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Germano Maifreda

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(doi: 10.7387/118338)

Annali dell'Istituto storico italo-germanico in Trento (ISSN 0392-0011)
Fascicolo Speciale, gennaio-dicembre 2025

Ente di afferenza:
Università statale di Milano (unimi)

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Annali / Jahrbuch ISIG – 51, 2025/Special Issue

Jewish and Catholic Marriages in Early Modern Italy
Affinities, Differences, Interactions

by *Germano Maifreda*

ABSTRACT

The article analyzes and compares the marriage rituals and civil norms of Jews and Catholics in early modern Italy. The text highlights crucial differences: Jewish women enjoyed greater autonomy and superior economic protection, particularly regarding the dowry, which was safeguarded even in the event of the husband's bankruptcy. Unlike Christian women, who faced increasing control from the Church (especially after the Council of Trent), Jewish women could rely on a more favorable legal system and marriage contract (the *ketubbah*). Based on the communities of Livorno and Ferrara, the analysis demonstrates how this autonomy and the structure of the Jewish dowry not only protected the woman but also the family business. Finally, the essay suggests that, in Counter-Reformation Italy, a gradual convergence was taking place between the Jewish and Christian models of marriage. This is analyzed also by examining several rabbinical opinions, including a previously unpublished one by the eminent Roman rabbi Tranquillo Vita Corcos.

Keywords: Jewish marriage – female autonomy – dowry – early modern Italy – Council of Trent

A distinctive feature of Italian cultural and social history is the strong affinities observable in the traditional Jewish and Christian marriage rituals, which are not found elsewhere in Europe and the Mediterranean region. The existence of these affinities is attributable to millennia of continuity and the physical and social contiguity between minority and majority religious groups that have historically been established on the peninsula[1]. However, during the sixteenth and seventeenth centuries, the legal and symbolic parallels between Christian and Jewish matrimony underwent

[1] For a comprehensive overview, consult R. Weinstein's seminal work, *Marriage Rituals Italian Style. A Historical Anthropological Perspective on Early Modern Italian Jews*, Leiden, Brill, 2004.

ISSN 0392-0011
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a marked shift. The Catholic Church intensified control and delegitimization of the legal significance of the matrimonial promise, known as the *sponsali* or *sponsalia*, which, in contrast, remained a substantial legal and moral milestone for the Jewish community. In addition to the possibility for Jewish spouses to gain access to divorce through the granting of the man's bill of divorce to the woman, the *get*, the preservation of the legal significance of the Jewish betrothal meant that Jewish women retained some freedom of choice[2].

Gradually, however, as I will try to demonstrate further, a single pivotal moment of union for the Jewish population of Italy emerged as the cultural archetype of marriage, as had previously been the case for Christians. Consequently, the autonomy of Jewish women in determining their marital status was also subject to scrutiny.

1. Freedom and constraint in early modern marriage(s)

In Roman times, the term *sponsalia* was used to describe the promises made by a woman's *pater familias* and her future husband: the former to give her in marriage and the latter to take her as his wife. Therefore, *sponsalia* were the mutual promises of future marriage. It is also acknowledged that, within the framework of Roman law, marriage is regarded as a status that is established through a straightforward private agreement. The validity of the marriage was predicated on this understanding, and was independent of the betrothal, the *sponsalia*, which ordinarily preceded it, as well as of physical cohabitation. In the Roman world, marriage was also considered to be independent of any settlement that confirmed the pecuniary terms of the union. Furthermore, it was considered to be independent of the accompanying festivities or religious ceremonies[3].

[2] On this vast topic, see initially G. Labovitz, *«With Righteousness and with Justice»: To Create Equitable Jewish Divorce, Create Equitable Jewish Marriage*, in «Nashim: A Journal of Jewish Women's Studies & Gender Issues», 31, 2017, special issue on *New Historical and Socio-Legal Perspectives on Jewish Divorce*, pp. 91-122; with regard to gender inequality in Christian marriage, an excellent starting point is F. Alfieri, *Nella camera degli sposi. Tomás Sánchez, il matrimonio, la sessualità (secoli XVI-XVII)*, Bologna, Il Mulino, 2010; see also M. Madero, *La loi de la chair. Le droit au corps du conjoint dans l'oeuvre des canonistes (XII–XVe siècle)* (Paris, Éditions de la Sorbonne, 2015).

[3] See the classic study by J. Gaudemet, *Le mariage en Occident. Les mœurs et le droit*, Paris, Les éditions du Cerf, 1987. A recent reconsideration is C.-E. Centlivres Challet (ed.), *Married Life in Greco-Roman Antiquity*, New York -Abigdon, Routledge, 2022;

Matrimony has been a matter of significant concern for the Church since the advent of Christianity. In Medieval Europe, the institution of marriage occupied a unique position at the intersection of the secular and religious spheres. In both Christianity and Judaism, the spiritual dimension of marriage was overseen by religious authorities, while the secular authorities were responsible for the administration of the material dimension of marriage, with this aspect being shaped by the interests of families and communities. The Counter-Reformation Catholic Church identified marriage as a relationship that required regulation, and it was confirmed as a sacrament in the sixteenth century, following the Council of Trent (1545-1563). This development resulted in an increased focus on marriage in canon law. Over time, canon law gradually and slowly began to regulate all aspects of marriage.

