Abstract

This article examines Jewish marriage and divorce certificates that were used in Sicily during the fourteenth and fifteenth centuries. Some of these documents in the Sicilian archives, written in Arabic mixed with Sicilian and in Hebrew characters, are of great historic and linguistic interest and constitute the most relevant source for our knowledge of wedding customs and gifts of the Jewish families of the island.

Chassuna, Ricca, Stilla, Saga, Gaudiosa, Chana, women with names from the bible, Talmud or from Sicily, begin today to emerge from the shadows of the history of the Jewish community in the island. Wills, gifts, and particularly the ketubas, or marriage contracts (numerous in Sicilian archives) give us a picture of women with identities as “filiae” or “mulieres uxores,” women without last names and without legal rights; yet they were protected and respected when they accepted belonging to the house of the father or husband.

From the Moslem conquest onward, the Jewish communities in Sicily began to play a part in the wider Mediterranean world in which there was frequent contact between the island and North Africa. In the context of Islamic urban life, the Mediterranean Jews of Sicily and of Spain did not feel themselves marginalized as in Christian Europe. There is clear evidence of this in the documents from the Cairo Genizah, which offers much information on the Jews of the Mediterranean area in the late Middle Ages.

The centuries of Arab domination sped the weakening of Hellenistic culture and diminished the use of Greek in liturgy after it had become, as Hebrew, a sacred language. The presence of emissaries from the Holy Land in southern Italy reinforced cultural, ritualistic and linguistic ties with older practices.

The Jewish Sicilian communities, from the Moslem conquest of the island until they were expelled at the end of the fifteenth century, developed an unusual linguistic phenomenon; the use of an Arab/Hebrew language—that is, an Arabic dialect, spoken in
private, that in some official documents was written in cursive Hebrew characters. Some historians consider this a survival tactic—an answer to the forced conversions in the centuries following the Norman and Aragonaise domination by the Christians—and therefore as religious and countercultural resistance. In the course of the Middle Ages the use of that language ran parallel with the success of the traditional Talmudic law in private Jewish rights and especially in the laws of matrimony that concern the large number of “ketubahs.” Some of these in the Sicilian archives, in Arabic mixed with Sicilian and in Hebrew characters, are of great historic and linguistic interest and constitute the most relevant source for our knowledge of wedding customs and gifts of the Jewish families of the island.

The inclusion of the Jews in a mostly urban society helped reshape—in respect to the biblical tradition—the role of the woman, which appeared ambivalent at the time. On one side is the continuous interpretation of the Holy Scriptures, bringing back cultural Jewish identity and its tie to the Law confirming the inferiority of women and her calling of obedience and silence. On the other side, the practices of the Moslems, more tolerant than those of the Christians in divorce and polygamy, indirectly favoring the condition of women.

A letter from the “Genizah” may give the measure of the rapport between men and women in the Jewish family. A certain Joseph Samuel writes from Palermo to friends, merchants of Magreb established at Damsisi in Egypt, to give them instructions concerning his wife and his son still in Damsisi. The writer, in fear of being unable to return to her at a time when Sicily was in a state of anarchy, gave his wife the right to divorce. He asked his correspondent to inform her that he wished for her to return to him in Sicily because he loved her; but if she did not wish to rejoin him, he would provide financially for their son. Surely not all husbands were so loving and foresighted, but one may believe that, given the length of the voyage, cases like this were not exceptional.

Divorce, a frequent activity of the rabbinic courts, was the means by which Jewish women removed themselves from difficult married life. Often it was the wife that
initiated dissolving the marital tie. In the fifteenth century, Gayusa, Jewess of Naro, turned to the Viceroy of Spes for justice. Her brother-in-law wished to marry her according to the Jewish law when she became the widow of his brother and was childless. Gayusa refused because he had sworn to move to Jerusalem. She wished to be free and to have a document permitting her to remarry. The document specified that she is a recognized figure in the community and for this reason her brother-in-law had to oblige her. In cases like this, the Sicilian authorities usually favored the woman.

The Jewish law states that a man or woman widowered or widowed and without children would marry, respectively, a sister-in-law or a brother-in-law. The marriages within a group, so common in the Jewish community, tended to reinforce family ties in the groups and prevented possible dispersion of the “patrimony” caused by death. But frequently girls were forced into undesired and often unhappy marriages.

In 1480, a certain Manna Iudea of the community in Licata refused to marry her brother-in-law, Nayu Sabatinello, because he was already married to another woman. Manna turned to the Viceroy to ask for a “halizah” (ceremony of disowning) and the brother-in-law was ordered to present himself to the spiritual judges of the Jewish quarter of Agrigento for the “halizah” ceremony.

