

Fernanda Alfieri, Serena Di Nepi

Introduction

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Introduction

by *Fernanda Alfieri* and *Serena Di Nepi*

Historical studies have addressed marriage with increasing intensity, especially since the last quarter of the twentieth century, even with regard to the Italian context. This heightened attention has undoubtedly been incited by historiographical sensitivities more and more aware of the porosity between institutions and society, and of the need to ascribe value to long-neglected female experiences and to feelings as the driving force behind relations and conflicts. In Italy, a significant role has also been played by the social tensions affecting the institution of marriage in relatively recent times, including the family law reform and attempted divorce law repeal in the mid-1970s, and the legal recognition of same-sex civil unions, which only occurred in 2016 but was preceded by a long public debate. This has also had an impact on the world of academia, contributing to placing the sphere of sexuality under a new, finally historicizing lens.

In this political, social and cultural framework, challenges to the indissolubility of marriage – a feature traditionally deemed essential for the institution by Christian and state laws, and one of the matters examined here – as well as the more recent emersion in the public space of affective bonds calling for rights equal to those enjoyed by married couples have encouraged the observation of marriage from a long-term perspective. This has allowed its removal from the sphere of immutability and alleged a historical naturalness to which it had long been assigned. Indeed, notice has been taken of the changes it underwent on the various planes of doctrine, the meanings attributed to it, and the lived experiences that interpreted it «from below» and, thus, forged it, in a constant tension between norm and praxis. The effectiveness of coercive actions by institutions endowed with a normative monopoly on marriage in the early modern period (first and foremost, the Church) has been questioned. Light has been shed on a culture of marriage that was both lived and practiced. For centuries, this culture

Translation by Riccardo James Vargiu.

bent the nuptial bond to serve familial, economic and political strategies, and, though less frequently, individual choices spurred by feelings. Marriage has thus shown itself to be a crucial point of observation from which to view tensions existing within communities, the role of the family as *oikos* (system for the preservation and production of offspring and assets), and the sexual hierarchies on which the latter was built and upheld. One need only think of the centrality of female virginity as the linchpin for family honor, the former being a requisite for the latter to be preserved, and for the aspiring bride to retain her value on the marriage market. Or consider the many expectations placed on the spouses' generative capacity, materially and symbolically investing the wife's ability to serve as a secure and fertile vessel, ready to ensure the continuity of lineage, and the husband's ability to provide, through his virility, the biological and identity-bearing substance of that lineage.

A fundamental role in opening up these perspectives, which we can only mention in passing here, was and is played by the studies published in the series «Quaderni» and «Monografie» of the Italian-German Historical Institute in Trent, specifically referenced in the essays collected in this issue. Indeed, the latter aim to establish a relationship of continuity and dialogue with the former. Let it suffice to recall the four volumes of the series «I processi matrimoniali degli archivi ecclesiastici italiani» edited by Silvana Seidel Menchi and Diego Quaglioni¹, who launched a multi-year work merging research in the archives of tribunals endowed with competence over Christian marriage throughout the Italian peninsula with the study of a varied legal corpus, both practical and erudite. Attention has thus been drawn to the existence of a plurality of laws, their overlap, and sometimes their contradictory nature, as well as to the procedures informing the orchestration of marriage trials. Conflicts in courts of law involved not only the spouses, but also ecclesiastical apparatuses, families, and whole communities. To be sure, marriage is a varied scene populated by many actors. In so crowded a stage, matters pertaining specifically to Jewish marriage are thrown into relief in this issue following two

¹ S. Seidel Menchi - D. Quaglioni (eds.): vol. 1, *Coniugi nemici. La separazione in Italia dal XII al XVIII secolo*, Bologna, Il Mulino, 2000; vol. 2, *Matrimoni in dubbio. Unioni controverse e nozze clandestine in Italia dal XIV al XVIII secolo*, Bologna, Il Mulino, 2001; vol. 3, *Trasgressioni. Seduzione, concubinato, adulterio, bigamia (XIV-XVIII secolo)*, Bologna, Il Mulino, 2004; vol. 4, *I tribunali del matrimonio, secoli XV-XVIII*, Bologna, Il Mulino, 2006. Detailed references on this and other historiographical matters touched in this introduction are provided in each essay.

research directions: on the one hand, marriage law (Old Testament, the Talmudic and rabbinic tradition) in European Christian theological, juridical, and erudite discourse; on the other, Jewish marriage practices in the Italian peninsula and relations with host communities.

