus* (מָסֵר אֱלֹהִי) and the need to respond to *Desiderium Mundanarum* (הַצֵּרְכִים הַיּוֹמִיּוּמִים), are subjects that have been researched extensively, in all religions, from different perspectives and in diverse periods of time.

In the specific case of the Western Sephardic Community during the Early Modern Period, there were different contexts where this relationship became more or less relevant, especially as a result of the characteristics of its diasporic community organization: where the Iberian culture play a central role, together with the Jewish religion, in the public and private life of the Sephardic Jews in new socio-cultural contexts.

This characteristic compels us to consider that dealing with the tension between Religion and Law in the Early Modern Period, the Jews did not retain any kind of political power of their own in order to include religion conceptions in the legal system of a territory - like happened in other religious communities, especially Christians and Muslims. Therefore, the Jewish authorities needed to deal with the tension between Religion and Law only from a diasporic experience.

The diasporic nature of the Sephardic Jewish life caused a lack of academic interest in the role that the institutionalization of their communities played in political contexts in the European societies.

This article examines some decisions of the Western Sephardic Community of Livorno regarding the behavior of its members during the first years of consolidation of the community - years in which Livorno changed its political and administrative status (1606-1675) -, in order to contribute to the study of the religious community experiences during political changes in Europe in the Early Modern Period. It argues that Sephardic community decisions reinforced political processes in Livorno (and Tuscany), rather than merely be unconnected to them. This argument implies reconsidering not only the role of Diasporic religious communities in local political context, but also the role of local context in the tension between religion and law. From this perspective, it is possible to deepen our understanding of the experience of religious communities regarding the conception on Justice.

LIVORNO: THE SEPHARDIC DIASPORA AND THE SETTING OF TERRITORIAL BORDERS IN THE PROCESS OF CONFESSIONALIZATION

In her research about the Sephardic diaspora in *Livorno* during the Early Modern Period, Carlotta Ferrara Degli Uberti notes that in order to understand the characteristics of this community, it is necessary to consider that:

*"(...) the Jews arrived in Livorno because they had been explicitly invited by the government of the Grand Duchy, the invitation being motivated by the conviction that their presence would be of use for the economy of the city and state"*².

The invitation of the Sephardic Jews was expressed in the Letters of Patent of 1591-1593, known as the *Livornina*, which established the legal basis for their arrival and establishment in the city of Pisa and the lands of Livorno. In this context of immigration and population growth, Livorno acquired the status of city in 1606 and was declared a free port in 1675.

² UBERTI, C. F. D., «The 'Jewish Nation' of Livorno: A Port Jewry on the Road to Emancipation», in *"Jews and Port Cities, 1590-1990: Commerce". Community, and Cosmopolitanism*, CESARANI, D. & ROMAIN, G. (eds.), London/Portland 2006, p. 161.

During the years of consolidation of the political and territorial status of Livorno (1606-1675), the city's Sephardic Jewish community underwent a process of institutional organization in order to define clear rules of religious and communal discipline for the behavior of its members. These strictures were established in the context of maintaining communal harmony *vis a vis* the arrival of new members of the diasporic group.

At the same time, this course of community building was also carried out according to the rules of the *Livornina*. According to these rules, the authorities of the Sephardic Jewish community were responsible for the public and private behavior of its members, even before government authorities.

For example, in Article 25 of the *Livornina* from the year 1593, the Grand Duchy established:

*"[We decree] that your Jewish Stewards in your Synagogues shall have the authority to decide, sentence and impose penalties as seems proper to them according to your Jewish rite and manner in all differences which may arise between one Jew and another. Furthermore [We desire] that they may apply your usual sentences and other censures in their manner [i.e., in the way in which such punishments are usually applied]. We desire by this to limit the jurisdiction and authority of your said judge. The Stewards shall have the power de facto to send into exile all those Jews who appear scandalous to them"*³.

Within the context of Livorno during the 17th century – a context of community organization in the Sephardic Diaspora and political changes in Tuscany- it is pertinent to ask: To what extent did the institutionalization of this Sephardic community contribute to the process of consolidating the city status of Livorno?

This question leads us not only to consider local features that this Diaspora acquired in the "host society" during the Early Modern Period (without nullifying its transnational characteristics), but also the reciprocal relationship of changes in

³ COOPERMAN, B. D., *Trade and Settlement: The Establishment and Early Development of the Jewish Communities in Leghorn and Pisa (1591-1626)*, Harvard University 1976, p. 428.

religious and political development in Europe from the perspective of the Sephardic Jewish Diaspora.

Although these discussions are also part of the research agenda in Diaspora studies (especially to what extent the diaspora affects political developments in the host society, such as the consolidation of territorial borders; or the strength of the relationship between the diasporic people and the host culture), examination of the political role of the Sephardic Diaspora in Livorno during the Early Modern Period can reflect the extent to which Jewish history is integrated within European history.

The relationship between the process of religious and communal organization within the Sephardic Diaspora of Livorno during the 17th century and the process of political and territorial centralization in Tuscany has not received sufficient attention in research about this Jewish community. Instead, the diasporic nature of this community has been examined mainly through its transnational practices, especially commercial and ethnic networks.

In addition, within the framework of historical studies on the process of European confessionalization⁴, the Jewish diaspora is considered to be "*marginal*" in the political processes of the host society, especially in comparison with Christian groups considered to be protagonists - particularly Catholics, Calvinists and Lutherans. As noted by Yosef Kaplan, one of the reasons lies precisely in the case of the Jews in Europe during that time:

*"(...) no central political power of their own stood behind the Jews and was able to include religion in the determination of territorial boundaries or strengthen the centralized regime and increase social supervision"*⁵.

⁴ SCHILLING, H., «Confessionalization: Historical and Scholarly Perspectives of a Comparative and Interdisciplinary Paradigm», in *Confessionalization in Europe, 1555-1700*, Aldershot 2004; SCHILLING, H., *Early modern European civilization and its political and cultural dynamism*, London 2008.

⁵ KAPLAN, Y., «Between Christianity and Judaism in Early Modern Europe: The Confessionalization Process of the Western Sephardic Diaspora», in *Judaism, Christianity, and Islam in the course of history: exchange and conflicts*, G, LOTHAR & WILLOWEIT, D. (eds.), München 2011, p. 332.

Therefore, the definitions of institutional, religious, social and cultural norms in the Western Sephardic Diaspora during the Early Modern Period were considered mainly in the context of defining boundaries between different religious groups.

