

PUBLIC ACTIVITIES OF CATALAN JEWISH WOMEN

ELKA KLEIN

University of Cincinnati

ABSTRACT

Although standards of modesty, custom, and law imposed limitations on the range of public activities of Jewish women, examples from the thirteenth-century Crown of Aragon show how, by the selective reliance on male relatives, and the use of agents, women were able to maneuver within those limitations, and sometimes to use them to their advantage.

In one of his *responsa*, Solomon ibn Adret (1235-1310), one of the most prominent Jewish scholars of his day, addressed the complaint of a widow who claimed to have been deprived by the Jewish court of two seats in the synagogue which at one time had belonged to her deceased husband. When the Jewish court allowed the widow of her brother-in-law to retain the seats, the court had properly publicized its intention in accordance with a local ordinance. The plaintiff, however, argued that “the ordinance did not apply to women, for a woman sits at home and knows nothing of public proclamations.”¹

It is often argued that women who ventured into the public sphere were infringing on a male domain, and, in the case of Jewish women, that they did so in defiance of rabbinic opinion. For example, in his study of the scope of women’s public activity in Renaissance Italy, Howard Adelman discusses general issues such as sumptuary laws, synagogue attendance, and testimony, as well as women who served as ritual slaughterers or conducted business.² He concludes that “in all the categories of public activity that we have surveyed, it was not theory

¹ Solomon ibn Adret, *Teshuvot haRashba*, 6:7. Adret lived in Barcelona. Although he directed *responsa* all over the Jewish world, the majority went to communities in the Crown of Aragon. Seats in the synagogues of Spain were private property and could be bought, sold, and bequeathed like any other property.

² Howard Adelman, “Rabbis and Reality: Public Activities of Jewish Women in Italy during the Renaissance and Catholic Restoration,” *Jewish History* 5, no. 1 (1991): 27-40.

and its evaluation but realism that seems to have been primarily responsible for making women's public roles possible" (Adelman, "Rabbis and Reality," 36). In so doing, he relies upon an implicit dichotomy between the preferences of women and rabbinic expectations that "the proper sphere of women's activity [was] the private realm of their homes and families" (Adelman, "Rabbis and Reality," 28). Feminist scholars and others have challenged the usefulness of the dichotomy between public (male) and private (female) spheres as an explanatory device.³ Close examination of the public activities of Catalan Jewish women suggests that these activities did not in fact represent an invasion of an alien realm, nor entail a flagrant challenge to rabbinic expectations of proper behavior.

Adret himself might have been expected to agree with the widow who argued that a woman "sits at home." In several responsa, he uses the classic prooftext for modesty, "all of the glory of the king's daughter is within [Ps. 45:14]," as the basis for statements about proper female roles: in one, he states that women "do not display themselves in Jewish courts (*batei din*), nor especially in non-Jewish courts (*arkhaot*)."⁴ He uses the same verse in another responsum to support that idea that women should rely on their husbands to administer their property (Adret 3:186). Yet Adret rejected the widow's argument, stating that the text of the ordinance would not apply to women only if it explicitly excepted them. The appeal to the category of modesty implies that it was women who chose to "sit at home"; the rejection of the widow's appeal underlines that the choice was not always theirs.

Two royal privileges granted to a pair of Jewish women provide corroboration. It was common for the Jewish community to require its taxpayers to take an oath verifying the valuation of their property. In 1257, James I granted Bonafilia, widow of Escapat Malet of Barcelona, "by special grace, that if at any time, and for any reason, you are required to take an oath, that you may swear it in your home, and you need not swear outside your home in any place, nor may anyone compel you to do so."⁵ A similar privilege was granted in 1279 to the widow

³ Gisela Bock, "Challenging Dichotomies: Perspectives on Women's History," in *Writing Women's History: International Perspectives*, ed. Karen Offen, Ruth Roach Pierson, and Jane Rendall, (Bloomington: Indiana University Press, 1991): 4-7. Bock points out that, while the public-private dichotomy (as well as others) implies that these are "mutually exclusive categories," in fact they "are (really) contraries, for they may coexist freely" (p. 6).

