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From Egypt to Umbria: Jewish Women and Property in the Medieval Mediterranean

Karen Frank

This paper is a preliminary exploration of the economic roles of Jewish women in the medieval Mediterranean. My main question concerns the relationship between early Jewish rabbinic legal norms, the everyday financial activities of women, and the historical circumstances within which these Jewish communities found themselves. I will first provide a brief look at the law and then turn to studies on Mediterranean Jewish women and their financial autonomy. I will then locate my own work on Jewish women in Umbria within that synthesis.

The evidence provided by these case studies suggests that despite the differences in host communities from Egypt to Spain to Italy, Jews in the late medieval Mediterranean world shared common assumptions about the financial roles of women. Jewish law greatly circumscribed women's economic autonomy, and in times of *convivencia*, Jewish Mediterranean communities adhered to the law.¹ However, in times of strife and social uncertainty, Jewish communities across the Mediterranean relaxed prohibitions regarding women's control of finances and allowed women more autonomy than Jewish law prescribed.

Part I: Women's Property Rights in the Jewish Legal Tradition

Jewish law strictly limited the economic rights of women. Although the rabbis of the first written compendium of Jewish law, the third-century *Mishnah*, granted widows, divorcees, and single adult daughters the right to control their own assets, neither underage daughters nor married women enjoyed financial autonomy.² Because marriage was the central foundation of Jewish society, it is probable that few families produced unmarried adult daughters or that recently widowed or even divorced women found themselves single for very long.³ This meant that most unmarried daughters were probably underage and that fathers controlled their daughters' properties, were responsible for documents made in their daughters' names, and claimed the fruits of their daughters' labors. Once these daughters married, their husbands took over the legal roles once held by fathers and thus controlled all of their wives' finances.

According to the sages of the *Mishnah*, the only property most women could claim as their own was their dowry, since their fathers and husbands owned everything else. In addition, a

¹ *Convivencia* is a term traditionally used by Iberian scholars to describe the relatively peaceful coexistence and cultural accommodation that existed between Christians, Jews, and Muslims throughout most of the peninsula's medieval history. I use this term here to describe the same sort of coexistence that existed between Jews and other Mediterranean host communities as well.

² Judith Wegner, *Chatel or Person? The Status of Women in the Mishnah* (New York and Oxford: Oxford University Press, 1988), 32-34.

³ In fulfillment of the *Torah* commandment "be fertile and increase" (Genesis 1:28), the goal of Jewish marriage was to produce a new generation for the covenant; unlike contemporary Christian theology, Jewish law promulgated the importance of marriage and procreation, rather than sexual abstinence. Thus it is unlikely that Jewish communities would be comfortable with the notion of permanent single status for either men or women. See Ariel Toaff, *Love, Work and Death: Jewish Life in Medieval Umbria* (London: The Littman Library of Jewish Civilization, 1996), 30.

dowry constituted a woman's sole inheritance from her father's estate: If she had brothers, they would inherit the bulk of their late father's property, while she could expect only her dowry portion.⁴ However, even a woman's right to her dowry came with limitations. Once married, a woman's dowry remained legally her own, but was not hers to manage. Neither could she designate the heirs to her dowry. Instead, it remained in the hands of her husband until at the time of his death it was returned to her by the heirs to his estate. And while a husband was his wife's sole heir, it did not work the other way around. A wife received her *ketubbah*, or dowry plus an amount promised by her late spouse at the time of the marriage. The rest of the estate passed to her late husband's oldest son, daughter(s) in the absence of living sons, or to other male relatives in the absence of sons or daughters.⁵

The compilers of the sixth-century *Babylonian Talmud*, a commentary collection on the tractates of the third-century *Mishnah*, reasserted these laws regarding women and property, as did the influential late-twelfth-century commentator on Jewish Biblical law, Maimonides, in his *Sefer Ha-Mitzvot*. Maimonides seconded the *Mishnaic* and *Talmudic* notion that a husband is the sole heir to his wife; a wife, however, could only inherit her dowry from her husband, never his estate. Thus while dowry constituted Jewish women's real property, in only a few instances did Jewish law allow her to practice any kind of autonomy administering it. In sum, rabbinical consensus from the third to twelfth centuries limited most women's access to property and curtailed women's control of what little property they were allowed in the form of their dowries.