Without ignoring the transnational behavior and practices of the Western Sephardic Diaspora, this paper assumes that analysis of the process of confessionalization experienced in the Sephardic community also enables the study, from the perspective of a diasporic group, of "(...) *the determination of territorial boundaries that strengthen the centralized regime and increase social supervision*"⁶ in the host society. That is despite the fact that "(...) *the Jews could not use political power to establish their religion within the borders of a state*"⁷.

As Yosef Kaplan notes about the Western Sephardic Diaspora:

*"(...) even though they were a small, sometimes an insignificant minority, they did more than respond and adapt. As members of a longstanding diaspora, with well-developed self-consciousness, possessing resources and wide-ranging connections, they also aspired and initiated, planned and created, out of an existential drive and not just in response to external pressures"*⁸.

From that point of discussion, this paper examines documents related to the Sephardic community organization in Livorno during the 17th century, with special attention to the *escamot* that refer to legal aspects of Jewish life in this port-city. This enables analysis of how, and to what extent, the mechanisms of communal socialization and social control in the public and private spheres were related to the process in which the territorial authority and the political control of its borders were reinforced in Tuscany.

⁶ KAPLAN, Y., «A Diaspora in Transition – Cultural and Religious Changes in Western Sephardic Communities in the Early Modern Period», in *ERC Advanced Grant 2011 Research proposal (Part B2)*, p. 3.

⁷ *Ibidem*.

⁸ *Ibidem*.

Specifically, analysis of the *Escamot è Estatudos do – K.K. de Liorne* of the Sephardic community from 1655 to 1658 seeks to examine how this diasporic group educated its members in obedience and acceptance toward territorial authority and in this way contributed to the process of consolidation of the city status of Livorno.

From that perspective, this paper aims to participate in the discussion about the applicability of the confessionalization paradigm to diasporic religious minorities which lack states of their own, and thus to the conception on Justice of the religious communities.

THE POWER RELATIONSHIP BETWEEN THE DIASPORIC COMMUNITY AND THE HOST SOCIETY: THE SEPHARDIC DIASPORA IN LIVORNO DURING THE 17TH CENTURY

The juxtaposed relationship maintained by the diasporic group between its mother culture and host society poses certain challenges to the study of the sense of belonging and institutional decisions of the diaspora community. Among other things, to what extent are transnational relations with members of the ethnic-religious group and with the region of origin affected by social processes in the host society?⁹

In the specific case of the Western Sephardic Diaspora during the Early Modern Period in Europe, this discussion becomes relevant due to the composition of the *Nação*, which has also led to discussion of the role of religion in its configuration as a diasporic group - especially in comparison with the characteristics of the population in the 'mother country'.

Regarding this point Yosef Kaplan inquires:

“What was the attitude of the ‘New Jews’ (the conversos who had returned to Judaism) to the New Christians who remained in Iberia and to the conversos

⁹ Among other, see: BRUBAKER, R., «The ‘diaspora’ diaspora», in *Ethnic and racial studies* 28.1 (2005), pp. 1-19.

in their Diaspora, who refrained from adopting Judaism? (...) Was it at all possible to retain ethnic and social solidarity with a community, most of whose members belonged, at least officially, to another religion, and of whom many had willingly assimilated in Christian society?"¹⁰.

Regarding the nature of the Western Sephardic Diaspora population, Kaplan explains that its feature as '*a torn diaspora*' meant that:

"The «members of the Spanish and Portuguese Jewish nation» in the communities of Western Europe continued to relate to the New Christian in Iberia as an integral part of an ethnic collective in which Jews and Christians dwelt together, men of faith and skeptics, firm believers in their religions and wanderers in search of a path"¹¹.

As in every diasporic group, the characteristics of the Western Sephardic Diaspora during the Early Modern Period were also the result of different local contexts. In other words, the Sephardic Diaspora was also affected by its respective host societies. Despite their common characteristics and their transnational relations, local factors in the place of residence played a role in the constitutive process of the community. Thus, while common developments affected the Western Sephardic Diaspora, its members also experienced local processes in their different host societies which affected their collective identity as a Sephardic Jews.

The relationship of the Sephardic Jews in 17th century Livorno with the *Italiani* Jews is an example of this local experience. While part of a specific and particular local process, it was also affected by the objection of the Jews of Pisan to the *Italiani* Jews' access to the *Livornina's* privileges – a characteristic juxtaposed with the relationship of the Western Sephardic Diaspora to Ashkenazi Jewry.

Regarding the relationship between the Sephardic Jews and the *Italiani* Jews in Livorno, Cooperman commented that since the late sixteenth century,

"(...) the Pisan Massari tried to put a stop to the Italiani community growing up beyond their control in Leghorn. In a petition to the Grand Duke, the Massari complained that certain Roman (Jews) and others who had not been accepted by them because of bad reputations, now lived in Leghorn and were

¹⁰ KAPLAN, Y., 2011, Op. cit., p. 323.

¹¹ Ibidem, p. 328.

tolerated by the Governor, who perhaps believed that (the Jews) were residents of Pisa [i.e., that they had been approved by the Massari]"¹².

Concerning the local characteristics of the Sephardic group in Livorno, it is necessary to note that they arrived in this port city during the Early Modern Period as merchants in an economy that needed to expand its international trade. This became possible after the decision of the Grand Duchy government to allow the merchants *di qualsivoglia Nazione* to reside in the city of Pisa and the Leghorn land – a decision that was communicated through the Letters Patent of 1591-1593 (*Livornina*).

The *Livornina* established the benefits (*privilegios*) of the Sephardic Diaspora in this part of Tuscany, delineating territorial aspects in the relationship between this Diaspora group and the host society. Beginning in Article 1, the *Livornina* of 1593 stated that:

"We grant to all you Jewish, Turkish, Moorish and other merchants, real, free and most safe conduct, as well as free faculty and license, that you may come, stay [temporally], traffic, pass [through] and dwell, with or without your families, leave, return and trade in our city of Pisa and territory of Leghorn"¹³.

However, a central aspect of the decision of the Grand Duchy, which affected the diasporic characteristic of the Sephardic community, was the status and authority possessed by their leaders according to the *Livornina*. This was especially relevant because in Livorno, membership of the Sephardic Jews in the community was mandatory and not voluntary.

Concerning the status of the community of the Sephardic Jews in *Liorne*, Ferrara Degli Uberti states that:

"As early as 1597 (...) the Jewish Nation of Livorno adopted the status of an independent body, autonomous in its internal organisation (sic) and relations with the government of the Grand Duchy, taking as a basis the Letters Patent guaranteeing freedom from persecution by the Inquisition, the right to profess

¹² COOPERMAN, B. D., 1976, Op. cit., p. 388.

