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"Adultery Here and There: Crossing Sexual Boundaries in the Dutch Jewish Atlantic",

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Crossing Sexual Boundaries in the Dutch Jewish Atlantic

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In 1777, the widow of Moses Pacheco of Paramaribo, Suriname was busy with preparations for her daughter's upcoming marriage to Jacob Nunes Nabarro. As the wedding day approached, a proverbial ax swung down. The local religious teacher, Rabbi Aron Acohen, came forward to declare that her daughter could not legally wed because she was the product of a forbidden relationship between widow Pacheco and her brother-in-law, Jacob Jona, initiated while both were still living in Amsterdam. In fact, according to Acohen, the Amsterdam Mahamad (the governing body of Portuguese Jews) had banished Jona from the land because of his crime. But when widow Pacheco was called before the Surinamese Jewish regents to discharge herself, she claimed that the child she had conceived after her husband's death was the product of a fleeting relationship with an itinerant Jew from Bayonne. Moreover, she knew nothing about her brother-in-law Jona's expulsion other than its cause: the Amsterdam Mahamad wished to rid itself of an impoverished family. The wedding was indefinitely postponed as the opposing parties, the Pachecos and the Jonas, gathered testimony in support of their version of the truth and the honor of their respective families.[1]

In the early modern Dutch Republic and in some of the overseas colonies adultery was – at least officially – among the most serious of crimes and rather common.[2] Preoccupation with real and imagined cases of criminal

1 National Archives of the Netherlands, The Hague (hereafter NL-HaNA), Portugees-Israëlitische Gemeente Suriname, 1.05.11.18, inv. nr. 1, May 8, June 17, and October 27, 1777.

2 This statement's obvious applicability to early modern Europe and its overseas territories lies outside the scope of this chapter. For the Dutch Republic, see, among other works, Herman Roodenburg, *Onder censuur: De kerkelijke tucht in de gereformeerde gemeente van Amsterdam, 1578–1700* (Hilversum: Verloren, 1990); Else Margaretha Kloek, *Wie hij zij, man of wijf: Vrouwengeschiedenis en de vroegmoderne tijd: Drie Leidse studies* (Hilversum: Verloren, 1990); Veronique Verhaar and Frits van den Brink, "De bemoeienissen van stad en kerk met overspel in het achttiende-eeuwse Amsterdam," in *Nieuw Licht op Oude Justitie: Misdaad en Straf ten Tijde van de Republiek* ed. Sjoerd Faber (Muiderberg: Dick Coutinho, 1989), 64–93. For the Dutch colonies overseas, see Danny L. Noorlander, "Serving God and Mammon: The Reformed Church and the Dutch West India Company in the Atlantic World, 1621–1674," (unpublished Ph.D. diss., Georgetown University, 2011); J. Th. de Smidt and T. van der Lee, eds., *Plakaten, Ordonnantiën, en Andere Wetten, Uitgevaardigd in Suriname, 1667–1816*, 2 volumes (Amsterdam: S. Emmering, 1973) and J.Th. de Smidt, R. van der Lee, J.A. Schiltkamp, eds.,

conversation has produced a large and rich body of sources, affording scholars an unparalleled opportunity to explore the social status and experiences of individuals and groups often overlooked in the historiography of the Dutch Atlantic: women, Jews, and enslaved and free peoples of African ancestry. The adulterous act, the trials that ensued, and the offspring sometimes produced from these liaisons, touch on some key discussions about the Atlantic world now current in scholarly circles: the transmission of rumors, the roles enslaved and manumitted peoples played in shaping white-dominated societies, the development and inter-communal use of Caribbean Creole languages, racialized sexual double standards, notions of public honor, the asymmetrical status change experienced by adulterous women (in comparison to men), and the roles of communal leaders and laymen in creating what one scholar calls "the language of silence."[3]

In this chapter, we focus on laws regarding adultery in the Jewish religious and civil codes and how this crime was dealt with in practice. The cases of adultery in the Dutch Jewish Atlantic, we posit, are representative of a broader trend in Europe and the colonial Americas, whereby the status and reputation of the accused couple were more crucial in determining vulnerability to prosecution than the sexual transgression itself, as discussed below. Wealth or lack thereof, race, and religious or political dissonance ultimately determined whether or not one was judged guilty. We also demonstrate that Jewish law in the Dutch Atlantic colonies most often worked alongside Dutch civil law. In

Publikaties en andere wetten alsmede de oudste resoluties betrekking hebbende op Curaçao, Aruba, Bonaire, 2 vols. (Amsterdam: S. Emmering, 1978); J. Th. de Smidt and T. van der Lee, eds., *Publikaties en andere wetten betrekking hebbende op St. Maarten St. Eustatius, Saba, 1648/1681–1816* (Amsterdam: S. Emmering, 1979). For scholarship on England see Bernard Capp, *When Gossips Meet: Women, Family and Neighbourhood in Early Modern England* (Oxford: Oxford University Press, 2003), chapter 6, and Laura Growing, *Domestic Dangers: Women, Words, and Sex in Early Modern London* (Oxford: Clarendon, 1996), chapter 3. For British North America see Mary Beth Norton, "Gender and Defamation in Seventeenth-Century Maryland," *The William and Mary Quarterly*, 3rd Series, 44, no. 1 (January, 1987): 4–39; "Gender, Crime, and Community in Seventeenth-Century Maryland," in *The Transformation of Early American History*, ed. James Henretta, Michael Kammen, and Stanley Katz (New York: Alfred A. Knopf, 1991), 123–150; and *Founding Mothers and Fathers: Gendered Power and the Forming of American Society* (New York, NY: Alfred A. Knopf, 1996).

3 Carlos Herrera, "Infidelity and the Presidio Captain: Adultery and Honor in the Lives of María Rosa Tato y Anza and José Antonio Vildósola, Sonora, New Spain, 1769–1783," *Journal of the History of Sexuality* 15, no. 2 (May 2006): 204–227, 214.

fact, three judicial systems with their corresponding legislation were at play: those of the metropole, the colonial authorities, and the Jewish community. Our research shows that these three legal systems functioned not just parallel to each other, but in fact in conversation, with Jewish law in most cases occupying a subordinate position.

Detailed accounts of sexual misconduct are rarely found in the records. The four cases we consider here are centered primarily in Amsterdam and in the overseas Dutch colonies of Suriname and Curaçao during the 1770s. These cases are representative of adultery during the early modern period and how it was handled in the broader societies of Europe and the white population overseas. At the same time, the four scandals under study expose the distinctive ways in which Portuguese Jewish communities – who comprised one-third to one-half of the white populations – understood and treated the transgression on their own terms.

The Sources

An important consideration for any comparative study involving Portuguese Jewish communities in the Dutch Atlantic is the unevenness of documentation. The two main Jewish communities of the Americas during the eighteenth century were those of Suriname and Curaçao, and there is extensive Dutch colonial administrative documentation for both. However, internal sources are a different matter. While the communal minutes of Suriname have been preserved almost uninterruptedly from the mid-eighteenth century, those of Curaçao's Mahamad seem not to have survived. The municipal archive of Amsterdam, which houses the records of Curaçao's Jewish community, does not contain any continuous documentation pertaining to this community, in contrast to the records of Suriname's Portuguese Jewish community, held in the Dutch National Archives of The Hague.

This is both an opportunity for historians and a hindrance. The opportunity has enabled us to systematically scour the records of the Surinamese Jewish regents, and conclusively state that roughly a dozen adultery cases were discussed during the century beginning in 1751.[4] However, we were encumbered in our comparative analysis because for Curaçao the sources for adultery are much spottier and thus nowhere nearly as representative as what has survived

4 Systematic analysis of the communal minutes of Suriname's Portuguese Jewish community was conducted by Aviva Ben-Ur beginning in 2009. Research on Curaçao was undertaken by Jessica Roitman.

for Suriname. The linguistic loss is especially overwhelming, for the no longer extant testimony documenting a leading adultery case in Curaçao was originally recorded in Portuguese, Spanish, and in a language referred to as Portuguese Negro speech (*Portugeese neegers spraak*), a possible indication of a Jewish version of the island's Creole language Papiamentu. Additionally, at the time of this writing, several key inventories for Suriname, including governors' journals and the records of the colonial court, were inaccessible due to a massive, ongoing restoration and digitizing project. We were therefore unable to consult records created by the Surinamese colonial authorities. Despite these lacunae, the total information is sufficiently abundant so that the main task at hand involves winnowing rather than speculating. The cases we have focused upon were the most prominent in terms of length of litigation and the attention of communal and colonial authorities.

Adultery in the Dutch Atlantic: How Common, and How Serious a Crime?

Just how common unfaithfulness was in the early modern Dutch Atlantic is difficult to assess, given the extent of unquarried sources (and the corollary lack of statistical evidence), culturally variable definitions of the transgression, and the connivance of local authorities and highly-placed families to conceal scandal. In an article mainly concerned with bastardy in eighteenth-century Maryland, one historian posits that unfaithfulness within marriage was "uncommon enough to be gossip-worthy but certainly not unheard of."[5] But, as other early modern scholars of the Anglophone and Iberian Americas have shown, strong social networks, wealth, and political power often protected straying husbands and wives from conviction and prosecution.[6]

5 Catherine Cardno, "The Fruit of Nine, Sue kindly brought: Colonial Enforcement of Sexual Norms in Eighteenth-Century Maryland," in *Colonial Chesapeake: New Perspectives*, ed. Melanie Perrault and Debra Meyers, (Lanham, MD: Lexington Books, 2006), 257–282, 258–259.

6 Carolyn Ramsey, "Sex and Social Order: The Selective Enforcement of Colonial American Adultery Laws in the English Context," *The Yale Journal of Law and the Humanities* 10 (1998): 191–228, 225; Herrera, "Infidelity and the Presidio Captain," 214. This could also apply to well-connected slave women accused of "fornication" and slander. See Dennis Sullivan, *The Punishment of Crimes in Colonial New York: The Dutch Experience in Albany during the Seventeenth Century* (New York: Peter Lang, 1997), 141.

Let us begin with the United Provinces, whose early modern population hovered around a million and a half.[7] The *Hof van Holland* inventory, preserved in the Dutch National Archives in The Hague, contains over 100 cases of *overspel*, dating to the seventeenth and eighteenth centuries, almost all between illicit Christian couples living in the United Provinces.[8] Herman Roodenburg's study of the Protestant Dutch Reformed church of Amsterdam between 1578 and 1700 reveals a total of 726 cases of adultery that were brought before the consistory, in which 783 members of the church were involved.[9] In Leiden alone, over 200 men and women were accused of either adultery or bigamy between 1678 and 1794.[10] During roughly the same time period, dozens of adultery cases came to the attention of the Portuguese Jewish authorities of Amsterdam, where nearly 17,000 Jews lived by the mid-eighteenth century, though only 3000 of them of Iberian origins.[11] A brief glance at sexual behavior in Dutch overseas colonies shows that the Jewish communities of Curaçao and Suriname, whose populations peaked at just over 1000 in the late eighteenth century, laid claim to a few dozen known infidelity scandals. Among Christian settlers in seventeenth-century New Netherland, Curaçao, Brazil, São Tomé, and Elmina, adultery was one of the most dominant prosecuted crimes.[12]

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7 It reached its height by the latter part of the mid-seventeenth century, when the population was just under two million. Jonathan Israel, *The Dutch Republic: Its Rise, Greatness, and Fall, 1477–1806* (Oxford: Clarendon Press, 1995), 620.

8 NL-HaNA, Inventaris van het archief van het Hof van Holland, 1428–1811, 3.03.01.01 *passim*. We thank Wim Klooster for alerting us to this source. A number of deponents or defendants come from Germany (e.g. inv. nr. 9218, Dossier I G 17, Willem de Groot contra Sophia Wilhelmina Geertruy Dahlman, 1794–1795).

9 Herman Roodenburg, *Onder censuur*, 280–281.

10 Else Margaretha Kloek, *Wie hij zij, man of wijf*, 142–145. To be exact: 101 women and 132 men accused of either adultery or bigamy.

11 Yosef Kaplan, "Deviance and Excommunication in the Eighteenth Century: A Chapter in the Social History of the Sephardi Community of Amsterdam," in *Dutch Jewish History, Volume III: Proceedings of the Fifth Symposium on the History of the Jews in the Netherlands*, ed. J. Michman (Jerusalem and Assen: Hebrew University and Van Gorcum, 1993), 103–115 and *An Alternative Path to Modernity: The Sephardi Diaspora in Western Europe* (Leiden: Brill, 2000); Tirtsah Levie Bernfeld, "Sephardi Women in Holland's Golden Age," in *Sephardi Family Life in the Early Modern Diaspora*, ed. Julia R. Lieberman (Waltham, MA: Brandeis University Press, 2011), 177–222, 182–183; Jonathan I. Israel, "The Republic of the United Netherlands until about 1750: Demographic and Economic Activity," in *History of the Jews in the Netherlands*, ed. J.C.H. Blom, R.G. Fuks-Mansfeld, and Ivo Schöffer (Oxford: The Littman Library of Jewish Civilization, 2007), 85–115, 100.

