

GLOSSAE

European Journal of Legal History



ISSN 2255-2707

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(Valencia, Spain)

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Citation

Maria Natale, ““Not by choice, but by necessity”. The readmission of Jews in the Kingdom of Naples (1740 – 1747)”, *GLOSSAE. European Journal of Legal History* 18 (2021), pp. 352-377 (available at <http://www.glossae.eu>)

“Not by choice, but by necessity” The readmission of Jews in the Kingdom of Naples (1740 – 1747)

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Received: 15.5.2021
Accepted: 25.5.2021

Abstract

On February 3, 1740, Charles of Bourbon readmitted the Jews in his Kingdom. The reform needed an act of courage: what was being discussed was not only the opportunity to regulate the subject, but, above all, the strength to rule autonomously, without being conditioned by the Court of Rome. So the issue became a test for King’s strength and Government’s legal ability. The Jews’ readmission act was the result of political-economic calculation and was intended to be part of the reform plan launched for the wider promotion of the Kingdom. In order to promote the economic and financial renewal, the reform marked a decisive turning point. This aim reduces the importance of the provisions from the humanitarian and egalitarian point of view. But, even if indirectly and for a short time, the economic enterprise was resolved in a flywheel of development which, starting from material considerations, managed to reach higher goals.

Keywords

Jews, Reform, Kingdom of Naples, Commerce, Usury

Summary: 1. The new awareness 2. The turning point 3. The Jewish, the usurer 4. *Pro* and *contra* 5. The relations with the Court of Rome 6. The Edict 7. The reactions in Naples 8. Outside the Kingdom 9. The epilogue. Bibliographical references

1. The new awareness

Ils n’ont jamais eu dans l’Europe un calme pareil à celui dont ils jouissent¹.

Charles-Louis de Secondat, baron of La Brède and Montesquieu, so described the European Jews’ condition in the eighteenth-century. The Persian traveller, who came to Paris to discover Western civilization, considered undeniable that the Jewish community was enjoying an age of an unusual calm. The condition of peace, represented in the *Lettres persanes*, was the effect of the reforms which, marking a break with the past, granted, and sometimes encouraged, Jews’ settlement in some European countries. Thanks to a new political orientation that attributed a central role to the economy among governments’ goals, the condition of the Jews improved. Jews were protagonists in finance and economy and their importance could not be ignored. This awareness marked the overall transformation of societies towards initial laicization processes. This change

* Abbreviations: ASN = Archivio di Stato di Napoli; BCR = Biblioteca Corsiniana di Roma; BNN = Biblioteca Nazionale Vittorio Emanuele di Napoli; BNSP = Biblioteca della Società Napoletana di Storia Patria.

¹ Montesquieu, C. L., de Secondat, baron de La Brède, *Lettres Persanes*, LX, *Œuvres complètes de Montesquieu*, Masson, A., (ed.), Paris: Nagel, 1950-1955, I, p. 127.

was also favoured by the deep crisis and the desire of renewal that was shaking the Jewish world itself².

In this field, the governments of the Italian peninsula³ adopted different strategies due to their different political-religious conditions and to the different consideration of the Jewish community as economic actor. Thus, in some states Jews were only tolerated, while in others they were protagonists. In order to promote business, some governments had focused on Jews' ability to improve wealth. What happened in Livorno was a sure example of this way of thinking: Jews had become a large community very important in economic and political balances. Thanks to the reforms taken by the Medici government, the Jewish community had grown strong and prestigious for the benefit of the overall economy of the town. Demographic studies calculate that in Livorno, that community, which at the beginning of the seventeenth century was limited to a hundred units, counted in the mid-eighteenth century about five thousand people and seven thousand at the end of the century⁴. A widespread belief was that the fortune of Livorno was a direct consequence of the Jewish settlement⁵. In this horizon, Livorno became a model, frequently quoted in the eighteenth-century documentary sources about the kingdom of Naples. Livorno was the most effective term of comparison to demonstrate the usefulness of the Jewish "peaceful settlement" within the borders of the Kingdom.

The awareness of the economic and non-religious nature of the Jewish problem urged the Bourbon government to reform this subject. The usefulness of Jewish wealth for economy downplayed the relevance of every other problem. Government had to overcome every obstacle: the religious opposition was unjustified because it was only a prejudice. It was a new and unusual way of approaching that testifies to the change.

In the sixteenth century, the need to free the territory from Jews and Muslims was a logical consequence of the inflexible Iberian vision⁶. The religious nature of the

² As a consequence of this political change, the "complex and often difficult paths of Jewish emancipation" and the "radical transformation of Jews' history began": this was the end of the social segregation but also the end of the community's autonomy. See Foa, A., *Ebrei in Europa. Dalla Peste Nera all'emancipazione, XIV-XIX secolo*, Roma-Bari: Laterza editori, 2001, p. 5. On this subject, without absolutely claiming to be exhaustive, see Tasmani, G., "Il giudaismo nell'età moderna e contemporanea", in Filoramo, G. (ed.), *Ebraismo*, Roma-Bari: Laterza editori, 1999, pp. 187-220; R. Calimani, *Storia dell'ebreo errante*, Milano: Rusconi, 1992. Eisentadt, S.N., *Civiltà ebraica. L'esperienza storica degli Ebrei in una prospettiva comparativa*, Roma: Donzelli, 1993.

³ See Caffiero, M., *Storia degli ebrei nell'Italia moderna. Dal Rinascimento alla restaurazione*, Roma: Carocci, 2014.

⁴ See Galasso, C., *Alle origini di una comunità. Ebrei ed ebrei a Livorno nel Seicento*, Firenze: Olschki, 2002, pp. 1-174. She describes the social and political organization of the Jewish community of Livorno. At the origins of its development, two factors acted in an essential way: the privileged regime granted to Jews by the so-called "Livornina constitution" of 1593 and the Medici's creation of a new modern city, destined to be the great port of Tuscany. Therefore, a particularly favorable international economic situation was determined by the choice of the seaport of Livorno as the preferential seaport for the Northern shipping, especially Holland and England. See also Cassandro, M., "Gli ebrei di Livorno nel Seicento. Aspetti economici e sociali", in *La Rassegna Mensile di Israel*, Vol. 50, n. 9\12, Roma: Unione delle comunità israelitiche italiane, 1984, pp. 567-569.

⁵ About Livorno, see Edigati D., *La "Livornina" e i confini della tolleranza religiosa nella Toscana d'età moderna*, Torino: Giappichelli, 2021.

⁶ The Iberian vision was linked to the struggle against the spread of Protestantism and other heresies. About the matter, see also Lacerenza, G., "Carolus Rex Iudaeorum? Per una rilettura dei rapporti fra

problem had caused the expulsion. The solution was the consequence of the religious approach: political action was strict influenced by the religious belief. In this horizon, in 1541 Don Pedro de Toledo had ordered the Jews to abandon the Kingdom within four months, under penalty of confiscation of their assets. Then the deadline was extended by about five months, but the harshness of the rule was the same, because the Jews could return only during the fairs. In the following years the provisions were further exacerbated. In order to avoid the “scandals” deriving from the contact between Jews and Christians, on July 17, 1572, all the Jews, who arrived in the Kingdom during the fairs, were obliged to wear a yellow cap, so that they are known *ictu oculi* “as Jews as they are”. They were obliged to wear it “under sentence of five years in prison and other corporal punishment”: the defence of “true faith” required that severity⁷.

Indeed, beyond the explicit sentences, the expulsion of the Jews, ordered by Don Pedro de Toledo, was consistent with the Neapolitan socio-institutional context. Two centuries later, Pietro Contegna⁸, a critical observer of the Neapolitan history, explained that the expulsion of the Jews was consistent with the “real institutional, political, and cultural revolution” that gradually took place in Naples, between 1524 and 1542, leading to the expulsion of nobility from the government⁹. In order to bring back all the social body under the Monarchy, the government acted to reduce the power of nobility. Nobles were judged as rebellious and hostile to the political trend of the great European monarchies. Pietro Contegna said that it was known that, under Charles V, Don Pedro de Toledo, become “implacable enemy of the nobility”, procured the expulsion of the Jews from the Kingdom more quickly to “damage the nobility who owed many sums of money to the Jews”. In fact, since the Jews had to leave the kingdom immediately, the nobles would have to pay immediately their debts, ending up in bankruptcy. This was the *ratio* of the expulsion which, on the other hand, had been motivated with the intention of avoiding usury. It was false, since it was easy to remedy that evil in another way, as all other Catholic princes and Popes had done in their States¹⁰.

The expulsion of the Jews had given an hard strike on nobility with strong economic consequences. In this perspective, the frequent references, in the sixteenth-century documentary sources, to the dangers and scandals deriving from the contact with the members of the Jewish community hidden real political-institutional purposes. They were achieved behind instinctive and passionate motives. During the seventeenth century, the rumours that spread about the Jews, as plague-spreaders, confirm the hostil-

Carlo III e gli ebrei”, in *Carlo di Borbone: un sovrano nel mosaico culturale dell' Europa*, Cerullo, L. (ed.), Napoli: Università degli studi L'Orientale, 2017, pp. 141-2.

⁷ The citation is taken from *Prammatica III, De expulsiōe Hebraeorum sive Iudeorum*, Giustiniani, L. (ed.), *Nuova collezione delle prammatiche del Regno di Napoli*, IV, Napoli: Simoniana, 1804, pp. 100-101.