¹³ Ibidem, p. 416. The highlighted text is part of the analysis.

their own religion and, for those who had been forced to convert, to embrace Judaism, the possibility to acquire real estate without any limitations, and tax amenities for trading activities connected with the port, which also enjoyed the protection of the government and consuls of the Grand Duchy"¹⁴.

Furthermore,

*"After 1614, the Massari were vested with a truly extraordinary power: when they screened new members for admission into the community (a procedure called ballotazione), they also conferred on them the status of Tuscan citizens, that is, subjects of the Grand Duchy. Members of the Jewish nation appeared in this capacity, rather than as foreigners, before civil magistrates and appeals courts. (...) In return for these concessions, the Medici made membership in the Jewish nation conditional on maintaining a permanent residence in Livorno. Those who wished to leave for a few months had to secure permission beforehand. The exemption from paying any direct taxes that was granted to all heads of households belonging to the Jewish nation of Livorno likely gave prosperous merchants an incentive to comply with the residency requirement. By delegating to Jewish leaders the power to select new members, the Tuscan authorities also made them responsible for the consequence of admitting families that might appear less than desirable"*¹⁵.

Regarding this aspect, Trivellato points out that:

*"The degree of jurisdictional autonomy of the Jews of Livorno was also considerably greater than that of their coreligionists in Rome and Venice, where rabbis and lay leaders could police the inhabitants of the ghetto through internal disciplinary measures and voluntary arbitration, but never obtained the right to act in place of secular authorities"*¹⁶.

Another example:

*"Any dispute among Jews in Livorno had to be adjudicated first by the Massari, a proviso that reinforced the corporate logic of the administration of justice. Sentences issued by the Jewish judges could be appealed to the court of the governor of Livorno, which was led by a legal professional (auditore) and which also acted as the tribunal for any lawsuits between Christian and Jews"*¹⁷.

¹⁴ UBERTI, C. F. D., 2006, Op. cit., p. 158.

¹⁵ TRIVELLATO, F., *The Familiarity of Strangers: The Sephardic Diaspora, Livorno, and Cross-Cultural Trade in the Early Modern Period*, New Haven 2009, p. 77. The highlighted text is part of the analysis.

¹⁶ Ibidem, p. 76.

¹⁷ Ibidem, p. 78.

However, the organizational autonomy of the Sephardic Jews – according and parallel to the city status obtained by Livorno - was not a harmonious process *per se*: the authority of the *Nação* and the authority of the city would define their jurisdiction over time. Trivellato presents an exemplary case of this relationship:

*"(...) a certain Paolo Antonio Castro of Genoa, who used the Jewish name of Gabriel Arias in Livorno, brought charges against some Sephardic merchants of Livorno before Florentine courts as a Christian; his adversaries wished to avoid the trip to Florence and have the lawsuit adjudicated by the Jewish tribunal in Livorno. The jurisdictional disputes continued for eight years until Rinuccini conceded jurisdiction over 'foreign Jews' to the Jewish court in 1733"*¹⁸.

Therefore, while recognizing the common characteristics of the Western Sephardic Diaspora and its significant transnational relations during the Early Modern Period, the local processes in Livorno also played a role in forming the diasporic characteristics and the process of religious socialization of this community. As Cesarani comments:

*"Unlike the classic port Jew model, the Jewish community of Livorno, the Nation, was allowed to retain internal jurisdiction according to Jewish law and, crucially, to control its own membership. The Jews were afforded privileges collectively and the community was a mandatory body. This was the complete opposite of developments in Bordeaux, Amsterdam, Hamburg and London"*¹⁹.

At the same time, as Trivellato commented:

*"(...) the Jews of Livorno formed a community that was quite unlike the voluntary association typical of Sorkin's port Jews: Jews who wished to settle there were obliged to join the community and the Jewish elite were able to exercise strict control over Jewish immigration"*²⁰.

These factors allow us to examine the setting of territorial borders in Tuscany during the Early Modern Period from the experience of the Sephardic Jews in Livorno (a 'confessional Diaspora'). Among other reasons, because the

¹⁸ Ivi, p. 53.

¹⁹ CESARANI, D. & ROMAIN, G. (eds.), *Jews and Port Cities, 1590-1990: Commerce. Community, and Cosmopolitanism*, London/Portland 2006, p. 8.

²⁰ Ibidem, p. 4.

process of learning experienced by the members of the Sephardic community in Livorno did not consist of a voluntary decision to join a group of diasporic nature, but was a necessary condition demanded by the local authorities. That points to the extent and significance of the learning process in the Jewish community in Livorno, regarding both the local authority and the political status of the city, as well as the territorial boundaries of the host society.

The definition of the territorial limits in which Sephardic Jews could work was especially significant in light of the economic role played by this diasporic group. Not only did it determine the geographical limits of their benefits and obligations, but also the space of their authority, especially toward resolving differences between members of the community.

The Article 8 of the *Livornina* of 1593 stipulated that

*“We promise to put 100,000 scudi at your disposal to pay charter, contract and exchange fees or other expenses due on merchandise which you may bring to Our port of Leghorn, to Our city of Pisa or to Florence”*²¹.

At the same time the *Livornina* established that:

*“We desire that only [lit.:all] those who shall be nominated and declared [acceptable] by your said Stewards and the inscribed in the book of the Secretary of the Customs-house of Pisa shall be able to enjoy the above-mentioned privileges as well as establish a home in the beloved city of Pisa and [territory of] Leghorn as above, and not otherwise”*²².

To be precise, the Grand Duke established the territorial space in the *Livornina* as a parameter of the diaspora' consolidation. For example the Article 20 establishes that

*“We grant you the right to maintain a synagogue in both the said city of Pisa and [the] territory of Leghorn. You may perform all of your Jewish ceremonies, precepts, and commandments in them, and worship [according to] your rites in these [Synagogues] and outside of them”*²³.

²¹ COOPERMAN, B. D., 1976, Op. cit., p. 421. The highlighted text is part of the analysis.

²² Article 35 of the *Livornina* (1593), English Translation, COOPERMAN, B. D., 1976, p. 431.

²³ COOPERMAN, B. D., 1976, Op. cit., p. 426. The highlighted text is part of the analysis.