Historiography has highlighted an unprecedented relevance, in the early modern period, of religion in the organization not only of collectivity, but also of the conjugal cell. The legacy of a tradition primarily conscious of the Christian rite and its changes after the Council of Trent – and of the ways in which Catholic and Reformed Churches imposed their monopoly on the jurisdiction of marriage and, by this means, on the government of society – has exerted a great deal of influence on the history of marriage². Particularly in Italy, the Council of Trent has been singled out as a watershed moment. Its conditioning force and, conversely, its fragility have both been investigated, probing the actual monopoly of the Catholic Church on matrimonial jurisdiction, viewed as a mirror of the tension toward the total (legal and spiritual) government of society³. Attention has also been drawn to how this tension influenced and conditioned Jewish marriage⁴. Furthermore, light has been shed both on the ritual specificities of Jewish marriage in communities present in the Italian peninsula in the early modern period, and on its permeability to the influences of rituals in use among host communities⁵. By studying the practices of mixed marriages and marriages between Christians and converts, the role of the

² For a comparative perspective, see S. Seidel Menchi (ed.), *Marriage in Europe, 1400-1800*, Toronto, University of Toronto Press, 2016; the thematic issue devoted to B. Albani (ed.), *Global Perspectives on Tridentine Marriage*, in «Rechtsgeschichte - Legal History», 27, 2019, accessible online at <http://rg.rg.mpg.de/en/Rg27>; M. Wiesner-Hanks, *Christianity and Sexuality in the Early Modern World. Regulating Desire, Reforming Practice*, London - New York, Routledge, 2000; and finally, M.E. Wiesner-Hanks - M. Kuefler (eds.), *The Cambridge World History of Sexualities*, 4 vols., Cambridge, Cambridge University Press, 2024.

³ The impact of the Catholic doctrine on the use of conjugal violence has also been investigated. See S. Seidel Menchi - D. Quaglioni (eds.), *Coniugi nemici*; M. Cavina, *Nozze di sangue. Storia della violenza coniugale*, Roma - Bari, Laterza, 2011; S. Feci - L. Schettini (eds.), *La violenza contro le donne nella storia. Contesti, linguaggi e politiche del diritto (sec. XV-XXI)*, Roma, Viella, 2017.

⁴ C. Cristellon, *Borach Levi, la censura e la giurisdizione sul matrimonio degli ebrei (secc. XVI-XVIII)*, in M. Caffiero (ed.), *L'Inquisizione e gli ebrei. Nuove ricerche*, Roma, Edizioni di Storia e Letteratura, 2021, pp. 111-127.

⁵ R. Weinstein, *Marriage Rituals, Italian Style. A Historical Anthropological Perspective on Early Modern Italian Jews*, Leiden - London, Brill, 2004.

institution as a tool for confessionalization has also been addressed⁶. At the same time, how Jews and Christians interacted beyond the confines of marriage⁷, which was prohibited between Christians and infidels, has also been investigated.

Yet this issue does not concern itself only with the history of marriage. In the last twenty years, important research has brought to light the quantitative and qualitative relevance of the contacts existing between Jews, Christians, and Muslims specifically during the centuries under consideration. Mobility, whether chosen or forced, commercial exchange, travel, diplomacy, trade and so forth pushed people to relocate throughout the world, to experience an unpredictable series of events that, not infrequently, ended up involving stays – often extending over a significant length of time – in formally prohibited places⁸. Theoretically forbidden presences and unthinkable cohabitations were actually quite common. While these forced societies – often with great difficulty and amid countless contradictions – to face the complexity and diversity of beliefs and cultures, they largely remained in a limbo of limited visibility⁹. Thus, there were individuals who lived where they should not, sometimes formally complying with local rules, sometimes drawing the attention of the authorities (in Catholic countries, particularly that of the Inquisitions), sometimes managing to remain undetected without causing any suspicion. The decisive boundary between these forms of