In order to provide a context for the subsequent discussion, a brief review of the legal framework within which Christian marriages took place in Italy prior to these developments is necessary. Pre-Tridentine marriage did not consist of a single act, but rather of a series of stages. In the Middle Ages, the exchange of consent between the two parties, expressed in a verbal promise to enter marriage, was sufficient to legally and religiously seal a Christian union. Two principal forms of civil marriage prevailed.

The first of these comprised solemn nuptial ceremonies, conducted without a priest. The performance of such ceremonies was contingent on the presence of contracts and family consent. In many cases, the supervision of these ceremonies was undertaken by family members. This tradition was predominantly observed by the elite and ruling classes and was commonly termed «dynastic» or «combined» marriage. The second type of marriage was characterized by private nuptial ceremonies involving betrothed couples and was regulated by custom. The union of betrothed couples was traditionally conducted in rural and mountainous regions. The commitment of the betrothed individuals was fundamental and was followed by the consummation of marriage through sexual intercourse. The recognition of this nuptial practice was consistent across both canon law and secular legislation, which categorized such unions as clandestine marriages[4].

for a perspective on Judaism see initially M.L. Satlow, *Jewish Marriage in Antiquity*, Princeton, Princeton University Press, 2001.

[4] S. Seidel Menchi - D. Quaglioni (eds.), *Matrimoni in dubbio. Unioni controverse e nozze clandestine in Italia dal XIV al XVIII secolo*, Bologna, Il Mulino, 2001; E. Brambilla, *Il Concilio di Trento e i mutamenti nella legittimità dei rapporti tra sposi*, in

The inherent difficulty in providing definitive evidence for the mere exchange of consent meant that this purely consensual conception of marriage opened the way to bigamy and to the rejection or denial of betrothal. This created a sense of anarchy, on which the Counter-Reformation Church sought to impose order. The canons ratified at Trent, in conjunction with the bishops' edicts that enforced them, endeavored – and ultimately prevailed, albeit gradually – to establish the prevailing perspective that prior agreements held the equivalent of a betrothal promise. The institution of marriage was thus understood to occur solely following a public and solemn ceremony conducted by parish priests, imbued with the essence of a sacrament.

Following the Council of Trent, the formalization of a sacramental union between a man and a woman was contingent on the official notification of the Catholic Church and the absence of any impediments. Such impediments might include kinship ties, prior marriages, and the absence of consent on the part of the woman. In order for the marriage to be officially recognized, it was necessary for it to be certified in special parish registers, and this process had to be carried out in the presence of witnesses. Matrimonial unions that did not conform to this model were designated as clandestine and declared invalid, thereby placing the partners in the legal category of concubines.

The volatility of the matrimonial status during the Medieval and early modern centuries, coupled with the emergent emphasis on standardization and consolidation of marriage procedures, resonated with the Jewish world, which concurrently confronted analogous challenges. Although there were relevant subcultural variations, Jewish marriage was a ritual that followed ancient rules and traditions.

Originally, the Jewish matrimonial process comprised three stages: the promise (engagement), *kiddushin*, and *nissuin*. During the Talmudic period, which spanned the destruction of the Second Temple in 70 CE to the Muslim conquest in 638 CE, sanctions were issued against those who performed *kiddushin* without prior agreements. Gradually, these agreements evolved into a formal ceremony. In the post-Talmudic era, i.e. roughly the Christian Middle Ages, the tradition of the groom giving a ring to the bride as part of the *kiddushin* ceremony emerged.

A. Bellavitis - I. Chabot (eds.), *Famiglie e poteri in Italia tra Medioevo ed Età moderna*, Roma, Publications de l'École Française de Rome, 2009, pp. 51-76.

The matrimonial rite was fundamentally structured in two phases. Men pledged to woman. In the context of *kiddushin*, the man would present the woman with a precious object, frequently a ring or other piece of jewelry, in the presence of witnesses. This act served to legitimize the consent of the betrothed and was customarily conducted within the framework of an official ceremony, often in the form of a banquet attended by family members, friends, and relatives. The purpose of this formality was to initiate the process of contractual agreement, encompassing the delineation of the terms of engagement, financial obligations, and the designated date of the nuptials. The finalization of these arrangements could also extend over a period of years following the engagement, with the objective of allowing families to accumulate the stipulated dowry or to ensure that very young future spouses reach the age deemed appropriate for marriage.

In the Jewish tradition, as well as in Christianity prior to the Tridentine reforms, the period between betrothal and marriage permitted the woman to repent and rescind her commitment. In such cases, a series of financial and property adjustments between the families of the failed spouses typically ensued. While the Council of Trent was underway in 1548, a Ferrara Jewess by the name of Sole Barochas – the daughter of a prominent Sephardic merchant who had been at the helm of the Portuguese Jewish community for several years following her settlement in the Duchy of Este – had a change of heart about her commitment to marriage. Her former fiancé, Alvaro, who was also a merchant of Portuguese origin residing in Ancona, paid Sole 200 gold ducats on the understanding that she would enter into matrimony with another man within a period of six years. In the event that the woman was unable to locate a husband within the specified timeframe, the sum would be returned to Alvaro. The valuable gifts bestowed on her by her fiancé remained the property of the girl. The agreement was also ratified by Sole's brothers[5].