The arrival and consolidation of the Sephardic community in Livorno, and, on the other hand, the growth and consolidation of the status of "city", were part of the same process. Hence:

"In the mid-sixteenth century (...) Cosimo de' Medici, the hereditary ruler of Tuscany, laid the foundations for transforming Livorno from a fishermen's village into a Mediterranean hub of long-distance trade. (...) A new city statute in 1545 granted Livorno greater fiscal benefits and more juridical and administrative autonomy than any other town in the state. (...) In 1606, with great fanfare, this previously undistinguished Tuscan town was given the name «city» by its patrons, who saw their glory reflected in its beauty and efficiency".

It is in this context that the development and growth of the Sephardic diaspora in Livorno took place. For instance:

"In 1601, the city housed a mere 134 Jews. Only twenty-one years later their number had climbed to 711, which amounted to more than 7 percent of the city's population. In 1645 the community counted about 1.250 members. A half-century later it had reached 2.397. (...) Livorno was thus the second largest Sephardic settlement in the West after Amsterdam. In Italy, Rome housed the only other Jewish population comparable in size to that of Livorno, but its Portuguese component was considerably smaller"²⁴.

According to Article 25 of the *Livornina* "(...) cases within the community were to be judge by the Massari (...)" and according to Article 10, "(...) cases between Jews and non-Jews were to come under the jurisdiction of a special Christian layman, trained in the law and appointed for this purpose by the Grand Duke".²⁵

Regarding the conflicts within the community, Article 25 established that:

"[We decree] that your Jewish Stewards in your Synagogues shall have the authority to decide, sentence and impose penalties as seems proper to them according to your Jewish rite and manner in all differences which may arise between one Jew and another. Furthermore [We desire] that they may apply your usual sentences and other censures in their manner [i.e., in the way in which such punishments are usually applied]. We desire by this to limit the jurisdiction and authority of your said judge. The Stewards shall have the

²⁴ TRIVELLATO, F., 2009, Op. cit., pp. 53-57.

²⁵ COOPERMAN, B. D., 1976, Op. cit., p. 335.

power de facto to send into exile all those Jews who appear scandalous to them"²⁶.

This regulation required certain definitions from the *Ma'amad* within the community - especially clear rules aimed at preventing and resolving differences between the members of the Sephardic community. As Cooperman commented:

"(...) there was an increasing feeling among (Sephardic Jewish) merchants that commercial matters were based upon contractual obligations undertaken and understood within the framework of 'secular' law, and that therefore, they could not be effectively judged by the rules of rabbinic justice. The discrepancies between the two legal systems were too great to accommodate the switch. In 1680, therefore, the Ma'amad of the Leghorn community tried to fix areas of absolute jurisdiction for each court"²⁷.

The characteristics of the Sephardic community in Livorno were also the result of the jurisdiction of its autonomy (and not only of the efforts of its authorities to resolve conflicts among its members), because

"(...) the state itself presented a constant threat to the independence of the Jewish governments. This was perhaps most keenly felt by every litigant who lost a case on appeal to the Tuscan magistrates. The Massari had to be on constant guard lest an appeal be accepted and hence erode their absolute authority. In 1596, for instance, the Massari of Pisa found that their rulings and sentences were not being obeyed. As a result, they asked the government for a public confirmation of their right to judge. As well, they urged that their own decisions be declared unappealable except by special permission from the Grand Duke himself, as was the case with the decisions of the Conservatore's court. This was granted"²⁸.

In this context, the Sephardic community in Livorno sought to consolidate its autonomy in the city and its authority within it, and at the same time, to resolve conflicts between the commercial and religious aspects of the lives of Sephardic Jews in the host society. Within this framework, the Sephardic Diaspora was not isolated from the political process and legal requirements in Livorno – which included the process of consolidating local authority and the setting of territorial

²⁶ Ivi, p. 428.

²⁷ Ibidem, p. 357.

²⁸ Ibidem, p. 345.

borders in Tuscany: a part of the process of confessionalization in the Early Modern Period.

Therefore, analysis of the *escamot* of the Sephardic community in Livorno, and especially its community rules, correlates to territory authority, enabling us to examine the balance of power between the diasporic group and the host society in this port city.

LIVORNO: THE SEPHARDIC DIASPORA AND THE SETTING OF TERRITORIAL BORDERS IN THE PROCESS OF CONFESSIONALIZATION.

The role of transnational ethnic and commercial activity in the organization and identity of the Sephardic Jews in Livorno during the 17th century has been analyzed in depth, especially because it was "*(...) the second largest Sephardic settlement in the West after Amsterdam*"²⁹.

In the context of academic discussions about the concept of 'port Jews', Trivellato states that the case of the Sephardic Diaspora in Livorno during the early modern period:

*"(...) allows us to understand better the coexistence of tradition and innovation in the experience of early modern Sephardim. Crucial in this revision are the concepts of 'trading diasporas' and 'trading networks', which we need to take into account when evaluating the analytical potential of 'port Jews'"*³⁰.

According to Trivellato, the ethnic transnational relations of the Sephardic Jews in Livorno present a central component for understanding their behavior and identity. In particular because

"The lives of Sephardic men and women, even when spent for the longest part in a European city where they held fairly secure rights and were respected members of the host society, were linked in multiple ways to diasporic

²⁹ TRIVELLATO, F., 2009, Op. cit., p. 57.

³⁰ Ibidem, p. 43.

*networks that traversed predictable geopolitical and cultural lines, and thus cannot be reduced to a single process of acculturation*³¹.

As the transnational networks shaped Sephardic collective identity these processes were juxtaposed to local developments in Livorno. There, the Sephardic community needed to address specific requirements of the host society - from legal conditions set by Grand Duchy's government regarding religion and commerce, to local characteristics of social relations with different diasporic groups in Livorno and with the local church. Among other reasons, because

*“Livorno was a frontier society unlike any other within the Tuscan state and an experiment in political and social engineering animated by the Medici's desire to complete in the arena of international trade”*³².

The policy of Grand Duchy authorities in ensuring a stable population using government benefits, in order to promote the population and economic growth of Livorno, also affected the agenda of issues addressed in the Sephardic community. At the same time, the regulations of the *Livorninas* allowed the existence of a kind of cooperation between the Sephardic community authorities and the authorities of the Grand Duchy.

For example, in Article 34, the Grand Duchy ruled in the *Livornina* that:

*“(...) Our chief of police in Pisa and other law enforcement officers shall execute the mandates issued as orders by your said judge as well as all the others of the Stewards in matters between one Jew and another. [The officers] shall not have as their recompense any more than [the amount] fixed in the usual fee [schedules]”*³³.