This brief survey of Jewish law regarding women's property rights suggests that Jewish women existed as perpetual legal minors unless they remained unmarried, widowed, or honorably divorced. Certainly, historians well into the twentieth century have supported this view. In his study of Umbrian Jews in the fifteenth century, Ariel Toaff described Jewish women as "passive and submissive," "perpetual minors," and "victims of . . . deep emotional void[s] in their marriages . . ." in which their husbands took on the "role of protector-master."⁶ This psychological assessment, no matter how bleak, would seem the inevitable outcome of the strict application of Jewish law. However, in the latter half of the twentieth century, several historians of medieval Jewish communities turned to documents of practice – documents such as wills, or those which detailed business transactions – and discovered that the reality of Jewish women's financial autonomy did not always mesh with rabbinic admonishments.

Part II: The Financial Activities of Women in the Medieval Mediterranean

Fustat, Egypt

Much of what scholars had assumed earlier about the activities of Egyptian Jewish women stemmed from the *responsa*, or legal opinions, of medieval Jewish rabbis like Maimonides. Maimonides himself made clear in his *Mishneh Torah* that far from going out and conducting

⁴ See "Nashim" in *The Mishnah*, ed. and tr. Herbert Danby (London: Oxford University Press, 1974). See also Judith Hauptman, *Rereading the Rabbis: A Woman's Voice* (Boulder, CO: Westview Press, 1998), 178.

⁵ If the couple honorably divorced, i.e., through no fault of the woman, she also was entitled to her dowry, and in this instance could retain and manage the fruits of her own labor. As argued above, however, it was probable that few Jewish women remained single, and thus most women as wives legally were entitled only to their dowries. It should also be noted that according to a strict interpretation of the *Mishnah*, even if a daughter inherited property from her father, it technically passed to her husband's ownership upon marriage, except for the designated dowry portion, which still remained his to manage during his lifetime.

⁶ Toaff, *Love, Work and Death*, 30.

business, a Jewish woman should “sit in the corner of her house.”⁷ This attitude is hardly surprising considering the extreme modesty demanded of women in the surrounding Muslim society within which Maimonides was living, and it was perhaps reasonable for historians to assume that this view reflected the realities of Jewish women’s experiences.

In 1890, however, workmen in Fustat, a city approximately two miles southwest of Cairo, made a discovery that would challenge these sorts of assumptions. Here in a long-forgotten storeroom, they unearthed a wealth of material: Documents recording the daily life of Fustat’s eleventh- through thirteenth-century Jewish community. Utilizing these documents in his monumental work *A Mediterranean Society: The Jewish Communities of the World as Portrayed in the Documents of the Cairo Genizeh*, S.D. Goitein discovered that despite the legal restrictions placed on women by Jewish law as well as the cultural restrictions imposed by the larger Islamic society, by the later Middle Ages Jewish women could operate financially outside of these confines, doing so apparently with the compliance of Jewish men.

But why was this so? One reason might be the change in historical circumstances from the earlier period through the thirteenth century. In Fustat, as elsewhere in Muslim territories, Jews possessed a *dhimmi* status; as “people of the book,” they enjoyed a defined legal status and were allowed to practice their own faith freely on several conditions. These included a ban on proselytizing, the payment of a head tax for the privilege of remaining in Muslim lands as Jews, a ban on new synagogue building or repair, a ban on public religious processions, and a ban against *dhimmis* striking a Muslim, carrying arms, or riding horses. In addition, *dhimmis* were obligated to wear distinguishing clothing and were forbidden to build their homes taller than any Muslim’s or to adopt Arabic names.⁸ However, with rare exceptions, the *dhimmi* rules were not enforced in the early period of the expanding Islamic empire. Jews instead participated in their surrounding society, adopting the dress, language, learning, and mores of their host culture. Thus, it is perhaps no surprise that the “Golden Age of Islam” corresponded with a golden age in near-eastern and Iberian Jewry.

