

Public Roles of Jewish Women in 14th and 15th-Century Ashkenaz: Business, Community and Ritual

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5 It was only relatively late, not until around the mid-1980s, that the methodological
approaches developed in women's and gender studies reached the area of medieval
Jewish history. Since that time, a series of publications on the subject has appeared,
culminating in the book on Jewish women in the High Middle Ages by Avraham
Grossman, which may already be described as a standard account (even though,
10 written in Hebrew, it has been accessible to only a limited number of readers). Most
of these contributions are to be ascribed to women's studies rather than to gender
studies, but 'gender' as a socio-cultural construct—next to categories such as
religion, social status, family status, education, etc.—is receiving more and more
attention.

15 The present essay can be no more than a strictly circumscribed contribution
towards reconstructing the lives and worlds of Jewish women in the later medieval
period. It has to leave aside the wide aspects of family life, and the roles of Jewish
women as wives, mothers, and educators. The personal piety of women and their
considerable halakhic expertise in questions of *kashrut* and *niddah* (ritual purity)
cannot be dealt with in detail. Rather, I shall focus on the roles of women in
20 economic life, in community administration, and, on the other hand, in the socio-
religious life of the community, since the thirteenth century.

Over the period from the twelfth to the fifteenth centuries, the legal and social
(not, however, the socio-religious) position of women in Ashkenaz, in France, and in
Italy improved significantly in terms both of Jewry-law and of Jewish religious law.
25 The reasons can be found in women's increasing importance in the economic life of
the city, community, and family.

As with most of the socio-political and cultural phenomena of the Middle Ages,
this development made its way from the top down and from west to east. Women of
nobility exercised their full rights to power when their husbands were abroad; the
30 same was true for the pioneers among the Jewish business women, the wives of
traders and merchants in the eleventh and twelfth centuries. This development also
applies to the use of the seal: The first woman to wield her own seal, the Empress
Theophanu, exercised her power during her *de facto* regency in 990 when her
husband Otto II was in Italy. In the thirteenth century, seals were already in general
35 use among the citizenry. Andrea Stieldorf has determined that, from the Rhineland
alone, 488 seals used by women are preserved from the Late Middle Ages, including

a few from Jewish women like Jutta of Cologne and Rycke of Frankfurt. In all ages, however, and at all social levels, significantly fewer women than men had their own seals. In Jewish law, the Hebrew signature replaced the seal and attested to the validity of a document. Thus only a few Jews—for their own accreditation and in acculturation to the Christians nobility—had their own seals, and even fewer Jewish women had them.

The use of a seal was by no means the only way in which the lifestyle of the nobility was adopted by the leading Jewish bankers and Christian patricians alike. One of the most famous fencing books of the fifteenth century was written by Ott the *Ringer* ('chain-mail maker'), a 'baptized Jew' in service to the Hapsburgs. Jewish women were able to ride; they imitated the fashions of the Christian nobility in their clothing and food, in book illumination, house furnishings and the like—as the wall murals in the house of the moneylender Minna in Zurich from around 1330 demonstrate. The first contact persons for immigrating Jews were, of course, members of the nobility, and it was they who formed their main clientele well into the fourteenth century.

The improvement in the lot of Jewish women may be demonstrated by a few examples. A decisive step was taken with the ban, ascribed to R. Gershom *Me'or ha-Golah* (d. 1028), against polygamy and against divorce without consent by the wife. Unilateral cancellation of a betrothal, too, was punishable not only by monetary fines but also by excommunication, entailing a social, economic, and religious exclusion from the Jewish congregation and community, i.e., the loss of protection and economic sustenance.

These dramatic changes in Jewish law had an economic and social background: During the high middle ages, the families of the Jewish élite were mostly active in long-distance trade, which involved long periods, sometimes years, of separation between husbands and wives. It was not uncommon for Jewish men to take a second wife during their long sojourns abroad. Halakhah (Jewish law) allowed this in theory, and the majority societies of the Muslim world recognized its legality. At the same time, however, the Church was successfully campaigning for monogamy and for the indissolubility of marriage the Christian world of Ashkenaz. Here the legal practice of polygamy now began to appear incompatible with protecting the honour of women and of the family. Moreover, a bigamous husband who returned to his native land left behind his second wives as an 'agunah', a 'bonded wife' who could not legally marry again. Not surprisingly, rabbinic authorities in the Arab world, including Maimonides and others, stepped in against the practice. They demanded an oath on the Torah by the prospective husband that there was no other wife waiting in his homeland, before the marriage could be performed. Last but not least, there were pragmatic, financial arguments that counted: The dowry of a bride played a decisive role in the marriage policies of the families of the Jewish élite involved. The dowry was set against the sum, set out in the *ketubbah* or marriage contract, set apart by the husband as a dower in case of divorce or widowhood. Second marriages with the additional heirs they

