

PATTERNS OF INHERITANCE AMONG ITALIAN JEWS IN THE LATE MIDDLE AGES

This paper will focus on the hereditary models of Italian Jews between 13th and 15th centuries. I will only take into examination the groups of the bankers and of the wealthy merchants: these are, in fact, the only groups we have a fairly large number of documents for; the only groups, therefore, for which makes sense to talk about a widespread “model”.

Some preliminary remarks are mandatory:

1. I will mention here only the Jews dwelling in the regions of central Italy, providing some examples from Tuscany (more precisely, from the territories ruled by Florence) and from the territories ruled by the Montefeltro family, i.e. those forming the County – and later the Duchy – of Urbino.

2. I will deal here only with the Jews of Italian tradition, the so-called *Italkim*, ignoring the interesting issue of the Ashkenazi Jews, who immigrated towards the Italian peninsula in the last decays of the 14th century, and established their own communities. In fact, their patterns of inheritance seem to be more differentiated, probably also because the *Askenazi* women enjoyed usually a higher degree of independence than the Italian ones.¹

¹ For some remarks on the hereditary pattern among the Askenazi families, see A. VERONESE, *Donne ed eredità nel tardo medioevo: il caso di Treviso*, in M. LUZZATI and C. GALASSO (eds.), *Donne nella storia degli ebrei d'Italia*, Giuntina, Firenze 2007, pp. 77-84. More in general, on the role of women in *Ashkenaz*, see A. GROSSMAN, *Pious and Rebellious. Jewish Women in Medieval Europe*, Brandeis Uni-

1. The last wills of the Italian Jews

A careful examination of male's last wills in the period between the 13th and the 15th centuries, shows a very clear tendency towards a model of property transmission that privileges almost exclusively male relatives: children in the first place, but also brothers or grandchildren. Female last wills – not very high in number and not studied systematically until now for the area taken into consideration – can be regarded as a partial “correction” to the hereditary system widespread among Italian Jews.

The daughters, of course, while not supposed to receive a share in the family property, would receive a dowry: it is interesting to note, however, that only in a few cases the dowry reached an entity in line with the actual wealth of the family. Another interesting element is the (relatively) moderate “Jewishness” of many testaments:² in most cases, Jewish testators seemed to share the anxieties and fears of many Christians of a comparable social condition: very often, their first concern was to avoid a new marriage by their widows. As observed many years ago by Christiane Klapisch-Zuber, who examined Florence and the Tuscan area during the 15th century, especially when the potential widows were still young, the husbands inserted elements into the last wills aimed at dissuading them from

versity Press, Hannover and London 2004, *passim*.

² Even though, of course, one should stress the fact that we have mostly Jewish testament written by Christian notaries. Certainly, last wills written in Hebrew were drawn up as well, and possibly they contained elements somehow different from their Latin version.

contracting another marriage. The death of the father, in fact, represented for the children a double loss, both emotional and economic. The widow who abandoned her late husband's house did so by exacting the immediate restitution of her dowry,³ while it was very rare for the children to follow her into the new household.⁴

Within Christian society it was anything but unusual for the widow to hold a second marriage, despite the Church's recommendations, which invited widowed (both men and women) not to remarry and to keep chastity.⁵ If the young widow belonged to a wealthy family, the pressures from blood relatives in favour of a new marriage were usually strong, since in this way the woman could be again the object of a new alliance through marriage.⁶

In the Jewish world, the problem of second weddings was present as well. For the Jews, chastity was not a value as such, and the number of widows (male and female) likely to remarry was quite high.⁷ In some regions, and particularly among bankers and merchants, a second and often even a third marriage were very common. In general, therefore, we could say that at equal social level, Jews and Christians tend to dictate their last wills in a very similar way, and that the only elements that differentiate a Christian testament from a Jewish one was the kind of the pious donations: to churches and monasteries for Christians, to confraternities, to poor

girls of marriageable age,⁸ synagogues and communities of *Eretz Yisra'el* for Jews.⁹ It is worth remembering that, on some occasions, the Jews were also willing to make bequest in favour of Christian institutions, like hospitals.¹⁰

I will present here some cases taken from the documentation of a wealthy family of the Florentine Republic, and from that of some families settled in the Montefeltro area, which constituted from the 14th to the 17th century the small Duchy of Urbino. Two quite different socio-economic contexts, for which however the hereditary model was very similar.