Another example is provided by a seventeenth-century Ferrara Jewess, Laura Vita. Born to an affluent merchant, Vita was betrothed to her cousin. This privileged position enabled her to enjoy time and liberty to contemplate her own decisions, an opportunity by then denied to Christian women. In 1651, her betrothed presented her with a gold necklace in front of two

[5] L. Graziani Secchieri, *Spose senza marito. Mancate nozze, conversione, divorzio e ripudio nella Ferrara ebraica tardo medievale e di prima età moderna*, in L. Graziani Secchieri (ed.), *Vicino al focolare e oltre. Spazi pubblici e private, fisici e virtuali della donna ebrea in Italia (secc. XV-XVIII)*, Firenze, Giuntina, 2015, pp. 47-96, here pp. 60-61.

rabbis, relatives and friends, who had witnessed the lacing of the necklace around the woman's neck. The agreements, written in both Hebrew and Italian, stipulated that the groom would receive the agreed dowry of 40,000 scudi, comprised of both movable property and cash, without any claim to Laura's estate until the marriage was formally celebrated, which was scheduled to take place within five years.

However, it is evident that the events did not unfold as the betrothed's parents had anticipated. In the subsequent years, Laura's enthusiasm diminished, as evidenced by the following statement that her mother, Regina, wrote in a memoir five years after the engagement: «Laura used to sigh when she felt time was going slowly, and then she would try to make it go even more slowly». In late May 1657, Laura relocated to the residence of Count Ippolito Strozzi, where she underwent a religious conversion to Catholicism. Subsequently, the commitments were mutually cancelled through a protracted legal process that concluded in 1660. It is worthy of note that Laura, who adopted the surname Pio di Savoia, ultimately entered into matrimony with the nephew of the monsignore who had facilitated her conversion[6].

The significance of the Jewish betrothal within the legal framework ensured the retention of decision-making autonomy for Jewish women in Italy, a prerogative that was progressively eroded for their Catholic counterparts[7]. It should be further noted that this phenomenon occurred in addition to the possibility for Jewish spouses to gain access to divorce through the granting of the man's bill of repudiation to the woman[8]. It is imperative that these elements be anchored in a wider historical framework.

In the late Middle Ages, early marriages became increasingly prevalent in Jewish Europe, as well as in Christian Europe and the Muslim world. This

[6] L. Graziani Secchieri, *Il singolare caso di Laura de Vita. Da erede del banco da Po a 'illustre signora' dei Pio di Savoia nella Ferrara di metà Seicento*, in «Materia giudaica», 19, 2014, 1-2, pp. 169-199.

[7] M. Caffiero, *Il matrimonio ebraico e i cristiani. Doti, 'ghet', sponsali*, in O. Melasecchi - A. Spagnoletto (eds.), *Antiche 'ketubbòt' romane. I contratti nuziali della Comunità Ebraica di Roma*, Roma, Campisano, 2018, pp. 55-66.

[8] A. Grossman, *Pious and Rebellious. Jewish Women in Medieval Europe*, Waltham, Brandeis University Press, 2004; A. Veronese, *Donne ebree italiane e ashkenazite in Italia centro-settentrionale. Doti, testamenti, ruolo economico*, in L. Graziani Secchieri (ed.), *Vicino al focolare e oltre*, pp. 153-163. See also A. Foa, *La donna nella storia degli ebrei in Italia*, in C.E. Honess - V.R. Jones (eds.), *Le donne delle minoranze. Le ebree e le protestanti in Italia*, Torino, Claudiana, 1999, pp. 11-30.

phenomenon can be attributed, at least in part, to economic and residential uncertainty, as evidenced by contemporary rabbinical texts. Additionally, the expansion of trade played a significant role in this development. The uncertainty surrounding the future, engendered by the expulsion of Jews from significant regions of Western Europe, precipitated a swift and decisive response from families when the opportunity to formalize marriages arose. In Italy, the dispersed nature of Jewish settlements, frequently comprising only a small number of families, contributed to the contraction of the marriage market, as has previously been observed. This dynamic prompted parents to engage in arduous negotiations necessitating their physical presence, a factor that rendered such negotiations impractical in the context of increasing spatial mobility and intensity of trade, which often resulted in fathers being absent for extended periods. This phenomenon also gave rise to the practice of betrothing underage girls in absentia, with paternal promises inscribed during perilous international business trips. This phenomenon, among others, contributed to the emergence of a more uniform Jewish female demographic across Europe and the Mediterranean region, aligning with the prevailing trends observed in the surrounding societies.

In the context of early marriage, the outcome manifested as a profound material and psychological reliance on parents by the young couple. In the case of women, this often led to a restriction on their daughters' education, which remained under the control of the grandparents. The phenomenon of medieval Jewish bigamy has been subject to greater documentation in predominantly Muslim regions, where the practice of polygamy was prevalent. Cases are exceedingly rare even within medieval Muslim Spain. In the Franco-German area, bigamy was formally prohibited by the rabbinical authorities between the eleventh and twelfth centuries, thereby establishing a precedent that was subsequently adopted throughout Christian Europe. The medieval Ashkenazi rabbinate was characterized by a greater degree of intellectual openness, which resulted in the provision of enhanced guarantees of freedom, autonomy and mobility for women. There are extant records of German Jewish women who traveled extensively, even in the company of men, for work and business purposes.