could bring forth, and divorces jeopardized the preservation and intended accumulation of family wealth.

5 The extent to which Jewish women could conduct their own businesses as early as the twelfth century has not yet been adequately studied. Rabbinic sources indicate, however, that they met with non-Jews for reasons of business and that they even joined them on journeys. Other than in the Sephardic world, the mobility of women was not restricted in Ashkenaz. Contacts with Christians in connection with business dealings were apparently not regarded as a threat to the personal modesty expected from Jewish women. The great esteem enjoyed by women within the Jewish community is expressed in the epithet *hashuvah*, 'esteemed'. Just like the men, *hashuvot* women were allowed to sit in a reclining position during the Passover seder, that is, to assume the posture of a free man. Their importance was acknowledged by the rabbis when they ordained severe measures against wife-beating. Again, and other than in Sefarad, it was not only forbidden but sufficient reason for a divorce and punishable by excommunication. The German rabbis, such as Simḥa of Speyer and, above all, Meir of Rothenburg, even surpassed their French colleagues in severity when they decreed that violent husbands should be flogged.¹ In a telling phrase, R. Meir called beating one's wife 'a way of the Gentiles', and indeed most Christian law codes criminalized wife-beating only in cases of death. Thus, Jewish women enjoyed a greater degree of legal protection than Christian women during the high middle ages. Rabbinic courts and Christian authorities likewise recognized women as legal persons. And while many women, just like some men, resorted to the help of a *fürsprech* or legal counsel to present their case, women of the leading Jewish families often fought their own cases in court.

25 We may observe contemporaneous with these economic and legal improvements a stricter definition in or even exclusion from public religious acts and the place of these public acts, a process which at present cannot be explained but in terms of a collective reaction by the rabbis and men in power against the increasing importance of women. The point was to protect men's honour, largely defined through the good behaviour of their women, just as in Christian society. The 'Book of the Pious' (*Sefer Ḥasidim*) recommended that a dwelling be chosen according to the modesty of the Christians, because 'if *they* cannot fence in their modesty, how should Jewish sons and daughters?'²

35 Visible to the outside world and visible for Jews and Christians as publicly acting members of the community—invisible in the synagogue and excluded from some spheres that had still been open in the twelfth century: such were the perimeters within which a Jewish woman of the middle and upper class could move in the midst of medieval Christian society. As we shall see, individual women broke out of the

¹ Meir b. Baruch of Rothenburg, *Responsa*, Prague edition (1895), no. 81, and Cremona edition (1557), no. 291.

² Judah ben Samuel he-Ḥasid, *Sefer Ḥasidim* (1924), no. 1301, p. 321.

existing patterns and played an important role, at least in Jewish communal organization. Although the sources offer good documentation, these women were exceptions to the rule.