2. Tuscany: The Last Wills of the Da Volterra Family

The Da Volterra family¹¹ was one of the most important of the Italian Renaissance. Its members moved first from Rome to Fabriano (Umbria), then to Bologna, and towards the end of the 14th century a member of the family settled in Volterra, founding a "dynasty" which would make the Tuscanian town its fulcrum for almost one century.

We have only three last wills for this family, all of them drawn up for its male members. Female last wills, unfortunately, are not preserved. The first surviving testament is that of the physician *magister* Genatano, son of Buonaventura,

³ Which was essential for contracting a new marriage.

⁴ See CH. KLAPISCH-ZUBER, *La «mère cruelle». Maternité, veuvage et dot dans la Florence des XIV^e-XV^e siècles*, in «Annales E.S.C.» 3 (1983), pp. 1097-1109.

⁵ On the value of chastity and, in general, of the virginal status, see A. QUACQUARELLI, *Il triplice frutto della vita cristiana. 100, 60 e 30 Matteo XIII-8 nelle diverse interpretazioni*, Edipuglia, Bari 1989.

⁶ On the family structures in the Italian Communes, see for example P. CAMMAROSANO, *Aspetti delle strutture familiari nelle città dell'Italia comunale. Secoli XII-XIV*, in G. DUBY and J. LE GOFF (eds.), *Famille et parenté dans l'Occident médiéval*, École française de Rome, Paris 1977, pp. 109-123.

⁷ See GROSSMAN, *Pious and Rebellious*, cit., p. 253ss.

⁸ See A. ESPOSITO, *Ebrei a Roma nella seconda metà del Quattrocento attraverso i protocolli del*

notaio Giovanni Angelo Amati, in S. BOESCH GAJANO (ed.), *Aspetti e problemi della presenza ebraica nell'Italia centro-settentrionale (secoli XIV-XV)*, Istituto di Scienze Storiche dell'Università di Roma, Roma 1983, pp. 29-125, particularly pp. 104-108; M.G. MUZZARELLI, *Ebrei e città d'Italia in età di transizione: il caso di Cesena dal XIV al XVI secolo*, CLUEB, Bologna 1984, p. 154.

⁹ For example, Toaff mentioned the case of the doctor and rabbi Mosè of Rieti, who left a sum for alms to be deposited "in the Jewish poor-box of the town of Rieti": see A. TOAFF, *Love, Work, and Death. Jewish Life in Medieval Umbria*, Littman, London 1996, p. 46, note 32; in his last will, a banker from Assisi instructed his heirs to distribute 25 florins among the poor in expiations of his sins: *ibidem*, p. 47.

¹⁰ See TOAFF, *Love, Work, and Death*, cit., p. 49-50.

¹¹ See the family tree as in picture n. 1.

son of Genatano of Bologna, drawn up in 1430, during a serious illness.¹² Genatano was still quite young, like his bride (already in her second marriage, having lost her first husband): it is not surprising, then, that Genatano tried in the first place to limit the risks associated with a possible third marriage. The Jewish physician left his wife the dowry (440 gold florins) and the trousseau and established that she could enjoy the usufruct of his possessions¹³ only as long as she would remain a widow, leading a chaste life (“*caste et honeste vivendo*”) and taking care of the children.¹⁴ The idea that a new marriage, which in the Jewish case almost always involved the abandonment of the place where the woman lived,¹⁵ could only result in abandoning their still very young children, are evident in the words of *magister* Genatano, who like many others Christian testators multiplies the clauses in favour of the wife to avert this possibility. He gave her, for example, full guardianship of her children, establishing that they should remain under her “*regimen et custodia*” until they would turn 25,

and that even after coming on age, they had to consult the mother for every sale of the family property. Only if Clara had decided to remarry the guardianship of the children would be passed to Genatano’s brothers, Emanuele and Elia.

