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The Juridical Communities of Apulia: Communal Identity and Municipal Belonging in the Aragonese Kingdom of Naples

Vincenzo Selleri

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THE JURIDICAL COMMUNITIES OF APULIA: MUNICIPAL BELONGING AND COMMUNAL IDENTITY IN THE ARAGONESE KINGDOM OF NAPLES.

by

VINCENZO SELLERI

A dissertation submitted to the Graduate Faculty in history in partial fulfillment of the requirements for the degree of Doctor of Philosophy, The City University of New York

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This manuscript has been read and accepted for the Graduate Faculty in history in satisfaction of the dissertation requirement for the degree of Doctor of Philosophy.

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ABSTRACT

The Juridical Communities of Apulia: Municipal Belonging and Communal Identity in the Aragonese Kingdom of Naples.

by Vincezo Selleri

Advisor: Allison Kavey

This study intends to make a contribution to the debate concerning Jewish citizenship in Renaissance Europe by suggesting that de jure status does not provide sufficient information on the municipal belonging of individuals and groups. Citizenship in Renaissance Italy was an equivocal concept. Political rights were usually granted on the basis of wealth and “respectability” (measured in terms of lineage, and education). Jews, women, the poor, and “debased” groups may have not enjoyed such rights; nonetheless they were part of the social, economic, and cultural life of the Renaissance city.

Municipal belonging is better assessed by individuals’ de facto enjoyment of municipal rights, shared vernacular language, utilization and appropriation of public space as one’s own, and adherence to local norms. Individuals who shared these features constituted a juridical community. Jews of terra di Bari, for example, voted in the public square, lived in the center of town in open quarters, spoke Apulian vernacular languages, and used public notaries and gentile courts often adhering to the Lombard norms that veined the legal culture of the land. This means that Jews were not a permanent parallel society; instead, they were embedded into the municipal juridical of the Kingdom of Naples.
This study suggests that citizenship is an imperfect concept because its definition was subject to constant negotiation, and it varied through time and space. Municipal belonging can be bettered assessed by imagining the existence of Juridical Communities. In fact, their members are defined by cultural parameters as expressed in the pragmatic solutions they adopted to cope with specific local conditions. For example, Jewish women of Bari adopted strategies to protect their interests in a male dominated society that were closer to those of their Christian neighbors than to those adopted by Ashkenazi women in Northern Italy. Regardless of their de jure status Christians and Jews of Apulia who adopted similar strategies in the protection of wealth, transfer of property, and communal administration belonged to a specific juridical community because their worldview was informed by a common legal culture.
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Introduction.

The history of the Jews in southern Italy has received little attention by international scholarship. As a result, our understanding of Jewish life in the Kingdom of Naples is fossilized in a top-down narrative that ignores horizontal dynamics that explain the integration of Jewish communities into the fast-developing municipal and state administrative structures in the fifteenth century. According to this master narrative, the Jews in the Kingdom of Naples belonged to the king who protected them from the violent anti-Judaism of clergy and people only to profit from the collection of special Jewish taxes. According to this perspective, Jews formed a distinct, parallel society and were destined, like their Iberian brethren, to disappear from the Mezzogiorno. This study intends to provide a revision of the history of southern Jewry by demonstrating that Jews belonged to cities as much as they did to the nascent Aragonese state, and such belonging needs to be assessed in terms other than formal citizenship. Their “belonging” to the municipal and state apparatus is exactly what enabled them to conduct political battles, and in fact, this study argues that rather than being powerless pawns Jews had significant political agency. Contrary to the arguments made in older scholarship, Jewish communities were not parallel self-governed cells, but the product of local socio-political dynamics whose fight for autonomy mirrored that of cities. The Jewish leaders battled for the administrative and jurisdictional autonomy of their communities creating irreparable fractures with the municipal governments. Their political isolation weakened their social position and proved overpowering when edicts of expulsion forced them out of the Kingdom of Naples. This functionalist explanation for the expulsion of the Jews from the Kingdom of Naples is not the sole contribution of this study, though. It also makes a contribution to the debate concerning
Jewish citizenship in early modern Europe by suggesting we abandon the idea that municipal belonging should be measured in terms of “full citizenship.”