But by the later Middle Ages, this era of tolerance had begun to disintegrate, and Muslim military loss corresponded with increased oppression of the *dhimmi* class. The Christian Crusades, though not, of course, an entirely successful venture, meant that Muslims lost a fair amount of former territory. Sicily was conquered by the Normans before the First Crusade, in 1091. The losses in Spain, from 1085 to 1248 – excluding only Granada – occurred simultaneously with Christian invasions into the Middle East. By the end of the thirteenth century, Muslim forces had been driven out of Europe, and the North African coast was under constant Christian attack. Such loss in Islamic political and military stability resulted in a lessening of social stability and tolerance of non-Muslims. For *dhimmis*, this translated into an enforcement of the strict laws outlined above and an end to the comfortable *convivencia* of earlier days.

According to Goitein’s analysis of the *Cairo Genizeh* documents, it was not until this period corresponding to the strict enforcement of *dhimmi* regulations that evidence of Jewish female financial autonomy appears in the *Genizeh* records. In thirteenth-century Fustat, Jewish women usually were able to retain the profits from their own work, or the fruit of their labors.⁹ Though

⁷ As quoted in Avraham Grossman, *Pious and Rebellious: Jewish Women in Medieval Europe* (Waltham, MA: Brandeis University Press, 2004), 105.

⁸ “Pact of Umar,” al-Tabari, *Annals I*, 2405.

⁹ S.D. Goitein, *A Mediterranean Society: An Abridgement in One Volume* (Berkeley: University of California Press, 1999), 378.

not common, it is also not impossible to find clauses written into marriage contracts that promised women the management of their own dowries, or allowed them to hold, manage, and/or alienate other property they had inherited from a variety of sources or earned through their own labor.¹⁰ More frequently, Jewish husbands appointed their wives as sole guardians of the couples' children and as executors of their estates.¹¹ Women also inherited directly from their husbands' estates beyond their *ketubbah*¹² and from their fathers' estates as well.¹³ In addition, husbands and heirs frequently ratified their wives' or mothers' rights to their *kutubbahs*.¹⁴ With the exception *ketubbah* ratification and the inheritance by daughters in the absence of sons, none of the above actions taken by Jewish men in Fustat concerning women and property complied with traditional understandings of Jewish law.

Avraham Grossman in his recent study of Jewish women in medieval Europe argues that too much should not be made of Goitein's discoveries concerning women's financial autonomy, for even such a thing as a woman leaving the home to work ". . . was a departure from the accepted norm in Jewish society in Muslim countries."¹⁵ Indeed, as Grossman points out, Jewish men's concern for Jewish women's modesty stretched to the point where women's names were not mentioned at all in literary works or in *responsa* for the period spanning the first five hundred years of Muslim rule.¹⁶ In fact, Goitein himself had noted that in the tenth through the first half of the twelfth centuries men in their correspondence to each other refrained from using women's names as a show of respect to the women and their families. "Happily," as Goitein put it, "we are able to observe in the Genizeh a gradual erosion of this rigid taboo."¹⁷ By this Goitein meant that by the end of the twelfth century and into the thirteenth century women's names began to appear regularly in personal and business correspondence, breaking with centuries of tradition.¹⁸ Goitein's sketch of women and their property rights follows this same chronology. In the earlier centuries, little evidence of women's financial autonomy as outlined above appears in the *Genizeh* documents. However, by the thirteenth century, such autonomy was on the rise in Jewish circles. Clearly, the Jews of Fustat were beginning to stray from Jewish legal prescriptions concerning women's control of finances.

It is probable that this change came about due to the changes in the community's circumstances. Although it is tricky affirming a direct correlation, or causality, between a declining *convivencia* in Fustat and a rise in Jewish women's autonomy, the chronological development of women's autonomy compared to the chronology of a worsening state of affairs for *dhimmi*s seems more than coincidental. And there is no question that as *dhimmi*s, Jews in late twelfth- and early thirteenth-century Fustat experienced increased pressure under the newly enforced laws which included the pressure to continue Jewish prosperity in order to pay the requisite taxes that allowed Jews to live as Jews in their centuries-old homeland. It is probable that in such circumstances Jewish men allowed women increasing economic autonomy due to the decline in *dhimmi* status and pressure to remain solvent. In the face of increased demands by

¹⁰ Ibid.