Jewish Women Bankers

5 Excepting the work as maidservants, most Jewish women—just as their Christian counterparts—were active in the same occupations as their husbands, that is, moneylending. The loans business is of course based on capital owned or on another’s capital at disposal. The intricacies of Jewish property law offered various options to women: Women could, with certain restrictions, dispose of the goods they
10 had brought into the marriage and, without restrictions, of the capital they acquired during marriage. A woman could also make use of the *ketubbah* mentioned above, the sum ascribed to her at her wedding which she was entitled to claim from her husband’s possessions in case he divorced them without due reason or when he died. This special feature of Jewish matrimonial law, introduced as early as around 200 CE
15 in the Mishnah, provided for the payment of 200 or 100 Sus (a Babylonian currency) or its equivalent, the full sum for a virgin, half of it for widows and divorced women. The actual *ketubbah* sums were a matter of local *minhag* or customary law. Thus, the Austrian *ketubbah* in the fifteenth century amounted to £400 in Viennese pennies for virgins and £200 for widows and the divorced; in Franconia, Bavaria and Swabia, it was set at 100 and 50 marks respectively. On the Lower Rhine (the *galil ha-Tachton*), *ketubot* were fixed at 60 guilders for virgins and 30 guilders for widows, in Regensburg the respective amounts were at 100 marks and 50 marks ironweight, that is, 200 or 100 silver marks.³ All these were considerable sums, intended to make divorce difficult for a husband—after all, the money was ‘working’ in his business.
25 When his wife became a widow, there was often the problem that creditors’ claims on the husband’s inheritance had priority over that of his widow and, finally, his other heirs. Hence it frequently occurred that the high sums fixed by the law could not be paid out in full to the widow or the divorced. In recompense, parts or all of the family assets could be put at the woman’s disposal. Moreover, the marital arrangements could include clauses, similar to the Christian ‘marriage gift’ system, establishing a relation between the divorce-dower and the dowry brought in by the bride. Apart from real estate and houses, pawns and bonds were particularly suitable for paying out the *ketubbah*. Hence it comes as no surprise that the few Jewish women in late-medieval Austria to be involved in large-scale credit operations were
30 all widows.
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The numbers encountered in research literature show the percentage of women in the moneylending business to be surprisingly high: they accounted for half of all loans in Northern France in the thirteenth and fourteenth centuries (Jordan) and in

³ Isserlein b. Petachja, *Terumat ha-Deshen* (1990), pt i, no. 350, and pt ii, no. 232. Cf. Agus, ‘Development of the Money Clause’ (1940).

many communities in thirteenth-century England (Lipman, Roth, Adler), one-third in 41 German communities between 1350 and 1500 (Toch). A detailed analysis of the Austrian sources on Jewish economic history presents a more differentiated picture: Jewish women provided only about one-twentieth of the larger loans to the members of the nobility—all of them concerned the widows of top bankers—but up to one-third of the small loan sums to the less affluent burghers and townspeople. The sources show that women moneylenders—widows as well as wives and unmarried women—accounted for between one-eleventh and one-seventh of the loans granted to councilmen and other burghers in Vienna and Wiener Neustadt. The large percentage of women moneylenders in the craftsmen’s quarters of Austrian towns points to the close ties the Jewish women had to the business world of the underclasses in the towns, even to prostitutes. In Brünn (Brno) in 1379, the madam of four brothels mortgaged the houses to the Jewess Noba. Rarely did women participate in top-level business with the nobility or rulers, and only if they had taken over as widows the business affairs of their deceased husbands. Such female ‘top bankers’ can be found in a few communities, and they were occasionally able to achieve considerable influence. All of the figures given represent only those loans granted by women alone or by women at the head of a business consortium, that is, not by women acting in conjunction with their husbands or with male relatives, as such references would offer no information on whether the woman actually contributed from her own assets.

Women as Legal Persons

Despite reservations by some rabbis as late as the end of the thirteenth century, the increasing business activity of Jewish women made their capacity to appear in court and to swear oaths indispensable. We find them in all relevant legal transactions, in trials with Jewish men or women before rabbinical courts as well as before Christian courts, alone or with their *vorsprech* or legal counsel, whom Christian and Jewish men also called on for aid in pushing through claims in court. In the Late Middle Ages, guardianship for Christian women, too, was mostly reduced to legal assistance in certain court cases. Especially the independent women merchants active in the urban economy—to whose economic status the Jewish women moneylenders may be assimilated—enjoyed, even when married, almost unlimited transaction and court capacity as well as preference in inheritance law. In some cases, the men involved as legal persons in trials were silent partners; such cases are often not transparent at first sight. Women were able to assume guardianship for minor children or for their grandchildren, as in the case of Lea of Voitsberg around 1480 and Rycke of Frankfurt. All of this means that they must have been considered legal persons and that they could dispose of their own property. Rycke even had her behests written in a will in German and had them certified by the city council in 1470.⁴

⁴ Kracauer, ‘Ein jüdisches Testament’ (1919).