Through the course of the period under discussion, the chains of this practice were loosened as illustrated by the frequent cases of Jewish widows remarrying outside of their clans. From this may be indirectly drawn the belief that these women thought it would be easier to break an unhappy marriage where husband and wife were not related.

A few cases of remarriage to an in-law are registered at Sciacca. One, in 1467, involved Sinunto Ginni, who lost his wife while he was on a trip. Upon his return, he married his sister-in-law Ricca, “puella pulcella,” [young virgin] and came to a financial agreement with the parents of his first wife who, in his absence, had managed the affairs of their dead daughter (1). The practice of remarriage to in-laws, born in the desire to protect the socio-economic position of the woman and to avoid, as we have said, the dispersion of the dowry, were in reality obstacles to the dissolution of unhappy
marriages. Sometimes disputes between families resulted in the break up of a marriage. In such cases, it was the families to make and unmake marriages.

At the same time we speak of such male strategies of control and of protection, we must consider the relative liberty of the Jewish woman to marry and divorce in comparison to conditions for Christian women. Christian widows of the lower classes were easily accused of concubinage and were pointed out in contempt and exposed to public mockery. A very large number of prostitutes, for reasons of poverty rather than choice, were employed in the Sicilian cities during popular holidays and for fights, races, and other attractions (2).

The Jewish woman did not seem to suffer the dissociation from society of the Christian woman, whether wife-mother or prostitute. Adultery and concubinage, with its substrata of the clandestine, of shame, and of psychological stress that accompanied them so often seen in Christian society, were almost non-existent. For Jews, polygamy, which could present advantage for the man and humiliation for the woman who put up with it, was permitted for sterility of the wife. Concubinage of the husband with slaves could happen only with consent of the wife.

Christian society, criminalizing sex and attempting to channel it toward matrimony, ("better to marry than to burn" according to the saying of Saint Paul), provoked its uncontrolled explosion: frequent adultery, concubinage, and violence toward women. And this does not take into account marriage against one’s will or placement in a convent. Sex in marriage was controlled by confessors in the smallest particulars; there were forbidden days, and some practices and positions were prohibited.

The Sicilian Jewish woman was able to divorce for incompatibility or for sexual dissatisfaction more easily than the Christian woman. But one dealt with a difficult choice. The alternatives to marriage were limited: to return to their parents’ home for the well to do, or to live in poverty. The entire Jewish community supported the very few poverty-stricken Jewish women. Poverty was associated, as in the Christian community, with guilt, lying, damnation, bearing false witness, and corruption.
A third possibility for the Jewish woman was to maintain herself with the so-called “Mohar,” the wedding gift of the husband (which was less than that from the bride) established at the time of the marriage contract, a part of which was held by the woman in case of divorce. In addition to the dowry, other items, particularly those of value, would be considered in a settlement. The sums of money were an important part of the *Ketubah* in Sicily, which was not true for those of other Jewish communities in Europe (3).

The brides sometimes received gifts other than from parents—from maternal aunts and great-aunts. In 1466 the daughter of the Rabbi of Sciacca, Nissim Sagictuni, received in dowry from parents and relatives three silk beds and two white ones “fornitos cum fornimentis solitis,” quilts and curtains of silk, quilts hand-worked and richly adorned “ad luppinelllos” or “ad rosis de culoris,” (one silk curtain alone was worth five coins). The bride received a cash gift of ten coins (4).

According to Rabbinic Law, at twelve and a half years of age a woman was considered physically mature, legally emancipated and permitted to marry. The girl left her parents’ home to complete her education at the home of her husband’s family. This harked back [according to one scholar] to the obligation of the girl for a dual loyalty in the centuries of Islamic domination.

Although the married woman had to consider herself a member of the new family, the emotional ties to the home of her father remained strong, especially those between brothers and sisters. A number of testaments demonstrate a notable independence of women who in their wills gave preference over their husbands to sisters and their offspring in the female line (5).

In the wills of women, especially the affluent, they usually leave “lectum unum pro maritaggio usius orfane,” [a bed as a wedding gift to an orphan girl] according to a custom also practiced by Christian women. And almost always are included the “cafisos” of oil for the synagogues in their community and elsewhere (6). In case of divorce or death of the husband, after having recovered the complete dowry, the woman returned to the house of her father or, more often, the home of her “Nobile fratello [brother].” The brother/sister syndrome spoken of by the scholar Shelomo Dov Goitein suggests an
intense tie of reciprocal solidarity, for which reason the women often helped their brothers and their families with their part of an inheritance.

In the portrait of the patriarchal Jewish family in the period of the Genizah, the classical stormy relationship between daughter-in-law and mother-in-law was translated into wife versus husband’s sister. Rabbinic Law was strict concerning observation of the conditions of the marriage contract and limited husbands in using the dowry of their wives.