12 Danny L. Noorlander, "Serving God and Mammon," 183, 197, 222, 282, 313.

Adultery had always been punishable in Christian and Jewish communities, whether by religious or secular governing bodies.[13] Adultery (along with bigamy and concubinage) was made punishable by law through the issuance in 1570 of the *Criminele Ordonnantiën*, the first codified body of criminal legislation in Holland.[14] In the Protestant Dutch Republic, and eventually overseas, several governing bodies could intervene in prosecuting the crime and determining its punishment, from criminal and civil lawyers to church councils.[15] In the Portuguese Jewish community, established in Amsterdam in the 1590s, suspected Jewish adulterers could be investigated by the Christian civil authorities, *hakhamim* (Jewish religious leaders), or the Mahamad.[16]

Penal sanctions for extramarital dalliances varied according to time and place, but by the early modern period, religious and secular authorities largely overlapped in their responses, which had steadily softened over time. The more lenient approach derives from medieval canon law, which by the mid-thirteenth century tended to mitigate the harshness with which ancient and many medieval secular codes had treated adultery. Probably under the Church's influence, lighter sentences were increasingly applied in medieval secular law. The death penalty gave way to heavy fines and public humiliation, which often meant whipping or the shaving of the head.[17]

Dutch Reformed and secular law appear to have followed the lead of the medieval Catholic Church. In Amsterdam, which became Reformed in 1578, and elsewhere in the United Provinces, punishments for infidelity ranged

13 Veronique Verhaar and Frits van den Brink, "De bemoeienissen van stad en kerk met overspel in het achttiende-eeuwse Amsterdam," 64; Edward Fram, "Two Cases of Adultery and the Halakhic Decision-Making Process," *Association for Jewish Studies Review* 26, no. 2 (November 2002): 277–300.

14 Rab Houston and Manon van der Heijden, "Hands across the Water: The Making and Breaking of Marriage between Dutch and Scots in the Mid-Eighteenth Century," *Law and History Review* 15, no.2 (Autumn 1997): 215–242, 222.

15 Verhaar and van den Brink, "De bemoeienissen van stad en kerk," 64.

16 For examples of Jews tried for adultery by Dutch civil authorities, see Manon van der Heijden, *Huwelijk in Holland: Stedelijke rechtspraak en kerkelijke tucht, 1550–1700* (Amsterdam: Uitgeverij Bert Bakker, 1998), 149 and NL-HaNA, Hof van Holland, 3.03.01.01 inv. nr. 5339.20, Mandament van purge voor Moses Castanghe beschuldigd vanoverspel, 1684 and inv. nr. 5348.17, Mandament van purge over Abraham Cardoso, 1688. Both of these men were merchants, the former in Amsterdam, the latter in Rotterdam. Although neither is mentioned explicitly as a Jew, their Hebrew first names and Iberian last names are indicative.

17 James A. Brundage, "Adultery and Fornication: a study in legal theology," in *Sexual Practices and the Medieval Church*, ed. V.L. Bullough and J.A. Brundage (Buffalo: Prometheus, 1982), 133–134 (for the mid-thirteenth century).

from a warning from the church, to imprisonment, heavy fines, stripping of ecclesiastic honors, and banishment for a period of six to 50 years.[18] During the early modern period, execution was almost never applied to convicted adulterers. A law promulgated in 1669 in Suriname, which slated convicted married adulterers of either sex to the death penalty, seems to have been exceptional in its severity.[19] With the exception of Suriname, adultery does not even appear as a named offense in the law codes of the Dutch Americas.[20] Whatever the laws may have been, a sexual double standard can be detected in early cases overseas. In Dutch Brazil (1630–1654), one white Christian woman with a husband left behind in the United Provinces pretended that her co-habitation with a local soldier was legal. When her testimony about the details of her supposed marriage contradicted the information provided during her lover's interrogation, Brazil's High Council summarily shipped her back to the metropole.[21] Philippus Specht, a Dutch Reformed minister in Curaçao, complained in 1672 about rampant inebriation, whoredom (*hoererij*), and adultery. After the church council revealed to him that some individuals had openly philandered, Specht appealed to the colony's director, who ejected four "adulterous whores" from the island.[22]

Judging from references to infidelity in off-the-cuff remarks during heated arguments, it is clear that adultery bore an intense emotional charge.

18 Dina Maria Helmers, *'Gescheurde bedden;' Oplossingen voor gestrande huwelijken, Amsterdam 1753–1810* (Hilversum: Verloren, 2002), 226–278; Verhaar and Van den Brink, "De bemoeienissen van stad en kerk," 64–71; van der Heijden, *Huwelijk in Holland*, 143.

19 "Criminele en penaele wetten ende ordonnantien," February 19, 1669, in J. Th. de Smidt and T. van der Lee, eds., *Plakaten, Ordonnantiën, en Andere Wetten, Uitgevaardigd in Suriname, 1667–1816*, I: 33–35; 34 (article 10). Interestingly, the ordinance applies only to double (not single) adulterers. Double adultery involved two married couples, while in single adultery only one party is married.

20 The *West Indisch Plakaatboeken* for Curaçao, Aruba, Bonaire, St. Maarten, St. Eustatius, and Saba do not mention adultery (*boeleren, echtbreuk, overspel, fornicatie*). J. Th. de Smidt, R. van der Lee, J.A. Schiltkamp, eds., *Publikaties en andere wetten alsmede de oudste resoluties betrekking hebbende op Curaçao, Aruba, Bonaire*); J. Th. de Smidt and T. van der Lee, eds., *Publikaties en andere wetten betrekking hebbende op St. Maarten St. Eustatius, Saba, 1648/1681–1816*. It is of course very possible that some *plakaaten* have yet to be recovered from the archives.

21 Meetings of the Reformed Church Council, March 3, 1637, and January 5, 1638, in "Classicale Acta van Brazilië," *Archief voor de geschiedenis der oude Hollandsche zending*, 6 vols., (Utrecht: C. van Bentum, 1885), 2: 224–225, 236.

22 Amsterdam Municipal Archives (henceforth SAA), Archief Classis Amsterdam (ACA) 379, fol. 224, Minister Philippus Specht to the classis of Amsterdam, Curaçao, March 8, 1674. We thank Wim Klooster for this source.

In Suriname, adultery was a known offhand allegation, whether against women or men. Wives of Moravian missionaries were accused of whoredom in the eighteenth century,[23] as were several married men and women living in the mixed white and Eurafrican Jewish communities of Paramaribo and Jodensavanne.[24] Abraham Gabay Izidro, a rabbinical leader (*hakham*) who served the Jewish community of Suriname in the eighteenth century, understood the severity of the slur when he attempted to excoriate his colleagues, the regents of the Mahamad, in a lengthy exposition recorded in 1737. His main dispute with them centered on internal communal governance, yet Izidro pointedly extracted from his arsenal of insults irrelevant references to sexual transgressions, including the regents' "facility with women" (*facilidad con mujeres*) and "their evil passions" (*negras pasiones*), a thinly veiled allusion to intimate relations with enslaved women.[25] Sixty years later, Ishak Ledesma Meatob was sentenced to imprisonment in the fort of Paramaribo for insulting the cadaver of a recently deceased regent and for failing to heed the commands of incumbent Jewish rulers. As Ledesma was carted away, a fellow Jew and sympathizer cried out in Dutch: "The armed guards are coming to take Ledesma away to the fort. Shitty Mahamad, bastards, hare eaters! They go on board a ship in order to eat pig! Riff raff, *adulterers*!" (italics ours).[26]

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23 Aaron Spencer Fogleman, *Atlantic Lives: An 18th-Century Couple's Search for Truth and Opportunity in America*, in progress.

24 Ibid.; NL-HaNA, Portugees-Israëlitische Gemeente Suriname, 1.05.11.18, inv. nr. 1, May 8, 1777. Esther Jona, née Fonseca, was publicly called a slut by Eliahu Pacheco in front of Roza, wife of Isaac P. Brandon and N. Belmonte and some Ashkenazim. Jeosua M. Arrias and Ester D'Aguilar were accused of insulting the honor and reputation of Daniel de Mord Fernandes' wife by and injuring the honor and reputation of Semuel Ha de la Parra by claiming that de la Parra had committed adultery with Mrs. Fernandes. NL-HaNA, Portugees-Israëlitische Gemeente Suriname, 1.05.11.18, inv. nr. 2, June 24, 25, and 26, 1782. The term "Eurafrican" is borrowed from George E. Brooks, *Eurafricans in western Africa: commerce, social status, gender, and religious observance from the sixteenth to the eighteenth century* (Athens: Ohio University Press, 2003). "Eurafrican" is a scholarly neologism that was not used by Surinamese people. We apply it in this chapter as a simple way of generalizing the various terms noted in the Surinamese records to denote slaves and free persons who were legally recognized to have dual European and African ancestry, such as "poetice," "moestice," "castice," and "mulatto."

25 SAA, inv. nr. 1029, 30.

26 NL-HaNA, Portugees-Israëlitische Gemeente Suriname, 1.05.11.18, inv. nr. 3, January 22, 1797. "De Patrouille komt bij Ledesma om hem aan 't fort te brengen, strontige Mahamad schurken hazen freeters, zij gaan aan 't boord van de Barken om varkens hart te eeten, canailles, echtbreekers..."

These remarks made in the heat of the moment help to provide an emotional context for adultery among early modern peoples. At its most elemental level, adultery was a sexual transgression that violated universal norms forbidding intimate contact between particular members of a family or society. In the Dutch Atlantic world, as in many other early modern societies of Europe and their American colonies, adultery among established families upset the social lines carefully drawn between legally paired couples, on the one hand, and the lower classes, on the other. In overseas settlements, adultery could topple the status of reputable families and diminish their social distance from the majority enslaved and manumitted populations. Moreover, the child potentially created through *overspel* or *echtbreuk* (the two most common Dutch synonyms for adultery) burdened communal authorities with legislative and financial complications.[27] The resulting children were typically maltreated by governing authorities, an indication that the human products of criminal conversation were considered a distortion of nature.[28] In a legal sense, children born of forbidden relations between two white parties were to a certain extent parallel to slaves and even more so to free people of color. Both were attributed an ignoble social status as the publicly identified issue of their mothers, rather than their fathers, and both were deprived of certain privileges centered on inheritance and property rights.[29] In slave societies, adultery was perhaps more disruptive as a social leveler than as a family destabilizer. In short, adultery was a serious transgression in the Dutch Atlantic. Just how serious can best be measured not through legislation and official punitive

27 *Boeleren* (in this case, double adultery) is the word used in the Surinamese edict of 1669. During the seventeenth century, the words *fornicatie* and *hoerendom* are found in Cape Town legislation referring to sex among singles. See V.C. Malherbe, "In Onegt Verwekt: Law, Custom and Illegitimacy in Cape Town, 1800–1840," *Journal of Southern African Studies* 31, no. 1 (2005): 163–185, 166.

28 Merry Wiesner-Hanks, *Christianity and Sexuality in the Early Modern World: Regulating Desire, Reforming Practice* (London: Routledge, 1990), 261. This understanding is reflected in early modern English usage, where extra-marital progeny were known as "bastards" and the product of inter-religious or inter-racial unions referred to as a "bastard race." Michael Neill, "Unproper Beds: Race, Adultery, and the Hideous in Othello," *Shakespeare Quarterly* 40, no.4 (Winter 1989): 383–412, note 69. The Anglophone understanding of bastards as a degraded intermixture of base elements, as pollution, may have been more closely shared – at least linguistically – by members of the Portuguese- and Spanish-speaking Jewish community, whose word for the crime was *adulterio*. However, in eighteenth-century Portuguese, *adulterio* carries the secondary meaning of counterfeiting, not polluting.

29 These distinction trace, in part, to early canon and Roman civil law. See Malherbe, *"In Onegt Verwekt,"* 174–175.

measures, which varied according to place and time, but rather within the specific socio-political context in which each case unfolded.