Positions of Power in the Community

With their contributions, individual women such as Zorline of Frankfurt, who paid in more than 60% of the levies of all the moneylenders in the city, secured the existence of their communities and accordingly enjoyed respect and prestige. Even though the power structure of medieval male society among Jews as well as Christians could not fundamentally be broken up, some women were able to achieve political power in their communities by virtue of their financial potential. This aspect of Jewish history has become apparent only through the methods of gender studies. Earlier generations of historians overlooked the significance of certain passages in individual documents simply because in their minds, what was not permitted could not exist. A few examples:

On 8 November 1338 Selda of Radkersburg in Styria had recorded for herself, her husband Isaac, and their son Jacob that she had agreed with the Radkersburg Jews concerning the collection and payment of levies which the family had rendered to the lords and citizens of Radkersburg. The family had advanced the outstanding amounts.⁵

Even if Selda, Isaac, and Jakob are not named here as specific functionaries, it unquestionably follows from the description of their transactions and future responsibilities that they were *gabbaim* (tax collectors) for their community, foremost the first-named Selda. She is the only documented female agent, or rather, *de facto* agent of a Jewish communal office in medieval Austria known to date.

In the area of present-day Germany, we find several examples: In 1336, the council of Dortmund declared that the Jew Johel and his wife Nenneke were to have sole right of determination concerning the arrangement of burial places in the cemetery the town had sold to the Jews. Following the death of one of the spouses, one *or the other* survivor was to continue to exercise this right.⁶ The arrangement of graves reflects the internal structure of the community and the reputation of its members, and power in this matter must not be underestimated. In 1404 in the same town, the widow Pesselyn paid the wages of the *shammash* (synagogue sexton).

Wealth entitled women to act as community representatives, in functions otherwise closed to women: In 1480, Gutrat, the sister of Mayr Schalmann, the richest moneylender in Regensburg, conducted with another woman and a man the negotiations with Emperor Frederick III to free the 17 Jews taken prisoner by the city, among them her brother. For this purpose, she repeatedly travelled to Vienna with an imperial letter of safe conduct. In 1493, she assumed her brother's inheritance and the guardianship over her nephew, renounced her membership in the community, and drove the Jewish community to distraction with levies paid not through its hands but directly to the city. The community representatives appointed

⁵ Vienna, Haus-, Hof- und Staatsarchiv, AUR 1338 XI 8.

⁶ Brillling and Richtering, eds, *Westfalia Judaica* (21992), nos 102–3, p. 109 (1336 January 26).

two guardians for the child but turned to the city council for support, for they feared that Gutrat would simply ignore the two guardians: ‘they might not be accepted in the presence of the woman’. The letter closed with the sigh of the harried community elders: ‘For women simply triumph over us, that we poor men must cry out to God ...’⁷

Regensburg—A City of Ladies?

It is presumably no coincidence that precisely in Regensburg we find several examples of politically active women. Christian as well as Jewish women had the right of citizenship, were granted their claims in the city court, had their own seals, and a surprising number of (Christian) women bequeathed parts of their property to their daughters. Conversely, widows took precedence over their sons in inheritance and thus had the opportunity of continuing their husbands’ businesses. The Jewish community seems to have taken up these tendencies, for in no other German city of the Late Middle Ages do we find so many women fulfilling important functions, including—and this is sensational—that of a *parnesset* or head of the Jewish community.

Some time before August 1351, Kaendlein, widow of Moses of Grez (a place south of Regensburg), had immigrated to the city. Her property allowed her to rise quickly into the Jewish upper class, so that in 1354 she was the first named of an association of levy collectors commissioned by the city council to determine the amount to be paid by Jews moving into Regensburg from other places. A year later Kaendlein, as the first named, and five other Jewish leaders accepted a number of new members on behalf of the Regensburg Jewish community. The contract was certified with the community’s Hebrew seal; it is evident that the document treats Kaendlein as a woman in the office of a community leader (*parnas*). Some simple numbers serve to illustrate her prominent position: whereas the Jews paid an average of 23 pounds annually to the city, Kaendlein remitted 60. She also administered the levies a newcomer had to pay to the city. This so financially and politically powerful woman came to a tragic end, however. A document from 1365 reports, as an aside, about a house that had belonged ‘to Kandlinn the Jewess, who a good time ago was murdered in her house among the Jews’. Unfortunately, the motive and precise circumstances are unknown, but a robbery-murder in her own house seems plausible.⁸

Kaendlein, however, was no exception in Regensburg: In March 1374, the twelve leaders of the Jewish community promised to renounce their emigration plans and promised not to leave the city for the next twelve years. All had sworn a solemn oath on the Torah and pledged anathema on themselves if they broke the oath. The next-

⁷ Straus, ed., *Urkunden und Aktenstücke* (1960), no. 699, p. 242.