⁴ Adret 5:287. The verse from Psalms, translated here according to its exegetical function, is the classic prooftext for female modesty. See also Adret 6:210.

⁵ Arxiu de la Corona d'Aragó (hereafter ACA), reg. 9 fol. 54v (Jean Regné, *History*

Oro Avenbruch of Zaragoza.⁶ The right to stay home was framed here as a privilege rather than a requirement, and one granted not by the community but by the king. Certain women at least sought more privacy than the community was willing to grant.

Neither natural modesty nor social pressures favoring modesty are the only factors which affected women's public roles. Jewish law (*halakhah*) restricted the participation of women in the synagogue, the court, and the school. They could not lead the congregation in prayer, nor read from the Torah, nor receive honors in the synagogue. Physically, they sat in a separate section of the synagogue; if a particular synagogue lacked a women's section, then they could not attend. Their testimony was accepted only in a limited number of situations.⁷ Exclusion from giving testimony meant that they could not serve as judges. While a very small number of women managed to study Torah privately, their knowledge did not confer rabbinic authority on them.⁸

Although women had no official role in either synagogue or court, that did not mean that they were excluded entirely from either. Women attended the synagogue. One of the seats claimed by the anonymous widow of Adret's responsum was located in the women's section of the synagogue, described as "the synagogue of the women."⁹ More dramatically, in 1262, Cruxia, the widow of the Barcelona scholar Samuel HaSardi, was able to take advantage of the custom of interrupting the synagogue service in order to force the community to address a grievance.¹⁰ Not only was she clearly present in the synagogue, but she was there as an actor rather than a spectator.

of the Jews of Aragon: *Regesta and Documents, 1213-1327*, ed. Yom Tov Assis and Adam Gruzman, (Jerusalem: Mangus Press, Hebrew University 1978, no. 73).

⁶ ACA reg. 42 fols. 136 and 196 (Regné, nos. 743 and 754). The king explicitly refers to Oro's age and infirmity.

⁷ Adelman's evidence that women did in fact testify in Renaissance Italy is particularly interesting; this form of activity was much more explicitly beyond the pale of normal Jewish practice than the others which he discusses (Adelman, "Rabbis and Reality," 34-35).

⁸ The texts dealing with the position of women in Jewish law are conveniently presented by Rachel Biale, *Women and Jewish Law: An Exploration of Women's Issues in Halakhic Sources* (New York: Schocken Books, 1984).

⁹ Adret, 6:7. For a discussion of this responsum, see Yom-Tov Assis, "Synagogues in Medieval Spain," *Jewish Art* 18 (1992): 18.

¹⁰ J. M. Millàs i Vallicrosa, ed. *Documents hebraics de jueus catalans*, (Barcelona, 1927), no. 18. Millàs transcribes her name as Carròssia, but I prefer Cruxia, based on Arxiu Capítular de Barcelona (hereafter ACB) 1-1-1357. On interruption of the synagogue service, a practice known as *ikkav tefilah*, see Avraham Grossman, "The Origins and Essence of the Custom of 'Stopping-the-Service'," [Heb] *Milet* 1 (1983): 199-220, and Louis

Adret's statement that modesty prevented women from frequenting the courts might suggest a distinction between the synagogue and the court. The royal registers of the Crown of Aragon, however, are full of examples of women initiating lawsuits. In 1281, Reina bat Vidal d'Yspanya appealed twice to the bailiff of Cervera against her husband, Samuel de Forn, who wanted to divorce her against her will. Her first appeal resulted from his reneging on his financial obligations towards her, while the second aimed to delay the divorce.¹¹ Bonadona bat Astrug Ascandrani of Barcelona twice petitioned the king to help her get a divorce.¹² It is clear from the *responsa* literature that, while women could neither testify nor judge, they were frequent petitioners in Jewish courts.