The division of Genatano’s goods, however, follows the mentioned pattern: he gave instructions to divide the assets equally between his two sons, Samuel and Solomon. In the inheritance axis was also included any son born after his death. The daughters were completely excluded from the succession: even if the sons would all die without having sired children, heirs in equal parts would be Genatano’s brothers Elias, Emanuele and Abraham. The dowry of the daughters was set at 200 gold florins: a good dowry, but certainly not as good as that of their mother.¹⁶

The second last will was that of the Jew Emanuele, son of Buonaventura of Volterra, Genatano’s younger brother.¹⁷ Emanuele was probably the richest and most influential member of the Da Volterra family.¹⁸ Unlike *magister* Genatano

¹² See A. VERONESE, *Una famiglia di banchieri ebrei tra XIV e XVI secolo: i Da Volterra. Reti di credito nell’Italia del Rinascimento*, ETS, Pisa 1998, p. 56.

¹³ She would be “*domina et usufructuaria*” of *magister* Genatano’s possessions.

¹⁴ See VERONESE, *Una famiglia di banchieri ebrei*, cit., p. 56; and Archivio di Stato di Firenze (= ASFi), *Notarile Antecosimiano*, n. 11271, notary Incontri Giovacchino di Giannello (1428-1431), fols. 132r-134r.

¹⁵ In the northern and central regions of the Italian peninsula during the last centuries of the middle ages, in fact, most *qehillot* were quite little, and formed often by the members of one or two families. As a result, it was often impossible to find a suitable partner *in loco* for one’s children, both sons and daughters. The latter were therefore forced to abandon their hometown for marrying, and that happened also when they decided to remarry – after the death of their husband or because they were divorced. See M. LUZZATI, *Banchi e insediamenti ebraici nell’Italia centro-settentrionale fra tardo Medioevo e inizi dell’Età Moderna*, in *Storia d’Italia. Annali*, vol. XI: *Gli ebrei in Italia*, ed. by C. VIVANTI, tomo I, *Dall’alto Medioevo all’età dei ghetti*, Einaudi, Torino 1996, pp. 173-235; A. VERONESE, *Zum Verhältnis von jüdischer*

Familie und Gemeinde in Ober- und Mittelitalien, in *Jüdische Gemeinden und ihr christlicher Kontext in kulturträumlich vergleichender Betrachtung von der Spätantike bis zum 18. Jahrhundert*, ed. by C. CLUSE, A. HAVERKAMP, I.J. YUVAL (Forschungen zur Geschichte der Juden, Abteilung, A, 13.), Hahn-sche Buchhandlung, Hannover 2003, pp. 283-292; G. TODESCHINI, *Gli ebrei nell’Italia medievale*, Carrocci, Roma 2018, chapter 6.

¹⁶ The mother’s dowry, however, could be used to increase that of the daughters, if she decided to. Other female members of the family (a grandmother, for example, or an aunt) could leave a certain amount of money for increasing the girls’ dowry. If the family was – as in the case of the Da Volterra – a prominent one, other Jewish families of lower social and economic condition would probably accept a reduced dowry because they had a strong interest to establish with that family a relationship sealed by a marriage.

¹⁷ See VERONESE, *Una famiglia di banchieri ebrei*, cit., p. 57. ASFi, *Notarile Antecosimiano*, n. 11825, notary Lisci Biagio (1454-1471), fols. 67v-69v.

¹⁸ According to his son Buonaventura, in 1461 he had an estimated fortune of 100,000 gold florins. See MESHULLAM DA VOLTERRA, *Viaggio in Terra d’Israele (1481)*, trans. A. Veronese, Luisè, Rimini 1989, pp. 54-55.

tano, Emanuele did not draw up his testament in an urgency, but well before his death. In fact, there is indeed a certain attention to Jewish institutions, and the donation of precious objects to the synagogue is mentioned.¹⁹ Beside that, some relatives would receive small amounts of money.²⁰

The wife was to have, as usual, her dowry back (500 gold florins). As in Genatano's last will, some clauses in her favor are intended to prevent a new marriage.²¹ However, the independence granted to the widow is less significant. The lesser autonomy is almost certainly due to the fact that Emanuele's eldest sons were already emancipated, and that the woman was not very young, which made a second marriage less likely. In addition, the sons, already adults and involved in the family business, were more likely able to return the dowry of their mother, if she wanted to.