⁸ Bastian and Widemann, eds, *Regensburger Urkundenbuch*, ii (1956), no. 117, p. 45; no. 166, p. 66; no. 310, p. 134.

to-last name among the twelve is ‘Joseppine’, unmistakably exercising the function of *parnesset*, as Kaendlein had done twenty years earlier.⁹

Parnassim represented the community as a whole before the authorities and, as an oligarchy, made decisions for the entire community, as did a Christian town council.

5 Up to now, the sources have documented no other woman—however wealthy she might have been—who was able to achieve this position of power. The question arises whether in Regensburg women might have played a role in Christian positions of power as well.

10 According to what is known to date, the answer is no. Most of the Regensburg council documents list all the council members, and most of the lists of names have been preserved: no woman is listed, and none is in the city’s list of witnesses. Only in two cases are women named as executrices and witnesses for a female testator. Beyond that, the Regensburg city council did not offer the Jewish community a model for the practice of women in office. Thus, up to this point, we can attest to the
15 astounding tolerance exercised by the *kehillah* in Regensburg compared to that of other Jewish communities.

Invisible in the Synagogue

This active self-determined life style of many business women, which sometimes even led to positions of power in their communities, stands in contrast to the massive
20 constraints in their socio-religious life. An abyss yawned between the Jewish as well as the Christian scholarly discourse concerning women as the ‘other sex’ on the one side and reality on the other side, and the question arises as to how much influence the distorted image of the theologians and rabbis was able to wield. Rabbinical
25 Judaism may be credited with a high regard for reproduction—as the first commandment of the Torah—and hence, for marriage and sexuality. With the exception of some *Hasidei Ashkenaz*, asceticism even within marriage was never a Jewish ideal; in contrast, many pious Christian women were placed in an insoluble dilemma by the Christian ideal. However, the negative projections about women in
30 both religious traditions—women as seducible, driven by physical desires, irresponsible, lacking reason, quarrelsome, the images of the sorceress or ‘black widow’ (*katlanit*)—were widely disseminated through commentaries and sermons. Folk literature such as songs, farces, and coarse rhymes contemptuous of women
35 found an audience among Jews as well as among Christians. Certain common ideas from folklore will have intensified the image: The demonization of menses far beyond the religious purity laws may serve as an example, it was one of the reasons for the (sometimes voluntary) separation of women. Rabbi Eliezer b. Joel ha-Levi (1160–1240) reports that truly pious women did not even attend women’s prayer services during menstruation. Similar phenomena occurred in the Christian world as well: The churches of English convents used in common with monasteries or parish

⁹ *Ibid.*, no. 628, p. 275 and no. 1038, p. 411.

congregations were partitioned by wooden or stone walls, and the clerical provosts of canoness communities relegated their nuns to the gallery. The reasons given were the risk of sinful thoughts by both men and women but also impurity during menstruation. Women in orders were given places on the north side, which had negative connotations. Among the Jews the women's *schul* was located on the same side.

On the other hand, written and pictorial Jewish sources clearly bear witness to the high regard for the housewife, the mother, the God-fearing, the benefactress, and the martyr. The most famous literary document for this esteem is the lament of R. Eleazar b. Judah of Worms (d. 1260), author of the *Sefer ha-Rokeah* and one of the most foremost scholars of his time, for his wife Dolce, murdered by Christian brigands in 1196.¹⁰ In a rhymed commentary on Proverbs 31, 10–31 (the praise of *eshet hajil* or 'strong woman'), R. Eleazar speaks of all the qualities and virtues of his wife: She hailed from a good family, was of noble character, pious, modest, generous and learned, and she supported her husband and family with her own hands, both by traditional crafts and through trade. Even if we tend to ascribe some of these words to the hyperbole demanded of a grieving husband for his wife, the rabbi's high esteem for his wife is well beyond doubt. This positive estimation was not able, however, to counter the exclusion of women from the place of honour in the community.