Marriage at the age of twelve and a half or thirteen required the child to complete her education in the home of the husband. More than religious instruction and learning to read, this involved grasping essential Jewish moral and religious values for the woman to pass on to her children. Reading the sacred texts and participating in religious ceremonies were reserved for men. Approaching the end of the fifteenth century, the number of women in attendance at religious ceremonies increased (a right that in earlier times was reserved exclusively for the elderly women of the community). In the synagogues of southern Italy the space reserved for women (ezrat nashim) was in a higher floor, with a separate entrance and with an opening through which could be seen the taking out of the Torah. Due to the paucity of historical and archeological material, it is difficult to reconstruct the form of the Sicilian synagogue. Archival documents speak of ordinary buildings without architectural elements of importance that certainly followed the rules set forth in the Mishnah and Talmud. The synagogue was also the school. In Sicily in the fifteenth century, several schools are documented in the major communities.

Goitein may be correct about the analphabetism of women during the centuries of Islamic control. For the succeeding centuries we may instead suppose the Jewish women that spoke Arabic/Hebrew until the end of the fifteenth century were capable of writing in Hebrew characters.

There is some evidence that women could read and write. In November of 1376, Donna Virdimura, wife of Pascalis de Medico of Catania received, after proper examinations, “licenciam praticandi in sciencia medicine circa curas phisicas corporum umanorum,” that is, the degree in medicine that would have permitted her to treat the
poor in all the cities of the island. The case of this gifted Sicilian woman whose fame and ability are spoken of in the document leads us to believe that the families of Jewish doctors were private medical schools attended by wives and daughters. A Jewish “studium” was instituted in 1466, where they taught “doctores legum peritos, magistros et alios,” but there is doubt that women were admitted because of the difficulty of leaving home to reach the school.

Texts in Jewish Sicilian libraries reveal the tie between Arab and Spanish Judaism. In general, these were Talmudic interpretations of a legal character and of great importance because they permitted the law to adapt to the changing times. The question of polygamy received much attention in the attempt to safeguard the rights of women to prohibit it, and women were to give their consent in all family decisions. To defend the community, it was necessary to preserve the family and for women to fight against conversion and enforced assimilation.

The rites of matrimony were carried out in a series of stages separated by periods of years. At the agreement of the future couple before the notary, and in the presence of their parents and of witnesses, the extent of the dowry of the bride was established. This was followed by an engagement and by a religious ceremony where they became legally married but were not permitted sexual relations, and finally the true marriage. The engagement might last several years. In Sicily a case was documented of a girl married at eight years of age and there were cases of the divorce of virgins (7). In the Ketubahs the brides are often called “puellae pulcellae.” Of one of these who had not yet reached the necessary age of twelve and a half, the document stated that she was to serve her husband “de rebus licitis et onestis” [of things permissible and honest] (8). Cases of this sort must have been common since among the articles presented to King Martino in 1398 by Joseph Abanafia in the name of all the Jews of Sicily was the request to prohibit marriage without consummation.

Between the two Sabbaths preceding the marriage, the “chortas”—the processions of the groom and bride—were made in the courtyards of the “muschite” [synagogues] where, according to a document of the fifteenth century, “sunt remoti a consortio
xristianorum” (they were far from the Christian community). The bride, according to Arab custom was accompanied by a parade of torches. Sometimes the Proti [elders?] prohibited the processions to avoid mixing the sacred and profane in holy places where “debent fieri orationes et sacrificia ad honorem dei et ad expiacionem peccatorum” (9).

The dowry inventories list objects and bedding of the bride: sheets and curtains of silk, and embroidered quilts in larger and smaller numbers according to the economic condition of the family. Also, silver cups, jewelry, and expensive tunics usually closed with a silver buckle called “Zona.” Over the tunics, the women wore cloaks, and the materials used were velvet and linen. Up to the fourteenth century, Jewish women were forced by Christian authorities to wear a red badge on the cloak at the height of the elbow as a sign of their difference and inferiority. But it is not necessary to think that Jewish Sicilian life took place in the anguish of difference or in continuous fear of repression and forced conversion. A long cultural tradition permitted in Sicily, more than elsewhere in this period, a rapport between Jews and Christians marked by tolerance.

With the exception of the final decades of the fifteenth century, during which period the Christian rejection of their presence was exacerbated by the preaching of the Franciscans, Jews and Christians lived together peacefully. Many notarized documents present an image anything but depressing of life in Sicily’s Jewish communities. Their members were often in close economic and commercial contact with Christians and were their business associates. The families of doctors and bankers had so many privileges that they were in no way distinguishable from the Christians, and their women sometimes had the right to wear cloaks similar to the Christian women. In a document dated 1483 the Jews of Sciacca, despite excommunication and other punishments, were allowed to have dances and parties among their men and women.