With regard to the division of his fortune, Emanuele acted as his older brother did: he named his heirs the four living sons, Buonaventura, Lazzaro, Angelo and Raffaele.²² Again, the daughters would not inherit, being entitled only to a dowry. However, he showed – in comparison to other rich Italian Jews – a different attitude toward the daughters: in fact, should all the sons die, the daughters were to inherit the entire fortune. The male relatives are mentioned only as substitute. It is important to stress, however, that Emanuele had only one daughter, already married, and that Buonventura and Lazzaro were adults, and would marry soon. Therefore, the chance that none of his children could sire an

heir was quite remote. A last detail: Emanuele urged his children to keep living together, in the family house, which – he suggests – should remain a commune property (“*pro indiviso*”). The concept that the male heirs, if possible, should try to have a property which could be regarded as a sort of “place of identity”, a place they could return to, is interesting. In fact, for the members of the same family was quite normal to live for an extended time scattered in different localities and regions, in order to manage the business and investment network. In the case of the Volterra, who owned banks, pawnshops and commercial enterprises all along the Peninsula (from Veneto to Calabria), it was sometime necessary to go and live in some places, not being always possible (or advisable) to send their employees (“*factores*”) to take care of their business. To maintain an ideal “centre” in Volterra represented a way to keep the cohesion of the family.

The third last will is that of Angelo, son Emanuele, son of Buonaventura of Volterra. It was drawn up on August 10, 1493, just before leaving Volterra for Southern Italy, where the family sent him because of his strong (and dangerous) gambling attitude.²³ Angelo's economic condition were not brilliant at this date: in fact, his testament was quite simple. Again, the wife was promised the highest degree of independence if she would renounce to marry again: she was made “*infra scriptorum filiorum et heredum suorum tutricem et postea curatricem*”.²⁴ The couple had three sons and a daughter, still underage, and therefore – as in Genatano's case

¹⁹ See VERONESE, *Una famiglia di banchieri ebrei*, cit., p. 58. Some donations (like that to “spedale maggiore di decta città” were perhaps not voluntary, while those for synagogues and Jewish academies were certainly so, and much more consistent: 100 gold florins “larghi”, and “tre lampane d’ariento orate e cieselate con catene d’ariento del peso di libbre sei”.

²⁰ *Ibidem*, p. 59. Emanuele left Salomone and Buonaventura, sons of Diodato of Città di Castello and of his sister Stella, the sum of ten gold florins “larghi” each; to his daughter Dolcina, already married with Salomone, son of Gaio of Ravenna, he left 50 gold florins “larghi”.

²¹ *Ibidem*, p. 58. Emanuele established that if his wife would avoid a new marriage “caste et ho-

neste vivendo et co’ suoi figli vedova familiarmente stando et habitando”, she would be “dompna, dominna et usufructuaria” of all his fortune.

²² In Emanuele's last will there was also mention of another emancipated son, Zaccaria. There are no traces of him in the surviving documentation of Volterra, and he was not made a heir, like all the others sons. It is therefore possible that Zaccaria had died before the testament was drawn up.

²³ On gambling in Jewish Renaissance society, see for example L. LANDMAN, *Jewish Attitude Towards Gambling*, in «The Jewish Quarterly Review» 57/4 (1967), pp. 298-318.

²⁴ See VERONESE, *Una famiglia di banchieri ebrei*, cit., p. 60.

– it was considered important to guarantee their emotional and economical condition.

Again, the pattern of inheritance is similar to the model: the sons were supposed to inherit in equal shares, and the daughter would receive a dowry. Angelo only urged the sons to provide their sister a sufficient amount of money, so to allow her to marry conveniently.