Latin notarial documents provide the most suggestive evidence. At least until the end of the thirteenth century, Catalan Jews signed Latin notarial documents in Hebrew; hundreds of documents bear autograph signatures of both the principals and the Jewish witnesses. Among these documents, not a single example of a woman's Hebrew signature exists. Instead, the notary would record the consent and signature of the woman (as he would of Christian principals), and, in addition, the woman would have a male witness sign for her in Hebrew. The following subscription from 1274 is typical:

Chresches Alfaquim acknowledges, on the instructions of the lady Sobradona, who acknowledges, I have written my name here, Abraham de Maroqes, witness. At the request of the lady Falcona, who acknowledges, I have written my name here, Chresches Alfaquim, witness.¹³

It seems plausible that women, even if they knew how to read Hebrew, did not often know how to write.¹⁴ If this were the only factor at work, however, we might expect that the notarial notation would be sufficient.

Finkelstein, *Jewish Self-government in the Middle Ages* (New York: Philipp Feldheim, Inc., 1964). Adelman also addresses this practice ("Rabbis and Reality," 30-31).

¹¹ ACA, reg. 50 fol. 168 and fol. 193v (Regné, nos. 875, 881); see also ACA reg. 60 fol. 33 (Regné, no. 1017).

¹² ACA reg. 63 fol. 83v (Regné 1498) and reg. 80 fol. 127r (Regné, no. 2042).

¹³ ACB 1-6-4139. The three principals here are two sisters, Falcona and Sobredona, and Chresches Alfaquim, husband of the latter. It is noteworthy that Chresches could not sign for his wife but could for her sister Falcona. Further examples are mentioned below. It should be noted that these observations apply only to Latin documents with Hebrew signatures. The principals never signed genuine Hebrew documents (*shetarot*); according to Jewish practice, they were signed only by the witnesses, who were, of course, never women.

¹⁴ Another indication that this might be the case comes from the dorsal notations on loans made by women, which were generally written by their male relatives.

The need for women to have a male witness sign on their behalf may have served to protect their interests where they were presumed to be in conflict with their husbands' interests. Most of the witnesses cannot be identified, but in a few cases they are identified as close relatives of the woman, never of her husband. For example, Vidal Gracian and his wife Reina sold a plot of land in 1210, and Reina's brother, the royal bailiff Perfet, attested for her.¹⁵ Vidal had inherited the land in question from his father; Reina's interest in it reflected only the theoretical lien which she had on all of her husband's property by virtue of her *ketubbah*, the sum of money owed to a woman by her husband should she be widowed or divorced.¹⁶ This practice raises a number of questions. Was the role of the witness purely a technicality? Did it represent a perception that women were not competent to take care of their own affairs? Did women choose their own witnesses to safeguard their interests, or were the witnesses selected for them by family members or even the notary?

Questions such as these cannot be answered by simply enumerating cases of women's public activity. A better way to understand what women's activities meant is to concentrate on well-documented cases which reveal patterns of behavior. Doing so underlines the inadequacy of the dichotomies of public versus private, or of women's will versus rabbinic expectations, and points towards other factors which must be considered. All forms of public activity were not equal; the private sphere of the home was not always inferior; and women could use as well as fight the limitations imposed by their status.

The most important additional factor which affected Jewish women was the structure of property relations within a Jewish marriage. Both

¹⁵ ACB 3-14-210 (ed. Yitzhak Baer, *Die Juden im christlichen Spanien. Erster Teil: Urkunden und Regesten*, vol. i, *Aragonien und Navarra* (Berlin, 1929), no. 619-2, Hebrew text only). Another example of a brother witnessing for his sister is a sale of a plot of land owned jointly by three brothers. One witness signed for two of their wives, but the third wife had her brother sign for her: "The honored ladies Bonafilia and Dolsa ordered [me] to sign according to all that is written in this document, Gershom, witness. My sister Bonafilia (not the same as the first Bonafilia) ordered [me] to sign, Vidal b. Vidal of Barcelona" (ACB 1-1-1497; ed. Leila Berner, "On the Western Shores: the Jews of Barcelona during the Reign of Jaume I, 'el Conqueridor,' 1213-1276," (Ph.D. diss., University of California, 1986), 516-18, Latin text only).