⁸ About Pietro Contegna, Ajello, R., “Dal Giurisdizionalismo all' Illuminismo nelle Sicilie: Pietro Contegna”, in *Archivio Storico per le Province Napoletane*, XIX, Napoli: Società Napoletana di Storia Patria, 1980, pp. 383-412; Luongo, D., *Il giurisdizionalismo dei moderni. Polemiche anticurialistiche nella Napoli del Preilluminismo*, Torino: G. Giappichelli editore, 2018, pp. 373-482.

⁹ About Don Pedro de Toledo's reform, following the program wanted by Charles V, see Cernigliaro, A., *Sovranità e feudo nel Regno di Napoli (1505-1557)*, Napoli: Jovene, 1984, Cernigliaro, A., *Patriae leges privatae rationes. Profili giuridico-istituzionali del Cinquecento napoletano*, Napoli: Jovene, 1988; Ajello, R. *Una società anomala. Il programma e la sconfitta della nobiltà napoletana in due memoriali cinquecenteschi*, Napoli: ESI, 1998.

¹⁰ The citation is taken from *Riflessioni su la lettera venuta di Roma in proposito degli ebrei*, in ASN, *Ministero degli affari esteri*, 4401, 6/9.

ity towards them. This general contempt forms the background of the rules. The harshness with which the power affected the Jews seems to incorporate the strength of the widespread intolerance that the government translated into rules.

Two centuries after the expulsion issued by Don Pedro de Toledo, a new *Prammatica*, issued on April 29, 1702, reiterated the expulsion to defend “Religion of our Holy Faith”¹¹. Thus, it was necessary to impose the obligation for Jews to “go out from the Kingdom within the term of fifteen days ... under the penalty of the confiscation of all their goods”. And on March 13, 1708, the order was renewed “sin alguna exception”¹².

2. The turning point

The provisions, issued on several occasions against the Jews, lasted for about two centuries, but they did not survive the epochal turning point of 1734. The gained independence fed hope in Neapolitan reformers: the hope of carrying out a reform to regenerate a kingdom exploited for centuries by foreign dominations¹³. Finally, an extraordinary historical conjuncture determined a new favourable condition for the development of modern ideas. At the same time, the relations among European countries changed with relevant effects. The dynastic turn and the new independence developed the ambitions for structural changes, capable of renewing Southern society. In this new political horizon, the interests of the traditional privileged classes could be sacrificed. New goals of competitiveness forced the Kingdom to make a real leap which, certainly, soon proved too long. Thanks to this unusual cultural and political *humus*, the young King Charles of Bourbon readmitted the Jews in his Kingdom.

The provisions concerning the Jewish community were not sectoral interventions: they are the mirror of the great political change taking place there. At the same time, they were the revenge of that intellectual tendencies that could aim to reform and improve the conditions of the Kingdom. In this way, it's understandable that the problems related to infidel people, those who “did not practice the Most Holy Religion” and didn't respect the “true God”, are discussed by the members of the Commercial Council established by Charles the Bourbon. The Council's report, dated April 30, 1736, shows this point of view. The members of the Council were called to express their opinion about the opportunity “to procure Peace with the Turks”. They disclosed a more general

¹¹ The quote is taken from *Prammatica IV, De expulsione Hebraeorum sive Iudeorum*, in Giustiniani, *Nuova collezione*, p. 101.

¹² *Prammatica V, De expulsione Hebraeorum sive Iudeorum*, in Giustiniani, *Nuova collezione*, cit. pp. 101-102.

¹³ For the most modern Neapolitan thinkers, the waiting for the rebirth of the Country became real thanks to “their own Prince”. The accession to the throne of the young Charles of Bourbon was the divine sign arrived when “people [...] less hoped for it”. The citations are taken from the *Considerazioni intorno al commercio del Regno di Napoli* written in 1735 by Gregorio Grimaldi. This paper describes the spirit of those years and documents the Neapolitan jurists' growing attention towards European models. About the *Considerazioni intorno al commercio del Regno di Napoli*, read the appendix to the paper: Pilati, R. “Del commercio: Gregorio Grimaldi ed il riformismo napoletano nella prima età borbonica”, in *Frontiera d'Europa*, Napoli: ESI, 2001, p. 319.

point of view: it was necessary to highlight a clear line of demarcation between respect for God and utility for people¹⁴.

The economic relations, even with infidel people, could not be conditioned by religion. In the reformers' opinion, the Most Holy Religion was in conformity with the law of Nature. Religion itself promoted human and commercial relations. Therefore, relations with people of other religions did not involve the approval of their fallacy. On the contrary, the exchange of benefits could be profitable for both parties¹⁵. The religious Holy Laws could not prevent this relation: no holy book contained this prohibition¹⁶.

Therefore, it was necessary to remark that the economic fortune of the Nation urged decisions "not by choice but by necessity"¹⁷. Political realism required the adoption of strong measures. It was necessary to consider all the competing factors, giving priority to what was convenient and advantageous for the State. What had happened in many Catholic Kingdoms and Provinces was a clear example: relations with infidel people had to be regulated without any conditioning. The most advanced Kingdoms, as France, looked to the regulation of juridical, economic and international relations without suffering any prejudice¹⁸. This was the real jump: the new political-institutional conditions of the Kingdom made it possible.

It was a new cultural horizon: trade could become an engine of development and progress for the State. The relations with infidel people would have produced several good outcomes: on the economic level, trade would bring wealth; on the religious one, relations with foreigners would have favoured conversions to the Catholic faith. The end of prejudices would have guaranteed new opportunities, including religious ones.

The reformers, best represented in the Commercial Council established by the King Charles, did not miss both the importance of the trade with the Levant and the Jews' settlement in the Kingdom. The privileged position of the Kingdom in the Mediterranean sea would have guaranteed a flourishing trade with the East. On the other side,

¹⁴ The citation is taken from the documental sources kept in SNSP, *ms.* XXI d30, c. 9 *r.* It's significant that the debate started in the Council of Commerce, that was established by the new King Charles of Bourbon as a privileged forum for economic and financial issues. The Council, set up on April 16, 1735, only became active in February 1736. Two months after its establishment, the problem of relations with infidels was discussed.

¹⁵ *Ibid.*, 16 *r.* The members of the Council wrote literally: "il Commercio con gente, benché di diversa e perciò falsa Religione, seco non porta l'approvare l'altrui errori e follie, ma una comunicazione di quei scambievoli uffizj, che son proprj degli uomini, come uomini, e che sono indirizzati a tener reciprocamente lontane l'onte e l'offese, ed a permettere agli uni, ed agli altri, che possano vicendevolmente far ciò, che loro giovi e convenga, senza ricever questi da queglii ostacolo ed impedimento; lo che non solamente non porta il violar le sante Leggi della nostra Religione, ma più tosto seguir le massime del Vangelo, che invita tutti a beneficiare".

¹⁶ The Holy Books "non contenean questa proibizione di aver pace e commercio con gente di falsa religione". *Ibid.*, cc. 16*r.* and *v.*

¹⁷ *Ibid.*, c. 17*r.*

¹⁸ The members of the Council wrote literally: "La Francia, i di cui sovrani per i segnalati meriti, acquistatisi per la difesa di nostra S.ta Fede, han riportato lo specioso titolo di Cristianissimi, non sono stati renitenti ad abbracciar questa pace e questo Commercio; avvertendo, che non sia fuor di ragione sperare quello, che l'esperienza ci ha dimostrato non esser difficile, cioè, che molti Turchi invitati dalla caritatevole persuasion dei nostri, dalla cognizione della verità dei nostri Dogmi, e dall' esempio degli uomini pii e divoti, si riducano alla nostra Fede". *Ibid.*, c. 17*v.*

the readmission of Jews, who were rich and business experts, would have guaranteed the circulation of money and the spread of the business mentality that was lacking in Naples¹⁹.

3. The Jewish, the usurer

Considering the precedents and the implications related to the Jews' settlement showed it was obvious that the debate on this matter fed conflicting opinions. On June 17, 1739, an important paper about the Jews summarized the fundamental points of the matter²⁰. The proposal to readmit the Jews in the Kingdom was part of the “plan to promote trade of this Kingdom of the two Sicilies”. It was undeniable that the Jewish community was the cause of the prosperity of many merchant cities in the world. It was “enterprising, industrious and capable of introducing all sorts of arts and manufactures”, but it was also “rich in cash”, with which it could improve business and commerce²¹. Livorno and other countries, such as Holland and France, were a sure reference. Thanks to the practice of the loan of money, the Jewish presence had been decisive in everyday life²².

However, the usefulness of the Jews as money lenders was disputed. The common feeling was the opposite. Many more thought that Jews, already present in the Kingdom in the past, had been expelled due to the “exorbitant usury” and had not been readmitted there to avoid those practices²³. The image of Jews as usurers caused a reaction of repulsion and concern. The vicious circle established by the prohibition of owning real estate and the necessity to engage it in other useful economic activities had forced Jews to practice usury: the effect had been the inexorable and perpetual Christian condemnation²⁴.

The debate on the legitimacy of lending money with interest had always been fueled by biblical prescriptions. Particularly, the Old Testament warned against earning interest on loans and encouraged to donate without making any profit. Generosity had always to prevail over interests. Regardless of the amount the lawfulness of the loan of

¹⁹ The program to establish commercial relations with the Levant turned into reality on April 7, 1740 with the treaty with the Port, signed by Giuseppe Finocchietti Faulon. Despite the great hopes of the reformers, the treaty proved ineffective because of France's opposition. France did not intend to lose the position of absolute dominance over those seas. About these events and, at the same time, the readmission of the Jews in the Kingdom, see the letter written by the Cardinal Firrao, sent from Rome on January 22, 1740, in ASN, *Ministero degli affari esteri*, 4401, 6/3. Pietro Contegna answered him on January 30, 1740 in ASN, *Ministero degli affari esteri*, 4401, 6/4.