3. Duchy of Urbino

The area ruled by the Montefeltro had a certain number of Jewish settlements. A couple of them (Urbino²⁵ and Gubbio²⁶) enjoyed a relatively abundant Jewish population. Some families are cited in the documents for many decays: for example, the Da Urbino,²⁷ da Gubbio,²⁸ da Cagli,²⁹ Da Fossombrone,³⁰ Da S. Angelo in Vado.³¹

I will present here some documents confirming my initial assumption, i.e. the substantial exclusion of females from the hereditary axis, sometimes even in the absence of siblings. The few exceptions that can be found are linked to very particular situations, which make it possible and reasonable to deviate from a pattern of inheritance that is rather univocal and followed by the vast majority of the testators.

Let us examine the case of Isaia, son of *magister* Daniele of Urbino. As can be seen,³² he had seven sons, and the inheritance was divided equally between them. In this case, however,

unlike what happened in the case of Genatano of Volterra, the death of one of the brothers (also a Genatano) left room for his only daughter, Bellafiore, who was named heir together with the other males for one/seventh.³³ We could see, however, how this decision was closely linked to the marriage prospect of the girl, whose destiny was to marry one of her first cousins.³⁴ Thus, the assets remained firmly within the family and managed by sons or grandsons of the testator.

Another case in which a woman is named a possible heir, is that of Dattalo, son of Isaia, son of *magister* Daniele of Urbino. Seriously ill, and in fear of death, he left all his property to his son Isaia. Should the latter die in childhood, however, or thereafter childless, Dattalo appointed as universal heir, beside his brothers and nephews, his mother Claretta.³⁵ Here, again, it is quite clear that – while benefitting his mother – Dattalo is reasonably sure not to disperse the family's fortune, since Claretta is not likely to remarry. As in the case of the Da Volterra family, in his last will Isaia urged his heirs to keep the family house "*pro indiviso*". As long as they lived in Urbino, the brothers and their sons were invited to dwell together, sharing the same house. The identity of the family was again – like in Volterra – linked to a material place, the house, while often the members of the family were forced to travel for extended periods of time and/or to settle in other towns or regions for taking care of their business.

²⁵ On Urbino, see G. LUZZATTO, *I banchieri ebrei in Urbino nell'età ducale. Appunti di storia economica con appendice e documenti*, Società Cooperativa Tipografica, Verona-Padova 1902; A. VERONESE, *La presenza ebraica nel Ducato di Urbino nel Quattrocento, in Gli ebrei nello Stato Pontificio fino al Ghetto (1555)*, ed. by SH. SOMONSOHN, Ministero per i Beni Culturali, Roma 1998, pp. 251-283.

²⁶ On Gubbio, see A. TOAFF, *Gli ebrei a Gubbio nel Trecento*, in «Bollettino della Deputazione di Storia Patria per l'Umbria» LXXVIII (1981), pp. 153-192.

²⁷ On the Da Urbino family in the first half of the 15th century, see VERONESE, *La presenza ebraica*, cit., *passim*.

²⁸ See A. VERONESE, *Famiglie di banchieri ebrei attive nel Ducato di Urbino. Prime testimonianze*

e alcune notizie sul materiale archivistico di Gubbio, Cagli e Casteldurante, in «Materia Giudaica» III (1997), pp. 32-39; EADEM, *Famiglie di banchieri ebrei attive nel Ducato di Urbino*, in «Zakhor» III (1999), pp. 125-153.

²⁹ See VERONESE, *Famiglie di banchieri*, cit., pp. 135-139.

³⁰ *Ibidem*, pp. 139-144.

³¹ *Ibidem*, pp. 144-150.

³² See the family tree as in pictures n. 2.

³³ Sezione di Archivio di Stato di Urbino (= SASUrb), Quadre di Porta Nuova (= QPN), n. 9 (1415-1416), fols. 11r-v (Urbino, 29 September 1415).

³⁴ SASUrb, QPN, n. 10 (1416-1417), fols. 29 r-v (Urbino, 16 May 1417).