In European Jewish society during these centuries, the practice of 'divorce' between Jews was permitted, albeit not endorsed by the rabbinical authorities. In this respect, the concrete historical experience of Jews did not differ so radically from Christian customs, since Catholic spouses had been able to revoke their marriage since the Middle Ages by appealing to the ecclesiastical authorities and courts, which declared it null and void or, in

some cases, dissolved it. Within the Jewish legal framework, divorce was recognized as a legal repudiation of the woman by the man. However, an analysis of rabbinical *responsa* suggests that pressure from wives to obtain a divorce could be a contributing factor. These *responsa* indicate that, while the process was difficult, wives were sometimes able to secure a divorce through such means. In the Medieval centuries closest to the early modern period the legal status of women within marriage was made more secure by court rulings and *responsa*. The Franco-German rabbinical authorities made repudiation more difficult by establishing that the man needed the woman's consent to separate from her and by transforming the act from private to public. This introduced the requirement for the husband to argue his case and obtain the approval of the rabbis or the *parnassim*, the 'Elders' of the Community.

The pivotal issue of women's autonomy, including that of Jewish women, in selecting a spouse – within a Jewish legal framework that ascribes a crucial role to the consent of spouses in establishing the marital bond – must also be contemplated in relation to the prevailing framework and the subcultural features of the Jewish group. The pervasive phenomenon of interpenetration between female dowry assets and the share capital of Jewish-run companies, in conjunction with the legal protection afforded to the dowry itself if incorporated, signified that religiously or socially exogamous marriages diminished the capacity of merchant families to utilize the financial and land contributions of the female spouse. The degree of autonomy enjoyed by women in their marital choices was therefore contingent on the dowry system, kinship systems, and the privileged forms of patrimonial and hereditary transmission within them. Among the Sephardic Jews of Livorno, for example, and in contrast to other Jewish contexts on the peninsula, customs more akin to those of the Christian elite prevailed throughout the modern period. This re.sulted in young women often having little choice in the selection of their future husbands[9].

2. An engagement that «forms and binds the marriage bond»

The Jewish wedding ceremony, the *nissuin*, is traditionally conducted under a decorated canopy known as a *huppah*, in the presence of two witnesses.

[9] F. Trivellato, *The Familiarity of Strangers. The Sephardic Diaspora, Livorno, and Cross-Cultural Trade in the Early Modern Period*, New Haven, Yale University Press, 2009, pp. 264-265.

The reading of the marriage contract is a central tenet of the ceremony, and is regulated by a *tenaim*, a written agreement usually drawn up by friends or parents of the bride and groom and notarized. A *ketubbah*, or dowry agreement, is also a component of the ceremony. Subsequently, the man articulates the established formulas in a ceremonial manner. Following the ritual blessings, the spouses are permitted to commence cohabitation. Jewish marriage also naturally entailed the assumption of specific duties: the man was obliged to provide sustenance, attire, and household furnishings. Both spouses were obliged to engage in regular sexual relations, the frequency of which was contingent on the man's occupation. The man was also obliged to ensure financial security for the woman in the event of divorce or of his own death, to cover medical expenses and ransom in the event of kidnapping, and to provide for his own burial and support his widow with his own resources, allowing her to reside in his home for the duration of her widowhood. Finally, it was incumbent upon the man, once more through his offspring, to provide financial support to any daughters he had by his wife[10].

The performance of mutual marriage rituals was, for Jews and Christians, an occasion for joint celebrations and libations. The former occasionally adopted Christian practices, while the latter participated in events and matrimonial ceremonies within the ghetto, typically without significant concern for potential transgressions of canonical restrictions[11]. This phenomenon is exemplified by the acts of Giorgio, a young sailor, who, at the close of the sixteenth century, was formally accused before the Venetian Inquisition by the relatives of a Jewish girl, Rachele, with whom he had fallen in love. The accusation was made through an anonymous complaint, which, as Giorgio immediately informed the inquisitor, had been lodged there (and in other courts of which the paper provides no direct knowledge) by the girl's family. The latter was concerned about his intention – known, it would seem, to everyone in the Venice ghetto, as Jewish

[10] L.M. Epstein, *The Jewish Marriage Contract. A Study in the Status of the Woman in the Jewish Law*, Clark, Lawbook Exchange, 2004; J.R. Baskin, *Jewish Private Life. Gender, Marriage, and the Lives of Women*, in J.R. Baskin - K. Seeskin (eds.), *The Cambridge Guide to Jewish History, Religion, and Culture*, Cambridge, Cambridge University Press, 2010, pp. 357-380. For subcultural specifications, see initially S. Yahalom, *The Marriage Ceremony in Early Medieval Ashkenaz*, in «Review of Rabbinic Judaism», 27, 2024, 2, pp. 109-131.

[11] Examples of Christians participating at *qiddushim* are in G. Tomasi - S. Tomasi, *Ebrei nel Veneto orientale. Conegliano, Ceneda e insediamenti minori*, Firenze, Giuntina, 2012, p. 91.

witnesses later stated – to convert to Judaism in order to marry Rachele. Alternatively, according to Giorgio's account provided during his interrogation by the Venetian inquisitors, the objective was to convert the young woman to Catholicism, to achieve the same outcome[12].