Adultery in Cross-Cultural Perspective

Social scientists have long warned against projecting ethnocentric definitions of adultery onto cultures under study during fieldwork,[30] and this mandate is equally applicable to historians examining the multi-ethnic and multi-religious Dutch Atlantic. In canonical Christianity, adultery generally refers to extramarital intercourse between a spouse of either sex and someone of the opposite sex. Canon law eliminated the pagan Roman double standard by which married men did not transgress if they copulated with single women.[31] Even though rabbinical law incorporated the pagan double standard, Jews generally had a very different understanding of this type of sexual transgression, beginning with the term they used to describe it. Adultery, which appears in the Hebrew Bible as a verb rather than a noun, is a violation of the seventh commandment of the Decalogue: "Thou shall not commit adultery" (Exodus 20:12; לא תנאף).[32] Under biblical and rabbinical law (based on Leviticus 18:6), the act falls under the category of *gilui arayot* (גילוי עריות literally, the exposure of genitalia), sometimes translated as "sexual immorality." This category includes a variety of forbidden male/female relations: not only intercourse between a married woman and a man other than her husband, but also between, for example, parent and child and sister and brother-in-law. Neither biblical law nor its rabbinical successor recognizes as transgressive sexual intercourse between a married male and an unmarried woman (unless she happens to be his sister-in-law).[33] However, in the Dutch Atlantic world, *gilui arayot* was very seldom discussed in application to actual cases. Like many other rabbinical laws, the Jewish understanding of sexual transgression was largely displaced by Christian sexual morality prevailing in Western Europe. In most cases, either the Portuguese term *adulterio* is applied, or, more commonly, the minutes taker drew upon a variety of euphemisms, such as "an act

30 George Peter Murdock, *Social Structure* (New York: The Free Press, 1949), 263–264, Jack Goody, "A Comparative Approach to Incest and Adultery," *The British Journal of Sociology* 7, no.4 (December 1956): 286–305, 287–288.

31 James A. Brundage, *Sexual Practices and the Medieval Church* (Buffalo, New York: Prometheus Books, 1982), 131.

32 Edward Fram, "Two Cases of Adultery and the Halakhic Decision-Making Process," 279.

33 Gail Labovitz, "Adultery in Judaism," in *Encyclopedia of Love in World Religions,* ed. Yudit Kornberg Greenberg (ABC-CLIO, 2007), 34–35.

against religion" or "scandalous," all clearly relating to marital infidelity given the discussion's context.

This chapter does not attempt to tackle the question of sexual transgressions affecting enslaved and manumitted communities, a potentially vast theme if one considers relations between married masters and slaves. But one overarching point should be made. The institutional recognition of slave marriages by ruling elites varied from place to place and from time to time in the early modern Americas, and even varied within the Dutch Atlantic colonies themselves. In New Amsterdam, for example, some slaves were permitted to marry in the church, which was not an option in the Dutch Caribbean. This absence of institutionally recognized marriage may explain why manumitted slaves and their descendants, who came to form a majority of the free populations of Suriname and Curaçao by the turn of the nineteenth century, typically did not marry in a form legally-recognized by either the colonial or municipal governments. The sexual liaisons free black and Eurafrican women commonly cultivated with married white men on Curaçao and in Suriname were public secrets that could not be prosecuted as adultery in the eyes of civil authorities. These facts (much generalized) meant that enslaved and manumitted peoples had a complicated relationship with the legal and informal honor systems that made adultery a meaningful criminal category. In a way, this made individuals of African ancestry neutral parties and perhaps ideal testimony-bearers in legal cases between white parties. More importantly, it placed them squarely within a sexual double standard that continually set them apart from whites and, as we shall see, made them extremely vulnerable witnesses.

Secondly, it bears note that adultery has been prohibited in the majority of human societies, even if sometimes (or often) honored in the breach.[37] In polygynous Central and Western African societies, likewise, adultery was a serious crime, although like the Jewish example above, was defined differently

34 Joyce Goodfriend, "Black Families in New Netherlands," in *A Beautiful and Fruitful Place: Selected Rensellaerswijck Seminar Papers,* ed. Nancy Anne McClure Zeller (Albany, NY: New Netherland, 1991), 147–55, 149, 151.

35 Cornelis Ch. Goslinga, *The Dutch in the Caribbean and on the Wild Coast, 1580–1680* (Assen: Van Gorcum, 1971), 369 and *The Dutch in the Caribbean and in Surinam, 1791/5–1942* (Assen: Van Gorcum, 1990), 310 (for the Dutch colonies).

36 Merry Wiesner-Hanks writes that "race became a marker of marital status, with slave or *mestizo* children simply assumed to be illegitimate." See her *Christianity and Sexuality in the Early Modern World,* 258.

37 George Peter Murdock, *Social Structure,* 265.

than was infidelity in Christian law.[38] Father Giovanni Anntônio Cavazzi seemed to understand both of these points in his ethnographic description of Central Africans in the late seventeenth century. He observed that a married woman with many partners was countenanced "as long as she recognized her husband as her principal lover."[39] In the vast majority of societies, sex is not exclusively confined to a single relationship whose purpose is reproductive. In short, sex regulation of any type usually does not hinge "on the fact of sex itself," but rather on the "cooperative relationships upon which social life depends."[40] In global perspective, then, the single standard of adultery in Western Christendom was only one of the many ways of defining sexual transgression within officially sanctioned relationships.

Adultery among Jews: The Temporal and Geographical Context

A major preoccupation of Portuguese Jews in Amsterdam in the eighteenth century was heterosexual wrongdoing, particularly adultery and clandestine marriages.[41] Two historians have indicated that adultery was more common among Amsterdam's Portuguese Jews in the eighteenth than in the previous century. Yosef Kaplan, in an article that discusses about a dozen cases of marital infidelity, calls adultery among Amsterdam's Portuguese Jews in the eighteenth century an "extensive phenomenon" and traces its causality to

38 Natalie Zemon Davis, "Judges, Masters, Diviners: Slaves' Experience of Criminal Justice in Colonial Suriname," *Law and History Review* 29, no. 4 (November 2011): 935–937, 932, citing Paul Lovejoy, *Transformations in Slavery: A History of Slavery in Africa*, 2nd ed. (Cambridge: Cambridge University Press, 2000), 4, 86; Willem Bosman, *A New and Accurate Description of the Coast of Guinea, Divided Into the Gold, the Slave, and the Ivory Coasts* (London: printed for James Knapton, and Dan. Midwinter, 1705), Letter 10, 155; Letter 11, 167–177; Letter 18, 341; Letter 19, 357. Olaudah Equiano, *The interesting narrative of the life of Olaudah Equiano: or Gustavus Vassa, the African. Written by himself* (London: printed and sold for the author, by T. Wilkins, sold also by Mr. Johnson; Mr. Buckland; Messrs Robson and Clark; Mr. Davis; Mr. Matthews [and 3 others in London] and the booksellers in Oxford and Cambridge, [1789]), 35, 37. Linda M. Heywood and John K. Thornton, *Central Africans, Atlantic Creoles, and the Foundation of the Americas, 1585–1660* (New York: Cambridge University Press, 2007), 59. Samuel Johnson, *The History of the Yorubas from the Earliest Times to the Beginning of the British Protectorate*, ed. O. Johnson (London: Routledge, 1921), 101.

39 James Sweet, *Recreating Africa: Recreating Culture and Kinship and Religion in the African-Portuguese World, 1441–1770* (Chapel Hill, NC: University of North Carolina Press, 2003), 35.

40 George Peter Murdock, *Social Structure*, 264, 260.

41 Yosef Kaplan, "Deviance and Excommunication in the Eighteenth Century," 103.

ever-growing "tolerance towards sexuality in Western European societies" beginning in the 1670s and "the satisfaction of erotic desires as a central goal in marriage."[42] Tirtsah Levie Bernfeld, drawing in part on Kaplan's research, gestures towards "a growing neglect of morality among Dutch Sephardim" in the eighteenth century.[43] But it is imperative not to confuse preoccupations of the governing elite with the actual extent of extramarital dalliances. In the first place, both conclusions are impressionistic: neither is based on a statistical compilation of adulterous incidents in Amsterdam or in a comparative context with other cities and colonies, whether for the Portuguese or Ashkenazi communities, or for Christians. That being said, the argument for an increase in anxiety over marital infidelity among Portuguese Jews in the mid-eighteenth century does find some archival support externally. A statistical profile of adultery as reflected in the aforementioned *Hof van Holland* inventory, for example, shows that 67 cases were recorded in the century and a half between 1597 to 1749, while in less than 50 years (from 1753 to the close of the century) 36 cases were tried.[44]

By contrast, a selective study of marital infidelity based on Amsterdam's civil and church records indicates a precipitous decline in adultery cases over the course of the eighteenth century.[45] This of course did not mean that *overspel* waned as a phenomenon, only that civil and ecclesiastical authorities developed more pressing priorities, such as the persecution of financial

42 Yosef Kaplan, "Moral Panic in the Eighteenth Century Sephardi Community of Amsterdam: The Threat of Eros," in *Dutch Jewry: Its History and Secular Culture (1500–2000)*, ed. J. Israel and R. Salverda (Leiden: Brill, 2002), 103–123, 112. Even though he is careful to distinguish between "moral panic" and the actual incidence of the crime, he still gives the impression of an escalation over time by linking eighteenth century adultery to the "cultural and social changes then taking place in the Western European societies," and by pointing out that poverty from the 1730s and increasing mobility intensified the phenomenon.

43 Tirtsah Levie Bernfeld, "Sephardi Women in Holland's Golden Age," 182. Parenthetically, Matt Goldish notes a rise in *responsa* and other documents related to adultery among Jews in Morocco, which (in his words) "might suggest that infidelity and adultery were becoming more common" there among Jews from the mid-eighteenth century. His findings suggest that the rise in documented adultery cases is linked solely to social trends in Western Europe. See Matt Goldish, *Jewish Questions: Responsa on Sephardic Life in the Early Modern Period* (Princeton, NJ: Princeton University Press, 2008), 136–138.

44 NL-HaNA, Hof van Holland, 3.03.01.01 (authors' tally), *passim*. Roodenburgh's analysis of *overspel* in Amsterdam's Dutch Reformed church shows that adultery cases dramatically peaked during the two decades between 1661 and 1680. Herman Roodenburg, *Onder censuur*, 281.

45 Verhaar and van den Brink, "De bemoeienissen van stad en kerk," 77 and 92n51.

crime.[46] Until systematic research is undertaken comparing the two centuries beginning in the 1650s and 1750s, it is impossible to say whether either statistical increase or decline is mirrored within the Jewish community.

But what seems to be true for both (often overlapping) worlds is the small incidence of prosecuted adultery – according to one estimate from Amsterdam's church council records, no more than five cases per year on average.[47] As historian Merry Wiesner-Hanks notes, there is "an enormous – and sometimes misleading – gap between rhetoric and reality in almost all aspects of sexual regulation" during the early modern period.[48] In colonial British America, for example, there are almost no cases of adultery despite "harsh denunciations and stringent laws."[49] Instead, lay individuals and non-ecclesiastical, non-government groups such as guilds, confraternities, and neighborhood groups took part in "policing, denouncing, and investigating sexual conduct."[50] Similarly, Carolyn Ramsey has found a clear pattern of selective enforcement of adultery laws in England and its North American colonies.[51] Likewise, Herman Roodenburg cautions that his data does not say much about the actual behavior of the members of the church. Members from higher socio-economic positions, he surmises, had the wherewithal to keep their adultery from reaching the consistory, a fact well known among pastors of the congregation.[52] We may then surmise that the cases that did go to trial, whether in Christian or Jewish communities, whether in religious or secular courts, were the tip of the iceberg.

Our own stance, taking into consideration the "imperious drive of sex," is that marital infidelity was "common" in any age, as one historian of the eighteenth-century Cape also argues, and as a number of scholars writing in broader contexts have long posited.[53] But what "common" is for early

46 Ibid., 79.

47 Ibid., 85.

48 Wiesner-Hanks, *Christianity and Sexuality in the Early Modern World*, 261.

49 Ibid, 262.

50 Ibid.

51 Ramsey, "Sex and Social Order."

52 Herman Roodenburg, *Onder censuur*, 281.

53 George Peter Murdock, *Social Structure*, 260; Nigel Penn, "The wife, the farmer and the farmer's slaves: Adultery and murder on a frontier society in the early eighteenth century Cape," *Kronos* 28 (November 2002): 1–20, 1 (Murder and adultery were "common enough crimes in any age"); Brundage, *Sexual Practices and the Medieval Church*, 129; W.E.H. Lecky, *History of European Morals*, 2 vols. (New York: George Braziller, 1955), 2: 282; Bronislaw Malinowski, "Parenthood, The Basis of Social Structure," in *The Family: Its Structure and Function*, ed. Rose Laub Cross (New York: St. Martin's Press, 1964), 18–19.

modernity can only be quantified in comparison to other contemporaneous transgressions regarded (at least in theory) as equally serious. Yosef Kaplan is therefore right to refocus our attention on attitudes. The reaction of Portuguese Jewish authorities to marital infidelity differed over time qualitatively. Heightened scrutiny and verbosity characterizes trial proceedings from the mid-eighteenth century, and gone were the oblique euphemisms and lenient punishments of the previous century. Finally, we must bear in mind that what Kaplan terms a "moral panic" (the spike in adultery cases beginning in the second half of the eighteen century) was refracted through the perspective of the community's secular and religious leaders. The horror at marital infidelity was not always equally shared among the Jewish populace, as the following cases will demonstrate.