²⁰ The document is in ASN, *Ministero degli affari esteri*, 4400, 1/3.

²¹ The citation is literally: “Quella Nazione sparsa oggidì in molte principali città mercantili del mondo, ove mantiene fertilissime corrispondenze, è ella in stato di procurare un facile e vantaggioso esito delle produzioni d'un Paese; che essendo intraprendente ed industriosa, è capace d'introdurre ogni sorte d'Arti e Manifatture; che essendo potentiosa in denaro contante, può quella contribuire infinitamente a tutti li stabilimenti ed imprese di commercio, che occorrono da farsi; ed in somma che in un caso di guerra, di carestia, o di simile altro urgente bisogno, è la meta di un rifugio certo, e pronto per uno Stato”. *Ibid.*

²² *Ibid.*

²³ *Ibid.*

²⁴ About the matter, Todeschini, G., “Proprietà ebraica, potere cristiano, storia economica: la “sicurezza nella possessione dei propri beni” come forma della socialità”, in *Parolechiave*, XXX, Roma 2003, pp. 106 e ss.

money at interest was questioned. However, it was evident that no one would lend money without interest. The consequence would have been the paralysis of commerce, that would have blocked private citizens and also States, whose economy was based everywhere on public debt. So, if the rule had been applied as it was written in the Sacred books (or, better, in the version that the official interpreters considered authentic)²⁵, the paralysis of the economic traffic would have been general.

This contradiction enforced the search for solutions capable of realizing what was in theory condemned, reconciling the respect for ideal forms with the satisfaction of material needs. Formal opposition had to coexist with factual remedies sacrificing truth and authenticity of relations. Particularly, in the Italian states, the juridical and institutional particularism and the influence of the Roman Church made more difficult and dangerous these compromise solutions. In its own territories, the Church itself had to adopt compromise solutions in order not to block the economy. According to the same logic, the Jews were allowed into Rome²⁶. For Neapolitan reformers, this attitude pointed out the ecclesiastical ambiguity. Far from all prejudices, it was necessary to look at problems in a new way.

The Old Testament presented an exception to the prohibition of usury in the book of Deuteronomy²⁷: the loan of money was lawful in favor of foreigners. Thanks to this permission, Jews had allowed to operate²⁸. But this way of thinking was irreconcilable with the values of solidarity and universal brotherhood which inspired Christian life. No exception could be admitted to the prohibition on receiving interest from loan: *Mutuuum date nihil inde sperantes*²⁹. Thanks to the originality of Luke's precept allowed a mediation on practice. The use of contractual schemes, even if only formally different from the loan agreement, which is free by nature, was a solution capable of achieving

²⁵ The Old Testament contains several passages against the payment of interest on loans. Among these, the prohibitions are in the *Exodus* 22; *Leviticus*, 25, 35-37; *Deuteronomy*, 23, 20-21; other lamentations, which confirm through moral warnings the tenor of the prohibitions are in the *Psalms*, 14, 5; in *Proverbs*, 28, 8, in *Jeremiah*, 15, 10 and in *Ezekiel*, 18, 10. About usury in the sacred scriptures, the bibliography is see Le Goff, J., *La bourse et la vie. Economie et religion au Moyen Age*, Paris 1986, trans. it. Rome-Bari: Laterza ed., 1987, pp. 15-7. In Naples, the official interpretation of the sacred texts was the subject of the careful analysis by Antonio Genovesi, who, in various works and especially in *Delle lezioni di commercio*, argued that the common version falsified the coherent and realistic logic of the Holy Scriptures. See Genovesi, A., *Delle lezioni di commercio o dia di economia civile con elementi di commercio*, Perna, M. L. (ed.), Napoli: Istituto italiano per gli studi filosofici, 2005, p. 812.

²⁶ About the matter, see Simonsohn, S., "Gli ebrei a Roma e nello Stato Pontificio da Paolo IV a Pio IX. Un quadro d'insieme", in *Materia Judaica*, XXII, Bologna: Giuntina, 2017, p. 217.

²⁷ The history of the deuteronomic precept is examined by Nelson, B., *Usura e cristianesimo. Per una storia della genesi dell'etica moderna*, Firenze: Sansoni, 1967, pp. 24-5, 55 e *passim*. The exegesis of the Mosaic law represents a central point of the theories expressed about usury. In Nelson's reconstruction, particular importance is assumed by the relation between precept and exception expressed in Deuteronomy. The interpretation, given by the German reformers, particularly by Calvin, brought about a historic turning point in the West, marking the end of "a tribal ethic and the birth of the modern capitalist vision".

²⁸ It revealed the existence of an unacceptable duplicity of deontological canons and brought the prohibition back into an ethical-tribal logic, intended to regulate only the internal relations of the single community. See Nelson, *Usura e cristianesimo*, pp. 24-5.

²⁹ See Luca, VI, 35. According to the prevailing interpretation, it confirmed the ancient prohibition, and highlighted the question's heart: the contrast between ethical-religious requirements (to which the reference to hope referred) and the juridical dimension, indicated by the reference to the loan. The distinction between moral level and legal one was fundamental. Santarelli, U., *Mercanti e società tra mercanti*, Torino: Giappichelli, 1992, pp. 155-6.

the balance between observance of canonical prohibitions and satisfaction of the economic needs. The formal terms, within which the juridical problem was formulated, allowed the solution.

Usury represents the emblematic case in which medieval logic was forced to acrobatic exercises in order to reconcile the formal prohibition with the material needs³⁰. Thus the legislation on usury had been stratifying as the result of that complex balance between ethics and law, reason and religion. Formal arrangements were necessary to calm the remorse of the soul and body needs.

As a consequence, legal practice had developed contractual legal cases capable of satisfying the needs of economy: monetary circulation and business were insured. But Jews, money lenders and usurers, remained the recipients of the harshest condemnation and the widest reprobation. In the *Considerazioni su i fondamenti della civile società o sulle leggi dei corpi politici*, Antonio Genovesi wrote about Jews, that although they were “guilty of usury”, almost “all the laws against them were more affected by envy and public hatred than by reason”. But “the law must not be angry; the law must be reason, not passion”³¹. Irrationality and passion had polluted the law. The result was a law that had renounced being the rational guide of society.

A further consideration, only hinted by Genovesi, was fundamental: the persecution of Jews was, at least in part, the effect of the almost absolute monopoly they achieved in the market relating to interest loans. The financial capacity of the Jewish community and their economic importance had determined a rising wave of animosity. More or less consciously, Kingdom’s provisions about the Jews were the result of these feelings and attitudes.

4. *Pro and contra*

In the Kingdom of Naples, the debate about the Jews’ settlement developed in the first years of the Bourbon government and testifies to a decisive change of attitude. On October 8, 1739 the Secretary of State, José Joaquín de Montealegre summarized the conclusions of a Conference about commerce held on June 24th. “Regarding the Jews’ settlement”, he announced that the Conference had been deliberated “to proceed to the examination of the “arguments for and against”³². Then Celestino Galiani would have provided his theological opinion, because he was famous for his “not ordinary

³⁰ In this regard, the nominalistic character of medieval logic and the tortuosity that medieval jurists were forced to follow, were acutely emphasized. The identification of the loan agreement as the prohibition’s goal generated the search for alternative solutions, which substantially reflecting the same contractual scheme, but were able to formally free it from the usury prohibition. The operation represented the complex attempt to “storicizzazione di un divieto con gli strumenti che apparivano più congeniali ad una cultura nominalistica come fu quella medievale”. Santarelli, *Mercanti*, pp. 153-5.

³¹ Genovesi wrote: “Confessiamo nondimeno che, benché i Giudei fossero rei di non legittime usure, quasi tutte le leggi emanate contra di essi sentono più d'invidia e d'odio pubblico, che abbiana di setata ragione. La legge non debbe incollerirsi; ella è ragione, non passione”. Genovesi, A, *Delle lezioni di commercio*, p. 810.

³² See Montealegre’s letter to Contegna, on October 12, 1739, in ASN, *Ministero degli affari esteri*, 4400, 9/2.

spirit”, for his “free mind, free from any suspicion”³³. The choice was very significant³⁴. He was the Cappellano Maggiore and he enjoyed a wide reputation for his extraordinary qualities and his juridical ability.

The issue was difficult to solve: beyond the theological and religious implications, the impact of the Jewish settlement on the Neapolitan socio-economic reality was not a secondary problem. Therefore, the opportunity to rule a law regarding Jews allowed to establish a basic principle for the southern juridical tradition: only Neapolitan laws could regulate the Jews’ condition in the Kingdom. The issue was certainly theological but it had to be discussed within the borders of the State and decided only by the King.

Celestino Galiani and three other theologians chosen by Pietro Contegna would have expressed their opinion. In order to explain “truth and to save the King's conscience”, theologians had to be men “free from popular errors and prejudices”: only in this way the King would have ruled the “necessary admission of the Jews in Naples and Sicily”³⁵. It’s evident that the choice of the theologians already contained in itself the answer to the issue: nothing would have changed, if had been chosen conservative theologians. The new Bourbon government and, above all, the protection exercised by the Secretary of State Montealegre on the young King Charles, guaranteed a new trend. The most modern and up-to-date intellectuals had an adequate space for action. The voice of those “free from popular errors and prejudices” could have risen. The three theologians chosen were the Capuchin Bernardo M. Giacco, the Benedictine Isidoro Sances, “reader of Ethics at the Royal Public University of Naples”, and the Franciscan Bonaventura d’Arienzo, who had “excellent sentiments about our purpose”³⁶: the latter words predicted the solution.