⁶ On Europe, C. Cristellon, *Between Sacrament, Sin and Crime. Mixed Marriages and the Roman Church in Early Modern Europe*, in «Gender & History», XXIX, 29, 2017, 4, pp. 605-621. On the Ottoman space, F. Tramontana, *Conversioni nel Vicino Oriente ottomano e diffusione del cattolicesimo a Bellemme*, in «Quaderni Storici», 13, 2009, 2, pp. 549-577; C. Santus, *La communicatio in sacris con gli «scismatici» orientali in età moderna*, in «Mélanges de l'École française de Rome - Italie et Méditerranée modernes et contemporaines» [Online], 126, 2014, 2, URL: <http://journals.openedition.org/mefrim/1790>; DOI: <https://doi.org/10.4000/mefrim.1790>.

⁷ M. Caffiero, *Legami pericolosi. Ebrei e cristiani tra eresia, libri proibiti e stregoneria*, Torino, Einaudi, 2012.

⁸ N. Terpstra, *Religious Refugees in the Early Modern World. An Alternative History of the Reformation*, Cambridge, Cambridge University Press, 2015 (Italian translation, Bologna 2019).

⁹ B.J. Kaplan, *Divided by Faith. Religious Conflict and the Practice of Toleration in Early Modern Europe*, Cambridge, Harvard University Press, 2010; Y. Kaplan, *Confessionalization, Discipline and Religious Authority in the Early Modern Western Sephardic Diaspora*, in Y. Friedman (ed.), *Religious Movements and Transformations in Judaism, Christianity and Islam*, Jerusalem, The Israel Academy of Sciences and Humanities, 2016, pp. 83-108; L. Felici - G. Imbruglia (eds.), *La tolleranza in età moderna. Idee, conflitti, protagonisti (secoli XVI-XVII)*, Roma, Carocci, 2024.

illicit yet somehow tolerated presences (this is not the place to investigate the reasons for these ambiguous paths to acceptance) and clearly defined models of coexistence, even in situations of mutual hostility, lies in the legitimization of tools of collective organization, systems of family formation, and mechanisms for the transmission of generational bonds. In this framework, the history of Jews is different from that of other groups because states recognized communities and institutions whose task it was to collect taxes, govern internal conflicts (albeit with many limitations), and manage the life of its members according to clear, understandable rules. As this issue's essays will illustrate in detail, Jewish marriage did not fall within the purview of host communities. Precisely because it was legitimized in its normative autonomy, Jewish marriage is a central element in a story that is so multifaceted and difficult to trace. What's more, as has recently been underscored, the history of the Jewish presence should be studied not only in relation to the history of anti-Semitism, but also highlighting the connections Jewish communities wove with surrounding Christian societies, and vice versa¹⁰.

In keeping with these historiographical sensitivities, the essays in this issue intend to contribute to the history of marriage by adopting a perspective that, in some ways, 'provincializes' Rome and Trent, placing Jewish marriage at center stage. It's worth bearing in mind that in the years contemporaneous to the Tridentine watershed, when Roman Christian marriage was reorganized, passed definitively under ecclesiastical monopoly and subjected to precise formalities, Jewish communities in the Italian peninsula underwent a transformation process, owing to demographic and social changes that modified their organization and power relations, not without consequences on the broader context. The institution of ghettos, the arrival of Sephardic Jews, the expulsions of Jews from the south, from islands, and later from Milan, and the Church's increasingly aggressive policies¹¹, on the other hand, influenced Jewish marriage, amid a general confession-alization process affecting communities throughout Europe between the end of the sixteenth and the first half of the seventeenth centuries¹². The

¹⁰ G. Maifreda, *Italia. Storie di ebrei, storia italiana*, Bari - Roma, Laterza, 2021; G. Todeschini, *La banca e il ghetto. Una storia italiana*, Roma - Bari, Laterza, 2016; D. Kaplan - M. Teter, *Out of the (Historiographic) Ghetto. European Jews and Reformation Narratives*, in «Sixteenth Century Journal», 40, 2009, 2, pp. 365-394.