Not Really Adultery: The Fernandes/Bueno de Mesquita Scandal (Suriname, 1775)

In November of 1775, Moses Bueno de Mesquita, a member of the Portuguese Jewish community living in Paramaribo, complained to the regents of the Mahamad that his wife, Deborah, had received frequent visits from her brother-in-law, her sister's husband, Moses Fernandes. Several times, Mesquita would come home at night to find Fernandes in his (Mesquita's) bed, complaining of a headache, and Deborah sitting by his side, administering caresses and kisses to his head. After Mesquita forbad Fernandes from ever again entering his house, Deborah began to frequent Fernandes' house, where her mother lived, returning home sometimes as late as eleven at night. When called to testify, Deborah affirmed the accuracy of her husband's report, but claimed that the tender displays were innocent and that her husband would have done the same with his own sister-in-law. Moreover, she affirmed, she went to Fernandes' house in order to visit her mother, and her husband had no right to forbid her from seeing her own brother-in-law. The regents were not convinced by these explanations. Deborah Bueno de Mesquita and Moses Fernandes were both warned, under threat of excommunication (*herem*), not to have further contact with each other, nor to visit each other's homes.[54]

But the very next day, Deborah Bueno de Mesquita spent the entire day at her brother-in-law's house. When called before the Mahamad, Moses Fernandes claimed he had tried to bar her entrance, but that she had insisted on visiting her mother. Fernandes was again warned, this time under threat of being

54 NL-HaNA, Portugees-Israëlitische Gemeente Suriname, 1.05.11.18 inv. nr. 1, November 29, 1775.

handed over the colonial prosecutor.[55] From this point on, an ever-broader swathe of the Portuguese Jewish community became involved. In early December of 1775, Moses Bueno de Mesquita's brother Joseph was informed that someone had spotted the illicit couple together in the home of Joseph Fonseca. The latter testified before the Mahamad that he had permitted the two in his house because he had not yet heard of the ban. When called before the court, the accused Moses Fernandes denied having been in Joseph Fonseca's house with Deborah. But Fonseca's two sons directly contradicted Fernandes' story: they had definitely seen Moses and Deborah together in Joseph Fonseca's house. Having caught Fernandes in his lie, the Mahamad ordered him to the synagogue for formal and public excommunication. No one in the Jewish community, they ruled, would be permitted to interact or deal with him in any way, save for those living in his house, his siblings, and his in-laws.

Later that day, Moses Fernandes' brothers voluntarily presented themselves before the regents, asking that the case be reconsidered, since Moses had repented. Then, Moses Fernandes himself stepped inside the judicial chamber, promising under pain of three forms of rabbinical excommunication (*herem*, *neduy* and *semata*) to no longer speak or interact with Deborah Bueno de Mesquita.[56] He was ordered to bring in a "request of submission" and to present it before the regents during their scheduled meeting in Jodensavanne, a Jewish village in the colony's interior that served as the community's administrative and cultural center. He did so, but in an entirely unsatisfactory way, continuing in his denial of any wrongdoing, recanting his written "submission," and persisting in his claim that the physical contact between him and his sister-in-law was purely of a medical nature. Remarkably, despite his disingenuous denial, the Mahamad refrained from excommunicating him, and merely condemned him to a public apology at the synagogue altar in Paramaribo, a mandate to grow out his beard for six months, obligatory attendance at synagogue during morning and afternoon prayers, a seating assignment in the bench behind the altar, and a fine of 200 guilders (in addition, of course, to the interdiction against communicating with his sister-in-law in any way).[57]

The balance of power seemed to tilt in Moses Bueno de Mesquita's direction, for by 1777, his brother Joseph was serving as First Parnas, and made some attempts to protect Moses' reputation.[58] But as this case unfolded, the power

55 NL-HaNA, Portugees-Israëlitische Gemeente Suriname, 1.05.11.18, inv. nr. 1, November 30, 1775.

56 NL-HaNA, Portugees-Israëlitische Gemeente Suriname, 1.05.11.18, inv. nr. 1, December 5, 1775.

57 NL-HaNA, Portugees-Israëlitische Gemeente Suriname, 1.05.11.18, inv. nr. 1, December 6, 1775. These were common sanctions in Portuguese Jewish communities.

58 NL-HaNA, Portugees-Israëlitische Gemeente Suriname, 1.05.11.18, inv. nr. 1, July 8, 1777. An important note: the assumption that First Parnas Joseph Bueno de Mesquita was the

of the people alternately tipped the scale in and against the favor of the cuckolded husband. We hear nothing further of the Bueno de Mesquita/Fernandes case until a year and a half later, in July 1777. At this point, both the Eurafrican and Ashkenazi sectors of the Jewish community became involved. Reuben Mendez Meza, a *congregante* who would several years later be at the center of a Eurafrican struggle for first-tier status in the Portuguese Jewish community, was called forward as a witness, along with Semuel de Isaac Cohen Nassy, both of whom were rumored to have information about the recursive relationship between Moses and Deborah.[59] It was revealed that the pair had harbored themselves in the homes of Ashkenazim, Jews of Central and European descent whose communal members had first trickled into the colony at the very end of the seventeenth century, and who comprised a substantial proportion of the Jewish community by the close of the following century.[60] Perhaps the leaking of the situation into another Jewish community – and one that occupied a lower social status than Portuguese Jews – was the straw that broke the camel's back. The regents put their collective foot down: Moses Fernandes was handed down the harshest form of excommunication: *herem*. In a near repetition of the drama that first unfolded two years previously, Fernandes disingenuously claimed that he did not realize the interdiction against meeting with his sister-in-law was still in effect. He declared himself repentant and begged the regents to rescind the decree against him, which they did. The same penalty was applied: Fernandes was made to ask for forgiveness at the synagogue altar, grow out his beard until the eve of the Jewish new year, pay a fine of 200 guilders, and once again, have no form of communication with Deborah Bueno de Mesquita. But this time the regents were no fools: they also banished Fernandes from Paramaribo, where his sister-in-law resided, for the period of one year.

Banishment was a typical legal response to convicted adulterers in both the United Provinces and the overseas territories. This raises the question of why the regents were so slow in resolutely enacting territorial excommunication (*herem ha-makom*). The Mahamad's extreme pains to cover up the case

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same man as the Joseph Bueno de Mesquita cited is tentative, given the repetitive nature of first and family names among the colony's Jews.

59 NL-HaNA, Portugees-Israëlitische Gemeente Suriname, 1.05.11.18, inv. nr. 1, July 8, 1777. In the Portuguese Jewish communities of Brazil, Curaçao, and Suriname, a *congregante* was typically either a Jew of African ancestry or a white Jew demoted to second-tier status because of marriage to a Jew of African provenance. A *jahid* was a first-tier member of the Jewish community by virtue of white status.

60 NL-HaNA, Portugees-Israëlitische Gemeente Suriname, 1.05.11.18, inv. nr. 1, July 21, 1777.

(they quickly resolved to gather and seal up all relevant papers) and, moreover, the lengths they went to protect Deborah from any exposure is an interesting reversal of the usually heavier weight an adulterous relationship laid on the shoulders of women in rabbinical sources.[61] We tentatively suggest that the deciding factor in targeting Moses Fernandes and not his consort was to protect the honor and economic position of the wealthy Bueno de Mesquita family, one of whose members was then heading the Mahamad.[62] As the intense archival research on British North America has shown, defendants from affluent and respected families tended to escape infidelity allegations entirely or with only lightly applied punishment. But another unspoken intention may have been at play in protecting Deborah Bueno de Mesquita from a greater degree public censure: the desire to avoid the humiliating exposure of Moses Bueno de Mesquita as a cuckolded husband, a status that could suggest his inability to control or sexually satisfy his wife.[63]

If anything, the relatively quietist tactics to protect the reputation of a highly placed family backfired, for Moses Fernandes and Deborah Bueno de Mesquita continued to publicly flaunt both their relationship and the regents' authority.[64] To make matters worse for the regents, the forbidden couple rebuffed the Mahamad's disciplining actions and brought the case before the municipal authorities. In August of 1777, about two weeks after the second excommunication, Moses Bueno de Mesquita's brother Joseph Bueno de Mesquita proposed convening an extraordinary session (*junta*) of the Mahamad in order to reopen the sealed case. For the first time in the communal records, the regents called Moses Fernandes (but not Deborah Bueno de Mesquita) "incestuous and adulterous."[65] In an interesting tactical reversal, Joseph Bueno de Mesquita argued that adultery had never occurred. Joseph

61 Ibid; Fram, "Two Cases of Adultery," 280.

62 Although we do not yet have biographical details for this family, *Parnassim* were by definition wealthy; their positions were unpaid and their status came from wealth.

63 For a related discussion see Ramsey, "Sex and Social Order," 205–207. This pattern – the brunt of adultery being borne by the male offender – seems to be a reverse of the seventeenth century anecdotes cited in Mary Beth Norton, *Founding Mothers and Fathers:* 345–346. Likewise, it is different from the conclusions of Merry Wiesner-Hanks, who has commented that in the early modern Christian world, undisciplined sexuality was most often punished in women. Wiesner-Hanks, *Christianity and Sexuality in the Early Modern World*, 260.

64 NL-HaNA, Portugees-Israëlitische Gemeente Suriname, 1.05.11.18, inv. nr. 1, July 21, 1777.

65 NL-HaNA, Portugees-Israëlitische Gemeente Suriname, 1.05.11.18, inv. nr. 1, August 7, 1777.

presented an appeal before the governor, arguing against the resolutions of the Mahamad and describing the regents as partial judges (*juezes parsiais*) who transgressed both divine and political laws. The other regents were infuriated.[66] The Mahamad sentenced Joseph for flaunting its authority, but he refused to comply, and insulted the Jewish judges with "scandalous words." The Mahamad resolved to excommunicate him and, if that did not work, to have him expelled from the colony as a disturber of public order. On further consideration, the Mahamad decided to avoid these measures in order to "indulge his family, who would suffer from the opprobrium of *herem* or great prejudice of banishment." The regents resolved to forever strip Joseph of his honorific charge as former Parnas (*adjunto*) and, unless he complied with his sentence by the upcoming Passover holiday, to demote him to the status of *congregante*, a second-tier social position typically reserved for black and Eurafrican Jews.[67]

Meanwhile, Moses Fernandes and Deborah Bueno de Mesquita continued to see each other, on one occasion concealing themselves in the house of the Ashkenazi Josseph Jacobs Polak. In fact, Moses was spotted there sporting the beard he grew out as punishment, per order of the Mahamad.[68] What followed was a wild goose chase for witnesses who refused to testify against Moses Fernandes and, in some cases, even to appear. Some – evidently aware of Joseph's protective tactics on behalf of his cuckolded brother and straying sister-in-law – claimed they were obligated to testify only before the colonial authorities, while others feigned illness or family crisis. The Mahamad was left empty handed and looking foolish. Collectively, these passive-aggressive behaviors challenged the Mahamad's authority, protected Fernandes and his paramour, preserved the official reputation of the Bueno de Mesquita family, and wore out the regents through prolonged delaying tactics. In the end, as with many other legal disputes in Suriname and Curaçao, when Jews resorted to the "gentile court," the colonial authorities sided with the appealing Jewish defendants – in this case, Moses Fernandes and Deborah Bueno de Mesquita. But internally, the case was not really resolved – the communal minutes never mention a final decision. The last we hear of the affair is in August of 1779, when prosecutor Wichers informed the Mahamad that he wanted all the papers concerning the Fernandes/Mesquita case. The Mahamad, reluctantly,

66 NL-HaNA, Portugees-Israëlitische Gemeente Suriname, 1.05.11.18, inv. nr. 8, September 16 and 25; October 7, November 5, 1777.