In the same letter, Pietro Contegna affirmed a principle that was fundamental for the southern juridical sphere: any decision on that matter did not require “any previous permission from the Supreme Pontiff”³⁷. According to this assumption, the three theologians asked to be guaranteed by the license of royal theologians. Their opinion had to be free from any conditioning. Contegna affirmed that the Court of Rome “terrified the ecclesiastics” of the Kingdom; the same Court required that the Neapolitan ecclesiastics

³³ *Ibid.*

³⁴ A concise but significant judgment on Galiani is expressed in an letter, dated 29 July 1724, written to Bottari by Antonio Niccolini, who defines him as “an incomparable man”. BCR, *cod. cors.* 1891 ms. 44.E.1, c. 20. Celestino Galiani was a figure of fundamental importance for the public life of the South, especially after February 1732, when he was elected *Cappellano Maggiore*, a position that attributed several fundamental functions on the administrative, legal, political and cultural level. About him see Origlia G. P., *Istoria dello studio di Napoli*, Napoli: Di Simone G., 1753-1754, pp. 248-257; Nicolini, F., *Un grande educatore italiano: Celestino Galiani*, Napoli: Giannini, 1951; Ferrone, V., *Scienza Natura Religione. Mondo newtoniano e cultura italiana del primo Settecento*, Napoli: Jovene, 1982; Celestino Galiani- Guido Grandi, *Carteggio (1714-1729)*, Palladino F. and Simonutti L. (ed.), Firenze: Olschki, 1989; Iovine, R., “Una cattedra per Genovesi”, in *Frontiera d’Europa*, Napoli: Jovene, 2001, n. 1; Natale, M., “Ecclettismo teoretico e pragmatismo alle origini delle riforme illuministiche: l’autobiografia di Celestino Galiani”, in *Frontiera d’Europa*, Napoli: Jovene, 2002, n. 1, pp. 115-62, and the appendix Galiani, *Ristretto della sua vita* Natale, M. (ed.), in *Frontiera d’Europa*, Napoli: Jovene, 2002, n. 1- 2.

³⁵ Montealegre’s letter to Contegna on October 12, 1739, ASN, *Ministero degli affari esteri*, 4400, 9/2, cc. non numerate.

³⁶ ASN, *Ministero degli affari esteri*, 4400, 9/4.

³⁷ *Ibid.*

not only defend, rightly or wrongly, all its claims, but also that they increase ecclesiastical power over that of the Princes³⁸.

It was an unacceptable conditioning. Contegna's words hit the heart of the problem: the decision on the admission of the Jews was strictly related with the relations between State and Church, law and religion, politics and theology. It was necessary to avoid the influence of the Roman Court from conditioning the solution. According to Contegna, it was known that the Court of Rome oppressed clergymen who are of different opinion. Fearing the consequences of the court of Rome, the three theologians, although "among friends" would fully approve the reform, would have difficulty expressing their opinion in a solemn congress³⁹. A particular reassurance would have derived from the opinion of Celestino Galiani: the Archbishop of Thessalonica was "highly regarded and venerated by the ecclesiastical thinkers"⁴⁰.

So Galiani's opinion did not take long to arrive testifying to the modernity of his point of view. First of all, he affirmed that the King could freely intervene on the matter without any preliminary license from the Church of Rome. Furthermore, Galiani asserted that the Jews should not wear any distinctive sign and should not live in any "ghetto": both them would have caused disorders and tumults because they would have made Jews known⁴¹. In order to guarantee the desired benefits for the royal economy, Galiani asserted that the Jews couldn't apply themselves to the study of law: if they had applied themselves to other professions, they would no longer have applied themselves to commerce. The other issues relating to the medical and the nurse profession in favor of Christians had to be left to the individual choice.

After Galiani's opinion, it was the turn of Bernardo M. Giacco, whose name had also been publicly endorsed by Francesco Ventura, obtaining a general consensus⁴². The Capuchin father was a Contegna's very close friend too. He was in favor of the admission of the Jews. Denying the need for papal approval, he asserted that Jews should be free to do their religious rites and to build synagogues, as long as they were modest and out of town. They could have been doctors and could heal Christians, always together with a Christian colleague. He was in favor of building a ghetto, but, in order to defend the Jews from the attacks of the ignorant people, he was against the sign. Jews remained

³⁸ Pietro Contegna argued that: "La Corte di Roma mette uno estremo terrore a tutte le persone ecclesiastiche di questo Regno [...] la medesima Corte esige dagli ecclesiastici napoletani non solamente che debbano difendere o a torto o a diritto tutte le sue pretensioni, ma anche vuole che cerchino con ogni immaginabile studio e sforzo si avanzare e di accrescere la potestà ecclesiastica sopra quella dei Principi; ed ha stabilito che sia instar sacrilegi il dubitare de potentia Summi Pontefici". *Ibid.*

³⁹ Contegna wrote that "Per molte prove ognuno sia sa che la Corte di Roma volentieri incontra l'occasione di malmenare e di opprimere quelli ecclesiastici i quali, come in Roma si dice, si appartano dal loro indispensabile dovere di questo proposito. Laonde la medesima singolarissima prudenza di V. E. (Montelegre) può ottimamente riflettere, che forse li suddetti tre teologi e religiosi, quantunque tra amici ed in provato pienamente approvarebbero, senza minima esitazione il contenuto della mia scrittura, in un congresso solenne però avranno forse estremamente terrore di dar lode alla verità; perché quantunque li nomi che daranno nel suddetto congresso saranno segreti nondimeno l'evento e le conseguenze del congresso manifesteranno pur troppo alla corte di Roma l'ascoso sentimento dei tre teologi". *Ibid.*

⁴⁰ *Ibid.*

⁴¹ See the *Parere teologico sopra alcuni punti appartenenti all'introduzione degli Ebrei nei due regni di Napoli e Sicilia*, SNSP ms XXXI B-1, pp. 235-239.

⁴² ASN, *Ministero degli affari esteri*, 4400, 9/4. About Giacco, see Mastroianni, F., *Un amico di G. B. Vico nella storia dei cappuccini di Napoli: B. M. Giacco (1672-1744)*, Napoli 1972.

forbidden to walk along the town on the Holy Week from Thursday to Saturday⁴³. So the advice was sent to the Duke of Salas to whom Giacco confided his fear about the reaction of the Court of Rome. To save him from Rome's hostility, in February 1740, he was granted by the license of royal theologian⁴⁴.

5. The relations with the Court of Rome

The provision to allow the Jews' return to Naples needed an act of courage. What was being discussed was not only the opportunity to regulate the matter, but, above all, the strength to rule in the Kingdom, autonomously, without being conditioned by the Court of Rome. So the issue became a test of the King's ability and his strength.

An unpublished letter by Pietro Contegna testifies to the complexity of the relations and confirms the centrality of the Jewish problem. The Court of Rome - he wrote - "is similar to a ghost; it persecutes those who fear it and runs away and disappears, in front of the one who keeps his foot steady"⁴⁵. This consideration suggested that the best idea was to publish the edict to readmit the Jews. The letter, written on January 30, 1740, urged the government to take its own resolutions. The time had come. Particularly, the time was seen by Naples as favourable to complete the enterprise. In Rome, in a climate of stasis and uncertainty for future, the last days of Pope Clement XII were being consumed. His long-awaited death came on February 6, 1740: three days after the publication in Naples of the act about the Jews.

The extraordinary temporal conjuncture in which the proclamation of the safe-conduct takes place testifies to the centrality of the Jewish problem in the relations between Naples and Rome. It is known that, after his conquest, the relation with the Roman Court constituted the most important problem for the young King Charles⁴⁶. There is no doubt that, after twenty-seven years of Austrian government, Roman diplomacy sought to take advantage of the dynastic change. The aim was, more or less openly, to affirm a pontifical policy oriented to the defence of ecclesiastical prerogatives⁴⁷.

The ups and downs that had marked the search for an "accommodation" in the relations between Naples and Rome testified to this problem. They were marked by the work of the same protagonists of the Jewish question: Pietro Contegna and Celestino Galiani. The first inspired the lawyers who acted for the defence of the royal powers: in order to stop the influence of the Church, a strong pressure on the new Bourbon gov-

⁴³ Giura, V., *Gli ebrei e la ripresa economica del Regno di Napoli: 1740-1747*, Napoli: Institut internationale d'histoire de la Banque, 1978, p. 15.

⁴⁴ *Ibid.*, p. 16.

⁴⁵ The citation is taken from the paper kept ASN, *Ministero degli affari esteri*, 4401, 6/4.

⁴⁶ Ajello, R., "*La vita politica napoletana sotto Carlo di Borbone. La «fondazione ed il tempo eroico» della dinastia*", in *Storia di Napoli*, vol.VII, Napoli: Società editrice Storia di Napoli, 1972, pp. 489 ss.

⁴⁷ In April 1734, taking advantage of Charles's passage, Rome had begun to make contact with the most influential exponents of the King's *entourage*. See Caridi, G., "Dall'investitura al concordato: contrasti giurisdizionali tra Napoli e Santa Sede nei primi anni del regno di Carlo di Borbone", in *Mediterranea. Ricerche storiche*, n°23, Palermo: Mediterranea, 2011, p. 535.

ernment was needed⁴⁸. Celestino Galiani became the real arbiter of the Concordat of 1741⁴⁹. Thanks to his fame and well-known mediation skills, Galiani had joined the judicial council appointed after the arrival of the young King Charles in Naples and so he had become the main protagonist of the strategy. In order to resume negotiations, he went to Rome in July 1738⁵⁰.