Focusing exclusively on the legal status of citizens risks overlooking other signs of belonging to a defined community. Diaspora Jews in Italy formed a distinct religious community subject to legal discrimination, but this does not contradict the fact that they shared public spaces, languages, values, and legal strategies with their Christian neighbors. By analyzing notarial and court records from the state archives in Bari and Naples and focusing on civil litigation that ensued over taxation and testamentary wills drawn especially by women, this study argues that Jewish and Christian inhabitants of Apulian cities were, in fact, members of a well-defined “juridical community.”

A juridical community is composed of women and men whose worldview is informed by a common legal culture. Juridical communities are not fixed and do not have clear boundaries. They can overlap when members draw on the same legal traditions or can drift apart when their members choose legal isolation. Their borders could coincide with a polity but also extend as far as members of the polity go, as long as their affiliation with the polity bears legal consequences. In fact, fifteenth century courts of law allowed individuals to bring to the forum their own legal system. This allowed juridical communities veined by Roman, Frankish, and Jewish law to produce documentary evidence and be judged according to their legal system even in territories where local norms were informed by Lombard law. The flexibility of the judiciary allowed the survival of legal cultures even outside the strict geographical boundaries where these originated.

This study argues that the voluntary adoption of legal norms is a sign of acculturation and determines one’s belonging to a juridical culture. Social and political communal life is shaped by “laws” as well. These written, oral, and even unspoken norms regulate the utilization
of public space, elections, proper public behavior, notarization practices, and strategies adopted in the defense of property. In fact, each Renaissance city possessed a peculiar identity shaped by space, soundscapes and local customs. The individuals who moved at ease through the streets, voted in the public piazza, shopped in the city markets, and relied on the local judiciary to notarize their wills following peculiar local legal norms were part of a juridical community.

Speaking about Jewish citizenship in fifteenth-century Italy is problematic. Firstly, a simple linguistic analysis of the contemporary sources does not help in the determination of the legal status of Jews. In fact, against arguments who seem to support the performative power of the word citizen (i.e. if an individual is called citizen, he/she evidently is, or becomes, one), we must account for the fact that the same men and women could be identified in a same set of documents indistinctively as dwellers, citizens or foreign residents. Furthermore, what being a citizen entailed varied in time and in space as city statutes, court records, and jurisprudential tractes clearly prove. Surely, political rights were not “locked in.” They were extended to, and taken away from, individuals and groups depending on a multiplicity of historical conditions. Some cities excluded entire professional groups (such as cattle herders, farmers, actors, fishermen, and peddlers) from the election process. Most cities, even those that allowed lower classes to participate in the government, had eligibility requirements based on wealth and “respectability” that restricted the eligible group to a small percentage of the population. Exclusion from holding office, though, did not preclude the enjoyment of other citizenship rights. Jews, who could not hold public offices, enjoyed the economic privileges granted to the rest of the municipal citizenry of southern Italy, such as the exemption from the payment of tolls throughout the Kingdom of Naples. Enjoyment of economic privileges was not determined by “full citizenship” but depended more on the payment of taxes. Not coincidentally, municipal
governments and the central state administration measured claims of communal belonging against the list of the taxable hearths of the city.

Since the enjoyment of municipal privileges was linked to the payment of taxes, looking for evidence of the actual enjoyment and utilization of such privileges provides evidence of one’s municipal belonging which is far more concrete than any jurisprudential speculation.

Cities faced serious challenges in the collection of direct and indirect taxes because families prioritized the protection of their personal wealth over that of the “bene commune.” Furthermore, the frequent relocations, especially following wars and pestilences, meant a constant fluctuation of demographics – citizens were lost, and foreigners acquired. These conditions pushed administrations to pursue aggressive taxation policies, frequently utilizing coercive methods and threatening the non-compliers with imprisonment, torture, fining, and expulsion.

There exists a profound contradiction between the image of “the wandering Jew,” bound to eternal peregrination, the epitome of the alien, (for internal and external conditions) incapable of integration, and the historiography of southern Italian Jewry. According to Italian and international scholars, Jews had been living in southern Italy since the destruction of the second Temple when they were (allegedly) brought to Rome as prisoners (as illustrated by the relief on the Arch of Titus), and by the fourth century had spread to most southern regions as attested by epigraphic evidence. Unfortunately, there is no way of determining the size of these communities. The alleged “uninterrupted presence” from 70 CE, when Jewish prisoners were brought to the Italian peninsula, to 1541 when Emperor Charles V expelled the last communities from the Kingdom of Naples, is also problematic. In fact, in 1291, the French king Charles II ordered the mass conversion of the Jewish population of the Kingdom. How many Jews
“survived” the coercive conversion campaign? How did the Black Death impact the demography of the qehillot? Who were the 50,000 Jews who reappear in the fifteenth century under the rule of the Aragonese dynasty of Trastamara?