We thus discover that Giorgio often visited the Venetian ghetto, thereby becoming involved in all aspects of Venetian Jewish social life, including nuptial ceremonies. Jewish weddings in Venice were usually celebrated on Wednesdays, and it was customary for Christians to attend the evening celebrations, despite the gates of the ghetto being supposed to be closed at that time. On such occasions, the sailor participated actively in the banquets, fetching food from the oven and welcoming guests with a lit double candle in his hand. He also performed this role at the wedding of a «Salamon Maestro», even acting as host: «inviting the Jewish people and welcoming them as Jews do», said a Jewish witness[13]. It is also documented that Giorgio was seen by the Jew Iacob «eating many times, mostly on the street in the ghetto, and I saw him eating focaccia and puine [ricotta], which he took by force from those who were selling them». The butcher Sansone had observed him «taking [from him] some bresuole [chops] and meat to go and eat with the Jews»[14]. The young Christian baker, Alessandro, who resided in the parish of Santa Maria Formosa and who, without significant difficulty, traveled to the ghetto to bake and sell unleavened bread, had observed Giorgio in the period immediately preceding *Pesah*, the Jewish Passover, «last year and this year in the ghetto [where I was] cooking their unleavened bread, and in this oven the Jews cook capons, pigeons, veal, and other things of various kinds, often on a regular basis». On Friday, in accordance with the Sabbath observances, the pots were placed in the oven in the evening, with the intention of being utilized the following morning, Saturday. This practice coincided with a period of relative inactivity for the majority of the population.

[12] A more detailed examination of the Inquisitorial trial is available in G. Maifreda, *Italya. Storie di ebrei, storia italiana,* Roma - Bari, Laterza, 2021, pp. 18-35.

[13] *Processi del Sant'Uffizio di Venezia contro ebrei e giudaizzanti*, ed. by P.C. Ioly Zorattini, 14 vols., Firenze, Olsckhi, 1980-1999, VIII, pp. 94 and 81; the episode is confirmed by other witnesses on pp. 86 and 87, where a ghetto guard also mentions the marriage of a Moisè, «servitor» of the banker Samuel. The cuisine of the ghetto festivities included, among other things, various cuts of meat, chickens, capons, and «melina de carne pesta» (from the Yiddish *melem* or German *mehl*, meaning flour, which was the main ingredient) (*ibid*., pp. 85 and 93).

[14] *Ibid*., pp. 85-86 and 88.

Alessandro proceeded to elaborate further on this point, with reference to Jewish weddings:

«I know a Giorgio, who called himself that in the ghetto, he has a pointed beard, he is older than me, about 22 or 23 years old… Last Lent, there were a couple of Jewish weddings in the ghetto, I think they were Levantines, and after baking the unleavened bread, they took it to the bakery, along with capons, cakes, and little pigeons to bake, and those who were organizing the wedding, or the patron, or the servants who had brought the food to be baked, said to the owner of the oven, who was a Jew, where I was cooking: 'Take one of the best capons for your regalia!' And Giorgio tore off a leg or wing of a capon that was cooked and ate it, contaminating me, and the oven owner, who is a Jew, laughed, and his name is Gneccole»[15].

Giorgio even attended the nightly vigil that preceded the ritual circumcision ceremony, which is of considerable religious and symbolic significance to the Jewish people. In accordance with the ancient ritual expressing the protection of the child from the weakness in which he lives in the phase of life prior to circumcision, the home of the child in some communities on the peninsula saw the gathering of friends of the family in vigil. In some cases, as in Rome, the night was spent singing psalms, reciting invocations, or reading and commenting on passages from the *Talmud* or the *Kabbalah*. «And while they are keeping vigil over male children who are uncircumcised», it was said of Giorgio in the Inquisitorial trial, «he goes there and stays with them all night until morning, with the Jews, as they do»[16]. The presence of a Christian at such a moment, rich in religious and identity significance, highlights the high degree of ceremonial familiarity that could exist between Christians and Jews in early modern Italy, despite the existence of the ghettos.

It is well known that early modern mechanisms of access to marriage frequently involved plans to increase power, prestige, and wealth shared among dynasties, factions, and families. Despite the establishment of the principle of free choice for spouses, particularly women, by the Council of Trent, the objective of marriage was frequently realized in the early modern period – for both Christians and Jews – following protracted negotiations between families. It is challenging to ascertain the rationale that guided the individual negotiations in retrospect. However, the transmission, through dowries, of a crucial right such as that of using houses in Italian ghettos – the *jus gazagà*, or perpetual usufruct right that allowed

[15] *Ibid*., pp. 85-86.

[16] *Ibid*., p. 82.

Jews to live in and use properties within the ghettos in exchange for a fixed rent – can provide valuable insights.

The example of Gabriele Bolaffi, a Jew from Pesaro, who in 1723 married his niece (his brother's daughter) Ester, obtaining a dowry consisting of «the sole jus of gazacà that they have, hold, and possess over the house belonging to the parish church of San Nicolò in this city, located within the ghetto»[17], appears to refute the hypothesis that agnatic marriages (i.e., between relatives, frequently patrilineal cousins) were the result of strategies to keep substantial assets within the family. In this case, it would be more reasonable to consider the difficulty for Jews living in small communities of contracting marriage alliances outside the family itself. Poverty – the same condition that led less well-off Christians to request marriage dispensations among close relatives from the ecclesiastical hierarchy – may therefore also have played a role in persuading Jews to preserve social acceptance of marriage between first cousins or between uncles and nieces, which was common in Italy throughout the early modern period, especially in the Sephardic subculture[18].

