Sefer Tikkun Soferim of Rabbi Itzhak Tzabah: Copied in Jerusalem in the Year 1635 by the Scribe Yehudah Mor'ali. Notes and Introduction by Ruth Lamdan. Tel Aviv: The Goldstein-Goren Diaspora Research, Tel Aviv University, 2009.

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In an elaborated and enlightening introduction, Ruth Lamdan presents a socio-economic aspect of the small, oppressed and yet resilient Jewish community of Jerusalem between the 16th and 17th centuries. Counting some 2000 members and pressed hard by financial setbacks and political repression from the Muslim authorities, the Jerusalem community was led by the Sephardic1 majority adopting in their midst North African, Byzantine, Greek and European Jews. Notwithstanding internal differences and external pressure, the community did not slip into the pitfall of lawlessness. It is not only their religious belief that should impress us but their adherence to their social and economic laws, passion for learning and preservation of tradition and antecedent writings while all the while showing flexibility in exposing the Jewish law to temporal, local and personal adaptations.

Sefer Tikkun Soferim of Rabbi Itzhak Tzabah is an invaluable compilation of documents relying on a long tradition of scribes, scholars, rabbis and judges like sefer shetarot of Rabbi Saadiah Gaon (10th century). The Tzabah’s compilation counts one hundred handwritten documents from the 16th century. These cover both individual and communal affairs, regulating legal business and relations among individuals, or between the community and its members, along with a selection of family laws. The language employs legal jargon in Hebrew and Aramaic, similar to other compilations of the same official nature.

Concomitantly, a shetar, a Hebrew document comports of a formulaic part purporting its general character and purpose on the one hand and a blank space destined for supplements and variations, on the other hand. The blank space would be filled in by personal details of a particular case, while allowing a judge, scribe or rabbi an additional room for elaboration, alterations, reservations, changes and adaptations, meeting the particular needs of the

1 Spanish Jews
concerned parties and the community, its ethnicity, time and locality. These formulas are
evident to the reciprocal relations between Jewish communities that surpass time and borders,
as well as preservation of their common tradition based on the Hebrew Bible and the Talmud.
Variations and changes to these laws demonstrate the community’s resilience, flexibility, and
power of revival in the aftermath of hardship, disasters and setbacks, such as the expulsion of
the Spanish community in 1492 (Lamdan 2009:10-23).

Tzabah’s life reflects his contemporary time. He emigrated from Morocco to
Jerusalem and dedicated his life to learning and community affairs. Because of his position,
the Islamic establishment incarcerated him along with other prominent leaders and scholars;
his house was plundered and to stay alive he had to bribe the authorities. Nonetheless, until
his last days, he strived to sustain his community, its affairs, and judicial system (p. 20).

Outstanding in Tzabah’s compilation are the documents concerning matrimonial
agreements known as Ketubot. Lamdan emphasises the fact that while Jewish communities
were adamant these regulations, based on a uniform Babylonian formula of the 6th century,
each community has retained local variations. It is these variations that reveal the socio-
economic and marital statute of women in the different communities. Lamdan defines the pre-
conditions of the Jerusalem Ketubah according to eight categorises (p. 50-55). Although each
category could offer ample material for further comparative study, I will list the following:

1. Prerequisites concerning the amount of money the husband is obligated to pay the wife
   – divided into a sum paid before the wedding and a sum released at the end of
   marriage in the aftermath of divorce or the husband’s death.

2. Prerequisites concerning the profit the wife might or might not enjoy from work
   independently of her husband; and whether the husband might or might not have
   recourse over it. This condition changes with location and community, and accounts
   for the degree of women’s economic independence. Yet despite the woman’s
   economic status, the obligation to support, feed and clothe a wife falls under the
   biblical law in Exodus 21:10.

3. Prerequisites concerning the husband’s inheritance.

4. The husband vows to refrain from taking an additional wife.²

² Ashkenazi communities endorsed the ban by imposing excommunication herem on polygamy, attributed to
Rabbi Gershom, and enforced in 1030 at Worms. Spanish and North African communities did not endorse
the ban of Rabbi Gershom but resorted to the Ketubah clause where the husband vows to refrain from taking an

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5. The husband vows to refrain from using his wife’s dowry as collateral, selling or tempting her to sell or give it up.

6. Might the husband suffer terminal illness, and in order to spare the wife from the levirate custom of yibum\(^3\) (a widow of a man who dies childless), or the then required procedure of halitza by his surviving brother (see Deut. 25:5-10), the husband is to provide the wife with a conditional divorce bill.

7. The husband’s obligation to leave a provisional divorce bill before undertaking a long journey, so that if he does not return, his wife would not remain agguna (a woman who cannot be legally released from a former marriage because the husband had vanished; she is left husbandless, yet neither divorced nor widowed).

8. Listing the value of the property each partner contributes to the marriage.

Ruth Lamdan’s annotations and introduction illustrate profound insight and comprehension of Jewish law and medieval society. Tzabah’s compilation alters some perceptions about the position of Jewish women in medieval society. Remarkably, these Jewish matrimonial documents operate like modern prenuptial agreements, safeguarding the parties’ interests, and showing that women’s statute was somewhat protected by Jewish law in spite of its limitations.

I enjoyed reading, studying and reviewing this book and I hope others would be encouraged to do the same.

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\(^3\) If a man dies without offspring, son or daughter, to his name, his surviving brother is obliged to impregnate his brother’s widow; the offspring will be regarded as the seed of the deceased (Deut. 25:5). That daughters can raise the name of their deceased father, howbeit being obliged to marry within their paternal kin, is attested in the case of Zelophehad’s daughters (Numbers 27:1-4; 8-11; 36:6-9). The custom was practiced in the Ancient Middle East.


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Additional credit: Louis M. Epstein 1942 Marriage Laws in the Bible and the Talmud New York: Johnson.