In short, I would propose that excluding women from the socio-religious public life was an attempt to oust them from the last bastions of public honour because they had become so important and influential in business and hence also in the running of the community. The main argument behind this exclusion was that the reputation of the men was defined by the modesty of the women.

This banishment soon became manifest in architecture. Separate 'women's *shuln*' were built in stone, the earliest example being Worms (1212). In the late-thirteenth century, the Jewish community in Speyer also expanded their synagogue with a large extension for women; most of the women's *shuln* were constructed later in the fourteenth century. They demonstrate a certain ambivalence: By building directly next to the synagogue, the men integrated the women, on the one hand, into the regular communal prayer service, something the *halakhah* did not oblige them to. I assume that the women brought pressure to bear because they no longer wished to pray isolated from the Torah reading and the men's rituals, something they had done up to that time in separate prayer groups—in Kreuznach, we know of such a separate prayer room for women in the cellar of the synagogue sexton's house. On the other hand, the women's *shuln* were designed in such a way that the women were able to follow the service only through narrow slit-like windows; they could see next to nothing and could hardly hear anything—and, what is more important, they could not

¹⁰ Hebrew text in Haberman, ed., *Sefer Gezeirot* (1946), pp. 164–67; an English translation in Baskin, 'Dolce of Worms' (2001), at pp. 434–7.

be heard by the men. A woman cantor (*hazzanit*) probably led the women's own prayers, although this cannot be proven. Because they had their own room now, the women were absolutely prohibited from entering the place of public honour, something which had not been the case in the eleventh and twelfth centuries. We know that during this earlier period women participated, if not in all, at least in certain rituals and services; after all, the Torah required them to hear the commandments and, on some days, certain passages from the Bible, in translation if necessary. Sermons in the vernacular were also addressed to women. Rabbi Mordechai b. Hillel (d. 1298) reports that on such occasions curtains were hung in some synagogues as a room divider (*mehizah*); we may also assume that balustrades or annexes of wood were used.

Exclusion in Small Stages

As we see, the exclusion from the synagogue interior did not occur suddenly according to a single sweeping mandate but, depending on the community, over decades and in small stages. These subtle alterations during the Late Middle Ages can be briefly illustrated with the example of the *Berit Mila* ceremony (cf. also [fig. 25](#)):

And Maharil [R. Jakob Molin, d. 1427] said that Maharam [R. Meir of Rothenburg, the greatest rabbinical authority of the thirteenth century] wrote [*Tashbez*, no. 397] that a woman who is the *ba'alat berit* [analogous to *baal berit*, the *sandak* or *Gevatter* (godfather) presiding over the circumcision ceremony], when she takes the child from the mother to bring it to the synagogue for circumcision, shall bring it only as far as the entrance to the synagogue. And she shall not enter into the interior, even to be *sandak* and have the child circumcised on her lap, as the *sandakim* do, because it is immodest when a woman goes among men (*mishum prizut shetelech ishah bein anashim*).

On the other hand, Maharil warns against having a male *sandak* bring the child: 'For if a man be admitted to a woman in childbed to take the child, it is the way of women to hold this man fast by his prayer shawl. And he said: That is why Maharam is so insistent that a woman should not go to assist among men, and hence no man among women—for all that increases the separation of them is praiseworthy.'¹¹ The strict exclusion from the circumcision ceremony is in opposition to other *minhagim* by Maharil; for example, the bride and both mothers stand on the bema during a wedding, even during their menstruation period.

Meir of Rothenburg had exhorted those men who witnessed a circumcision presided over by a woman to boycott the ceremony; his pupil, the author of the *Tashbez*, was not yet able to enforce such a boycott. About 50 years later, the change was completed, and the crucial justification can be read three lines above the *minhag*

¹¹ Spitzer, ed., *Sefer Maharil: Minhagim* (1989), 'Berit Mila', no. 22, p. 487 [in Hebrew].

described: 'The honour of the *sandak* is greater than that of the circumciser.' The rabbis could no longer approve of women's exercising such a significant socio-religious function; whereas, in contrast, in some communities women could occupy positions of power in public office. We may assume that the pragmatism of the *parnassim* took precedence over the moral teaching of the rabbis and that these rabbis were in the minority in the leadership of these communities.