¹¹ M. Caffiero, *Storia degli ebrei nell'Italia moderna. Dal Rinascimento alla Restaurazione*, Roma, Carocci, 2014.

¹² Y. Kaplan, *Confessionalization*.

conversions of Jews, both male and female, to Christianity had an effect on Jewish marriage and, along with that, on the community's organization¹³. For instance, confraternities were established within ghettos for the purpose of collecting dowries for poor women¹⁴, often in open competition with Christian ones doing the same for neophytes.

Therefore, marriage constitutes a particularly effective prism through which to view the interaction between religious groups in the early modern period. As already mentioned, marriage fell within the juridical autonomy enjoyed by each Jewish community¹⁵. However, there were times when Jewish couples addressed secular and ecclesiastical tribunals, and Christian judges solved the cases before them based on Jewish law. In such instances, the Christian authorities attempted to establish parallelisms (including terminological ones) between the Christian and Jewish institution, as well as contrasted Christian ideals with Jewish 'errors' to prove that Christian marriage was the 'true' one. This was done by some of the greatest canonists of the early modern period, such as Martín Azpilcueta, alias Navarrus, Tomás Sánchez, and Giovanni Battista De Luca, sections of whose works Fernanda Alfieri examines in her essay. Marriage among Jews is one of the many matters on which these theologians wrote, and on which they were viewed as authorities carrying tremendous weight. Indeed, their treatises broached the form and essence of Jewish marriage, questioning the value of consent, the necessary formalities for the transformation of the promise to marry into an actual matrimonial bond, and its duration. In their eyes, Jewish marriage seems to constitute a surpassed but inevitable archetype, something at once foreign and familiar.

The breaking of the matrimonial bond – unthinkable in Catholic marriage, possible in Jewish marriage, and also, though not always in a straightforward manner, in Reformed marriage – appears as a crucial point in the erudite debates that swept across early modern Europe. And the matter is dealt with at length in this issue. The essay by Vincenzo Lavenia explores a rich corpus of commentaries on the Old Testament, both Protestant and

¹³ M. Caffiero, *Battesimi Forzati. Storie di ebrei, cristiani e convertiti nella Roma dei papi*, Roma, Viella, 2004; V. Lavenia - S. Pavone - C. Petrolini, *Sacre metamorfosi. Racconti di conversione tra Roma e il mondo in età moderna*, Roma, Viella, 2022.

¹⁴ N. Melcer Padon, *Charity Begins at Home. Reflections on the Dowry Society of Livorno*, in Y. Kaplan (ed.), *Religious Changes and Cultural Transformations in the Early Modern Western Sephardic Communities*, Boston - Leiden, Brill, 2019, pp. 346-380.

¹⁵ V. Colorni, *Gli Ebrei nel sistema del diritto comune fino alla prima emancipazione*, Milano, Giuffrè, 1956, pp. 181-195.

Catholic, written and published in Europe during the early modern period, from Spain to Portugal and France, from Imperial Germany to Flanders and Rome. Focusing on certain episodes concerning repudiation and mixed marriages contained in the historical and prophetic books, Lavenia throws into relief how Western Christian Churches, after the Reformation and the Council of Trent, used the interpretation of Scripture on these issues as a means to legitimize their own doctrinal and moral stances. In a divided Europe and in a world characterized by increased mobility, the concreteness of relationships between people belonging to different ethnic and religious groups and the fragility of their bonds shed new light not only on the medieval legal corpus on marriage, but also on Scripture itself. After the Babylonian captivity, men from the liberated communities joined with women from foreign ethnic groups, generating offspring. How should their unions be regarded? The priest and scribe Ezra and the governor Nehemiah deprecated them, calling for their severance, and Malachi, the last prophet, further condemned Jewish men who had betrayed their legitimate wives to unite with foreign women. Those passages in Ezra, Nehemiah and Malachi, already commented upon starting in early Patristics, were again addressed by Catholic and Reformation theologians, who, through their interpretations, consolidated the diverse stances of their respective Churches. Religious differences are built also through the different ways in which the conjugal state is understood and regulated. Marriage – in this case, biblical Jewish marriage – thus proves to be an effective device for confessional differentiation.