¹¹ S.D. Goitein, *A Mediterranean Society: The Jewish Communities of the World as Portrayed in the Documents of the Cairo Genizeh, Volume III: The Family* (Berkeley: University of California Press, 1999), 251-54.

¹² Ibid.

¹³ Ibid., 280-82.

¹⁴ Ibid., 255.

¹⁵ Grossman, 106.

¹⁶ Ibid., 107.

¹⁷ Goitein, 161.

¹⁸ Ibid.

the Muslim state to pay, convert, or leave, Jewish men sought to protect familial property and promote the fiscal earnings that paid the all-important head tax and kept the community of families financially afloat. This they did by sometimes tapping into the potential of some Jewish women, allowing them more financial rights and responsibilities. Though this served to make some women appear more independent, it also would have served the interests of women's families and thus the overall Jewish community in Fustat. In short, the trend towards increased female financial economic autonomy in thirteenth-century Jewish families in Muslim Egypt can be viewed as a pragmatic response to a deteriorating *convivencia*.

Spain

As in Fustat, women's participation in financial matters seems to have been uncommon in early medieval Islamic Iberia. Custom demanded an adherence to strict codes of female modesty, and here as in Egypt, Jewish men refrained from mentioning women by name. Rarely, too, did Jewish women perform work outside of their homes.¹⁹ By the thirteenth century, however, women's names had begun to appear in *responsa* literature with some regularity,²⁰ and examples of female economic autonomy begin to emerge from the extant sources. The evidence suggests that by the later medieval period an increasing number of Spanish Jewish women in the now Christian kingdoms of Navarre, Castile, and Aragon not only were handling property, but also managing banks and engaging in trade.²¹

Some women were behaving as heirs to their husbands' estates as well, contrary to Jewish law. Elka Klein's study on thirteenth-century Catalan Jewish widows revealed that these women did not behave as disinterested lien holders on their late husband's property, as premised in Jewish dotal law. Instead, some widows acted as partners to their husbands' heirs, appearing frequently as co-sellers of land and property. Notaries took care to separate the two – calling the woman “widow” and the rest of the actors “heirs” – but in practice, both were behaving as direct heirs to the deceased.²² Surprisingly, contemporary *responsa* frequently refer to joint actions by widows and heirs but provide no comment on a practice that the late antique rabbis who compiled *Mishnah* and *Talmud* would have considered unusual, if not illegal.

As in the case of Fustat, it is probable that increased fiscal pressure and uncertain *convivencia* between Spanish Jews and Christians created the opportunity for Jewish women to practice more economic autonomy than perhaps the rabbinic sages of the *Mishnah* and the *Talmud* would have deemed appropriate. Unlike Jews in Muslim territories, who paid taxes in order to ensure a protected legal status, Jews in Christian territories enjoyed no such legal protection, but depended on the good will of individual rulers, popes, and urban governments. This usually meant paying annual taxes to the local ruler in exchange for protection and the continued right to inhabit the territory. In sum, Spanish Jews, like those in an increasingly oppressive Egypt, needed to ensure that all Jewish families possessed the funds needed to contribute to the community's taxes.

By the thirteenth century, when in parts of Iberia financially autonomous women began to appear in the historical record, the pressing need to pay the requisite taxes in Christian Europe

¹⁹ Grossman, 107, 111.

²⁰ Ibid., 107.

²¹ Ibid., 111-14; Renée Levine Melammed, “Medieval and Early Modern Sephardi Women” in *Jewish Women in Historical Perspective*, ed. Judith R. Baskin (Detroit: Wayne State University Press, 1998), 134.

²² Elka Klein, “The Widow's Portion: Law, Custom and Marital Property among Medieval Catalan Jews,” *Viator* 31 (2000), 147-63.

was becoming increasingly evident. Spanish Jews would have been very familiar with the recent example of Jewish exploitation and expulsion from France in 1182. Like the kings of Spain, the French king had counted on his Jews for revenue to fund his developing centralized administration. Unfortunately for French Jews, the king also looked for ways to exploit Jewish resources, often confiscating Jewish property and raising taxes at the same time. This of course placed French Jews in the precarious position of not being able to raise enough money for future taxes. And when inevitably they could not do so, the French king expelled his Jews. Again, Jews under Christian rule throughout the Iberian Peninsula would have been aware that, as in France, the threat of expulsion was always a very real possibility. And Iberian Jews, like their French counterparts, needed to ensure that the revenues destined for the royal coffers continued to flow, else the king change his mind about the royal protection he provided for the Jews of his realm. As in Egypt, it appears that one way of doing so was to utilize the potential of Jewish women.