The Oath as Contact Point

Rabbi Jakob Weil (d. 1450) cited the circumcision *minhag* by Maharil with its reference to Meir of Rotherburg when he was concerned with the contact point between internal and external affairs, that is, the oath of a woman in a business matter.¹² He could not alter the fact that the woman was required to swear an oath, and pointed out that a man who is required to swear on the Torah must stand on the bema after a service and swear with the Torah scroll in his arm:

But, in the case of a woman, it is not possible that she go into the synagogue of the men (*beit ha-Knesset shel anashim*), as Maharam expounds, for a woman cannot be *baal berit* [masculine form!] and therefore she cannot go into the men's synagogue. [...] The proper way for the oath is as follows: On a day of synagogue service, after the Torah has been read and rolled up, Goodwife Hannah shall go to the entrance of the men's synagogue and the *hazzan* shall bring the scroll to the entrance to Goodwife Hannah. And with him shall go ten men, and of them shall three be judges ... and Goodwife Hannah shall take the Torah scroll in her arms and the judges or one of the judges shall speak the oath.

The synagogue interior proved to be in effect the scene of the conflict between economic reality and masculine honour; the solution lay literally on the doorstep to the men's domain and place of public performance *par excellence*.

trans. F. S. K.

Further Reading

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¹² Jakob Weil, *She'elot u-Teshuvot*, ed. by Izchak Sela (Venice, 1549; reprinted Jerusalem, 1988), nos 29–32 [in Hebrew].

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Resumen

10 A lo largo del siglo XIII, el estatus jurídico y social –aunque no socio-religioso– de la mujer mejoró considerablemente en territorio asquenazí, en Francia y en Italia, tanto en las leyes tocantes a los judíos como en la propia ley judía (derechos jurídicos en caso de proceso, movilidad, formación, protección contra los malos tratos, flexibilización de ciertas obligaciones relacionadas con la *halajá*, por ejemplo en caso de aguná o detención). La razón atiende a la importancia creciente de las mujeres en la vida económica de la ciudad, de la comunidad y de la familia. La participación de las mujeres en los préstamos variaba entre un tercio y una vigésima parte del total de los negocios e implicaba a clientes de todas las capas sociales. Entre las mujeres de negocios se encuentran –no es de extrañar– a numerosas viudas, pero también a mujeres casadas.

20 Las restricciones teóricas o ligadas a la práctica religiosa impedían ese estilo de vida activo y autónomo. Nosotros no nos interesamos aquí por los prejuicios o los desprecios ya inscritos en la literatura rabínica clásica, sino más bien en los sutiles mecanismos de exclusión de las mujeres de la esfera político-religiosa pública a lo largo de la Edad Media. Los indicios son difíciles de reunir y requieren un estudio comparativo detallado de los *minhagim* (costumbres religiosas). Por ejemplo, R. Šalom de Neustadt (principios del siglo XV) menciona un *minhag* por el cual son las mujeres quienes enrollan los rollos de la Torá después de la fiesta de Sim’at Torá. Desaprueba esta costumbre que, según él, no está sacada de la Ley. No figurará más entre los numerosos minhagim compilados por su sucesor R. Israel Isserlein.

30 Un documento de 1338 de la ciudad estiria de Radkersburg constituye un caso de escuela concerniente a la necesidad de releer las fuentes históricas a la luz de los «Estudios de género». Selda, que firma el acta, describe y atestigua en él su actividad como recaudadora de las contribuciones – si bien el término no aparece – de la comunidad judía de Radkersburg. Aun cuando las mujeres estaban excluidas de las funciones oficiales en las comunidades, los indicios espigados aquí y allá muestran que algunas mujeres acomodadas ejercían *de facto* una función oficial en el seno de la comunidad. Al igual que en la sociedad cristiana, es su peso económico el que permite a las mujeres a los bastiones hasta entonces reservados a los hombres.

40 El problema del juramento presenta un punto de unión delicado entre las representaciones teóricas y la realidad concreta. Se prestaba generalmente en el interior de la sinagoga (a veces en el patio de entrada, o en la casa del rabino). Jacob Weil, rabino de Augsburg imaginó una solución de compromiso que se desarrolla (físicamente) en el límite mismo entre el ámbito reservado a los hombres y el reservado a las mujeres.