For the English scholar John Selden, the author of *Uxor Ebraica* (1646), the study of Jewish marriage law is also functional to supporting a specific political position. As shown by Alberto Scigliano in his essay, Selden rigorously examines rabbinic sources in order to reconstruct the Jewish rules pertaining to betrothal, marriage and divorce, highlighting their preeminently contractual and civil nature. Marriage appears as a juridical institution based on natural law, not as a sacrament of divine origin, and as lacking the indissolubility attributed to it by Catholic doctrine. Jurisdiction on marriage should thus fall to the parliamentary rather than the ecclesiastical authority. Placed within the broader context of the debates on the reform of the institution of marriage in early modern Europe, Selden's work stands out as a crucial intervention in the controversies over the relationship between law, theology and the boundaries of civil authority.

In implicit dialogue with *Uxor Ebraica* is the work by Johann Buxtorf the Younger, examined by Guido Bartolucci. Born and educated in Calvinist

Basel, a crossroads of philology and Reformed theology, Buxtorf produced a systematic analysis of Jewish marriage law, conducted through the extensive use of biblical, Talmudic and rabbinic sources, and aimed at legitimizing the Calvinist interpretation of divorce as permissible only in cases of adultery. By investigating key concepts such as *ervat davar* and *porneia*, Buxtorf builds a bridge between the Mosaic law and the Gospels, while arguing for the authority of the Reformed Church in the correct interpretation of Scripture. The broad, inter-confessional reception of his treatise – also adopted by Lutherans and cited by Benedict XIV as a reliable source on Jewish marriage law – attests to the emergence of new paradigms in the study of Hebraism. The Jewish legal tradition was no longer merely the object of polemical attacks, but also a normative, exegetical, and comparative resource.

In addition to the study of the early modern European erudite discourse on Jewish marriage and its instrumentality in the religious and political debate, this issue leaves room for perspectives of social history and history of justice. Moving from these same premises, the latter investigate the relationship between Jewish marriage and Christian marriage in daily practices. The tension between contiguity, remoteness and comparability of the nuptial rites and the rules of the game lies at the heart of the essay by Germano Maifreda. Archives and case studies reveal a multifaceted reality, one even ghetto walls could not close off, distinguish, or separate in a clear-cut way. On the one hand, an individual's feelings and passions could unexpectedly challenge otherwise consolidated hierarchies of difference and of unacceptable relationships. On the other, precisely because spaces of encounter and exchange were part of daily life, they extended beyond their formal boundaries and called for decisive measures to be taken by outside authorities, challenging the very logics of distinction. Forming a family, protecting the dowry, ensuring the future of new generations were constantly negotiable matters, particularly for the affluent, who were better equipped to appeal to the justice of Christians and to attempt to turn it in their favor.

Finally, Serena Di Nepi's essay focuses on the threshold between the inside and the outside of the ghetto. The weight of marriage, and of the female choices making marriage possible, is observed first by drawing attention to women's awareness of the alternatives available to them and of their meaning. Indeed, women could marry a Jew or a Christian; remain Jewish and continue to live in the ghetto, or convert and leave it behind. What emerges is a system of education, social pressure and organization that

helped with the challenges of minority life, and the implications entailed by every decision, when faced with the concrete possibility of forever stepping outside the gates of the ghetto. The focus of this issue thus narrows, bringing to the fore the place and meaning of ‘small’ stories – seemingly specialized, yet central for a broad reflection on the past.

For the sake of readability, transliterations of Hebrew have been carried out according to phonetic criteria suited to English. The system’s ease and simplicity make the words more accessible to readers unfamiliar with scientific transliterations. The small number of recurring words found across multiple essays follow the forms used in Roni Weinstein’s classic work *Jewish Marriage, Italian Style*, as well as the common transliterations on sefaria.org.

Fernanda Alfieri, Alma Mater Studiorum - University of Bologna, Department of History and Cultures, Piazza San Giovanni in Monte 2, I - 40124 Bologna, fernanda.alfieri2@unibo.it

Serena Di Nepi, Sapienza University of Rome, Department SARAS, Piazzale Aldo Moro 5, I - 00185 Roma, serena.dinepi@uniroma1.it