In the summer of the same year, another event played a fundamental role and led to a turning point in the negotiations for the Concordat: the decision of the Spanish Court to remove Santisteban and replace him with Montealegre. The change at the top of the Neapolitan government determined a different trend also in the relations with the Roman Court. Towards the Court of Rome, Montealegre had a new and more resolute attitude. Thus, the Bourbon King tried to speed up the negotiation with the support of the new Secretary of State and the work of the “Cappellano Maggiore” Celestino Galiani. Faced with this acceleration, the Court of Rome adopted a dilatory attitude: the tactic was aimed at waiting for a new Pope. In a moment of objective instability and precariousness, it was understandable that the Curia did not want to assume the weight of an agreement with Naples. In any case the agreement would have reduced the prerogatives enjoyed by the Church in the Kingdom of Naples⁵¹. The delaying policy of the Church confirmed the precarious Roman political situation and encouraged Naples: it was necessary to take advantage. Thus Contegna’s invitation to keep “a steady foot” and to decide without any delay “publishing the edict”, should be read in this direction: the moment seemed particularly propitious to launch the provision about the readmission of the Jews⁵².

6. The Edict

Contegna’s words against any policy submissive to the wishes of the Roman Court were decisive: four days later, on February 3, 1740, the *Proclama* was published. It granted to the Jewish community a safe-conduct, so that it could work and establish its domicile in the Kingdom of the Two Sicilies⁵³. The proclamation of the act represented the arrival of a long mediation activity that had affected the religious, economic and civil plan. The reform deeply modified the Kingdom’s socio-institutional structure and realized, beyond undeniable several implications, economic goals.

The primary objective was the Kingdom’s economic and financial renewal. This aim reduces the importance of the measure from the humanitarian and egalitarian point

⁴⁸ Contegna was strongly against the ecclesiastical *manomorta*. About the matter see Cernigliaro, A. “La ‘polizia del Regno’ per moderare la manomorta ecclesiastica”, in *Archivio Storico per le Province Napoletane*, CXXIV Napoli: Società Napoletana di Storia patria, 2006, pp. 170-181.

⁴⁹ Novi Chavarria, E., “Il confessore alla Corte di Carlo in Rao”, A.M. (ed.), *Corte e cerimoniale di Carlo di Borbone a Napoli*, Napoli: fedOA, 2020, pp. 11. 120.

⁵⁰ Ajello, R. *La vita politica napoletana*, p. 649.

⁵¹ In fact, Rome succeeded in delaying the approval of the concordat with Naples. Its maturation was only possible after the death of Clement XII and thanks to the ascent to the papal throne of Benedict XIV, born Prospero Lambertini. The new Pope rose to the papal throne in August 1740. The treaty between the Holy See and the Court of Naples was concluded in Rome and ratified in Naples on June 8, 1741 and in Rome on June 13. *Ibid.*

⁵² ASN, *Ministero degli affari esteri* 4401, fasc. 6/4.

⁵³ *Prammatica VI, De expulsione Hebraeorum sive Iudeorum*, in Giustiniani, L., *Nuova collezione*, pp. 102-110.

of view: any higher-level meaning did not constitute the direct purpose of the reform⁵⁴. The Jewish readmission program was the result of mere political-economic calculation and was intended to be part of the reforms launched for the wider promotion of the Kingdom. Any reference unrelated to the economic point of view was inappropriate. The Jewish Nation, which was “uniquely and totally expert in commerce”, could be the instrument for making peoples learn the “true arts of commerce and navigation”. It was necessary to follow the example of the Catholic princes who resolved to introduce the Jews into their kingdoms by guaranteeing “graces, privileges, immunities, exemptions and prerogatives”⁵⁵. Thus the set of privileges granted by the act for a total duration of fifty years, and a further five years of tolerance, was functional to transform the State into a trading kingdom. Jews would have “free faculty, and license, to come, stay, trade, pass, or live with their families, or without them; and then leave, return, and do business in our Kingdoms and States, without any personal hindrance or harassment”⁵⁶.

The provisions were aimed at creating favourable conditions both for Jews who had established their domicile in the Kingdom, and for those who had just passed through. The former would be considered citizens, the others would enjoy the status of the most favoured foreigners. When compared with the contemporary provisions, Charles of Bourbon is considered the most liberal⁵⁷. Jews would have enjoyed criminal and civil immunity for the past crimes and debts. Guaranteed by these immunities, the Jewish community would have come in the Kingdom. They could practice as doctors, (with the limitation of assisting Christians only if accompanied by a Christian colleague) and they could obtain a doctorate, too⁵⁸. A wide range of rules guaranteed the Jews the opportunity to profess their belief: respect for the Sabbath, the opening of a slaughterhouse for the ritual slaughter of meat, dedicated cemeteries. All these safeguards would have allowed the community to preserve its identity⁵⁹.

In order to protect their economic capacity, the possibility of trading all sorts of goods was reserved for them. For this purpose, both in entry and in exit from the Kingdom, the capital goods of their companies would have been exempt from taxes. Furthermore, the accounting records of the Jewish merchants would be regarded as those of the merchants of the Kingdom⁶⁰. In order to break the vicious circle that linked the prohibition of possessing real estate to usury, a new rule was introduced. It expressly admitted the purchasing of “stable goods”, with the exception of “fiefs, or other kinds of rights, and goods, for which they have authority and jurisdiction over Christians”⁶¹.

⁵⁴ Al riguardo va detto che di diverso avviso sembra essere Giura, secondo cui il provvedimento fu varato anche “perché, certamente, grazie al progresso degli ‘intelletti’, molti pregiudizi, almeno tra le persone colte, erano caduti”. Giura, V., *Gli ebrei*, p. 4.

⁵⁵ *Proclama, o vero Banno, con il quale si concede alla Nazione Ebraea un Salvacondotto, perché possa venire a trafficare, ed a stabilire il Suo Domicilio nelli Regni delle due Sicilie, e loro dipendenze*, Napoli, Stamperia Reale, 3 febbraio 1740, in Giustiniani, L., *Nuova collezione*, pp. 102-111.

⁵⁶ *Ibid.*, p. 102.

⁵⁷ Ferorelli, N., *Gli Ebrei nell'Italia meridionale dall'età romana al secolo XVIII*, Torino: Il vessillo israelitico, 1915, pp. 245-248.

⁵⁸ *Proclama, o vero Banno*, in Giustiniani, L., *Nuova collezione*, pp. 103-4.

⁵⁹ *Ibid.*, pp. 107-8.

⁶⁰ *Ibid.*, p. 107.

⁶¹ *Ibid.*, p. 108.

Other rules completed a very favourable plan: the reform removed disputes between Jews and Christians from ordinary justice and attributed them to the knowledge of the Delegate. The Delegate was to be appointed among the members of the Supreme Magistrate of Commerce; he would have judged the trials between Jews and those between Jews and Christians. For this purpose, three Delegates would have been appointed: one in Naples and the other two in Palermo and Messina. More precisely, the reform provided that the Delegates would have the knowledge of all trials, “between a Christian and a Jew” and between “Jew and Jew”, in which the crime was punishable with a “greater penalty than relegation or exile”. “Any other kind of trial” between Jew and Jew “will have to be judged privately by their *Massari*”⁶². Therefore, most of the disputes in which members of the Jewish community were involved would have to be solved in a private dimension, totally independent from the state, according to the rite and traditions of the Jewish community⁶³. Autonomy guaranteed the Jewish community the possibility of preserving its identity and excluding the heteronomy of state intervention. On the other hand, even for the most relevant cases, the attribution of the judicial function to the Delegates removed the Jews from the traditional justice. In addition, the Supreme Minister of Commerce would have decided the appeals against the Delegates’ judgments. The rule was fundamental because it literally linked the Jewish readmission program to the Kingdom to the establishment of the Supreme Magistrate of Commerce. It demonstrated the concern that the intervention of ordinary justice could prevent the realization of the reform plan.

7. The reactions in Naples

The readmission of the Jews caused many reactions. Welcomed among the Jews, it determined the strong opposition of those who reacted with great disapproval for different but converging reasons. The reform was considered scandalous⁶⁴. Particularly, it was regarded with suspicion by those who feared that the Kingdom would be damaged⁶⁵. In Naples the “murmurs” against the Jews were supported by a widespread feeling of hostility and discontent. Many people showed their opposition disclosing their lowest and most vulgar instincts. They hoped the King would step back. Pietro Contegna observed that, in Naples, “monks, friars and merchants” had become the protagonists of a “ridiculous comedy” made up of “fables and lies” against the Jews. Animated

⁶² *Ibid.*, p. 105.

⁶³ About the jurisdiction of the *Massari*, which was the highest civil authority of the community and was called to judge according to Jewish law and its principles, see Toaff, A. S., “La giurisdizione autonoma degli ebrei di Livorno e la controversia con R. Ja’acob Sasportas (1680)”, in *La Rassegna Mensile di Israel*, Vol. 31, no. 6, Roma: Unione delle comunità israelitiche italiane, 1965, pp. 275-276. The edict provided that, with the arrival of the first forty families in the cities of Naples, Palermo and Messina and the first twenty in the other towns, the council for the election of the *Massari* would be appointed. The *Massari* would have also the task of deciding on the inheritance left by the Jews *ab intestato*. See *Proclama, o vero Banno*, in Giustiniani, L., *Nuova collezione*, p. 107.