Regarding the conditions of establishment in Livorno it is necessary to contextualize that

“(...) the growth of the population was tumultuous, sometimes the production of new housing was built faster than the arrival of new tenants, but more often

³¹ TRIVELLATO, F., «The Port Jews of Livorno and their Global Networks of Trade in the Early Modern Period», in *Jews and Port Cities, 1590-1990: Commerce, Community, and Cosmopolitanism*, CESARANI, D. & ROMAIN, G. (eds.), London/Portland 2006, p. 43.

³² TRIVELLATO, F., 2009, Op. cit., p. 96.

³³ COOPERMAN, B. D., 1976, Op. cit., p. 430.

it was the other way around. And there were difficulties and obstacles for the newly arrived before they could put down their roots. The merchants preferred to live in the more comfortable and tranquil city of Pisa, and for many long years Livorno was a frontier outpost, inhabited by a very mobile population, largely male due to the preponderance of sailors, diggers, soldiers and slaves. It was very difficult to toot a stable, hard-working and disciplined population in a precarious situation (...)"³⁴.

In the framework of the political and economic objectives of the Grand Duchy, the delineation of territorial borders in Tuscany was an issue of interest because in this context

"Borders were visible, whether or not travelers and geographers mention them in their writings. In addition to the customs houses [at the border points of the state], there were series of termini [boundary markers] placed along the boundaries between states. The border markers were inspected periodically by the state official's resident in the communities along the borders; they were accompanied on their rounds by local experts. These visite dei confini [border inspections] were not simply acts aimed at checking that the markers where still in place; they were physical and ritual reaffirmations that the jurisdiction of the state extended up to the border"³⁵.

The question of territorial boundaries in the state of Tuscany - and in Livorno - acquired singular value in the context of confessionalization because

"(...) the borders of each diocese did not necessarily coincide with those of the territory administered by the city administration, and in some cases the diocese extended even beyond the state borders"³⁶.

In addition

"Diocesan borders were frequently the cause of controversy, and in Tuscany as in other territorial states there were many attempts, some of which successful, to obtain from Rome a reorganization of diocesan boundaries, or to create new dioceses in order to make the ecclesiastical and state boundaries coincide"³⁷.

³⁴ FISCHER, L. F. & VILLANI, S., «“People of Every Mixture”. Immigration, Tolerance and Religious Conflicts in Early Modern Livorno», in *Immigration and Emigration in Historical Perspective* 1 (2007), p. 8.

³⁵ QUAGLIA, A. M. P., *Early Modern Tuscany: 'Regional' Borders and Internal Boundaries*, Pisa 2009, p. 133.

³⁶ Ibidem, pp. 135-136.

³⁷ Ibidem., p. 136.

In this context, and as a consequence of the requirements established in the *Livornina*, the Sephardic community referred to the territory as part of the process of socialization in the community. On March 28, 1655, the Sephardic community of Livorno began publishing a series of *escamot* which articulated considerations of local territory in the definition of its membership.

Escama N° XXX, for example, made it clear that members of the Sephardic community needed to comply with certain rules of behavior in Livorno which did not correspond to ethnic or religious aspects of Judaism:

“Ninhum Judeo que estiver em Liorne, nem outrem por ele, seja ousado, soto pena de herem, empedir nem fazer empedir o carregar Mercaderias de qualquer sorte que sejaõ para qualquer parte neste porto de Liorne, saluo por o que o Baixel seja ausulutamente nollejado por si, que em tal caso o podraõ fazer”³⁸.

The definition of ‘correct behavior in Livorno’ implied not only the standards of behavior and community socialization of its members, but also the context of the *Cidade* as a geographical space related to identity and community belonging.

In *escama* N° L, it was established that:

“Havendo os SS.res do Mahamad considerado os accidentes e grandes excessos que cada dia se recresen sobre os Jogos hordenárão que daqui en diante nenhuma pessoa não posa jugar nesta cidade e seu termino en Vilhas e en Bodas ningun jogo que não seiya de oito cartas arriba, e poderão jugar jedres e taboas, e quem o contrario fiser incurirá na pena que está na Scamá n.º 31 e de vinte ducados aplicados a disposição dos SS.res do Mahamad”³⁹.

In order to educate the Sephardic Jews about the new norms – and thereby set unambiguous rules of social and labor behavior for Sephardic Jews in Livorno - the *Ma'amad* reinforced the image of the *Cidade* as a geographic unit associated with the diasporic group.

³⁸ TOAFF, R., «Statuti e leggi della «Nazione ebrea» di Livorno. I: Gli Statuti del 1655», in *Rassegna Mensile di Israel* (1968), p. 27. The highlighted text is part of the analysis.

³⁹ TOAFF, R., «Statuti e leggi della “Nazione ebrea” di Livorno. II: La legislazione dal 1655 al 1677», in *Rassegna Mensile di Israel* (1972), p. 15. The highlighted text is part of the analysis.

It should be remembered that the *Livornina* referred to the ‘Livorno territories’ as a space related to the city of Pisa, and not as a geographical unit in itself. That is, the consolidation of Livorno as a city was parallel to the consolidation of the Sephardic Jewish community in the *Cidade*.

Since the beginning of the community organization, the authorities of the Sephardic diaspora clarified that residence in Livorno was an attribute that group members should assume as part of their belonging and membership to the community (and in this way, to the *Nação* in Livorno). That is why, for example, the period of residence in Livorno played a central role in filling a community requirement.

To this end *escama* N° VIII stipulated that:

*“Quel qualquer pessoa que vier a morar neste Livorno com sua familia, não possa entrar na basula dos parnasim ate passarem dous annos depois de ser balotado e escrito na aduana. A qual balotação deva ser feita por dez pessoas enclusivo o Maamad, devendo ser aprovado pela maior parte; e asi mesmo não poderaõ entrar em dita busula pesoas que exerçitem o ofiçio de sensal”*⁴⁰.

Although the *Ma’amad* of the Sephardic community of Livorno could have referred to characteristics shared with Sephardic Jews who lived under the authority of the Grand Duchy (as was defined in the *Livornina* of 1593), Livorno was considered in the *escamot* as a territorial-political unit, different from and unrelated to the rest of Tuscany.

This differentiation was established by the *Ma’amad* through the rules that Sephardic Jews should respect in order to keep their membership in the community of their city (and, as follows, their citizenship in Tuscany).

This kind of position in the *escamot* must be read in light of both the legal situation of the Sephardic Jews in Livorno and the political context of the time. As Trivellato noted

⁴⁰ TOAFF, R., 1968, Op. cit., p. 18. The highlighted text is part of the analysis.