Umbria

My own work on Jewish communities in the central Italian region of Umbria reveals that, as elsewhere in the Mediterranean, the economic actions of Umbrian Jewish women did not always adhere to Jewish laws regarding women and property. In the fifteenth century, widows and unmarried women appear in the Umbrian documents managing and alienating the properties that made up their dowries, as was their legal right.²³ But so, too, do married women, whose husbands by law controlled their wives' dowries.²⁴ The notarial evidence also yields several examples of married women who appointed men other than their husbands as their legal representatives in economic affairs, suggesting that contrary to *Mishnaic* teachings, the women themselves controlled their own property.²⁵ Men also often appear appointing attorneys to represent them in disputes with Jewish women.²⁶ While some of these women were widows, several had living husbands, suggesting again that even married women could manage their affairs independently. And in one astonishing instance, an adult male appointed his mother as his representative in all financial affairs.²⁷

By the late fourteenth and early fifteenth centuries, Umbrian Jewish women also inherited beyond their dowries, from both fathers and husbands, as well as from their mothers. Some made wills of their own, fully expecting to be able to designate heirs other than their living husbands.²⁸ And in Perugia in documents between 1400 and 1457, there appear no less than five women who acted as managers and/or owners of loan banks. Although a few inherited the banks from fathers,²⁹ at least one inherited it directly from her husband, with whom she had managed the bank in his lifetime. Dispensing in this instance with Jewish inheritance law, the deceased chose an heir who already had the skills to run his bank, despite the existence of a living daughter and a son-in-law within the household.³⁰ In this case, it was not the heir's sex that was important, but that the deceased leave the bank under the supervision of the most capable set of hands.

²³ Toaff, *The Jews in Umbria, Volume Two* (Leiden: E.J. Brill, 1994), 483.

²⁴ *Ibid.*, 858.

²⁵ Toaff, *The Jews in Umbria, Volume One* (Leiden: E.J. Brill, 1993), 446; *Jews in Umbria, Volume Two*, 473, 511-12.

²⁶ *Ibid.*, 490.

²⁷ *Ibid.*, 501.

²⁸ *Ibid.*, 661-62.

²⁹ *Ibid.*, 349.

³⁰ Archivio di Stato di Perugia (hereafter A.S.P.), Notarile, 116, Mariano di Luca di Pisa, fol. 36b-37b.

However, few Jewish women appear in notarial documents previous to the late fourteenth century. It would be reasonable to assume that other bankers' wives aided their husbands in the earlier period, yet they do not appear in the records, even as co-managers. What had changed? Certainly the degree to which Umbrian Jews were welcomed by their host society had altered greatly. Initially, Jews had been well integrated into Christian society, from their initial settlement in the thirteenth century, when civic officials began to admit individual families into Umbrian cities on the condition that the families establish loan banks.³¹ Notarial evidence indicates that due to their banking profession, Umbria's Jewish community was integrated into at least the local economy. Jews and Christians of course came into frequent contact as Jews fulfilled their side of the communal contracts and loaned money to Christian citizens and other inhabitants. Substantial loans – often as much as five hundred gold florins – appear throughout notaries' registers from the late thirteenth and fourteenth centuries: Not only did fairly well off Christians avail themselves of the financial services that the Jewish community provided, the communes themselves took out large loans from time to time in order to facilitate the running of the civic government and to fund wars with their neighbors.³²