67 NL-HaNA, Portugees-Israëlitische Gemeente Suriname, 1.05.11.18, inv. nr. 8, December 31, 1777.

68 NL-HaNA, Portugees-Israëlitische Gemeente Suriname, 1.05.11.18,, inv. nr. 1, January 1, 1778.

eventually submitted all of the relevant papers.[69] In this example of the language of silence, two well-placed elite white families – in apparent collusion with their Jewish neighbors and colonial rulers – succeeded in preserving their economic standing and reputations, and two ardent lovers triumphed in indulging their affair.[70]

There are a few indications that what was at stake for the Mahamad was not an infringement of Jewish law in a rather sensitive area of family life and sexuality, nor the presence of a pair of adulterers in a nominally Protestant Reformed colony. The heart of the matter became for the Mahamad the threat to its judicial authority. The formula of confession and apology dictated to Fernandes was generic and identical to those prescribed to infringers of non-sexual laws. Fernandes' confession and apology did not even force him to pronounce the word "adultery." Rather, he was simply obliged to acknowledge he had incurred the punishment of *herem* for repeatedly transgressing the orders of the Mahamad. He was told to declare himself both God-fearing and an obedient *jahid* (first-tier member of the Jewish community).[71] But it was clear that the latter mattered more, for he was not required to ask forgiveness of God, even though the Mahamad acknowledged several times that his was a crime against both civil law (*humanindade*) and the Jewish religion (*nostra ley*). The principle concern of the colonial rulers, by contrast, seems to have been protecting a wealthy, leading white family in a colony whose majority population was both enslaved and of African origin.

Our conclusions here are very much in consonance with the findings of Carolyn Ramsey in her comparative study of early modern England and its overseas North American colonies. The Fernandes/Bueno de Mequita scandal provides a Caribbean example of a deeply rooted popular culture that delimited the efficacy of legal codification. As Ramsey argues for colonial North America and early modern England: these popular values "did not always correspond to those urged by formal legal institutions and – particularly in the area of sexuality – popular custom tolerated de facto unions that did not threaten the stability of the community."[72] As in the Suriname trial, Ramsey found that the English and colonial courts consistently failed "to impose severe

69 NL-HaNA, Portugees-Israëlitische Gemeente Suriname, 1.05.11.18, inv. nr. 1, February 20, 1779; August 26, 1779; inv. nr. 8, March 15, 1779.

70 The sources do not mention a divorce between any of the married couples, and Fernandes' wife does not appear in the recorded proceedings.

71 NL-HaNA, Portugees-Israëlitische Gemeente Suriname, 1.05.11.18, inv. nr. 1, July 21, 1777.

72 Ramsey, "Sex and Social Order," 203.

sentences on high-status sexual offenders."[73] In England, only three people were executed for the crime of adultery during the Interregnum, for juries simply refused to convict defendants unless one of them was "an unpopular individual like a Catholic priest."[74] If the Fernandes/Bueno de Mesquita case is representative of a broader tendency in Europe and the colonial Americas, as we suspect it is, then status and reputation were more important "in determining the vulnerability of suspects to prosecution for sexual offenses."[75] The official gravity of the crime of adultery played only a secondary role. Wealth or lack thereof, economic dependence, religious or political dissidence, and race – as we shall see more dramatically in the following cause célèbre – ultimately determined whether or not one was judged guilty in cases of marital infidelity.

Imputed Adultery: The Vulnerability of Eurafrican Jews in Suriname (1775)

For Eurafrican Jews, bringing forth an adultery accusation was extremely risky. Eurafrican Jews formed a sub-community within the Portuguese Jewish nation of Suriname, and had grown to some 10 percent by the second half of the eighteenth century.[76] They typically traced their ancestry to a white Portuguese Jewish man and his (non-Jewish) African slave, but by the second half of the eighteenth century many were born to enslaved or manumitted Eurafrican Jewish women. Eurafrican Jews had to exert great caution in referencing the crime of adultery, as Moses Rodrigues del Prado discovered in the 1770s. It all began in 1775 when another Eurafrican Jew living on the savannah,[77] Abraham Garsia, protested against rumored allegations that he had insulted the sexual virtue of Ribca de la Parra, described variably as "a noted lady...from a family so

73 Ibid., 219.

74 Ibid., 219.

75 Ibid., 220.

76 Aviva Ben-Ur, "A Matriarchal Matter: Slavery, Conversion, and Upward Mobility in Colonial Suriname," in *Atlantic Diasporas: Jews, Conversos, and Crypto-Jews in the Age of Mercantilism, 1500–1800,* ed. Richard L. Kagan and Philip D. Morgan, (Baltimore: Johns Hopkins University Press, 2009), 152–69 and 270–279, where I estimate 7 percent; my subsequent archival research increases this to 10 percent.

77 The savannah (Portuguese: *savana*; Dutch: *savanne*) was a large stretch of the Suriname River dominated by plantations owned by Portuguese Jews. At its center was Jodensavanne, a Jewish village commonly known in Dutch sources as "Jodensavanne."

esteemed" and a "white woman." The Mahamad's investigation uncovered a tortuous chain of rumors transmitted mostly from man to man. Garsia, backed up by a number of other Jewish witnesses, displaced the blame squarely onto the shoulders of Moses Rodrigues del Prado.[78] Prado (d. October 3, 1797), the third son of the "mulatta" Maria or Mariana del Prado, was classified in the Portuguese Jewish community as a *congregante*.[79]

After calling witnesses and finding Prado to be the guilty party, the Mahamad swiftly resolved to banish him from the savannah forever, a measure never before or after meted out to a white Jew similarly convicted.[80] In speaking of a white Jewish woman as an adulteress (if he was indeed culpable), Prado clearly hit a raw nerve. During his trial Prado was ordered to "behave humbly and recognize the prodigious difference between him and whites." The regents decided that banishment from Jodensavanne was not harsh enough a penalty and resolved to ask the governor to apply corporal punishment, a deep insult, for its recipients in the Jewish community were almost always either parents ordered to discipline their children or, much more frequently, slaves. Banishment and physical correction were in this case intended to underscore the vast social gulf between whites and free Eurafricans in Suriname's Jewish community. Class was also at issue. The alleged adultress, Ribca de la Parra, the widow of Selomoh de la Parra, was an elite white Jewish woman publicly active in the community in crucial ways. In 1770, a group of Portuguese Jewish volunteers including Ribca, collectively donated the massive sum of 10,000 Dutch guilders to rebuild the Sedek VeSalom synagogue, a building in dire need of expansion following a huge population move from the savannah to Paramaribo.[81] What is also key is that Prado seems not have had any effective network to rally to his side – at least not then.

Three years later, in December of 1778, Moses Rodrigues del Prado returned unlawfully to the savannah, brandishing a sword and accompanied by two body servants (*moleques*) armed with pistols.[82] When the beadle (*samas*) ordered him to leave the savannah, Prado answered that he had come to carry out some

78 NL-HaNA, Portugees-Israëlitische Gemeente Suriname, 1.05.11.18, inv. nr. 135, September 29, 1775.

79 Ibid., entry for "Mosseh Rodrigues del Prado (congregante)," died October 3, 1797, p. 25; NL-HaNA, Suriname: Oud Notarieel Archief (SONA), 1.05.11.14, inv. nr. 57, "de vrije mulatin Maria de Prado" or Mariana del Prado, June 12, 1787, pp. 460 ff.

80 NL-HaNA, Portugees-Israëlitische Gemeente Suriname, 1.05.11.18, inv. nr. 1 May 8; June 17; June 25, 1777; inv. nr. 2, June 26 and October 9, 1782; and June 25 and 26, 1782.

81 NL-HaNA, Portugees-Israëlitische Gemeente Suriname, 1.05.11.18, inv. nor. 1, April 18, 1770.

82 NL-HaNA, Portugees-Israëlitische Gemeente Suriname, 1.05.11.18, inv. nr. 1, December 7, 1778.

business affairs and that he would leave when finished. Then, reportedly without incitement, Prado began to shout through the streets that the judges who sat on his case years before had been biased, and that if any one of them had the guts, Prado would fight them. As the community's treasurer, Samuel de la Parra, was passing by, Prado approached him with one of his body servants, who extended an unsheathed sword. De la Parra preempted an attack by grabbing the sword from the servant's hand and called for a patrol to arrest Prado.

There are several indications that Prado's visit to the savannah was not to carry out business, but rather to rectify injustice. Moreover, Prado was clearly taking his strategic cues from the white Jewish community. Note that Joseph, brother of the cuckolded Moses Bueno de Mesquita, had similarly accused the Mahamad's regents of being partial when they resisted Joseph's attempts to have the adultery trial dismissed. In addition, since his initial conviction, Prado had actively cultivated a powerful network of supporters. Just before launching his attack, he told a resident of the savannah (who asked him to leave) that he, Prado, was well known by the governor as a *homem de bem*, a Portuguese term that implies good behavior, wealth and philanthropy, and political power all at once. The regents evidently scoffed at Prado's claim, for they sent a request to the governor to detain him in the Zeeland fort in Paramaribo.

The very next day, however, Prado's bravado proved to be more than a bluff. His boss, Binjamin Robles de Medina, having received notice of Prado's arrest, informed the regents that Prado was the director of his plantation and that this estate would suffer much damage should Prado be detained any longer in prison. Furthermore, Medina explained that Prado's inebriated state was to blame for the "liberty" with which he acted in the Jewish village. The regents agreed to release Prado, on condition that his behavior in the future prove him deserving of liberty from prison.[83] In February 1779, two months after Prado's attack, the regents sent a report about Prado to the colony's prosecutor.[84] To the regents' shock, the Court of Policy ruled in favor of Prado, declaring that the Mahamad did not have authority to banish any person from Jodensavanne, despite the Mahamad having shown a document dating to 1757 from the then governor (likely Jan Nepveu), that conferred upon the regents the power of expulsion. Moreover, the court decided not to punish Prado for insulting the Mahamad.[85]

Moses Rodrigues del Prado had clearly done his homework. He understood that protecting himself against libel meant networking, and that networking

83 NL-HaNA, Portugees-Israëlitische Gemeente Suriname, 1.05.11.18, inv. nr. 1, December 8, 1778.

84 NL-HaNA, Portugees-Israëlitische Gemeente Suriname, 1.05.11.18, inv. nr. 1, February 1, 1779.

85 NL-HaNA, Portugees-Israëlitische Gemeente Suriname, 1.05.11.18, inv. nr. 1, February 20, 1779.

meant identifying oneself with wealth and power. The governor's favorable response to Prado's plight may be an indication of Prado's own growing economic fortunes. Elsewhere in the communal minutes, in an unrelated context, a number of Jews in 1779 complained to the regents that Jews "of modest means" could not address their complaints to the colonial ruler,[86] presumably for lack of clout or monetary inducement. Finally, it is probably not a coincidence that Moses Rodrigues del Prado's return to the savannah coincided in time with deliberations over the ongoing adulterous relationship between Moses Fernandes and Deborah Bueno de Mesquita. We suggest that Prado was stung by the patently exaggerated treatment he received for allegedly uttering an accusation of adultery (rather than perpetuating the crime itself). Prado's successful campaign for justice not only foreshadowed, but possibly informed, the Eurafrican protest that emerged in Suriname beginning in the late 1780s, against their second-tier status in the Jewish community.[87]

In Full View: A Cause Célèbre in Curaçao (1775)

Every once in a while, a well-documented case provides us with a framework through which to view issues shaping the dynamics of a community or even of a society as a whole. Such a case occurred in 1775, when the Portuguese Jewish community of Curaçao was rocked by a bitter dispute involving allegations of sexual misconduct. The witnesses included a broad swathe of colonial society: housewives, merchants, doctors, colonial officials, slaves, and free people of color. Witnesses were asked to reveal their personal knowledge of the situation and also to repeat hearsay. The case threatened the social cohesion of the community and reminds us that close-knit communities could be rife with suspicions and simmering conflicts. It is another example of how relatively clear-cut cases of adultery in the Dutch colonies could be manipulated in the defendants' favor.

The charges were dramatic and highly salacious by any standard. Sarah de Isaac Pardo was pregnant, but the paternity of her unborn child was the subject of much speculation in the Portuguese Jewish community, among its

86 NL-HaNA, Portugees-Israëlitische Gemeente Suriname, 1.05.11.18, inv. nr. 1, October 25, 1779.

87 See Aviva Ben-Ur, "Peripheral Inclusion: Communal Belonging in Suriname's Sephardic Community," in *Religion, Gender, and Culture in the Pre-modern World,* ed. Alexandra Cuffel and Brian Britt (New York: Palgrave Macmillan, 2007), 185–210 and her *Jewish Autonomy in a Slave Society,* in progress.

slaves and servants, and even among the white Protestants on the island. In more than ten years of marriage, Sarah had never before been known to be pregnant.[88] Her much older husband, Selomoh Vaz Farro, was now gravely ill and had been for some time – so ill that the couple had twice been granted a conditional divorce in the preceding year by Haham da Fonseca in expectation of Vaz Farro's imminent demise.[89] How was it, then, that an elderly man on his deathbed – whom two doctors had declared impotent – could impregnate his wife?