Jewish marriage customs, like Christian ones, could therefore be influenced by financial considerations. This aspect had arguably a more substantial impact on the Jewish sphere, since the limited implementation of primogeniture or fideicommissum – a widespread institution in the Christian world that concentrated inheritance on the eldest son – allowed for the distribution of inheritance to younger sons and even to daughters, who were usually given a dowry. Shrewd kinship strategies could therefore providentially remedy the risk of excessive fragmentation of family assets. However, even in terms of marriage and inheritance strategies, there were various forms of cultural transfer between Christians and Jews during the early modern period. Where primogeniture was a widespread inheritance practice among Christians, as was the case in southern Europe and also in Italy, Jewish families (especially in Venice and Livorno) began to apply testamentary provisions requiring male children to live together and manage their father's assets jointly. Starting in the seventeenth century, throughout Europe, the families of large Sephardic merchants began

[17] M. Gasperoni, *La misura della dote. Alcune riflessioni sulla storia della famiglia ebraica nello Stato della Chiesa in età moderna*, in L. Graziani Secchieri (ed.), *Vicino al focolare e oltre*, pp. 175-216.

[18] See initially *Genre et dispenses matrimoniales: représentations et pratiques juridiques et généalogiques au Moyen Âge et à l'*époque moderne, special issue of «Genre & Histoire», ed. by M. Gasperoni - J. Hauck, 21, 2018.

to apply actual fideicommissary provisions similar to those applied by the majority, to ensure the future management of at least part of the business to the son most gifted with entrepreneurial talent[19].

Of course, important differences remained, even in matters of dowries. In Italian Christianity, with the end of the Middle Ages, the custom of the groom's family contributing to the couple's dowry disappeared, but it remained very much a part of Jewish wedding arrangements. In the patrilineal Christian system, the dowry thus took on the form of an inheritance conferred on the new family solely by the bride's family; in wealthier families, this inheritance could be very substantial and even include palaces and extensive land holdings. At the same time, Christian wives were excluded from any guaranteed rights to their husband's future inheritance, being able to recover their dowry only in the event of widowhood.

Things were often different in the Jewish sphere. If we remain in Sephardic Livorno – a relevant example from an economic point of view, given the financial weight and international scope of the commercial companies founded there by Jews who had flocked to the port since the end of the sixteenth century – we find, for example, that traditional Jewish law and customs were generally respected. They prescribed that the dowry should consist of a female part (*nedynya*) and a male part (*tosefet*), in addition to a small sum (*mohar*) which varied according to the woman's status and was not paid by the husband to widows and divorced women. The *tosefet* paid by the man's family usually amounted to 50 percent of the amount given by the bride's family. The two dowries were thus merged into a dowry estate that was administered by the husband and became his definitive property in the event of his wife's death. If the woman was widowed, she received the entire dowry, including the part from the man's family[20].

In the event of bankruptcy of the company owned by the husband, the Jewish woman was entitled to the return of both parts of the dowry; the part originally given by the husband's family was reduced by half if the couple had no children. This system of asset protection was not only much more favorable to women than the Christian system, but also proved providential for commercial enterprises in difficulty. In the event of bankruptcy, Jewish law made the dowry a shield against creditors' claims on the commercial capital contributed to the business by the family. Emblematically, this type of provision began to be applied by Christian merchant families

[19] F. Trivellato, *The Familiarity of Strangers*, p. 134.

[20] *Ibid*., pp. 135-136.

as well, although what made it particularly effective among Sephardic Jews was the strict endogamy of the community, thanks to which families able to provide rich dowries on both the male and female sides were able to 'shield' the large capital on which the operations and prestige of commercial enterprises were based.

In this frame, among some Jewish families, especially Sephardic ones in modern times, the application of the biblical law of levirate marriage – which required a woman or man who had been widowed without children to marry the older brother or sister of their husband or wife – served to minimize the risk that a drain on resources would compromise the integrity of the family fortune. Polygamy, which had already fallen into disuse in Talmudic times, was formally prohibited in the Middle Ages among Ashkenazim by a rabbinical ruling, while it remained formally accessible in the Sephardic world in early modern times. However, most families on the Italian peninsula adapted to the traditional monogamy prescribed within Catholic society. Some marriage contracts of the wealthiest Sephardic families in Venice or Livorno (written in highly ornate *kettubot*) expressly prohibited men from remarrying. This can be read, for example, in the marriage agreements drawn up in Livorno before the marriage of the very wealthy Sarah Baruch Carvaglio, to whose future husband Moses Attias the girl's family paid the exceptional sum of 17,000 ducats in 1667. In 1721, the same clause was included, again in the Tuscan port, in the marriage contract between Rebecca Francia and Moses Alvares Vega. When, seven years later, the husband violated the clause and took a second wife, the leaders of the Jewish community of Livorno forced him to divorce Rebecca, as partial compensation for the damages she had suffered, including the financial ones[21].

In sum, the daily custom of interaction and cross-fertilization in early modern Italy played a significant role in the gradual fading of the ancient, strong similarities between Christian and Jewish marital customs. This shift coincided with the actions of Catholics following the Council of Trent, which effectively diminished the legal and moral significance of the promise of marriage, a practice that remained legally unaltered among Jews. In addition to the possibility for Jewish spouses to obtain a divorce through the granting of a bill of divorce (the *get*) by the man to the woman, the maintenance of the legal importance of Jewish betrothal, and the central role of women in Jewish patrimonial and familial internal dynamics, meant that

[21] *Ibid*.