Umbrian cities proved themselves to be quite amenable to these Jewish bankers who had demonstrated their economic usefulness. Binding legal contracts between the Jewish communities and Italian civic governments, called *condotte*, guaranteed Jews' rights both to live in Umbrian cities and to practice freely their faith and traditions. These contracts usually gave Jewish bankers, as well as the members of their households, equal standing under Umbrian law for the entire term of the contracts, in essence promising a sort of temporary citizenship. And though this sounds transitory, Jews who in the late thirteenth and fourteenth centuries wished to make their stay in Perugia, the largest Umbrian city, permanent, could become full and equal citizens.³³ Some Jews, like the wealthiest banker in Perugia, Matassia, son of Sabato, son of Salomone, were honored as loyal citizens. In July of 1383, the commune granted Matassia's son and immediate family the right to wear black at his funeral; this, because of Matassia's loyalty to the commune and magistrates, who not only benefited from Matassia's financial services, but his sage advice in political and economic affairs as well.³⁴

This last example of Matassia suggests that Umbrian Jews were both economically and socially well integrated into their adopted cities. Joint loans taken out by Jews and Christians together suggest that business partnerships, and probably friendships, were not uncommon between the members of the two religious communities. Certainly the unease concerning Christian physical contact with Jews, which in the fifteenth century would induce Christian authorities to ban Jews from touching produce in the market place, was notably absent in the thirteenth and fourteenth centuries.³⁵ Instead, Jewish physicians, who of course were required by necessity to touch their patients, were sought after by many Christian elites. In addition, the commune often granted full citizenship not only to physicians themselves, but to their entire households as well, and without the standard twenty-year waiting period.³⁶ Such actions suggest that far from discouraging Jewish-Christian interactions, the commune was more interested in

³¹ Toaff, *The Jews in Umbria, Volume One*, xi-xviii.

³² *Ibid.*, xiii-xix.

³³ However, Jews could not hold public office. Toaff, "Judei Cives? Gli ebrei nei catasti di Perugia del Trecento," in *Zakhor: Rivista Storia degli Ebrei d'Italia*, IV/2000, 11-36.

³⁴ A.S.P., Consigli e Reformanze, 31, fol. 229a.

³⁵ See note 41 below.

³⁶ Toaff, *Love, Work and Death*, 215-16.

enticing competent doctors to practice in their city. It also suggests that Umbrian Christians were comfortable living alongside and interacting with their minority population.

But not all Umbrian Christians welcomed the Jewish presence. Although evidence from Assisi suggests that Jews enjoyed an amiable relationship with the non-itinerant clergy, the newly formed Observant Franciscans not only disapproved of the presence of the Jewish community, but demanded its expulsion.³⁷ Attaining papal approval for their movement in 1373, the Observant branch of the Franciscans was dedicated to ordering society according to strict Christian mores, and its friars attempted to persuade communities to reject what the Observants considered sinful practices – and in the case of usurious Jews, sinful people – through their charismatic preaching. The most influential of these preachers, Fra Bernadino of Siena, in 1425 ordered Perugian magistrates to punish and expel Jewish bankers, and even demanded physical punishment for Jews caught practicing usury.³⁸

That they drew large and apparently receptive audiences in Umbrian towns is perhaps not surprising. As Franco Marmando has pointed out, before the invention of the printing press, itinerant preaching was the most effective way to disseminate information and shape public opinion.³⁹ However, the crowds in Umbria were perhaps even more responsive to the idea of reordering their society than they might otherwise have been. The disastrous fourteenth century, marked by famines, plague, and demographic declines, took its toll on Umbrian cities. In Perugia, the number of households plunged fifty-nine percent from its high of nearly six thousand households in the late thirteenth century to a little more than two thousand households in the late fifteenth century. This demographic decline in turn affected the economic structure of Perugia. Since its once thriving wool industry faltered due to inadequate production for the demand of even a diminished population, the Perugian community was converted into a predominantly agrarian society. As a consequence, the balance of wealth distribution tilted away from the once prosperous middling class who had been involved in the wool trade. This in turn affected the political sphere, as those with the wealth – the nobles, who not only owned a great deal of immovable property, but also commanded significant sums of hard cash for their roles as mercenary captains in the wars of other Italian city-states – controlled the city, facing political opposition only from other competing noble families. Thus increasingly impoverished, both economically and politically, the *popolo* of Perugia – and other Umbrian cities – may well have yearned for a change in the organization of their society.