³⁵ SASUrb, QPN, n. 9 (1415-1416), fol. 12v (28 October 1415).

In one single case out of many others, the pattern of inheritance is quite surprising. Let us summarize the story. On May 2, 1421, the Jew Emanuele, son of the late *magister* Angelo, son of *magister* Musetto of S. Angelo in Vado, confirmed to have received from the Jew Moses, son of the late Abramuccio of Pesaro, a dyer, 33 gold ducats.³⁶ This sum was the dowry of *domina* Consola, the daughter of Moses, and the wife of Emanuele's son, Angelo.

As far as that, the surprising fact is that the son of a banker would marry the daughter of a dyer, accepting a dowry far lower than that typical of a family of bankers. The reason for such a *liason* becomes clear in a notarial deed, drawn up on October 4, 1435. In the document, the Jew *magister* Isac, son of *magister* Elia of France, who lived in Urbino, and the Jew Aliuccio, son of Musetto of Rimini, a resident of S. Angelo in Vado, the latter acting as curator of the Jew Angelo, son of Emanuele of S. Angelo in Vado, who was mentally handicapped ("*demens et mentecaptus*"), decided to settle their differences and quarrels. The important information for us is in this case the fact that Angelo is mentally handicapped.

In fact, the way in which Emanuele dispose of his goods in his will, written at least nine months before his death (1428), was quite unusual. Emanuele, according to Jewish law, left his wife his dowry (100 gold ducats), the objects brought by the woman at the time of their marriage, a bed, clothes, jewels. Subsequently, some less usual dispositions appeared: Emanuele left his daughter-in-law Consola not only the dowry (modest, as we have said), the clothes and the ornaments; he added a small legacy of seven gold ducats and ordered that, when widowed, she could stay and live in the family home, without any formalities (and that even in the absence of children of the couple). Such a provision, as already noticed, is very common for one's wife, much less for the daughter-in-law.³⁷

Another very atypical element for an Italian Jew, is to name universal heirs in equal parts his wife and the only son Angelo (mentally deranged). So, only an obvious case of dementia

and the consequent inability to take care of his business (and perhaps even to sire heirs) led the banker from S. Angelo in Vado to change dramatically what, in so many other examples, seems to have been a well-established custom: favouring male relatives in every way. In this case, the marriage, as well as the testament, aimed to guarantee the wife, who obviously cannot count on her son to maintain her standard of living, and procure the "*demens et mentecaptus*" Angelo a lifelong "caregiver", to whom he guaranteed a relatively large inheritance and the possibility of contracting, once widowed, a marriage of her pleasure.

4. Conclusion

The examples from Volterra and the Duchy of Urbino are in my opinion quite significant. Obviously, they show a marked tendency towards a pattern of inheritance which was quite widespread among Italian Jews. It is true, however, that the total number of testaments studied systematically remains too low for allowing ultimate conclusions. In addition, beside the quantitative analysis of the surviving Jewish last wills – both of male and females – the researcher could not avoid taking into consideration the reasons for all the cases in which the general pattern of inheritance was only partially followed – or even fully disregarded. It would be also quite useful to find the Hebrew version of the Jewish last wills, in order to see whether the intervention of the Christian notary had an influence on the texts of the testaments drawn up on behalf of Jewish customers. As a work in progress, this article should therefore be regarded as one small piece of knowledge, to be integrated in the future with the careful study of more cases, including also the northern regions of Italy and possibly those of southern Italy.