“During the second half of the sixteenth century, the Medici transformed Livorno from a small fishermen’s village into a fortified port-city. [In this context] (...) all members of the ‘Jewish nation’ of Livorno became Tuscan subjects. The right to admit new members to the ‘Jewish nation’ was conferred upon its elected officials (...); the latter thus had the unique authority of conferring or denying Tuscan citizenship to potential applicants. (...) Citizenship, however, was linked to residence, as only those Jews who permanently resided in Livorno were entitled to it. For a highly mobile population, this nexus between citizenship and residence provided an incentive to become rooted in Livorno”⁴¹.

In this legal and political framework, the *Ma'amad* defined the difference between *"residents"* and *"foreigners"* (or people in transit), seeking to reduce any possible influence that put into doubt its authority and its role in Livorno. As the *Ma'amad* defined in *escama* N° XXXII:

“Assi mais, vendo o escandolo grande que naçe de ir gente aa boca deste porto de Liorne no tempo que ali chegaõ pessoas de ponente, eçeito de Frandes e Berberia, ordenãraõ que en tal occasiaõ não possa ir a dita boca pessoa ninhua a falar com tal gente, salvo os que ordenarem os Senhores do Maamad”⁴².

Over time, the *Ma'amad* also marked the differences between the Sephardic Jews of Livorno and the ‘foreign’ (or outsider) Sephardic Jews. For example, in *escama* N° LXXV from 1670, the *Ma'amad* stipulated that:

“Estando juntos os S.res do Mahamad em companhia dos SS.res Doze, havendo considerado diversos inconvenientes que se siguem à nossa nação de pessoas forasteyras que de diversas partes vem assistir a este lugar para acharem recolhimento em cazas de pouzada de ditta nação que lhes dão alvergue o que he cauza de assistirem entre nós mais do que nos convem, ordenãrão, dispois de balotado, que nenhum albergador ou que dê câmara locante, possa albergar a ninhua pessoa ou pessoas sem licença por escrito em que sejam firmado tres dos SS.res do Mahamad, os quais darão ditta licença por o tempo que lhes parecer conforme a qualidade de ditta pessoa, não permitindo entre nós jente escandalosa e enquieta; e do contrario ficará o que albergar sugeito a prizão e arbitrio dos SS.res do Mahamad que o condenarão no que lhes parecer e o firmãrão en Liorne a 26 de Outtubre de 1670”⁴³.

⁴¹ TRIVELLATO, F., 2006, Op. cit., p. 33.

⁴² TOAFF, R., 1968, Op. cit., p. 28. The highlighted text is part of the analysis.

⁴³ TOAFF, R., 1972, Op. cit., p. 37. The highlighted text is part of the analysis.

The *Ma'amad* educated its members about 'correct behavior' as Sephardic Jews in the host society while, at the same time, implicitly communicating to them an image of the city of Livorno as a part of their diasporic identity. The role of *da Cidade* as a point of reference was provided by the community's leaders in the definition of their membership, contextualizing the appropriate religious-community behavior in Livorno. In other words, the process of religious and communal socialization of the Sephardic Jews was associated with the territorial space of Livorno.

Moreover, regarding the regulation about 'correct behavior in Livorno', the members of the *Ma'amad* also related their community authority with the government institutions in the city. This was because the leaders of the Sephardic community legitimized their authority not only as members of the *kehila*, but also in terms of the characteristics of the political power in *da Cidade*.

Thus, for example, the penalty for violation of some of the *escamot* involved not only *herem*, but also the *barjelo*: the police of the Grand Duchy of Tuscany. Therefore, *escama* N° XXXXIII established that:

“E assi mais ordenáraõ, por bom governo e serviso del Dio Bendito, que ninhum Judeo de este K.K., de qualquer calidade que seja, possa hir a comer nem beber em obsterias nem tabernas, magazens, barcas, ou qualquer outtro lugar ou casa aonde se vender vinho, sotto pena de dez ducados e quinze dias de secreta. E o parnas presidente será obrigado a dar ordem barjelo que caturein a qualquer Judeo que acharem comendo ou bebendo em ditos lugares asima a primeira vez. E a segunda deberá o tal delinquente ser bandito de Liorne e as mais penas que parecer a os Senhores do Maamad. E qualquer pesoa que o vir, sejaõ brigado a vi-lo a dizer ao Parnas presidente que se lhe terá secreto, sotto pena das escamott”⁴⁴.

Considering that the collective identity of Sephardic Jews in Livorno was consolidated in a juxtaposition of processes and characteristics of the host society and the transnational links within the diasporic-ethnic group (not only with the mother country), the imposition of social discipline (*Sozialdisziplinierung*) was

⁴⁴ TOAFF, R., 1968, Op. cit., p. 37. The highlighted text is part of the analysis.

also defined and justified by the special needs and rules of the geographical-territorial unit: *a Cidade do Liorne*.

The members of the *Ma'amad* considered the city of Livorno to be a place where the rules and norms of behavior were obligatory for members of the Sephardic diaspora. Thus, in the *escamot*, they defined the *Cidade* as a space where they had recognized and legitimate authority over *Judeos de este K.K., por bom governo e serviso del Dio Bendito*.

For example, according to *escama* N° XXXXII from 1655, all Sephardic Jews who arrived and sought to live in Livorno were required to inform the *Ma'amad*, in order to comply with the local regulations *em esta Cidade*. This *escama* established that:

*“Asi mais ordenáraõ que de oige em diante todos os que vierem a esta Cidade deverãõ ser chamados por os Senhores do Maamad; para confforme a informaçaõ que tiverem de seus cabedais, os fazerem pagar para ajuda do demepenho da fabrica da escola, e o demais que ocorrer”*⁴⁵.

As time went by, and with the consolidation and growth of the Sephardic community in Livorno, new situations emerged and required definition in order to prevent and resolve internal conflicts and maintain community cohesion. As a result of the arrival of new Sephardic Jews to the city and of local developments in Livorno's society, the members of the *Ma'amad* were forced to address issues that had not been previously defined.

For instance, in *escama* N° LXVIII of January 26, 1670 (15 years after the publication of the first *escamot*, and in a context in which the population of Sephardic Jews of Livorno had grown considerably) the *Ma'amad* decided to define clear rules of leisure time behavior *em Liorne como em todo seu termo*, and about the correct relationship with the rest of the local population in the city. Therefore the *Ma'amad* established that:

⁴⁵ Ivi, p. 37. The highlighted text is part of the analysis.