It is probable that Observant sermons targeting the high interest rates of Jewish loan-bankers thus hit a nerve with audiences in Perugia and other cities throughout Umbria, and likely that the Christian populace directed their anger and frustration at what they saw as the immediate cause of their woes, i.e., the usurious Jews and their high interests rates.⁴⁰ Although Fra Bernardino's sermons did not reap immediate results in terms of expulsion, new discriminatory laws against Jews made clear that the Observants' fiery preaching already had begun to affect the relationship which the Umbrian Jewish community had enjoyed with the Christian majority for well over a century. In 1432, the civic government passed legislation that compelled Jews to wear a yellow

³⁷ Ibid., 166.

³⁸ Franco Marmando, "Bernardino of Siena, 'Great Defender' or 'Merciless Betrayer' of Women?" *Italica* 75:1 (Spring 1998), 22.

³⁹ Ibid.

⁴⁰ David Nirenberg famously has made this argument about anti-Jewish sentiment and subsequent anti-Jewish violence in fourteenth-century France and the crown of Aragon. See Nirenberg, *Communities of Violence: Persecution of Minorities in the Middle Ages* (Princeton, NJ: Princeton University Press, 1996).

badge for the first time. The same legislation also banned synagogues, prohibited sale of kosher meat and wine, and forbade Jewish physicians from practicing on Christian patients, for fear of contamination.⁴¹ Other Umbrian cities followed suit with their own statutes limiting Jewish rights and privileges.⁴² With great rapidity, the fairly comfortable coexistence that Umbrian Jews had enjoyed with Umbrian Christians was coming to an end.⁴³

In addition to these social pressures, by the fifteenth century Jewish financial resources were no longer what they had been. Although Jewish capital had been extremely useful to the communal government, Jewish bankers ceased to be economically important when the city applied to the growing Christian banking houses for its loans. This was made very apparent by the dwindling loan amounts made in the fifteenth century, as compared to those of the thirteenth. In the earlier period, Jewish loans to both the commune and individuals generally ranged anywhere from five hundred to twelve hundred florins; by the early fifteenth century, average loan amounts had fallen to between three hundred and six hundred florins.⁴⁴ The loss of interest from this decrease in loan amounts greatly reduced Jewish bankers' assets.

This decrease in business and subsequent loss of capital strained Jewish resources, but a subsequent population decline meant that the talents of every Jew, regardless of sex, were needed to help the community survive. Because Jewish bankers who owned establishments that had ceased to be profitable were forced to leave their communities and seek opportunity elsewhere, the overall population declined. In Perugia, the largest Jewish community, the population decrease was staggering: From about two hundred and twenty to two hundred and fifty Jews in the fourteenth century to only one hundred and twenty to one hundred and fifty Jews in the fifteenth.⁴⁵ In an already small community, this decline put pressure on those families who did remain not only to raise money for the communal tax that the Jewish community owed the Umbrian civic governments each year, but also to pay for the forced taxes the cities demanded with increasing regularity from their Jewish communities. Faced with the strain of increased financial obligations, it is probable that like their counterparts in Fustat and Spain, Umbrian Jewish men overlooked restrictions against female economic autonomy because in such dire circumstances, an individual's sex did not matter as long as that individual could help to keep the remaining members of the community fiscally afloat.

Part III: Conclusions

In sum, medieval Mediterranean Jewish communities at times did allow women more financial autonomy than Jewish law prescribed simply because it benefited the community in periods of increasing crisis and financial uncertainty. Jewish men could overlook that it broke Jewish prescriptive law to allow and even expect women to engage in financial activity because in the tenuous circumstances described above, communities needed to make sure that money was both made and managed by competent hands. Ideally, these hands belonged to men, but when survival was at stake – which included the right to remain in Muslim or Christian lands and follow Jewish

⁴¹ Toaff, *Jews in Umbria, Volume Two*, 492-95.

⁴² Toaff, *Jews in Umbria, Volume One*, xxviii.

⁴³ *Ibid.*, 166-94.

⁴⁴ *Ibid.*, xix, xxvi.

⁴⁵ *Ibid.*, xxv. It is likely that the devastation of the fourteenth-century plague also added to the decline of the Jewish population, though by how much we do not know.

law in other respects – then Mediterranean Jewish men accepted that sometimes the competent hands also could belong to women.