⁶⁴ As Bernardo Tanucci wrote, in Naples everybody were “scandalizzati dalla novità”. Tanucci ended up to have a prudent position, too far from that of Pietro Contegna. See Ajello, R., *La vita politica napoletana*, p. 652.

⁶⁵ In Naples, in the same year of the publication of the act, was published a pamphlet called *Sentimento intorno al Proclama, o sia Bando, col quale s’introducono gli ebrei nelli Regni delle Due Sicilie, e loro dipendenze, pubblicato in Napoli li 3 febbrajo in quest’anno 1740*. The paper contained a strong attack on the Jews and summarized the position of the Neapolitan Curia which was faithful executor of the Roman one. Ferorelli N., *Gli Ebrei nell’Italia meridionale*, pp. 252-253.

by “pharisaic zeal and [...] other unreasonable passions”, many people reflected that the settlement of the Jews would “increase the citizens’ number already too numerous”⁶⁶. Therefore, the Jewish community, made only of “villains”, would have “plundered Christians”.

Even the merchants were displeased: they were offended by the King’s act because he defined Jewish Community as the only one “wholly intended for trade”⁶⁷. It was wrong: the Jews would have brought the ruin of the market. They would have sold their goods leaving the Christian merchants in poverty⁶⁸. According to Pietro Contegna, those sentences showed how great was the hate against Jews. Hostility against the Jews blinded men and prevented any rational analysis⁶⁹. On the contrary, the Delegate observed that the Jews were the best at selling their goods because they were content with a small gain which, at the end of the year, became large thanks to the abundance of sales. In order not to receive damage from the coming of the Jews, Neapolitan merchants must imitate “the same way of negotiating”. The “bad reputation” of the Neapolitan merchants had spread around the world “like a plague” that only the arrival of the Jewish merchants would have cured⁷⁰.

Jews’ arrival was regarded by the reformers as an injection of commercial and financial skills. They were needed in Naples, while many people, holders of power, feared it. Nobles were suffering from the loss of “the ancient freedom in the command of their Feuds”. Particularly, the opposition of the nobility revealed the reform’s value, capable to undermine the hard core of the social and institutional structures of the Kingdom. In this horizon, it appeared very important that nobles feared the Government’s strategy. They thought that “the subjects of the Barons were exempted from the Courts of the Feudal Lords and could directly appeal to the Royal Courts to get justice”⁷¹. The fear of suffering further theft of jurisdictional power was justified: in the same way, the establishment of new commercial courts had taken place few months earlier.

In this context, the will to denigrate the work of the Government is not surprising. In Naples, many people gossiped that the edict was the result of the negotiations of Francesco Ventura, who had received “a large sum of money” by those Jews, “expelled

⁶⁶ The citations are taken from *Osservazioni su di una scrittura presentata a V. E. e intitolata Riflessioni che anno dato e tuttavia danno motivo alli generali discorsi sopra l’erezione del nuovo tribunale di commercio ed in seguito sul Proclama ossia Salva condotto, che si è concesso alla nazione ebrea*, kept in ASN, Ministero degli affari esteri, 4401, 5. I published it as an appendix to the volume *Sui piatti della bilancia. Le magistrature del commercio a Napoli. 1690 -1746*, Milano 2014, p. 333-347. Contegna refuted the criticism, recalling that “né S. M., né chi che sia fra i suoi Ministri, così dell’Ordine Superiore, come dell’Ordine Inferiore, ha mai sognato di far venire gli Ebrei in Napoli per popolare le città, ma unicamente per dar moto e calore alla negoziazione; sicché la suddetta loro politica osservazione è assai vana”. *Ibid.*, p. 343.

⁶⁷ See *Riflessioni che anno dato e tuttavia danno motivo alli generali discorsi sopra l’erezione del nuovo tribunale del commercio ed in seguito sul Proclama ossia Salva condotto, che si concede alla nazione ebrea*, ASN, Ministero degli affari esteri, 4401, 5 (Natale, M., *Sui piatti della bilancia. Le magistrature del commercio a Napoli. 1690 -1746*, Milano: Giuffrè, 2014, p. 332).

⁶⁸ *Ibid.*, p. 332.

⁶⁹ *Ibid.*, p. 332.

⁷⁰ *Osservazioni su di una scrittura presentata a V. E.*, p. 343.

⁷¹ *Riflessioni che anno dato*, p. 332.

from Bordeaux by the Dean of France”⁷². The “ridiculous comedy” fueled by rumors “invented for stupidity, and for lack of truthful news” had involved even the King, together with Francesco Ventura. In Naples the news had spread that “the Jewish Nation” had corrupted also the King⁷³. All these rumors, which had also been fueled by the Roman Court⁷⁴, had generated in Naples the conviction that the edict, far from pursuing the proclaimed productivity objectives, was only the result of a circle of corruption involving the King and the most respected men of government. For Pietro Contegna, there was no doubt that the gossip was fueled by “the nobility and the wealthy class”. They suffered because of the reform; so “they would cry against the coming of the Jews into this Kingdom, and under the mask of the zeal of the Christian religion, they should be moved and agitated for their own interest”⁷⁵.

This strong criticism revealed how relevant were the interests opposed to the reforms launched in the first years of the government of Charles of Bourbon. The impossibility of finding an adequate protection of capital had led the wealthy class to adopt caution in their investments. Rich people preferred a more comfortable and safer investment rather than using money in risky financial transactions. In this horizon, private capital was invested in the purchase of tax revenues. The option in favor of this kind of investment fueled a negative spiral in the Kingdom, since enormous flows of money were kept out of trade and circulation⁷⁶. The real economy lived in a condition of inert protection dominated by the vicious circle enjoyed by the establishment. Therefore, the block created by the sale of the offices prevented any hope of renewal in the Kingdom. The condition of paralysis was caused from the impossibility of abolishing duties, taxes, rights, because they were alienated to private people, who had already paid the corresponding capital to the Court. The management of the State was alienated to private people and was guaranteed by the pact between the parties. But even on the economic side, the agreements signed by the government with private people was fully guaranteed from the need of the State to honor the rents and to make cash liquidity. In this context, the hostility with which the act was accepted in Naples appears understandable. The opposition was justified by the reasonable protection of consolidated interests. It was an understandable blocking logic that strongly opposed the reform and ended up highlighting its features of absolute originality.

⁷² The writing disclosed that “L’autore della consaputa scrittura passa di poi a rappresentare la ridicola comedia che si sono compiaciuti di fare in Napoli alcuni Monaci, Frati e Mercantanti sul Proclama di S. M., per cui ha invitati gli Ebrei a trasferirsi in questo Regno. Gli autori di questa comedia han procurato di far credere al popolo napoletano che la M. S. ed il suo Supremo Ministero, ingannati da D. Francesco Ventura, abbiano fatta la risoluzione di pubblicare il suddetto Proclama, e che questa rivoluzione era stata prima concertata e maturata in casa del suddetto Ventura coll’intervento di due personaggi; e che ultimamente se n’era fatto il finale stabilimento per le rappresentazioni del Montini venuto espressamente da Roma per tale effetto, e che il Montini, era stato spinto a dar l’ultima mano a questo trattato dagli Ebrei della città di Bordeau, cacciati dalla Francia, li quali per tale effetto, avevano al Montini sborsata grossa somma di denari. Ecc.mo Sig.re, V. E. può degnarsi di perfettamente discernere che nella suddetta narrazione siano assai più le favole e menzogne, che non sono le parole”. *Osservazioni su di una scrittura presentata a V. E.*, pp. 342-343.

⁷³ *Ibid.*, p. 343.

⁷⁴ For a sure testimony see the *Riflessioni su la lettera venuta di Roma in proposito degli ebrei*, ASN, *Ministero degli esteri*, 4401, 6/9. Also in Rome it had spreaded “la diceria che S.M. per godere alcuni milioni offertigli dagli ebrei abbia risoluto introdurli in questo Regno”.

⁷⁵ *Osservazioni su di una scrittura presentata a V. E.*, p. 343.

⁷⁶ The complex and intricate mechanism that linked together the poor administration of justice, the lack of trade, the investment in tax revenues, emerges several times in the words of the members of the Bourbon Council of Commerce. See documental sources in SNSP, *ms.* XXI d 30.

Against the opinion of “unhappy statesmen and politicians”, Contegna defended the Sovereign’s choice to readmit the Jews into the kingdom without any preclusion. No ghetto would have arisen in Naples. Jews would have lived not “in a separate place, but wherever they would like”⁷⁷. No distinctive signs would be imposed. It was necessary to defend the Jews from people’s attack. Thus, if it is true that the edict was adopted without taking into account any humanitarian and egalitarian motive, it is equally true that, even if indirectly and in the pursuit of a primary objective of material productivity, the provision became a happy expression of an original approach. A new pragmatic attitude, free from any prejudice towards Jews, began.