“Vendo os SS.res do Maamad, acompanhados com os SS.res Doze, as muttas desordens que de jogo se originão por serem as Escamod feitas sobre tal partar mal interpretadas de algũas pessoas, acudindo ao bem publico como devem, sendo todos uniformes e de hum votto, ordenárão o seguinte:

Primeiro, ordenão que ninhua pessoa de qualquer estado e calidade que seja, possa jugar jogo nenhum tanto em Liorne como em todo seu termo, quer seja em Vilhas ou Bodas, ou em outra qualquer parte (...).

Quarto, que ninhãa pessoa de qualquer calidade que seja possa hir aas cazas ou lugares públicos ou secrettos de goim, tanto em Liorne que em seu termo, a jugar ou a ver jugar, sotto as mesmas penas e as demais que parecer aos SS.res do Maamad (...).⁴⁶

By seeking to regulate the behavior of the Sephardic Jews in this way, the *Ma'amad* transmitted to the members of the community an image of Livorno as a political-territorial unit which was part of their collective identity as Sephardic Jews 'of' and 'in' Livorno. The community's leaders established practices that were forbidden for Jews residing in the area, and did not regulate only practices that were considered forbidden simply from the *Halacha* point of view, or according to the particularities of the diasporic-ethnic group (according the practices from the motherland).

The *escama* N° LXXII established that

“Estando juntos los S.res del Maamad e S.res Doce ordenaron que se deva prohibir, come en efeto se prohíve, que nenhuma pesoa posa falsificar almiscle nem algalia nem oitro qualquer cheiro en Liorne, nem menos posa contratar nele soto pena que o neg[oci]o en que intervirem d[i]tos generos será nulo e restornado e a tal mer[cadoria] perdida sem remisaon alguma e condenado o transgressor en p[er]ças 25 de 8 apricadas a metade para o que o vier a diser e a otra metade para a fabrica da nosa Escola e des días de prisaon (...).⁴⁷

Among the members of the Sephardic community, the characterization and transmission of Livorno as a political and territorial unit took place not only in *escamot* relating to work-business and social realms associated with the establishment of the Sephardic Jews in the city and the benefits and obligations

⁴⁶ TOAFF, R., 1972, Op. cit., p. 31. The highlighted text is part of the analysis.

⁴⁷ Ibidem., p. 35. The highlighted text is part of the analysis.

stipulated by the *Livornina*. It was also expressed in *escamot* relating to private affairs (personal and family issues), where the *Ma'amad* sought to organize areas of personal behavior.

Thus, for example, *escama* N° LXXXII (del "di 5 9bre de 1671") stated that:

*"Avendo esperimentado os SS.res do Maamad e SS.res Doze que por o decreto já publicado sottodia 18 de 8bre do ano de 1661 sobre o registro das quetubot que muitas pessoas que vein casadas de fora de Liorne não registrão suas quetubot por seus particulares intentos, os quaissão con prejuísio do bein común e das mulheres que pode machar-se emdotadas, portando, confirmando e ampliando dito decreto, ordenão que sotto pena de berahá e nulidade in juicio da quetubá con todo o que for a favor do marido, qualquer pessoa que tenha quetubá sein estar registrada ou copiada en Libro de Quetubot de este K.K. deva sotto ditas penas registra-la e fase-la copiar en dito Libro para que sempre se posa achar o oreginal; outramente se prosederá contra quein ao contrario fizer e se manda a publicar para que venha a notisia de todos"*⁴⁸.

In this way, the Sephardic community organized the social and religious life of its members, educating and transmitting an image of Livorno as a space that legitimized their practices and a place where it was necessary to define a religious and community discipline. Thus, Livorno contextualized their collective identity as a Diaspora group.

Within the context of rights and obligations required by the Tuscany government (based on the interest of the Grand Duchy in the economic and population growth of the territory under its political sovereignty), the Sephardic Jews who settled in Livorno contributed to the process of setting territorial borders, through the configuration and consolidation of a diaspora community, among other activities. This is exemplified by the regulations of the *escamot* which determine correct behaviors for the Sephardic Jewish community in Livorno.

In this vein, when the Sephardic community of Livorno published the *escamot* "EN EL NOMBRE DE DIO BENDITO, LIORNE A 13 ADAR RISON DE

⁴⁸ Ivi., p. 43. The highlighted text is part of the analysis.

5437 *QVE CORRESPONDE A 14 FEBRERO 1677*⁴⁹, in which members of the *Ma'amad* regulated some commercial aspects between members of the community, they explained their decision as follows:

*"(...) por la variedad q entre si tienen nuestros Ditos y la ley ebraica, con el derecho civil, Leyes municipales, estatutos dela mercatura y particulares privilejios conzedidos a nuestra naçao por S.A.S. en sus felisisimos estados (...)"*⁵⁰.

Thus, a collective identity related to a political-territorial unit was configured within the process of organization in the Sephardic community of Livorno. Maintaining its transnational trade and ethnic relations and practices, the Sephardic community of Livorno also reinforced its membership in *la Cidade* as a diaspora community: Livorno as political-territorial unit in Tuscany.

The analysis of the *escamot* allows us to observe that the Sephardic community of Livorno was not indifferent to the political process in the host society during its process of formation and consolidation as a diaspora group in the port city, where it was setting the territorial boundaries of Livorno in Tuscany.

SOME REMARKS ABOUT THE SEPHARDIC DIASPORA IN LIVORNO AND THE TENSION BETWEEN RELIGION AND LAW IN THE PROCESS OF CONFESSIONALIZATION.

In her work, *Citizenship in Medieval and Early Modern Italian Cities*, Pult Quaglia points out that:

"(...) various phenomena such as the construction of the territorial State, the determination of State borders, the closer correspondence between the figure of the Prince and the State (for example the new title of 'Grand Duke' of Tuscany given to Cosimo I in 1569 by the pope, rather than the former one of 'Duke of Florence and Siena') were not accompanied by an extension to broader territories of the concept of 'citizenship'. Identification with a city was not transformed into a vaster 'territorial identity'. On the other hand, inside these States there was no correspondence between the enlargement of

⁴⁹ The National Library of Israel, F 38115, Microfilm, *EN EL NOMBRE DE DIO BENDITO, LIORNE A 13 ADAR RISON DE 5437 QVE CORRESPONDE A 14 FEBRERO 1677*.

⁵⁰ *Ibidem.*, p. 18.

the political frontiers and a rationalization of the administrative, fiscal or ecclesiastical boundaries"⁵¹.

The definition of territorial borders in Tuscany was part of a wider process of change and political transformation:

*"The people of early modern Tuscany were also well aware of fiscal borders. City states started early to tax landowners in order to finance wars and bureaucracies, and individual communities were responsible for making a tax list, on the basis of the declarations made by each owner"*⁵².