Jewish women in particular retained a degree of freedom of choice that the Council of Trent began to deny to Christian women. However, there are some indications that suggest that in early modern Italy, in the concrete world of juridical, social and cultural interactions, Jewish and Christian cultures regarding marriage were also converging.

As previously discussed, the recourse by the Jews to the inquisitorial court through an anonymous complaint resulted in an inquisitorial trial against the sailor Giorgio. This case is indicative of the well-known intertwining of Christian powers and Jewish universities in both the legislative and judicial spheres, as well as the practice of Jews resorting to Christian tribunals[22]. But, of course, in early modern Italian Jewish society marriage was primarily handled by rabbinical courts (*Bet Din*) established within Jewish communities, where permitted (for example, they were prohibited in the Papal States). The courts were primarily responsible for administering Jewish law in areas where it differed most from the majority's *ius commune*, including matters relating to marriage, divorce, inheritance and the protection of minors. A rabbi's personal actions could also effectively substitute for judicial practice. In areas where the Bet Din were not expressly prohibited, such as the Duchy of Mantua, we may hear the voices of communities committed to preserving their legal and judicial traditions with direct reference to the institution of marriage. It is the case of the following request for the establishment of a Jewish court, submitted by Mantua representatives to Duke Guglielmo Gonzaga in 1577[23]:

[22] F. Trivellato, *Jews and the Early Modern Economy*, in J. Karp - A. Sutcliffe (eds.), *The Cambridge History of Judaism*, vol. 7, *1500-1815*, Cambridge, Cambridge University Press, 2017, pp. 139-167; M. Caffiero, *Regiudaizzanti in fuga, ebrei complici. L'Inquisizione romana e i convertiti pentiti*, in A. Del Col - A. Jacobson Schutte (eds.), *L'Inquisizione romana, i giudici e gli eretici. Studi in onore di John Tedeschi*, Roma, Viella, 2017, pp. 157-175, by the same author, *The History of the Jews in Early Modern Italy. From the Renaissance to the Restoration*, New York - London, Routledge, 2022; S. Di Nepi, *Surviving the Ghetto. Toward a Social History of the Jewish Community in 16th-Century Rome*, Leiden - Boston, Brill, 2020, by the same author, *(Un)stable Ghettos. The Current State of the History of Jewry in Early Modern Italy*, in «Church History and Religious Culture», 104, 2024, 3-4, pp. 403-421; K. Aron-Beller, *The Practicing Jew in Early Modern Inquisitorial Strategy*, in B. Dov Cooperman - S. Di Nepi - G. Maifreda (eds.), *Jews and State Building. Early Modern Italy, and Beyond*, Leiden - Boston, Brill, 2024, pp. 182-204.

[23] Mantua, Archivio Storico della Comunità ebraica di Mantova, filza 1, file 50, p. 29, 10 September 1577; as well as for the following testimonies, given during the ducal investigation carried out in 1579.

«Since it is often necessary, suddenly, in the interests of wards or in cases of marriage, divorce, or renunciation, or oaths of widows on their marriage certificates, to make certain immediate declarations with ceremonies, according to the rite already celebrated by all of Judaism, and likewise, when necessary, according to their custom, to have some of their Hebrew writings recognized and to receive testimony for Jews, both local and foreign, all of which must be done in the presence of three or more elected persons who in such cases are called *Bet din*, which means constitution of judgment, … the [Jewish] University … devoutly requests … that a declaration be made that they may, in accordance with Jewish custom, appoint persons to act in such cases».

When the Gonzagas subsequently conducted an investigation to gain a better understanding of the nature and scope of the Jewish courts, Moisé Salim, who described himself as «agent of the Heads of the University of the Jews of Mantua» in Venice, attested that, at that time, the Serenissima also granted the appointment of «three Jewish persons called *Betdin* in Hebrew» with similar powers to those indicated by their co-religionists in Mantua. The Cremonese Jews also attested that in their city – as an «Anselmus de Levi» wrote – «Hebraic courts are held as if they were *Betdin* … so that those who wish to avail themselves of these courts … may verify and justify that the things decided in these courts are true». Simon de Todeschis testified that the same was true in Frankfurt, where he was born: «These courts, established in this manner, have full and ample credibility, and are treated as if they were public documents. I have been present at several similar courts, which I cannot recall at present». Where communities were unable to resolve internal conflicts through rabbinical justice, notarial guarantees, or arbitration, which was also often administered by rabbis, they could always resort to the Jewish courts located in large cities.

This same oscillation between the use of internal justice within Jewish communities and recourse to external courts, combined with the concrete interactions between the majority and minority that occurred on a daily basis, led to a contamination between the marriage cultures of the two social spheres in early modern Italy. An exemplification of this is provided by the oeuvre of Rabbi Tranquillo Vita Corcos (Hazekiah Manoah Hayym ben Isaac, 1660-1730), who, in 1720, composed and dispatched three letters to the Cardinal Vicar of Rome, requesting his intervention in a case of adultery committed by a Jewish couple, Leone di Cori and Savia Pallarella, who were both married to other individuals. The rabbi's objective was to annul their marriage, which had been invalidly contracted in a remarkable manner. On a day in August, in front of the entire ghetto, Leone had given Savia a ring and pronounced in Hebrew the traditional formula by which he took her as his wife («You are married to me by this ring according to

the law of Moses and Israel»). The couple were thus united in matrimony by means of the traditional betrothal ring, in accordance with the legal principles established by the legal traditions. The «scandalous practice» of the two «reckless and brazen» individuals, as Corcos described them, had long been the subject of discussion within the Roman Jewish community, until the Vicariate, acceding to the rabbi's request, had them imprisoned in the court jails. The man was released on the condition that he «not converse» with the woman, under penalty of five years' imprisonment; Savia refused to leave prison until she was united in marriage with Leone, finally having to accept the order under penalty of flogging. As far as the «street wedding» ceremony, the vicariate court was inclined to deem it valid[24].