¹⁶ The *ketubbah* was set at 200 *zuz* (a small coin) for a virgin and 100 for a widow or divorcee, but it was permissible, and by the Middle Ages mandatory, for the husband to add to it. This supplement, or *tosefet ketubbah*, had the same status as the *ketubbah*. It should not be confused with the dowry (*nedunya*), which was brought by the woman from her father's house into her marriage and over which she retained rights.

men and women generally brought assets into a marriage, but the assets were not disposed symmetrically. The husband owed the wife her *ketubbah* in the event that the marriage ended during her lifetime, whether by divorce or his death. Although in theory the *ketubbah* could not be collected during the marriage, the woman was understood to have at least a tenuous lien on her husband's property; this lien was the reason for the participation of women in their husbands' transactions. The wife brought a dowry, which was controlled by her husband, who had a right to the income as long as the marriage lasted. The husband bore the responsibility for loss and stood to gain from profit, but the property belonged to the wife. If the wife died first, the husband inherited her property; moreover, he did not have to pay her *ketubbah*. If the husband died first, the wife did not inherit from him, but did collect her *ketubbah* and regained control of her own property.¹⁷ The cases to be presented will illustrate the interplay between social norms of modesty, halakhic limitations, and economic factors.

While these cases deal with varied situations, they share one common feature: in all of them, women either relied on men or associated men with their transactions. The first two cases deal with the Cap family of Barcelona. Both involve sales of land by women in which the bills of sale explicitly refer to men who gave advice or permission for the transaction. When Goig bat Maimon de Torre, the widow of Bonjuda Cap, sold some land in the vicinity of Barcelona in 1220, she did so explicitly "with the advice and consent of my brother Samuel de Torre, and of Isaac Cap, son of my said husband."¹⁸ The Hebrew subscription includes acknowledgements by Goig's (and presumably Bonjuda's) sons Abraham and Zerahiah (Gracian Cap). One of the two plots of land is known to have belonged to her husband Bonjuda.¹⁹ Goig probably

¹⁷ This description is somewhat simplified. More complex situations resulted from assets acquired after marriage by the woman, from gifts made to her by her husband, from situations in which a woman forfeited her *ketubbah*, from stipulations about inheritance made at the time of marriage, and in the event that the husband made a will.

¹⁸ Joaquim Miret y Sans and Moïse Schwab, "Documents sur les juifs Catalans aux XI^e, XII^e et XIII^e siècles," *Revue des Études Juives*, 68 (1914-16), 81-3. There are two errors in the Hebrew subscription. It should read, "at the request of the noble lady Goig, *who acknowledges* all that is written above, *Joseph, witness*. *Zerahiah her son acknowledges*" (italics indicate corrections). This is a typical formula of testimony on behalf of a woman; as a close relation, Goig's son could not have been a witness for her. Samuel Migdoli was Goig's brother, Samuel de Torre.

¹⁹ J. Martí, *Resumen de instrumentos del Archiu de Santa Anna de Barcelona fet per . . . , canonge regular de las Avellanias* (eighteenth-century manuscript kept in the Arxiu Diocesà de Barcelona), p. 574. The original of this document is lost.

had this plot as settlement of her *ketubbah*.²⁰ The origin of the other plot is unknown, but it may have come from Goig's father, either as part of her dowry or as an inheritance.

Goig could have sought the advice of male relatives without the notary mentioning it in the bill of sale. This explicit notation, then, is more than an example of a widow who lacked confidence in her ability to transact business. It is not coincidence that the two advisers represented the heirs of Goig's husband and father respectively. The inclusion of the formula served to reassure the buyer that no one else had a claim on the land or would challenge the sale.

Two generations later, the wife of Bonjuda Cap's grandson, Isaac, Goig bat Abraham b. Samuel, sold a plot of land with the "consent and will" of her father-in-law, Samuel Cap. The need for his participation here is much clearer. Goig's husband was temporarily in exile in Acre, avoiding his creditors.²¹ The bill of sale reads as follows:

In God's name. Let it be known that I, Goig, wife of Isaac Cap, Jew, in his absence, and with the consent and will of Samuel Cap, father of the said Isaac, in order to pay Isaac's debts, with full knowledge, sell you, Joan de Banyeres . . . a certain vineyard. . . which, by reason of the gift made to him by his said father, my said husband owns (*habet*) in the territory of Barcelona at the place called Vineals, which vineyard I hold and possess (*teneo et possideo*) by reason of the dowry and marriage gift (*dotis mee et sponsalicii*) made to me by my husband.²²

This phrasing is intentionally ambiguous: while admitting that her husband *owned* the land, Goig claimed that she *held* it.