8. Outside the Kingdom

The proclamation of the act had aroused strong hostility in the Kingdom. The causes of this opposition were economic, social and institutional. However, that strong contrary reaction was powered by a dangerous *humus* made up of prejudices, beliefs, ancient hatred against Jews. The passionate and instinctive wave of hate was pressing to emerge and influence the rational and explicit plan of legal relations. It was a reaction that was favoured by those who exploited that widespread feeling of hostility for their own interests. In this horizon, the reassurances of the freest minds seemed to be hopeless. The fear that the arrival of the Jews could generate confusion and cause the loss of the “right religion” and the “correct action” of the people was strong. Called to pronounce on this point, Contegna wrote to the Duke of Salas that “seventeen centuries have passed that Jews, for no longer having their homeland, live all over the world with Christians, and yet the examples that some Christian has embraced Jewish Religion were so rare [...] how rare are the white ravens”. On the contrary, he noted that Jews not infrequently converted to Christianity: “If the foolish friars and priests” were not animated by the “ardent desire to see the Jews ruined and exterminated” and showed them the teachings of Jesus Christ, they “would convert them”⁷⁸.

Contegna’s words were a clear *j’accuse* against the Church. He appealed to the evangelical values to defend the King’s action. Under the pretext of saving the faith, the Court of Rome conditioned the political and economic Government’s choice. The con-

⁷⁷ Contegna wrote: “Se mai gli Ebrei portassero un segno per Napoli, questo segno sarebbe appunto lo Stendardo che servirebbe ad incitare la minuta plebe, e li ragazzi, che stanno oziosi in mezzo le piazze, a fare agli Ebrei mille beffe, e derisioni, e specialmente nel tempo del Carnevale, il che produrrebbe scandali e risse, che dovrebbero tenere occupati ogni giorno li Magistrati per sedare siffatte baje e disordini. È evidente poi che non senza somma conturbazione della città, e non senza resistenza di molti Padroni delle case e delli Palazzi, si prenderebbe la risoluzione di obbligare gli Ebrei ad abitare in un solo quartiere della città, questo quartiere dovrebbe essere assai ampio per dar comodo ad ogni qualunque ebreo che mai venisse; ed in Napoli non vi è quartiere alcuno in cui non si trovino situate molte chiese e molti monasteri, sicché le suddette chiese e monasteri dovrebbero rimanere rinchiusi nel ghetto degli Ebrei, o si dovrebbero demolire e convertire in case della suddetta Nazione; o l’una o l’altra cosa è scandalosissima, soggetta a mille disordini ed è quasi moralmente impossibile a mettersi in pratica. Inoltre, almeno molti Padroni delle case e delli palazzi situati in tal quartiere non vorrebbero certamente abbandonarli per sempre, per abitazione degli Ebrei; donde è evidente che non produce, ma toglie li disordini, la risoluzione di non far portare segnali agli Ebrei e di non astringerli ad abitare in un sol quartiere; e che appunto produrrebbe disordine il voler dare orecchio alli sentimenti delli sopramenzionati infelici Statisti e Politici”. *Osservazioni su di una scrittura presentata a V. E.*, pp. 342-343.

⁷⁸ *Ibid.*, pp. 346-347.

ditioning ended up nullifying the juridical and political autonomy of the Sovereign. The clash, hidden under religious concerns, was all political, economic and legal. The Court of Rome was against the readmission of the Jews and, more or less explicitly, asked for the revision, if not the revocation, of the edict. But the contradiction into which the Holy See was falling was evident. If the religious motives were credible, the Jews would have had to be radically expelled from the territories that were directly under the control of the Roman Church. Instead the Court of Rome urged in Naples a prohibition that was not in force in all its territories.

The most daring thinkers noted that “it seemed very strange, and, in truth, it was astonishing that in Rome, where for so many centuries Jews have been received by the Supreme Pontiffs, the resolution taken by the king to allow them to live in his Kingdom was not well understood”⁷⁹. This “charitable practice” was adopted by the King, following the example of what was practiced in Tuscany and Livorno, but, above all, on the model offered by the Court of Rome since “immemorial” times. “For so many centuries, the Popes had received and given hospitality” to the Jews and the King, “educated in the exercises of true piety”, have “imitated the conduct that the Supreme Pontiffs held on the government of the peoples of the Roman State” adopting “the same act regarding the Jews”⁸⁰. Thus, in support of the edict, Contegna quoted the example of the Court of Rome that, in order to promote a flourishing trade in Ancona, brought the greatest number of Jews there⁸¹.

In Naples, as well as in the territories under the direct power of the Holy See, the readmission of the Jews was needed in order to promote the economic renewal and the overall modernization of socio-institutional structures. A new horizon opened and, at the same time, increased the Roman opposition. The heavy charges against the act, were written in “Two writings of the Roman Inquisition about the settlement of the Jews into the Kingdoms of Naples and Sicily”⁸². All the charges aimed at obtaining the revocation of the edict through the progressive cancellation of the benefits issued in favour of the Jewish community. To achieve this goal, Rome put all pressure on the Neapolitan government. But the reformers, led by the audacious Contegna, proved to be fully aware of the plan. The “two Roman writings” wanted to reassert that “Jews not to have entry, residence, trade in Naples and Sicily”. Although the Court of Rome did not have the

⁷⁹ *Riflessioni su la lettera venuta di Roma in proposito degli ebrei*, ASN, Ministero degli affari esteri 4401, 6/9.

⁸⁰ About the subject, in the endless existing literature, it is noted, for a reading of papal policy that, towards the Jews, oscillated between adherence to a hard line and a milder tendency justified by economic-financial considerations, see Simonsohn S., “Gli ebrei a Roma e nello Stato Pontificio da Paolo IV a Pio IX. Un quadro d’insieme”, in *Materia Judaica*, XXII, Bologna: Giuntina, 2017, pp. 211-220.

⁸¹ *Riflessioni su la lettera venuta di Roma in proposito degli ebrei*, ASN, Ministero degli affari esteri 4401, 6/9.

⁸² *Ibid.* Beyond the particular events, such as the persecution of the marranos in Ancona (on which Rosenberg, H., “Alcuni documenti riguardanti i marrani portoghesi in Ancona”, in *La Rassegna Mensile di Israel*, volume 10, n. 7\8, Roma: Unione delle comunità israelitiche italiane, 1935, pp. 306-323), the Court of Rome had given to that of Ancona a particular and more favorable treatment even in comparison to that of the community of Rome, especially in the economic field, Simonsohn, S., *Gli ebrei a Roma*, p. 217. The case of Ancona is referred to show the Roman Curia’s aim. The most important reformers thought that “il Papa o per dir meglio la sua Corte, nello stesso tempo che vorrebbe persuadere al monarca di Napoli di non ammettere gli ebrei in Napoli, ed in Sicilia, vorrebbe radunare quanti più può in Ancona e nella sua Marca”. The citation is from *Riflessioni sulle due scritture*, ASN, Ministero degli affari esteri, 4401, 6/5.

“courage” to make this request “directly” under the rule of the King, it would like to achieve the same end by eliminating the privileges granted by the King to the Jews⁸³. It was evident that any limitation of the privileges, benefits and guarantees granted by Charles to the Jewish community would have damaged the effect of the provisions. In this regard, it was undeniable that privileges and immunities were needed to live peacefully without “infinite anguish, madness and worries”⁸⁴. Otherwise only the “very miserable Jews” would have arrived in Naples: they would have brought no economic advantage and the edict would have definitively lost its meaning.

Above all, on the juridical and political level, the plan to readmit the Jews had once again testified to the desire for control of the Kingdom of Naples by the Roman Curia: “since it is known to everyone who holds the partial knowledge of the history of these Kingdoms, that the Roman Court has always claimed to obtain not only the direct dominion, which it retains in Naples with the use of the Investiture, but also the effective and useful dominion”⁸⁵. The Court claimed to realize what had obtained from “the little princes”, who “recognized the high dominion of the Pope” and “took the investiture” from him. In order to realize this plan, the Popes promoted a policy aimed at ensuring that “the kings of Naples and Sicily had to be poor”, “their subjects had to be unhappy” and the ecclesiastics had to enjoy there “supreme authority, power and wealth”. In this condition, “the Court of Rome can easily hope” to “expel the King entirely from his Kingdom”⁸⁶.

The statement was very serious and testified to the harshness of the clash between the two Courts. Therefore, it was necessary to confirm what the Neapolitan government had autonomously established. That autonomy had to be defended: the readmission of the Jews assumed a further and much more relevant legal value. The Court of Rome wanted to “interfere in the government of other states”⁸⁷ and it was necessary to affirm the Kingdom’s autonomy against all other claims. Only the affirmation of this independence would have broken the vicious circle of subordination and underdevelopment that characterized the condition of the Kingdom. It was evident that “the Roman Court does not want the Jews in these Kingdoms because, being very able to promote trade, they would have become flourishing and rich”⁸⁸. But, if Rome opposed the King’s reform plan, it meant the reform was right. The Holy Inquisition continued to feed “prejudices that ran against Jews in the past centuries of barbarism and ignorance”. The circle of slander had fuelled tragedies in Europe (in truth, many more and more serious would still have done!) and it was necessary to reverse the course. But the past was behind us: “European people, especially the Catholics, had come out from the ignorance

⁸³ The first paper contained a “censura formata dalla Congregazione del Santo Officio sulla deliberazione di S. M. di introdurre gli ebrei nelli due Regni di Napoli e di Sicilia”, the second paper contained “una copia dell’Istruzioni date negli anni passati dal Sommo Pontefice al Nunzio residente nella città di Vienna per dovere rappresentare all’Imperadore le pretese esorbitanze e gli errori che si contenevano nell’editto di quel Principe il quale invitava gli ebrei a trasportarsi e ad abitare in Messina concedendo ad essi alcuni Indulti e Privilegi”. The quote is from *Riflessioni sulle due scritture della Romana Inquisizione*, ASN, *Ministero degli affari esteri*, 4401, f. 6/5.