In order to contextualize the consideration of the territorial borders of Livorno in the Sephardic community during the 17th century, it is necessary to understand that:

*"It was perhaps economic rather than ecclesiastic or religious borders, however, that were most important in the daily lives of ordinary people. In the first place these were borders of customs areas. In addition to customs points on the state border, which were fairly recent (...) there were internal customs barriers"*⁵³.

However, the process of political consolidation in Tuscany, in which its boundaries were consolidated and Livorno acquired the status of city

*"(...) provides evidence of the existence of another type of border, this time mental, but no less established and concrete: the social one. Taxpayers were divided into four groups: Florentine citizens, who presented their returns in Florence; the citizens of the formerly autonomous subject cities; the contadini (the inhabitants of the contado); and the clergy. Besides the tax regime there were also other differences that separated these categories (...). It was not just physical space, therefore, that was enclosed by boundaries: people's lives were also shaped by judicial, administrative and religious borders"*⁵⁴.

In this context of development of the issue of the boundaries in Tuscany, the socialization in the Sephardic community, carried out through the *escamot*, was also part of a society that sought to consolidate its community.

⁵¹ QUAGLIA, A. M. P., *Citizenship in Medieval and Early Modern Italian Cities*, Pisa 2006, p. 112.

⁵² QUAGLIA, A. M. P., 2009, Op. cit., p. 137.

⁵³ Ibidem., p. 136.

⁵⁴ Ibidem., p. 137.

With regard to the collective identity of the community in Livorno, it is interesting to note that

*"In 1647 the Augustinian Father Nicola Magri published the first history of Livorno from its origin to his own time. Among the many pages that describe the material construction of the city, he dedicated a passage to the character of 'livornesi': 'gente di ogni miscuglio' [people of every mixture], but 'almost all of the same humour,' friends of foreigners, lively, curious, active, always attentive to fashions and novelties, not conformists"*⁵⁵.

Although the Sephardic community in Livorno wrote its *escamot* in the language of the *Nação*, this did not contradict its role in the host society. Among other reasons, this was because

"(...) notwithstanding the fact that it was allowed to keep the business and accounting records in one's own language, the Tuscan language was widely used, written and spoken, and became the means of communication for everyone".

In his chapter, *"Migration and Minorities"*, Schilling mentions the case of the Sephardic migrants as part of the confessionalization process, in order to explain their participation in the society and culture of the host society (including Latin Europe). Within this framework, even in the face of the political process of the *"territorialization of the Landeskirchen"*⁵⁶, Schilling notes that

*"(...) the Jewish minorities not only contributed extensively to the early modern economic growth of the respective cities; they were also responsible for the introduction of new techniques and methods in commerce and industry"*⁵⁷.

In the context of Livorno and Tuscany in the 17th century, the contribution of Sephardic Jewish society to the economy and culture of the host society was also related to the transmission of an image of the place of residence as a geopolitical-territorial unit. This occurred in particular because the *Livornina* (Privileges) forced community leaders to define membership in the Sephardic community in Livorno.

⁵⁵ FISCHER, L. F., and Stefano Villani, 2007, Op. cit., p. 13.

⁵⁶ SCHILLING, H., *Early modern European civilization...*, cit. p. 62.

⁵⁷ Ibidem., p. 56.

The *escamot* established correct behaviors for Sephardic Jews in Livorno, but at the same time taught them, in an indirect way, about the *Cidade* as a political and territorial unity. Especially, because in this context:

“Borders in early modern Tuscany, both physical and mental, have continuously been subject to changes and redefinitions, and the very construction of an “identity” appears to be a process that constantly undergoes variations and registers the impact of diverse and even conflicting influences”⁵⁸.

The case of the Sephardic Jews in Livorno (an example of ‘confessionalization migration’) allows us to consider their role as a diasporic group in the strengthening of a kind of “*subnational status*” of Livorno in Tuscany. In the *escamot* of the Sephardic community it was assumed that the city of Livorno was a socio-political geography-unit in itself - both different from, and part of, the Grand Duchy government.

Therefore, as Frattarelli Fisher comments:

“By about 1650, through investment in land, loans to the Livorno Customs House and purchase of various concessions or monopolies, Jewish merchants moved part of their funds out of international enterprise and invested them in the Grand Duchy”⁵⁹.

In this context, and through the example of the Levi brothers and their participation in paper mills, and the commerce in raw silk and tobacco, Frattarelli Fisher explains that

“The Jews, who were not subject to customs duties, unified a broad strip of territory, from Livorno to the mountains of Pistoia, in a single customs area, at least in regard to silk manufacture for export”⁶⁰.

In the case of the Sephardic Jews of Livorno, this was possible because

⁵⁸ QUAGLIA, A. M. P., 2009, Op. cit., p. 138.

⁵⁹ FISCHER, L. F., «Jews in Tuscany in the Modern Age», in *Racial Discrimination and Ethnicity in European History* (2003), p. 56.

⁶⁰ Ibidem., p. 57.

“Contrary to the situation in other Italian states, in particular in the Papal State, travelers and merchants of other religions had no problem in crossing the borders”⁶¹.

In the juxtaposition of processes and developments experienced by the Sephardic Diaspora in Livorno - juxtaposition of local processes in the host society and the transnational networks with the members of the ethnic-religious group - the social and material conditions of the settlement in Livorno also affected their community organization. It is possible to infer similar occurrences in other immigrant-diasporic groups.

The case of the community organization of the Sephardic Jews in Livorno enables discussion of the conceptualization of the confessionalization paradigm, by allowing the Western Sephardic Diaspora to be viewed also as an actor in the European political process, despite (or because of) its diasporic character. Therefore, it permits us to extend opportunities for comparison between the confessionalization process in Jewish society and those in Christian society.

In the case of the Sephardic Community of Livorno during the 17th century, the tension between Religion and Law was articulated to the local conditions through a process of socialization in which the *Livornine* identity of the Sephardic Jews was reinforced. In other words, the decisions of the Sephardi community on the behavior of its members solved certain tensions between religious conceptions and legal readings through an adjustment to local political processes. Processes that went beyond the simple rule of *dina de-malkhuta dina*⁶².

⁶¹ QUAGLIA, A. M. P., 2009, Op. cit., p. 136.

⁶² *Dina de-malkhuta dina* is the halakhic rule that stipulates that the law of the country of residence is binding, and, in certain cases, is to be preferred to Jewish law.