This case seems similar to the previous one in that Samuel Cap's consent presumably served to allay the concerns of the Christian buyer, Joan de Banyeres, that Isaac would return and overturn the sale. Joan

²⁰ It is also possible that Bonjuda willed it to her, although the patterns of other inheritances from him are more consistent with his having died intestate. Moreover, if there were a will, Goig would likely have produced it as evidence. On Bonjuda's patrimony and Jewish testamentary law in general, see Elka Beth Klein, "Power and Patrimony: the Jewish community of Barcelona, 1050-1250" (Ph.D. dissertation, Harvard University, 1996), 78-81.

²¹ In July of 1280, Peter I wrote to the Templars at Acre that "it has been some time that the said Isaac has not been in our realms out of fear of his creditors" (ACA reg. 48 fo. 67v; Regné, no. 804). In December of that same year, he asked the king for a safe conduct to return to the Crown of Aragon in order to set his affairs in order (ACA reg. 49, fo. 5v; Regné, no. 857).

²² ACB 4-51-567. *Sponsaliciu*m here is clearly being used as a parallel to the Hebrew *ketubbah*.

actually requested an official Hebrew copy of Goig's marriage contract from the Jewish court. In the typical style of such documents, the court explained:

We, the three undersigned, [report]: it happened that Joan de Banyeres came before us and told us, "I have bought from the lady Goig, wife of Don Isaac Cap, a vineyard which had belonged to Don Isaac Cap at the place called Vineals . . . Now, I ask you to copy the *ketubbah* document which lady Goig has, which her husband Don Isaac Cap made for her, so that I may have proof lest (Heaven forbid) anyone should issue a challenge against me."²³

Goig's right to sell the land was in fact more dubious than these documents would indicate. Joan's description that the land "had belonged" to Isaac suggests that he understood that the land belonged to Goig by right of her *ketubbah*, but, as she herself admitted, the land really belonged to Isaac, having come to him as a gift from Samuel. When the Jewish court complied with Joan's request, they did not explain to him that, in accordance with custom, Goig's *ketubbah* was a standard text which stated her husband's obligations only in general terms or that, whatever lien a woman had on her husband's property, she did not have the right to sell it in his absence even to pay his debts. Samuel's participation may have been desired by Goig as much as by Joan; as the original owner of the land, he might be presumed to have some interest in its disposition, especially since it seems that Isaac may have been given the land in order to enable him to get married in the first place.

In both of these cases the men who gave "advice and consent" had some connection to the land being sold. Their explicit consent was a response to the ambiguous position of women with regard to marital property. In the case of the elder Goig, the ambiguity worked against her. Although it is likely that she had a clear title to the land, she was concerned that her right to sell it could be challenged. In the case of the younger Goig, she deliberately used the ambiguity of her position to enable her to sell land which she had no technical right to sell. The consent of the men helped both women ensure that their sales would be acceptable.²⁴

²³ Millàs, *Documents*, no. 28. This is one of only two Hebrew documents known which were produced at the request of a Christian, for his records. It was preserved in the Capítular Archive of Barcelona alongside the bill of sale.

²⁴ Other documents which explicitly record consent to a sale involve much closer relations to the transaction: consent by an executor or the guardian of a minor (ACB

Another way in which women associated men with their transactions was to appoint men as *procuratores* to act on their behalf. The *procurator* or agent was usually, but not always, a close relative. The next two examples are more complex than the previous example cases, for they combine property issues with the question of women's desire to appear in public. The reliance on an agent could be seen as a reflection of a general preference to remain at home in line with Adret's statement about female reticence to appear in court.²⁵ It could equally reflect the greater confidence which women had in men to manage financial matters. These two cases offer some clues about the social meaning of the delegation of authority on the part of Jewish women.