Vaz Farro claimed in a sworn statement that, one evening several months earlier, he had "found the strength" to have relations with his wife.[90] But this seemed unlikely to many within and outside the Portuguese Jewish community. Instead, suspicion immediately fell on Abraham de David da Costa Andrade, Jr. After all, Sarah and Abraham had frequently been spotted in each other's company. This in itself was not particularly shocking. As we have seen in the affair between Moses Fernandes and Deborah Bueno de Mesquita in Suriname, a certain degree of intimacy between married people of opposite genders was permitted in a closely-knit community in which nearly everyone was related by blood or marriage. But Sarah and Abraham seem to have pushed the limits of what was allowable by community standards. They were observed talking together on the porches of houses, exchanging small tokens such as flowers. Many witnesses had regularly spotted the pair strolling together outside the city gates. According to a few testimonies, Sarah and Abraham had even arranged rendezvous during the small hours of the morning. Gossip about their relationship was rife and there was plenty of material to work with.[91]

The frequency with which the two were sighted together, their obvious familiarity with one another, and Sarah's suspicious pregnancy, flouted community norms and eventually incited censure. Sexual conduct was perhaps the single most important piece of information about a third party, as one deponent testified. Gossip related to intimate behavior, he asserted, had always

88 NL-HaNA, Tweede West-Indische Compagnie (NWIC), 1.05.01.02, inv. nr. 223.

89 This divorce would have freed Sarah of the obligation to contract a levirate marriage to her brother-in-law. Apparently, Vaz Farro had recovered sufficiently enough for Fonseca to revoke the first conditional divorce decree. When Vaz Farro's condition worsened again, Fonseca issued a second divorce decree. Conditional divorce decrees in the Portuguese Jewish communities of both Curaçao and Suriname had mandatory expiration dates; hence the necessity for two decrees in Vaz Farro's case.

90 NL-HaNA, Tweede West-Indische Compagnie (NWIC), 1.05.01.02, , inv. nr. 223:1, 10, 30v; 26:1.

91 NL-HaNA, Tweede West-Indische Compagnie (NWIC), 1.05.01.02, inv. nr. 223:1, 11, 42, 50; 2:1, 41; 29, 1; 30, 1.

circulated in Curaçao, whether among men or women, or between Jews, Protestants, slaves, or free people of color.[92] In the Pardo/Andrade scandal, free people of color played a central role in information transmission. Even those unrelated to the families in question enjoyed a detailed familiarity with the case.[93] In fact, Samuel d'Costa Andrade learned of his brother's suspected adultery when he overheard two black women gossiping in a narrow Willemstad passageway.[94] Other deponents admitted that they had listened in on conversations about the scandal from blacks circulating in the marketplace and on the streets.[95] All of this brings to the fore one of the main features of this case: the entanglement of enslaved and manumitted peoples in the daily life of whites, a contrast to the Surinamese cases earlier examined, where slaves are virtually non-existent in the surviving documentation. This contrast is perhaps unsurprising, given the geographical situation. Willemstad was a small walled city barely containing upwards of 11,500 inhabitants, who by the mid-eighteenth century had begun to spill beyond its gates and into neighborhoods such as Otrabanda.[96] In the testimony, people of color emerge as major actors and information transmitters. Informally, they absorbed and spread gossip across communal boundaries, and white Portuguese Jews sometimes called on them to transmit messengers between the lovers. Sarah Pardo, for example, gave a letter to Antonia, a free black girl, to deliver to Abraham, who returned his own response via a slave girl. On other occasions, enslaved and free people of color played advisory roles to the parties involved, as we shall see. Clearly, these individuals occupied a central role in the Pardo and Andrade families, indicating not just intimacy and trust, but also influence.

After her second conditional divorce from her dying husband, Sarah Pinto moved back to her father's house. However, Isaac Pardo's ploy of putting an end to his daughter's "shameless" conduct failed, for Sarah continued to visit

92 NL-HaNA, Tweede West-Indische Compagnie (NWIC), 1.05.01.02, 223:2, 32.

93 Ibid., 223:1, 29; 2, 4–8, 10; 4, 1; 5, 102; 15, 3; 29, 1–2; 30, 1–2.

94 Ibid., 223:29, 1–2.

95 Ibid., 223:15, 4–5; 30, 1–2.

96 Wim Klooster, "Curaçao as a Transit Center to the Spanish Main and the French West Indies" in this volume. Klooster estimates that by the middle of the eighteenth century, the number of Jewish families in Willemstad was nearly half that of white non-Jews. Based on WIC tax records, Klooster believes that by 1789 there were about 6000 free residents in Willemstad, which included free blacks and "coloureds," most of whom were Catholics, as well as 2469 Protestants and 1095 Jews. See his "Jews in Suriname and Curaçao" in *The Jews and the Expansion of Europe. The Jews and the Expansion of Europe to the West, 1450–1800*, ed. Paolo Bernardini and Norman Fiering (New York: Berghahn, 2001), 350–368, 353, 355.

with Abraham Andrade *sub rosa*.[97] This he learned during the humiliating visit of Mrs. Clements, a prominent Protestant widow, who told him of his daughter's inappropriate conduct on the streets of Willemstad, a visit that illustrates how racial solidarity amongst whites overcame religious divides.[98] Similar embarrassing social calls caused the situation at home to deteriorate; Sarah and her father were heard arguing loudly and frequently. Both friends and the family's domestic slaves attempted to broker a peaceful solution to this untenable situation. At last, Isaac Pardo's good friend Dr. Joseph Capriles, seconded by Pardo's "house slaves," persuaded Sarah to move into a residence outside the city gates which was owned by her father.[99] The house slaves, although nameless, are listed alongside Capriles – Isaac Pardo's long-time family friend, business partner, and prominent fellow Portuguese Jew – as key participants in persuading Sarah to change her domicile.[100]

Free people of color, referred to as *mulatos*, also appear in positions of intimacy or even friendship with Sarah Pardo and Abraham Andrade and other Portuguese Jews. Sarah was well enough acquainted with an unidentified mulatto woman whom she met on the streets to declare: "Everyone says I'm pregnant...I'm going to walk the streets now to show them that I'm not!"[101] Sarah also discussed with this woman her feelings for her ailing husband. She had "been hoping for two or three years for her husband to die...or for lightening to strike him."[102] That these statements were made to a *mulato* woman and that no one in the ensuing civil and religious litigation seemed surprised is again indicative of a level of familiarity between the free colored and Portuguese Jewish populations that has not heretofore been explored for Curaçao's Jewish community.[103]

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97 Ibid., 223:2, 7–10.

98 Ibid., 223:2, 14–16.

99 Ibid., 223:2, 9–10.

100 Dr. Joseph Capriles was a prominent member of the Portuguese Jewish community on Curaçao. He was listed as one of the wealthiest members of the community in 1769. See Issac S. Emmanuel and Suzanne A. Emmanuel, *History of the Jews of the Netherlands Antilles* 2 vols., (Cincinnati: American Jewish Archives, 1970), I:255. He owned at least one ship, *La Dorada,* valued at 800 pesos. NL-HaNA, Curaçao, Bonaire en Aruba tot 1828, 1.05.12.01, inv. nr. 891, 395.

101 NL-HaNA, Tweede West-Indische Compagnie (NWIC), 1.05.01.02, 223:4, 1.

102 Ibid.

103 There is obviously secondary literature that discusses sexual liaisons between white Portuguese Jewish fathers and non-Jewish women of color, but these sources highlight the sexual and financial utility of such relations and do not consider friendship or trust. See, for example, Eva Abraham-Van der Mark, "Marriage and Concubinage among the

It was a slave girl who transmitted to Isaac Pardo the love letters that would become centerpieces in the trial against Sara Pardo and Abraham Andrade. According to Pardo père, these letters "came into my hands...from a black girl I came across."[104] These incriminating love letters were written in the island's Creole language, commonly known today as Papiamentu, but in the sources referred to as *neger spraak* (Negro speech). They were especially damning, for they provided actual evidence of an extra-marital affair and compelled the *parnassim* of the synagogue to act, in part because the contents of the letters had become so widely known to both Jews and non-Jews in the city. These letters – the oldest known documents written in Papiamentu – formed the lynchpin of the various accusations against the couple. It was in these letters that both the pregnancy and the attempt to abort the fetus were acknowledged.[105]

After these compromising epistles were made public, one of Sarah's brothers threw Andrade out of the synagogue.[106] In fact, feelings against him were running so high that Andrade had to request an armed escort from the governor in order to arrive home safely.[107] Sarah and Abraham claimed that they were innocent of the charges and that the adultery accusation was a conspiracy against them. They initially attempted to evade the *parnassim* when called to answer for their suspected crimes. Sarah Pardo disingenuously claimed several times that she did not realize she had been charged with a crime. Andrade's family also avoided appearing before the Mahamad. His father feigned illness, while his brothers suddenly found pressing business to attend to off the island. When Sarah and Abraham eventually came before the Mahamad and were confronted with the letters they had sent to one another, they claimed them forgeries. Shortly thereafter, the *haham* and

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Sephardic Merchant Elite of Curaçao," in *Women and Change in the Caribbean: A Pan-Caribbean Perspective*, ed. Janet Henshall Momsen (London: James Currey, 1993), 38–49.

104 This chain of transmission is related in NL-HaNA, Tweede West-Indische Compagnie (NWIC), 1.05.01.02, 223:2, 7–10.

105 Sarah wrote that she had sent her slave, a woman called Xica, to a Spanish doctor named Manuel de Estrada to procure an abortificant. NL-HaNA, Tweede West-Indische Compagnie (NWIC), 1.05.01.02, 223:11, 1–2; 13, 1. Estrada later declared under oath that he was surprised that Sarah "trusted a black woman in business of such importance." Ibid., 223:11, 1–2. When Estrada refused Xica, Abraham paid him a visit himself and was given certain herbs to end the pregnancy. NL-HaNA, ibid., 223: 11, 1–2; 12, 1. Andrade's attempt to procure abortificants for his lover was a common response to an unplanned and possibly incriminating pregnancy.

106 NL-HaNA, Tweede West-Indische Compagnie (NWIC), 1.05.01.02, 223: 23, 1-2 (October 1, 1775).

107 Ibid.

parnassim formally accused Andrade of committing adultery with Sarah and excommunicated both parties. Andrade was ordered to ask for forgiveness at the synagogue altar, grow out his beard for six weeks, sit on a special bench in the synagogue, pay a fine of 200 guilders, and have no form of communication with Sarah Pardo. In an interesting departure from the Bueno de Mesquita/Fernandes case in Suriname, Sarah, though not required to make the public penances in the synagogue like Andrade, did have to pay an equal amount to the charity fund, and it was Sarah that congregation president David Morales sought to have banished from the island, not Andrade.[108]

The reason for this harsher treatment could possibly be rooted in the family history.[109] Isaac Pardo had been one of the first community members excommunicated by Haham de Sola in the community-wide conflict that rocked the island two decades earlier. This dispute was, in many ways, a continuation of other, long-running, conflicts within the Curaçoan community. Like so many of the quarrels that plagued eighteenth-century Portuguese Jews in Curaçao, the case of 20 years before centered on delimiting the powers of the *haham* and *parnassim*. Disagreement arose when there was talk of building a new synagogue that would compete with the pioneering Mikvé Israel. Two "opposition" leaders, Moses Penso and David Aboab, and those who supported them, including Isaac Pardo, were excommunicated.[110]

Like Moses Fernandes and Deborah Bueno de Mesquita of Suriname, Abraham and Sarah resorted to civil authorities to find in their favor. Andrade hired the lawyer Petrus Bernardus van Starckenborgh, who would later become interim governor of Curaçao, to defend him against the charges. On July 3, 1776, the governor and Council acquitted Andrade and Sarah and ordered the *parnassim* to remove the excommunications, annul the fines, and have the son who was born to Sarah circumcised without discrimination (without the

108 These events are detailed in NL-HaNA, Tweede West-Indische Compagnie (NWIC), 1.05.01.02, 223:1, 1–25.

109 For a similar interpretation of underlying causes of interpersonal disputes see Sullivan, *The Punishment of Crime in Colonial New York*, 112–113.