Within the framework of this judicial overlap between the Jewish and Christian spheres, even in matters of marriage, the reduction of the symbolic and legal significance of engagement – which was already a fait accompli in the Catholic sphere by the eighteenth century – may also have taken place in the Jewish world. The position expressed by Tranquillo Vita Corcos himself in relation to a case that occurred in the early eighteenth century in the city of Urbino can perhaps be interpreted in this light. After Salamon Castelli had promised to marry Consola Castri, the man – we read in the legal opinion drawn up on that occasion by the authoritative Roman rabbi – «became furious and impetuous, to the point that he threw himself into a well, nearly drowning himself». Understandably, after this event, Consola decided to «divorce him and marry another, fearing to remain with Salamone», even though he considered himself «cured of his forgetfulness». The girl's family then negotiated a new union with Moisé Samuel di Leon Guglielmi, with whom negotiations on the dowry began and the exchange of rings took place.

In a dramatic turn of events, however, Salamone and Consola fled to Pesaro and began to live, as Corcos wrote in his opinion, «in contempt of their own rite and religion» in what most considered «adulterous copulation». The rabbi reports that the «Rabbinical Academies of the State» of the Church «and of other sovereign places», including Rome, Ancona, Ferrara, Reggio, Mantua, and Modena, promptly mobilized «to remove this scandal repugnant to Divine Law and Nature»[25]. From the jurist's point of view,

[24] We do not know how the story ended: see M. Caffiero, *Il rabbino Tranquillo Vita Corcos, in tribunale del cardinale Vicario e il matrimonio degli ebrei adulteri*, in «Zakhor. Rivista di storia degli ebrei d'Italia», 1, 2017, pp. 9-34.

[25] This handwritten *responsum* (archival date 1728) is preserved in Jerusalem, Central Archives for the History of Jewish People, IT/An 389.5.

there was between the two an «adulterous union and sacrilegiously contracted marriage, from which all children born would be spurious, illegitimate, and reprobate by Divine Law». In this case, there is a clear tendency on the part of such a prestigious exponent – also in terms of lineage – of the peninsular rabbinical and legal tradition, to anticipate the effectiveness of the marital commitment already at the time of the promise of marriage, thus establishing for Jews, as was already the case for Christians, a single moment of formalization of the marital union. In fact, Corcos identifies in the engagement defined as «*kidduschim*, that is, the tradition of the ring» the moment that «forms and binds the marriage bond, prohibiting the woman from marrying or betrothing herself to others, and doing so she must be condemned for adultery, as should be the man who marries her … Nor [can a woman] ever free herself from the man with whom she has contracted the *sponsali* with the tradition of the Ring, except by means of the *Libello del Ripudio*», that is the *get*. The wedding ceremony, concludes Corcos, was only the «third act» of the marriage ritual, after the promise of marriage and the exchange of rings. «More binding for the husband in favor of the wife», the act «called *Chupà* by the Hebrews» was «no different from the second act *Kudduscin* [*sic*] concerning the bond and marriage knot that makes it absolutely forbidden for the woman to bind herself to another»[26].

Conclusions

A contract between families in a world where family membership was the fundamental core of human and power relations; a form of control over sexuality, mainly female, which ensured the legitimacy of children and guaranteed the transmission of wealth, social identity, and religious faith; a set of rules established by secular and spiritual authorities and a range of customs jealously guarded over time. Many institutions and individuals, both Jewish and Christian, had an interest in maintaining firm control over marriage, so it is highly significant that the two social spheres converged to some extent around this issue in Italy throughout the early modern and modern periods.

The history of Italy uniquely shows strong affinities between traditional Jewish and Christian marriage rituals, a phenomenon not found elsewhere in Europe or the Mediterranean region. During the sixteenth and seventeenth

[26] *Ibid*.

centuries, the Catholic Church progressively diminished the legal significance of the matrimonial promise, whereas for the Jewish community it remained a substantial legal and moral milestone. However, further research is needed to confirm whether, despite the initial differences and the preservation of the significance of Jewish betrothal, a single pivotal moment of union gradually emerged as the cultural archetype of marriage for the Jewish population of Italy, mirroring the Christian trend. This occurred within a context of a general push for the standardization and consolidation of marriage procedures in both the Christian and Jewish worlds, involving financial considerations, kinship systems and dowry arrangements. However, the interaction between the Jewish and non-Jewish spheres also worked in the other direction. Jewish marriage customs, particularly the dowry system involving contributions from both families, offered greater asset protection for women and could even shield struggling commercial enterprises, a practice later adopted by some Christian merchant families.

Germano Maifreda, State University of Milan, Department of Historical Studies «Federico Chabod», Via Festa del Perdono 7, I - 20122 Milan, germano.maifreda@unimi.it