In 1245, Dolsa de Operatorio gave her son, Vidal Cortovini, power of attorney to collect a series of overdue loans made between 1228 and 1238.²⁶ A judgment was made in their favor in January of 1247, an arbitration board of two Christians and a Jew determined a payment schedule in July, and five receipts document some of the payments made before the debt was finally cleared in 1250, over three years later.²⁷ This large dossier of documents permits some tentative conclusions about Dolsa's motivation. Dolsa clearly did not have reservations about her ability to conduct business. Two of the three debts had been contracted by Dolsa herself, and the last of the three by her and Vidal together. Nor did Dolsa take a passive role in the affair once she had appointed Vidal to act for her. She subscribed all five of the receipts (with a man to witness for her); Vidal signed only four of them. The same evidence suggests that she was neither too old nor too infirm to act on her own behalf.

Distance may have been an issue. Dolsa and Vidal lived in Barcelona, but the lawsuit itself occurred in Piera in the Penedès. Vidal appears

4-42-311; ACA reg. 46 fo. 147v; Arxiu Diocesà de Barcelona [hereafter ADB] Santa Anna 6/26), by a husband to his wife's transactions (ACB 4-42-334); by a widow to the sale by her husband's heirs (ACB 4-50-541), or by the father of the donor (ACB 4-40-566).

²⁵ Adret's statement that women "do not display themselves in court" was actually made in the context of a discussion of the social value of the ability of individuals to empower agents to act on their behalf (Adret 5:287).

²⁶ ACB 1-6-304. The problem of Dolsa's surname is complex. One document refers to her as Dolsa de Operatorio, one as Dolsa Cortovina, and the remaining documents without any designation other than being Vidal's mother.

²⁷ ACB 1-1-1168 (January 1247), 1-1-113 (April 1247), 1-6-4161 and 3792 (chirograph; July 1247), 1-6-1926 and 1-1-1169 (November 1247), 1-6-1499 (May 1248), 1-6-637 (October 1248), 1-1-1171 (March 1250). The original debts are described in the lawsuit (ACB 1-6-4161 and 3792). The original payment schedule required three installments of 200 solidi each, payable in August, at All Saints, and Christmas, 1247.

alone, acting “in his name and in his mother’s name,” in the lawsuit. We also know of a series of partial payments which Vidal received in Piera from the then-bailiff of Piera; one of the series of receipts records that Vidal received 24 solidi in Vilafranca.²⁸ But, although Dolsa may not have wanted to travel to Piera for the lawsuit, nor attended the fair in Vilafranca to receive the 24 solidi, that does not mean she would not travel at all: at least two of the loans were made in Piera, one of them contracted by Dolsa alone.

Vidal acted for his mother in the subsequent arbitration, which occurred in Barcelona. It may be that Dolsa, following the pattern of modest behavior described in Adret’s responsum, did not wish to “display herself in court,” whether a Jewish or a secular one. But, again, this explanation is only partially successful. Dolsa may have avoided litigation, but she was willing to appear before the notary to transact business, and she probably was present at the conclusion of the arbitration, if not before.²⁹ The best explanatory hypothesis is simply that Dolsa wanted to choose her time and her venue for public appearances. Appointing Vidal as her agent gave her the option of avoiding travel and court appearances, but did not limit her ability to act on her own behalf in the meantime.

An even more interesting case is that of Cruxia, widow of the wealthy scholar Samuel HaSardi. Cruxia’s invocation of the custom of interrupting the synagogue service in order to have a grievance addressed has already been mentioned. This action was part of a larger campaign to collect her *ketubbah* from her husband’s estate without prejudicing the interests of her daughter Reina, her husband’s only heir. A large dossier of documents allows meticulous reconstruction of her actions, both in court and in the marketplace.³⁰

In March of 1261, Cruxia appealed to the Jewish court in Barcelona on behalf of her daughter, claiming that her daughter’s inheritance was being dissipated, due to neglect by her guardians. She attributed the

²⁸ ACB 1-6-1926.

²⁹ This is implied by the fact that she did have a witness sign the document produced by the arbitration board for her, although Vidal’s role as her *procurator* made this unnecessary.