110 For discussion of the case see, NL-HaNA, Old Archive of Curaçao, 1.05.12.01, inv. nr. 825, 863/139; 1528; 818/47; 863/423; 867/79, 211; 180/132; 183/27; 821; NL-HaNA, 1.05.01.02 (NWIC), inv. nr. 243/53–61; 70–83; 135–136; 180–182; 316; 596/1261; 597/584; 765a-68; 596/1261; 403; 357/15; Jessica Vance Roitman "'A flock of wolves instead of sheep': The Dutch West India Company, Conflict Resolution, and the Jewish Community of Curaçao in the Eighteenth Century," in *The Jews in the Caribbean*, ed. Jane Gerber (Oxford: Littman Library of Jewish Civilization, 2013), 85–105; and Emmanuel and Emmanuel, *History of the Jews*, I:183–212.

omission of certain words pronounced for sons of fathers leading moral lives).[111] As in the Suriname case, the *parnassim* were ordered to seal all papers referring to Sarah and Andrade.[112]

Centuries later, the guilt of Abraham de David da Costa Andrade, Jr. and Sarah Pardo hardly matters. What makes the case interesting today is the vivid light it throws on the social dynamics among the island's various population groups and polities. The Dutch colonial authorities' involvement in the case magnified long-standing tensions between Jewish communal autonomy and colonial hegemony. The intricate workings of the case as it darted to and from the judicial authorities confirm what legal historian Bastiaan van der Velden has noted about Jewish law on the Dutch island of Curaçao: that it often worked alongside the colonial system of secular justice.[113] We may now refine that observation. The Andrade/Pardo controversy illustrates that in the Dutch colonies there were actually three layers of legislation and judicial systems: that of the metropole, that of the colonial authorities, and that of the Jewish community. Our research shows that these three legal systems were not just parallel to each other – they were in conversation, though Jewish law was in most cases clearly subordinate, and often subordinated by Jews themselves. We may also perceive how information was transmitted within the Portuguese Jewish community and contemplate the far-reaching and decisive role of

111 NL-HaNA, Curaçao, Bonaire en Aruba tot 1828, 1.05.12.01, inv. nr. 916, 20; inv. nr. 918, 206, 208–210; inv. nr. 920, 315–316, 471; inv. nr. 921, 150–151, 164, 226.

112 Nevertheless, the *parnassim* let the excommunication stand. In fact, David Morales, president of the community, tried to have Sarah banished from Curaçao, but the governor refused to comply. Public prosecutor Hubertus Coerman, who had been chief of police since 1773, also disagreed with the governor and the island Council and took the case to the States General of Holland. But the States General found for Sarah and Andrade on January 13, 1778. Prosecutor Coerman demanded a reversal. Andrade won again. The Amsterdam *parnassim* removed the excommunication immediately. On July 31, 1780, the Curaçao *parnassim* were ordered to circumcise the child—who was now nearly five years old—like all legitimate Jewish sons. They were also ordered to pay Andrade's costs to the enormous sum of 60,493:2 Dutch guilders. The argument over the payment of the costs dragged on until 1794. Abraham Andrade eventually moved to Jamaica and Sarah Pardo remarried and left for St. Thomas. See SAA, 1156 (Portugees-Israëlietische Gemeente Curaçao), inv. nr. 44, unpaginated; SAA, 334 (Archief van de Portugees-Israëlietische Gemeente), inv. nr. 95 ("copiador de cartas" – copies of outgoing letters, 1773–1784), 184, 237, 286, 323; 22 ("Compendio de escamoth" – Resolutions, 1728–1814), 171, 199, 229–230, 254, 268.

113 Bastiaan D. van der Velden, *Ik lach met Grotius, en alle die prullen van boeken : Een rechtsgeschiedenis van Curaçao* (Amsterdam: SWP, 2011), 227.

gossip. And we get a glimpse of the pivotal role of the colored population, whether enslaved or free, in one of the island's major scandals.

Another remarkable feature of the adultery case of Abraham Andrade and Sarah Pardo is linguistic. As Portuguese Jews from families that had been on the island of Curaçao for generations, they might have been expected to communicate with each other in Portuguese, the language of most of the synagogue's records and of their ethno-religious community, or in Dutch, the language of colonial authority. Instead, they wrote and apparently spoke to each other in Papiamentu, a Caribbean Creole that emerged from Iberian and African languages. The love letters of Sarah and Abraham are generally agreed to be the first written evidence of Papiamentu, though the language was probably fairly well-established by the mid-eighteenth century and spoken much earlier.[114]

At least six of the witnesses in the scandal, including Jews, gave their testimony in what was termed "neegers Spraake" (Negro speech). Sometimes, the testimony was transcribed in "creooles taal" (Creole language), presumably a synonym.[115] The fact that Portuguese Jews, many or most of them well-to-do merchants, and their spouses, seemingly felt more comfortable in giving their testimony in Papiamentu than in either Portuguese or Dutch demonstrates how the language had begun to cross socio-economic, racial, religious and ethnic lines. Many witnesses who gave their testimony in Dutch revealed their knowledge of Papiamentu by repeating the conversations between blacks they had overheard on the streets.[116] But, of course, it was not just the blacks on the streets conversing in Papiamentu. A rather large number of white witnesses reported hearing a discussion between Sarah, her husband, and parents which was conducted, these witnesses reported, entirely in Papiamentu.[117] In marked

114 Linda Rupert, *Contraband and Creolization: Curaçao in the Early Modern Atlantic World* (Athens: University of Georgia Press, 2012), 214. Chapter 6 discusses aspects of creolization and Papiamentu. Jesuit Father Alexius Schabel noted that the blacks on the island spoke in their own language as early as 1704. Alexius Schabel, "Dagboek-Fragment van Pater Michael Alexius Schabel Societatis Jesu Missionaris op het eiland Curaçao loopend van 21 October 1707 tot 4 Februari 1708," NL-HaNA and W.M.J. Brada, *Pater Schabel S.J. 1704–1713* (Willemstad: s.n, 1965?). We thank Gert Oostindie these references.

115 NL-HaNA, Tweede West-Indische Compagnie (NWIC), 1.05.01.02, 223:3 (testimony of Jacob Aboab Cardoso and Benjamin Aboab Cardoso); 4 (testimony of Jacob Henriques Fereira); 5 (testimony of Aron Machora and Jacob Henriques Fereira); 6 (testimony of Debora and Abraham Keyser); 29 (testimony of Samuel d'Costa Andrade); 30 (testimony of Jeosuah Belmonte and Jacob Athias d'Neira).

116 NL-HaNA, Tweede West-Indische Compagnie (NWIC), 1.05.01.02, inv. nr. 223: 15, 5–6; 29, 1–2; 30, 1–2.

117 NL-HaNA, Tweede West-Indische Compagnie (NWIC), 1.05.01.02, inv. nr. 223: 7, 1–2; 14, 21.

contrast to what transpired in adultery cases in Suriname, only a few of the witnesses gave their testimony in Portuguese.[118] This does not mean that Portuguese was not used among Portuguese Jews on Curaçao. Most of the existing records of the case come from the Dutch colonial administration and not from the Portuguese community records, which almost certainly would have been in Portuguese. Therefore, it would be logical for the witnesses to give their testimony in Dutch instead of Portuguese if they were fluent in the language. But this still raises the question of the testimony given in Papiamentu. The Dutch authorities brought in an official interpreter to translate the documents to Dutch, a costly endeavor. Many or most of these officials must have known Papiamentu. There is ample evidence from the 1730s of occasional testimony given in "creoles taal" on the island, taken without a mandated Dutch translation.[119] Official translations presumably served the purpose of validating them for the civil court case. The prominent role that Papiamentu played in the unfolding events of the adultery case between Sarah and Abraham is of great interest to linguists specializing in creole languages and vividly substantiates Linda Rupert's assertion of a widespread creolization of the island by the latter part of the eighteenth century.[120]

A Case from Amsterdam: Adultery and Its Trans-Atlantic Dimensions

Sometime in the mid-eighteenth century, Selomoh Gomes Soares relocated to Suriname, like so many other Portuguese Jews had before him, leaving his wife Simha and three daughters behind.[121] He might have been one of the *despachados,* impoverished Jews dispatched from Amsterdam, usually to the Americas, by the local Portuguese Jewish regents in order to rid their community of individuals and families who drained the ever-diminishing charity chests. Suriname was the primary destination for these Jews. Robert Cohen's

118 NL-HaNA, Ibid., 9 (testimony of Rabbi Jacob Lopes); 10 (testimony of Isaac Cardoso); 11 (testimony of Ribca Lopes Fonseca); 12 (testimony of Esther Levy); 13 (testimony of David Lopes Dias).

119 Rupert, *Contraband and Creolization,* 214.

120 Ibid., 215.

121 Three births were registered to Selomah Gomes Soares and Simha Salom: Ester, in 1763, Rachel, in 1764, and Jeudit, in 1766. SAA, 334, 345 (Geboorteregister – Birth registry), 108, 112, 120. We must assume that Rachel died at some point before or during the events which transpired, though we have found no record of her death. Only two children are mentioned as going to Suriname, and there are records of both Ester and Jeudit in

calculations show that 135 destitute Jews were sent to Suriname between 1759–1814, more than to any other single destination.[122]

In 1768, Simha Gomes Soares was publically accused of adultery by the *parnassim* of the Portuguese Jewish community in Amsterdam. Two anonymous witnesses came forward to identify David, the son of Daniel de León, as the father of the fetus. These same two witnesses further asserted that León had rented Simha a house in which she could remain concealed for the duration of her pregnancy. But his efforts were to no avail. Though the Portuguese Jewish community in Amsterdam was several times larger than that of Willemstad and the composition of the surrounding population was different, the social dynamics were similar. Gossip and the informal transfer of information were vital mechanisms through which to reinforce community norms.

On July 5, 1768, Simha and David were called before the *parnassim* because it had "come to their knowledge" via an unnamed tale-bearer that the wayward couple had committed a "great crime according to our law."[123] Much like Abraham Andrade, Sarah Pardo, and Moses Fernandes in the Dutch colonies, David de León initially refused to appear in the synagogue to answer the charges against him. In fact, de León managed to avoid coming before the *parnassim* by absenting himself from the city. For over three weeks, no one knew where to find him. His father, when questioned, claimed ignorance of his whereabouts. The regents then initiated a search of the city to locate him. It is not clear if their search was successful, or whether de León finally decided to come forward of his own volition.

When he did come forward, the two lovers were both briefly excommunicated with the usual punishments that accompanied such a sentence, including not being allowed to communicate with anyone outside of their immediate families. However, de León, just like Abraham Andrade and Moses Fernandes after him, was expected to participate in a very public and highly ritualized act in order to be reconciled with the community. He was required to climb the stairs on the left side of the pulpit within the synagogue, declare his sins, and

Suriname. Ester Gomes Soares sent a letter from Amsterdam to the Portuguese Jewish Mahamad in Suriname in 1820 addressed to the administrators of orphans. NL-HaNA, Portugees-Israëlitische Gemeente Suriname, 1.05.11.18, inv. nr. 10, January 16, 1820. Jeudith de Sel. Gomes Soares was buried in Jodensavanne. NL-HaNA, Portugees-Israëlitische Gemeente Suriname, 1.05.11.18, inv. nr. 422, p.2, number 8.

122 Robert Cohen, *Jews in Another Environment: Surinam in the second half of the eighteenth century* (Leiden: Brill, 1991), 25.

123 SAA, 334, 22 ("Compendio de escamoth" – Regulations, 1728–1814), 265–267 (*grande crimem conforme nossa ley*). All discussion of this case is based on this file, unless otherwise cited.

ask for forgiveness for the scandal that he had caused. This mantra was to be repeated three times in total. During the month of Elul, he was ordered to refrain from shaving, sit in a proscribed space in the synagogue, and visit the synagogue twice a week. Public acts of penance put penitents such as David de León before the community as a warning to others, while also providing a process by which the offender might be restored fully to the community. In addition, the public staging of penance was a way to regulate social behavior. Simha, however, due to her "great contrition for her crimes and submission to authority," had no penance to make whatsoever. Apparently, her confession to the *parnassim* and her evident remorse were enough to satisfy them.[124]

This case – alongside the affairs we have described from the colonies – could indicate that while it was important for the man to perform a ritual of penance publically, women were not expected to carry out such a public act in the sacred space of the synagogue. Whether this indicates a lower or higher social or religious status for women is unclear, but certainly contrasts to general practice in early modern Christian society, where women were part of the culture of public penitence. In sixteenth- and seventeenth-century Germany, for instance, women accused of adultery were often forced to wear distinctive clothing and undergo public penance in the church.[125] Likewise, ecclesiastical authorities in early modern England and British America often sentenced women to public displays of contrition, which could involve standing at the local meetinghouse wearing white sheets and holding white wands, a traditional form of public penance for having sex outside marriage.[126]

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124 SAA 334, 22, 267.

125 Joel F. Harrington, *The Unwanted Child: The Fate of Foundlings, Orphans, and Juvenile Criminals in Early Modern Germany* (Chicago: University of Chicago Press, 2009), 44. Likewise, ecclesiastical authorities in early modern England often sentenced women to public displays of contrition. Capp, *When Gossips Meet,* 101, 240, 247, 272, 298, 379. See also, Jim Sharpe, "Women, Witchcraft, and the Legal Process," in *Women, Crime And The Courts In Early Modern England,* ed. J.I. Kermode and Garthine Walker (Routledge: London, 1994), 106–124, 119. Cynthia Lynn Lyerly, "Southern Colonial Protestant Women" in *Encyclopedia of women and religion in North America,* ed. Rosemary Skinner Keller and Rosemary Radford Ruether, (Bloomington: Indiana University Press, 2006), 236–241, 238.