More difficult for women was the problem of the ritual bath [mikvah] necessary for purification after every menstrual cycle, before marriage and after childbirth. This obsession with bodily cleanliness contrasts with the customs of the Christians who, contrary to the Greeks, Romans and Arabs, considered such care of the body sinful. The Church condemned public baths as expressions of classical paganism and Arab weakness.
In a few Jewish homes there were private baths with spring water or rain water. The immersion had to take place in a receptacle called “lavandera per la pullicia,” three arm lengths in height and one arm length square. For the rite to be valid, the body had to be completely covered with water; even forgetting to remove a ring would require repetition of the rite. According to a Talmudic idea, the serpent united with Eve and a “filth” emerged that could infect man. The ritual even provided for hair and nail clippings grown during menstrual days that might be receptacles of impurity.

Public baths existed in several Sicilian cities, at least until the Norman period, and then began to disappear. At Mascara del Valla, in 1445, Christians insisted that the baths of the Jews be placed outside the walls of the town because menstrual impurities got into well water and, according to a well-known superstition, spread leprosy, eye problems, and other illnesses. At Marsala, the women immersed themselves in the sea. At Sciacca, where there were thermal baths, the “giurati” [judges] of the city established Friday as the day of the week for the bath of the Jews. The residents of Palermo had their baths near the Oreto river (10).

In Sicily, Jewish women were permitted to be witnesses in trials, but often they were accused of false recollection. Of a certain Stilla, witness in a trial in 1400 at Modica, it was said that she was “mulier male fame et condicionis.” Of another woman, Becta, in the course of a trial in 1494 at Mazara del Vallo, it was said that she was “ebria ruffiana, meretrichi et informis persuna.” (The ideal of womanhood was naturally that of the “Vergine” that “non va all’acqua ne alu flumi.”) There must have been a sufficient number of similar attacks on women in the courts to attract the attention of public authorities. At the end of the fourteenth century, Joseph Abanafia il Dienchelele, the greatest Jewish authority of the island, asked King Martino to prohibit with great penalty accusing a woman of adultery “se non est probata cosa probata per inquesta pubblica.” This confirms the tendency to protect the moral integrity of women, around whom functioned the various patrimonial, political and cultural strategies of the Jewish community. Especially in the fifteenth century, when the Church increased its efforts...
toward religious assimilation, the woman became the fulcrum of the rights of the separate and autonomous Jewish family, the symbol of continuity in diversity.

NOTES

(1) Archivio di Stato di Sciacca [state archives of Sciacca] (abbreviated A.S.S. below). Notaio Amato de Messana vol 20, 29 gennaio 1467 c. 75 (r-v).
(2) Archivio di Stato di Agrigento, fondo 14 vol. 1: Atti della Curia dei Giurati (1499/1600). Quaderni dei “Poveri Miserabili dei Quartieri della città di Sciacca”, “Terra vecchia”, “Cadda”, “Immezzo”. Of the 417 listed in poverty, 400 were “donne miserabili” [poor women]. We don’t know which were prostitutes. Many of these women were listed only by first name, typical of prostitutes wishing to remain anonymous in new surroundings.
(3) It was specified in the document that the gift was “in kind and in money”. A.S.S. Not. Andrea Liotta vol. 11, marzo XV Ind. 1435 C. 53 (r-v). The dowry consisted of “assegnare lecta duo fulcita, cortenam unam albam et in pecunia unce quattuor”.
(4) A.S.S. Not. Amato de Messana vol 20, 15 novembre 1466 XV Ind. c. (v) 55 (r).
(5) A certain Ricca voided her previous will in which her son inherited everything to substitute for the son not her husband but her sister Milisia. Included were “quandam caldariam de habere capacitatem trium quartariarum et tobalias duas de serico quae bona fuerunt quondam matris eorum item legavit etiam dobleria duo et guardanappa tria”. A.S.S. Not. Andrea Liotta vol 11, 1436 c.22 (r.v), 23 (r).
(6) Ibidem.
(7) Archivio di Stato di Palermo, Protonotaro 46 g. 335; 26/6/1455; in H Bresc: Un Monde Mediterranéen Economie e Società en Sicilie 1300-1450, vol 2, pag. 685.
(9) A.S.S. Not. Amato da Messana vol 20, 9 gennaio XV Ind. 1467 C. 64 (v) 65 (r).
(10) Biblioteca Comunale di Sciacca: Libro Rosso, cap. XIII.

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