³⁰ Most of these documents are published in facsimile, with partial Catalan translations, in Millàs, *Documents*, nos. 16-22; related documents include nos. 10-11 and 25-26 of the same volume. Three additional documents are published and the entire dossier discussed in Elka Klein, *Hebrew Deeds of the Catalan Jews* (Barcelona and Girona: Societat d’Estudis Hebraics/Patronat Municipal Call de Girona, 2004).

neglect to the fact that her brother, one of Reina's guardians, no longer lived in Barcelona; in his absence, the other two guardians were reluctant to act. The court accepted Cruxia's diagnosis of the problem and gave the two remaining guardians authority and a clear mandate to attend to Reina's property.³¹ Cruxia's concern here was twofold. As Reina's mother, she was concerned for her daughter's welfare. At the same time, her entitlements from her husband's estate put her in an adversarial relationship to her daughter. Anticipating that sooner or later she would come to claim her *ketubbah*, Cruxia needed to be sure that someone besides herself would be looking out for Reina's interests.

The following summer, either on the verge of remarrying or having just remarried, Cruxia set in motion two processes: she claimed her *ketubbah*, and she sold some land of her own.³² Sometime in the spring of 1262, Cruxia must have asked Reina's guardians for her *ketubbah*. They stalled, and, in frustration, she "interrupted the prayers for many days to have her *ketubbah* . . . collected for her." The officials in charge of justice (*berurim al hamishpat*) ordered the Jewish court to investigate. The guardians quite willingly admitted that Cruxia had not been paid the sums owed to her, but, nevertheless, the court required her to swear an oath that she had not received any part of the money.³³ The court then decided on an appropriate plot of land to sell to raise the funds. This was a very profitable plot, not far to the east of the city, which had been owned by Cruxia's husband and the Jew Don Perfet Bonafos.³⁴ As was required when selling the property of an orphan, they arranged for the sale to be proclaimed publicly for a month.³⁵ They found a pair of buyers, Astrug de Tolosa and Abraham Ascandrani, two wealthy members of the Jewish community, and a series of documents records the sale.

Based on these documents, it might seem that, once Cruxia had galvanized the Jewish court into acting, she reverted to a more passive role. Yet a complementary set of documents suggests the opposite. Some

³¹ Millàs, *Documents*, nos. 16, 17.

³² Jewish law required the heirs to maintain the widow until she formally claimed her *ketubbah* or until she remarried; the incentive was for her to delay claiming the *ketubbah* until just before marriage.

³³ On the procedure and text for the widow's oath, see Adret, *Teshuvot haRashba hameyuhasot lehaRamban*, no. 48.

³⁴ A list of the tenants and the rents which they paid, totalling close to 33 morabetins per year, is preserved in Millàs, *Documents*, no. 19.

³⁵ The widow with whom we began claimed that a woman would never hear this sort of proclamation since it was her place to "sit in her house."

years before, in 1255, Cruxia's husband had sold half of the plot of land to Don Perfet Bonafos. The month before the court sold Reina's share of the plot to Astrug and Abraham, Cruxia sold them the other share. In her bill of sale, she refers to "a receipt and bill of sale written in the script of the gentiles" which was made for her by Perfet, who is described in the document as her bridegroom;³⁶ we can assume that Cruxia's purchase from Perfet was in some way related to her marriage. Once Cruxia had sold half of the land to Astrug and Abraham, the other half was worth more to them than to any other buyers. It seems that Cruxia had identified not only the buyers but the land to be sold.

Cruxia's personality, business acumen, and aggressive protection of her own and her daughter's interests emerge clearly from the documentation leading up to the sale. This was not a woman who preferred to "sit at home," nor a woman reluctant to "display herself in court" in the words of our *responsa*. She appeared before the Jewish court at least twice without a representative, and she negotiated the sale of land without advice. Moreover, her understanding of the dangers of letting Reina's guardians neglect her represents a degree of sophisticated understanding about business and a confidence in her own understanding. One record of the sale, however, reveals that Perfet performed the actual transfer of land on her behalf.³⁷ It is hard to imagine that this assertive woman needed an agent to carry out the last act of a transaction which she had masterminded. The Hebrew document says nothing about the circumstances of the transfer, but a clue to Cruxia's behavior can be found in comparable Latin documents, which reveal that such transfers occurred on the property itself.³⁸ Perfectly at home in the court and even in the synagogue, Cruxia hesitated to trek beyond the city walls into the countryside.