126 Capp, *When Gossips Meet,* 101, 240, 247, 272, 298, 379; Jim Sharpe, "Women, Witchcraft, and the Legal Process," 119; Cynthia Lynn Lyerly, "Southern Colonial Protestant Women," 238.

Simha had no money with which to pay a fine, which could have factored into the sentencing.[127] However, de León was not fined either, an interesting contrast to the practice in Suriname and Curaçao, where fines seem to have been the norm. It may seem that Simha initially escaped the worst of the consequences for her "great crime against the law." But in March of 1770, almost two years after the affair became a public matter, Selomoh Gomes Soares learned of his wife's treacherous behavior via a letter from his cousin Joseph Gomes Silva of Amsterdam, who advised his cousin to divorce.[128] A few months later, a Mr. de Vries arrived in Amsterdam on a ship from Suriname with a letter for the *parnassim* of the Portuguese Jewish community from Selomoh Gomes Soares. In this letter, Soares requested that they provide every possible assistance in speedily transporting his daughters to him in Suriname so that they could be under his "paternal protection," a possible allusion to the moral unsuitability of his wife as a caretaker for their children.[129] Soares was apparently in less of a hurry to legalize the end of his marriage, for in October of 1770, the Haham of Amsterdam wrote to his counterpart in Jodensavanne, asking Soares to provide a Jewish divorce decree (*guet*).[130] There is no evidence that Soares did so; perhaps his intention was to keep his wife in a state of legal suspension as an *agunah*, an "anchored" wife who, according to rabbinical law, was forbidden to remarry.

Soares' fortunes seem to have been on the rise by then, meaning that he could finally afford to have his children transported to him. In 1772, Soares received a piece of land valued at 200 Dutch guilders from Jacob de Abraham de Meza.[131] In 1774, some three or four years after his daughters would have arrived in Suriname, Soares sold to Samuel Cohen Nassy a house and plot of land in the province of the savannah between the land of Samuel Henriquez Fereyra and the said Nassy, for 1500 Dutch guilders.[132] If Soares' luck was

127 She was already living quite precariously on the edges of poverty. SAA, 334, 27 ("Compendio de escamoth" – Regulations, 1767–1773), 127.

128 NL-HaNA, Portugees-Israëlitische Gemeente Suriname, 1.05.11.18, inv. nr. 1, March 20, 1770. There is no record of any letter to Soares informing him of his wife's excommunication in the relatively complete books of letters sent by the Amsterdam community (*uitgaande brieven*), so it seems likely that he was notified of the scandal solely via his cousin's letter. SAA, 334, 1028BB (Documents concerning the Jewish communities in Amsterdam, Curaçao, Suriname, and Constantinople, 1750–1793); 95 ("copiador de cartas" – copies of outgoing letters, 1773–1784).

129 SAA, 334, 94 ("copiador de cartas" – copies of outgoing letters, 1764–1773), June 12, 1770, 332.

130 NL-HaNA, Portugees-Israëlitische Gemeente Suriname, 1.05.11.18, inv. nr. 1, October 19, 1770.

131 NL-HaNA, Portugees-Israëlitische Gemeente Suriname, 1.05.11.18 , inv. nr. 135, 67.

132 NL-HaNA, Portugees-Israëlitische Gemeente Suriname, 1.05.11.18, inv. nr. 135, p. 68–69.

looking up, the same could not be said for his wife. When the *parnassim* arrived on her doorstep with her husband's letter in hand, she was living on communal assistance and could not afford to feed the children.[133] Her poverty left her in an extremely vulnerable position. Although she initially refused to relinquish her daughters to their father in Suriname, the *parnassim* visited several times over the coming weeks using "persuasive and suave" arguments[134] – actually, threats, one of which included cutting off all community charity should she refuse. Simha was completely dependent upon the charity chest, as was her mother, who was mentally ill, her two surviving daughters, and any child that may have been born of her adulterous affair with León.[135] In the end, Simha acceded to the demands and her daughters were dispatched to their father in Suriname.[136]

The scandal of his wife's adulterous behavior never seems to have affected Soares' reputation or career in Suriname. In 1777, Selomoh Gomes Soares and David de Isaac Cohen Nassy formed a partnership and opened a pharmaceutical store to serve the infirm in the savannah, whether white or black, under the name Soares & Company.[137] While Gomes Soares' career and reputation did not seem to have suffered, his wife did. His financial abandonment of her left her entirely at the mercy of the *parnassim* who controlled access to communal charitable funds. This, in turn, left her little recourse when these communal authorities demanded that her children be turned over to their father. This highlights the male-dominated system of the Portuguese Jewish communities on both sides of the Atlantic, which privileged a father's authority above a mother's, and left women (especially those deemed morally unfit) with very little room in which to maneuver in asserting their rights to their children. This same community routinely sent children to live with their father or his family in case of divorce, and considered

133 SAA, 334, 27 ("Compendio de escamoth" – Regulations, 1767–1773), 127.

134 SAA, 334, 27 ("Compendio de escamoth" – Regulations, 1767–1773), 127, 145 ("Argumentos suaveis e persuasivos").

135 On the mental illness of Simha's mother, see, SAA, 334, 61 ("Livro de segredos" – Confidential book), 31. Bastard children were registered in the community records, though usually with the notation *mamzerta* next to their names. We could find no record of any child born to Simha Salom or David de León in the birth registers, whether with the notation *mamzerta* or not. For an example, see SAA, 345 (Geboorteregister – Birth registry), 118. The child could have died at birth or, for some other reason, not been registered.

136 SAA, 334, 94 ("copiador de cartas" – copies of outgoing letters, 1764–1773), 332.

137 NL-HaNA, SONA, 1.05.11.14, inv. nr. 788, February 23, 1780; and December 3, 1777.

illegitimate daughters of Portuguese fathers and Christian mothers eligible for the *Dotar* dowry.[138]

The Salom/Soares case also shows, in sharp contrast to the colonies, the power communal authorities exercised over members of the Portuguese Jewish community in Amsterdam, especially poor to middling ones. In another quite visible contrast to the cases in Suriname and Curaçao, both de León and Salom admitted their "enormous crimes." They did not appeal to civil authorities for their sentences to be overturned, and despite León's initial attempts to avoid coming before the *parnassim*, he ultimately submitted to his punishment without further protest. This acceptance of the punishment as meted out by the *parnassim* raises interesting questions. We tentatively suggest that Salom and de León acquiesced in part because they did not have the financial wherewithal and connections to appeal beyond the Portuguese Jewish community. Another possibility is that the social distance between Jewish and Christian civil authorities in Amsterdam was much greater than in the colonies.

Finally, the affair of Simha Salom and David de León should be contextualized within the trend towards increasing mobility which characterized the early modern period and led to growing numbers of women and children being left behind, either temporarily or permanently.[139] Herman Roodenburg shows that 24 percent of all infidelity cases brought to the attention of the Amsterdam Dutch Reformed consistory between 1578 and 1700 involved a wife whose husband was away in the East or West Indies. Of the women accused of infidelity during the period under study, 83 of their husbands had gone to the East Indies and four to the West Indies or Brazil.[140] As the Salom/de

138 The Portuguese Mahamad was very unlikely to have taken the children from a poor father and sent them to a rich mother. The Portuguese community in Amsterdam adhered very strongly and very clearly to Iberian socio-sexual norms, including the primacy of paternal authority. To our knowledge, there are no cases of a daughter of a Christian father and a Portuguese mother applying for the *dotar*. This could either be because such a situation had never happened due to limitations on women's freedom and ability to come into contact with a Christian man or, more likely, if such a situation had come about, the Jewish woman would have been expelled from the community if she was acknowledged to be pregnant by a Christian man. The very idea of a child of a Christian father applying for the *dotar* wasn't even considered likely enough to be addressed in the regulations, whereas there are several well-documented cases of the daughters of Portuguese Jewish men with Christian women applying for and receiving a dowry.

139 Leslie P. Moch, *Moving Europeans: Migration in Western Europe since 1650* (Bloomington: Indiana University Press, 2003), 84–87; and Jan Lucassen, *Dutch Long Distance Migration: A concise History 1600–1900* (Amsterdam: IISG Research Paper 3, 1991), 20, 36.

140 Roodenburg, *Onder Censuur*, 283.

León case shows, Jewish communities were not immune to this trend. In fact, some scholars speculate that it may have been more common within Jewish communities than in non-Jewish ones, due to the allegedly higher mobility of Jews during the early modern period.[141]

Conclusion: The Dutch Atlantic through the Prism of Adultery

The foregoing cases of real or alleged marital infidelity in Suriname, Curaçao, and Amsterdam have raised a number of issues at the heart of contemporary Atlantic historiography. The interest in preserving the wealth and prestige of leading colonial families – and the ability to do so – may explain why so many Jewish family and community members, on the one hand, and government officials on the other, colluded in pretending the deed never happened. Perhaps the most interesting finding of this study has been the mechanisms that created the "language of silence."[142] Ultimately, no adultery was officially found in the Fernandes/Bueno de Mesquita and Andrade/Pardo cases. Clearly at play was an effort to uphold the economic and social standing of affluent white families in colonies whose majority populations were both enslaved and of African origin. The detailed documentation of these two litigations challenges the assumption of scholars like Nell Irvin Painter who has argued that only the impoverished lived "in full view of the world."[143] By contrast, Sarah Pardo and Abraham Andrade of Curaçao, and Moses Fernandes and Deborah Bueno de Mesquita in Suriname, unambiguously divulge the complex and drawn-out process by which public secrets were created within the privileged classes. Only on an official level did adultery among these wealthy men and women "never happen." On the ground, it most surely did happen – and everyone knew it.

Also foregrounded in both Suriname and even more so in Curaçao is the key role enslaved and free people of color played in the transmission of rumors, and how entangled these populations were with elite white Jews, who sometimes treated their social inferiors as confidantes and family advisers. The

141 See Florike Egmond, "Contours of Identity: Poor Ashkenazim in the Dutch Republic," in *Dutch Jewish History, Volume III: Proceedings of the Fifth Symposium on the History of the Jews in the Netherlands*, ed. J. Michman, 205–225, 217–218.

142 Carlos Herrera, "Infidelity and the Presidio Captain: Adultery and Honor in the Lives of María Rosa Tato y Anza and José Antonio Vildósola, Sonora, New Spain, 1769–1783," 214.

143 Nell Irvin Painter, *Southern History Across the Color Line: Essays* (Chapel Hill: University of North Carolina Press, 2002), 36.

Curaçao case, too, illustrates the social backdrop against which Papiamentu was developed as a language of intra-communal use. Suriname's infamous adultery accusation, blurted out by the hapless but resourceful Moses Rodrigues del Prado, highlights racialized double standards and the acumen of Eurafrican Jews in building up negotiating power in a white-dominant society.

The emergence of Eurafrican Jews in Suriname and the triple-layered legal system functioning both there and in Curaçao are particular to the inner dynamics of Portuguese Jewish communities and their interactions with local Dutch authorities. The racial features of Suriname's Portuguese Jewish community and the legal systems both there and in Curaçao are informed by the distinctiveness of Portuguese Jewish culture and the special position of the population vis-à-vis the "host society." Jews were the only non-Christian white group in the Dutch Atlantic and comprised from one-third to one-half of the white populations. At the same time, Portuguese Jews enjoyed a high degree of autonomy and an array of privileges that allowed them to maintain and develop their historic "culture" – a concept that encompasses everything from language, religion, and jurisprudence to collective historical consciousness. Adultery as played out among these communities is therefore always heard in a Jewish key, with specific references to the laws and customs that governed sexual behavior and punishment, invariably adjusted to environments centrally informed by slavery.

That several of the parties involved in the Amsterdam adultery suit were dispatched, either voluntarily or otherwise, to and from the Caribbean and Amsterdam, bespeaks of an intense Atlantic mobility that – while it did not create the problem of marital infidelity – both exacerbated it and provided a long-distance escape hatch for those fleeing public disgrace. The asymmetrical status change experienced by adulterous parties seems to have been partly a function of gender, but perhaps more so a factor of the kind of wealth that is often paired with political power.

Most of what we have brought to light in this chapter is probably generalizable to broader society. As such, our findings serve as a lens through which to explore the creation of public secrets, the entanglement of enslaved and free populations in the American colonies, and the genesis there of ethnic groups and languages. But let us conclude that the incidence of adultery was not only here and there – it was everywhere. The pervasiveness of marital infidelity – however culturally defined and treated – means that it can be used as a perceptive tool for examining issues of central concern in a variety of societies outside the Atlantic world.