⁸⁴ *Ibid.*

⁸⁵ “Gli ebrei aggiati e doviziosi vogliono vivere aggiatamente e liberi da molestie e da pericoli di persecuzioni”. *Ibidem.*

⁸⁶ *Ibidem.*

⁸⁷ *Ibidem.*

⁸⁸ *Ibidem.*

of the past centuries” and “the interests of Religion were distinguished from those of the State”⁸⁹.

The statement, that distinguishes the Religion’s interests from those of the State, is fundamental. It was the heart of the new worldview. No importance could be attributed to the fact that the Roman Inquisition had quoted “the Laws made in the past centuries against the Jews in this Kingdom” believing that “the King was obliged to observe them”. Royal power was autonomous. If the King, “thanks to God, perfectly discerns that it is very useful to introduce them”, his judgment was right. “He is held accountable if not to God”⁹⁰. The Sovereign was not required to give an account of his actions⁹¹. This statement summarized in no uncertain terms the most effective expression of Neapolitan royalist and anti-ecclesiastical thought. This statement left no doubt as to the need to defend the King’s act.

9. The epilogue

Roman stress to revoke the act, or at least to modify it, is important to understand the developments of the affair. Even in Naples the tension had gradually increased. Frequent episodes of intolerance and violence took place against the Israelites⁹². Documental sources proved them. On May 5, 1742, the delayed liquefaction of S. Gennaro’s blood had been attributed to the presence of a Jew in the crowd. The consequent disorders urged a new examination about the issue. On May 17, 1742, Galiani, Contegna and Bernardo Tannucci were charged to examine again the articles of the edict. The revision was asked because of the need of a “perfect peace and harmony with the Court of Rome”⁹³.

A writing of the Archbishop of Naples Spinelli explained how to make the act conform to the will of the Neapolitan Curia, which was a faithful executor of the Roman one. The fundamental issues of the dispute were well known. Among them there were the obligation for Jews to wear the sign and the establishment of the “ghetto”. These items had already been examined in the phase of preparation of the edict: the re-examination of those points and the possibility of a step backwards showed the change taking place.

According with the new trend, Celestino Galiani expressed his opinion in favour of the change, but he marked that the changes had to appear as “explanations”. They had to “clarify” what the King had previously commanded. His attitude shows a conciliatory will, that is the first sign of a turning point in the Bourbon politics and in the relations with Roma, on which clearly felt the effects of the Concordat reached with the Holy See. It was the triumph of a conciliatory and negotiating attitude that couldn’t con-

⁸⁹ *Ibidem*.

⁹⁰ *Ibidem*.

⁹¹ *Ibidem*.

⁹² See Ajello, R., *La vita politica napoletana*, p. 673.

⁹³ Spinelli’s point of view is expressed in the *Foglio del Signor Cardinale Arcivescovo contenente alcune osservazioni sopra il proclama o sia banno, col quale fu permesso agli ebrei di venire a trafficare nel regno delle Due Sicilie con istabilirvi il loro domicilio*, ASN, Ministero degli affari esteri, f. 4402. About it, see Giura, V., *Gli ebrei*, p. 65. A few years later the Cardinal Spinelli attempted to introduce the Inquisition in Naples, causing a real revolt. The event definitively discredited Spinelli.

vince the “Pontiff of the Jews”: Pietro Contegna could not accept any change. In his opinion, the questions of the Holy Inquisition had been already rejected. The desire to please the will of the Court of Rome seemed incomprehensible to him. But at the end, he was forced to comply too. Bernardo Tanucci declared his difficulty in promoting limitations for the Jewish community. Coming from Tuscany, he was used to living with the Israelites. So he remained against the obligation of the distinguishing sign, on which, agreeing with the others, he felt he could not really comply to modify the edict.

Formally the new act was to clarify the old one. Instead, it acknowledged the requests made by Spinelli, with the exception of the obligation to wear the distinctive sign and the establishment of the ghetto. So Pietro Contegna, the so called “Pontiff of the Jews”, had to prepare the draft of an edict which marked the failure of his policy and ambitions. The Bourbon reform plan inevitably started the descendant phase. The awareness of the change was evident to some contemporaries. Francesco Ventura said he was absolutely against any pronouncement. He suggested that changes had to be accepted under the form of a “secret note”, sent to the Delegate of the Jewish community. The stance wasn’t formalistic. The protection of the King’s sovereignty was needed. The amendments, made necessary in order to protect the relation with Rome, had to regard the practical level, but not the formal one. Furthermore, it was fundamental to assert that Jews should not have worn any distinctive sign.

Finally, the Curia accepted. Both the obligation to wear the sign and to establish the ghetto were not allowed. The other changes were not published expressly, but they were secretly communicated to the Delegate of the Jews and to the Archbishop of Naples. On February 19, 1743 the story ended with the acceptance that was communicated also by the Roman Curia. The epilogue was the clear sign of the change underway.

Contegna had proved to be a great defender of the Jews, but the Neapolitan government had pulled back. Compared to the first reformist period, a new policy had taken its course. When in July 1745, the “Pontiff of the Jews” died, the situation definitively worsened. In those years, Carlo, who already had to defend himself from the nickname of *Carolus Rex Iudaeorum*⁹⁴, succumbed to the constant stress that frightened him. The wave of intolerance towards his first audacious initiatives, taken under the protection of Montealegre, became stronger and stronger and ended up prevailing when the protection of the Duke-Marquis failed.

The sad epilogue of the reform about Jews took place in the years in which the position of Montealegre at the Court became increasingly weak. In August 1745, the Duke had lost his power, being replaced by Fogliani in June 1746. On September 18, 1746 Charles adopted the resolution of revoke the privileges granted to the Jewish Nation. Finally, on July 30, 1747, he issued the edict about the expulsion.

Formally, the government motivated the revocation of the privileges and the consequent expulsion by arguing that the act of readmission had “disappointed the [...] hopes of the reformers”, because the Jews had arrived “without money”, “with no other

⁹⁴ The anecdote is documented by Lacerenza, G., *Carolus Rex Iudaeorum?*, pp. 145. Carlo would have been nicknamed by some *Infans Carolus Rex Iudaeorum* in the likeness of *Jesus Nazarenus Rex Iudaeorum*, and by others as *Infans Corolus Iudaeorum*, with a play on words that referred to the official title of *Infans Hispaniarum*.

qualities, or talents for the commerce”. They had become “an obstacle to the growth of commerce”⁹⁵. Beyond the explicit statements, it was clear that the revocation of the edict was the mirror of the times.

All the events about the readmission of Jews reflect the government trends at the Bourbon Court. That reform, in fact, was born in the great *humus* created in Naples after the arrival of Charles of Bourbon and which managed to give its most important fruits between 1738 and 1741. In those years, the historical conjuncture had determined favourable conditions for the development of the ideas of the so called *novatores*. Furthermore, it had changed the relation of international powers causing great effects especially towards the great maritime countries. Those conditions had made possible to sacrifice the interests, even if very strong, of the traditional privileged classes. The projections of competitiveness at the international level had, therefore, forced the Kingdom to make a jump, but soon, this proved too long.

The readmission of the Jews was part of a reform plan developed in a climate that was strongly affected by the change. Pietro Contegna, Celestino Galiani and Francesco Ventura, supported by José Joaquín de Montealegre, become the undisputed protagonists of the turning point. The confidence placed by the King in their initiatives was full: the readmission’s act confirms this idea. All the reforms, adopted between 1739 and 1740, testify the uniqueness of intentions: they were due to the desire to modernize socio-institutional structures and to promote trade. The same protagonists play leading roles. But finally they had an epilogue that weakened their effectiveness but which, on the contrary, confirmed their validity.

The unfortunate outcome of the reform about Jews, between 1746 and 1747, took place in a climate that was politically and economically stressed. It was clear that, in the new political context, threatened by the Austrian claims, the rising wave of hatred and intolerance had imposed a firm and precise stance. Nothing had to be changed: it was essential to go back to the past rather than look to the future. In this horizon, the events regarding the Jewish community of Naples found their final outcome which was in fact a failure.

On the level of the ideals, that always support the facts, the reform had shown that, in order to promote productivity and trade, it was necessary to affect the social, institutional, jurisdictional structure and determine the most audacious turn. Adopted to respond to a general question of efficiency, it had shown that modernity made it necessary to overcome the obstacles of traditional prejudices. The economic enterprise was resolved in a flywheel of development which, starting from material considerations, managed to reach higher goals, even if indirectly and for a short time.

Equalitarian and humanitarian approaches, formally extraneous to the debate, were substantially reached by a reflection supported by eminently practical concerns. Very few people could be so enlightened as to overcome prejudices, in principles even more than in substance, more people would begin to achieve those goals as an indirect effect of economic interest. As Skylock had explained to humanity:

⁹⁵ *Prammatica VII, De expulsione Hebraeorum sive Iudeorum*, in Giustiniani, L., *Nuova collezione*, pp. 110-111.

He hath disgraced me, and hindered me half a million, laughed at my losses, mocked at my gains, scorned my nation, thwarted my bargains, cooled my friends, heated mine enemies; and what 's his reason for him? I am a Jew. Hath not a Jew eyes? hath not a Jew hands, organs, dimensions, senses, affections, passions? fed with the same food, hurt with the same weapons, subject to the same diseases, healed by the same means, warmed and cooled by the same winter and summer, as a Christian is?⁹⁶

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⁹⁶ The famous monologue is taken from Shakespeare, W., *The merchant of Venice*, Mowat, B.A. and Werstine, P. (ed.), act 3, scene 1, Washington: Folger, 1992, pp. 97-98.

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