Cruxia was not the only Jewish woman to appoint an agent to transfer land that she had sold. In 1285, Dura, widow of Samuel Cap, explicitly stated in her power of attorney that she was appointing Lobell

³⁶ ACB 4-42-312. The word *hatan* means son-in-law as well as bridegroom. Given that Cruxia was claiming her *ketubbah*, as would be normal before marrying, and that none of the documents hint that a marriage was proposed for Reina, it seems likely that here it means bridegroom. The possibility that it was Reina rather than Cruxia who married Perfet cannot be definitively ruled out. The date of Perfet's Latin bill of sale is unknown.

³⁷ Millàs, *Documents*, no. 21.

³⁸ For example, ACB 1-6-991 or 4-38-56 (a). The seller would invite the buyer into the houses or onto the land, hand over the keys, and introduce him to the tenants.

Gracian for that purpose.³⁹ This example, however, illustrates the danger of generalizing about the constraints faced by women based only on examples of women's transactions. A sample of powers of attorney reveals that one of the more common reasons that men appointed an agent was to have the agent transfer possession of land. Another common reason was to have the agent sell land or collect revenues in a distant location. Although the number of cases is too small to be significant, there are no patterns which distinguish men from women in this regard. Men, like women, often appointed relatives as agents; men, like women, sometimes found it inconvenient to travel; men, like women, sometimes preferred not to venture into the countryside; men, like women, even appointed agents to go into court on their behalf.⁴⁰ It may be that women availed themselves more readily of the option to appoint agents than men, or that societal expectations of modest behavior or a personal desire for privacy lay behind the appointment of agents by women. But these were differences of degree.

True, Catalan Jewish women faced certain constraints which men did not. While women had a place in the synagogue, they might frequent it less often and consequently fear that they would miss an important public announcement. Travel would have been more difficult for women, and they may have been more hesitant to undertake it. Women may have lacked the ability to write Hebrew; whether or not they could, there is no evidence from eleventh to thirteenth-century Catalunya that they ever did. The asymmetrical property relationship between husbands and wives left women's control over land ambiguous much of the time. Women and men both may have expected women to take a more passive role in their affairs than men. Women were more likely to need the help and support of the men in their families, whether husbands or brothers, fathers or sons.

None of these constraints, however, stopped women from playing an active role in society, from engaging in business, or from protecting their interests. The limitations on women were relative rather than absolute. Moreover, the very social standards which dictated more private

³⁹ ACB 1-1-31, 32, 33, and 34.

⁴⁰ For the appointment of relatives, see ACB 1-1-1096, 1-6-2991. For geographical separation, see Archivo de Santa Maria del Mar 13.010-014 (ind. Fernando Diaz Esteban, "Documents latinohebreos del archivo de la iglesia de Santa Maria del Mar de Barcelona," *Boletín de la Asociación Española de Orientalistas*, 9 (1973), 168) ACB 1-6-676 and 991. For the transferring of property, see ACB 1-6-2874, 1-6-676, 991; lawsuit: ACA reg 41 fo 62 (ed. Baer, *Die Juden*, no. 116-1).

roles for women could on occasion be exploited by them. The women who sought to swear their oaths in their homes were asking for a privilege which would not likely be granted to men. Most strikingly, the very claim with which we began, that "a woman sits at home and knows nothing of public proclamations," was used by a woman as the basis of a legal claim to property. The fact that she did not win her case does not contradict the fact that her basic strategy was to use her status as a weapon. Similarly, the younger Goig was able to use the ambiguity of her relationship to her husband's property to sell land. The sale was in his interest as well as hers, but a son or a brother would have had more trouble getting away with it. Women relied on men to navigate the restrictions on their public activities, but they also involved them in their transactions selectively and in ways which served their convenience and comfort.