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³⁶ Archivio di Stato di Pesaro (= ASPe), *Notarile di S. Angelo in Vado*, Registro ove sono annotati tutti i contratti, ultime volontà e tutto quanto previsto

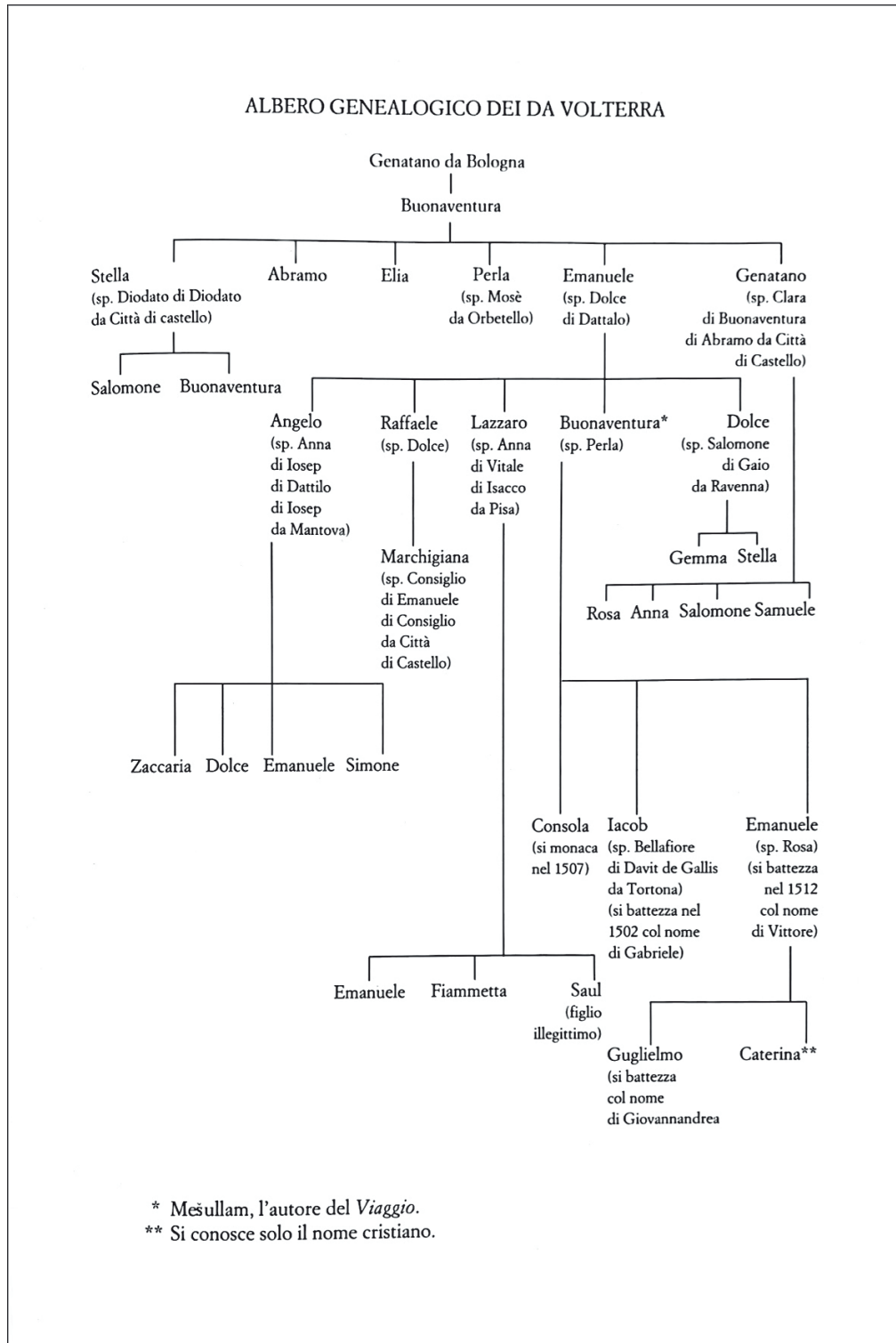
dagli statuti (1416-1431), fol. 361r.

³⁷ See VERONESE, *Famiglie di banchieri*, cit., p. 148.

SUMMARY

This paper aims to briefly discuss the existence of a possible Jewish pattern of inheritance in some locations of central Italy. For now, this is only a first attempt to define a possible model, at least with regard to the families of Italian Jewish bankers and merchants towards the end of the Middle Ages.

KEYWORDS: Jews; Middle Ages; Inheritance.



DA URBINO

maestro DANIELE [da VITERBO ?]