While scholars of medieval and early modern European women have argued for some time that communal crisis or challenges often created niches for women who were otherwise barred from some activities to engage in those activities, few students of medieval Jewish women's history have studied this phenomenon in depth.⁴⁶ For the past thirty years, the main topic of debate in medieval and early modern Jewish history has been assimilation, i.e., how much did Jewish communities acculturate to their surrounding host cultures, and how does this assimilation explain internal changes to Jewish culture? For example, several historians have concluded that when Jewish communities allowed women greater financial autonomy it was in part because Jewish society had assimilated this norm from the majority culture.⁴⁷

A cursory comparison between various communities certainly makes this seem plausible: In Germany, where Christian women enjoyed more financial freedoms, so did Jewish women. In Muslim Spain, Jewish women enjoyed less autonomy because Muslim women enjoyed less. Once Spain was Christian, Jewish communities, like those in Germany, assimilated female financial autonomy from the more socially permissive Christian culture. When I began my own work on the communities in Umbria, I expected that Jewish women would appear with some frequency in notarial documents stretching from the thirteenth to the fifteenth century. Certainly, Christian women appear as active participants in the same set of records from this period, and thus I had anticipated the same sort of assimilation that historians maintain had occurred in Ashkenazi communities.

As stated above, however, Jewish women are conspicuously absent from the record prior to the later fourteenth century. It is possible that they do not appear because Jewish women concluded their business with the help of Jewish, not Christian, notaries, particularly business that had to do with the properties that made up their dowries. But if Jewish women utilized Jewish notaries, why then did Jewish men utilize Christian ones? And if women were operating loan banks and involved with economic transactions with Christian men and women – which they did in the later period – why did they not use Christian notaries, as they later did and as Jewish men did throughout the period?

These questions troubled me and forced me to rethink the assimilation theory. It was not until I began to look at a broader set of examples, as I did for this paper, that I noticed the pattern I have presented here. Despite the coincidence in timing, Jewish women in Spain did not suddenly involve themselves in business because the women of their new host community did, but rather because when Jewish communities found themselves in an increasingly inhospitable environment, they began to recognize and utilize the financial talents of some Jewish women.

The same might be argued for Ashkenazi communities, for whom the entire High and late medieval period was marked by stress and crisis. Beginning with the Rhineland massacres in 1096, violence against Ashkenazi Jews occurred with regularity throughout the following centuries, and certainly Ashkenazi Jews were mindful of the possibility of future violence. In addition, an increasing number of blood libel accusations made it apparent that many in the Christian host community did not welcome Jews but instead viewed them with suspicion and fear. As in Egypt, Spain, and central Italy, their position depended on the goodwill of the local

⁴⁶ See Howard Adelman, "Italian Jewish Women" in *Jewish Women in Historical Perspective*, 150-68.

⁴⁷ Grossman, 114-17; Judith R. Baskin, "Jewish Women in the Middle Ages" in *Jewish Women in Historical Perspective*, 109.

authorities, and as in other European regions, these could prove fickle, particularly if they could no longer count on their Jews as a stable source of revenue. Hence in a constant state of uneasiness, the Ashkenazi community needed the contribution of every capable person, regardless of sex, and this the rabbis openly acknowledged.

To conclude then, I would like to suggest that it was not assimilation that allowed for increased female financial autonomy among medieval Jewish communities, but the breakdown of a Mediterranean *convivencia*, and the lack of *convivencia* in northern Europe. What set Mediterranean Jewish communities apart from their Ashkenazi counterparts was that from Egypt to Spain to Italy, Jews were able to live free of the constant threat of violence for most of this period. Despite the social and religious differences of their respective host societies, Jews throughout the region shared in a common culture of Mediterranean diversity that allowed them to participate in the host society while still maintaining their own laws and customs. Because *convivencia* benefited these communities as a whole, it allowed them to continue their own traditions without impediment, including the legal tradition of restricting female financial autonomy. But when Mediterranean *convivencia* began to disintegrate – at different times in different places, and due to slightly differing events – this created a niche in which some Jewish women could practice some financial autonomy, despite the long tradition of rabbinical teachings to the contrary.

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