Given the absence of concrete evidence of the existence of organized Jewish life in the fourteenth century, this study adopts a critical position and disputes the proposed continuity of Jewish life in the Kingdom of Naples. The year 1291 should be considered as a possible rupture in the history of Southern Italian Jewry, a sort of “year zero” after which new immigration flows repopulated the vacant iudece. It is precisely the absence of Jewish communal structures that facilitated the integration of the newcomers into the fabric of municipal life, and into the nascent Aragonese Kingdom of Naples. After the losses suffered during the Black Death, the wars for the succession of the throne after Queen Joanna II’s death (d. 1435), and in light of recurrent pestilence, cities needed to secure new human capital to perform labor, fuel commerce, and pay taxes. This was an incentive to pass welcoming citizenship legislation that extended municipal privileges to newcomers (foreign Christians, Albanians, and Jews), without necessarily granting them political privileges. In the absence of established communities, Jews organized their internal life on the model of municipal administration, following similar norms in the creation of offices and in the electoral process.

Participation in economic life was a necessary step towards the affirmation of an individual’s or of a community’s municipal belonging, but it cannot be the only parameter to evaluate integration and acculturation. Even acknowledging their cooperation at many different levels (cultural, economic, social), Christians and Jews are often described as moving along separate vectors on a bi-dimensional surface, entangling, intersecting, intertwining but never truly amalgamating. This study argues for a deeper embedding of Jews and Christians in a shared
juridical culture. Municipal belonging was certainly determined by the contribution of groups and individuals towards the common wealth, but it can also be measured in cultural terms through their adoption of legal and political strategies. In the fifteenth century, the kingdom of Naples did not have a unified legal code: each city drew statutes based on peculiar legal traditions. Furthermore, local courts allowed users to bring to the forum traditions that defined the legal identity of their “nation.” The fact that any one member of any given community was familiar with the norms regulating his/her communal life is not at all surprising. But when an individual was familiar enough with norms regulating “another” community and, given the flexibility of the judiciary, willingly decided to operate according to them, then this individual entered a community defined by a juridical identity other then that of its nation. Courts of law allowed Jews and Christians to join a community shaped by shared legal culture.

In Apulia, women could act as Lombards or as Roman citizens with the implications that such choices had for their freedom. Acting as a “Lombard,” for example, women would be forced to subject themselves to a male agnate (usually the father, or a brother); while presenting themselves as “Roman citizens” they would be freed from this Germanic custom. Jewish women of the Kingdom had access to an exclusive judicial system regulated by halakha (Jewish Law). Their right to be judged by a court “internal” to their religious community was protected by royal charters. At the same time, though, they could enter local courts of law and rely on Christian legal traditions. When Jewish women entered the courts of Terra di Bari they had the freedom to choose between the local norms veined by Germanic law or act as “Roman citizens” and thus escape the control of the mundualdo. The judicial system allowed multiple legal traditions to coexist in the court – this means that if Jewish women brought to the forum a mundualdo it is because they saw fit to act as Lombards. The mundualdo was often present in the drawing of
wills, or whenever an economic transaction involving a woman took place. If Jews in Terra di Bari drew wills, and entered courts following Lombard customs, it is not because they were compelled to do so but because they identified with a peculiar municipal legal culture.

The familiarity that Jews had with the language, culture, bureaucratic apparatus of cities and of the Kingdom, the way courts of law functioned, and most importantly the fact that they made choices that were informed by the society they lived in, suggest that Jews belonged to “their” cities – they belonged to a juridical community. As members of the juridical communities of the kingdom they moved at ease within the bureaucratic maze of the growing Aragonese state.

By skillfully exploiting the centralizing aims of the central government, Jewish leaders were able to further their own political agenda which aimed at greater autonomy from the local judiciary and municipal administrations. Ironically, their political victories, including the fiscal separation of iudece, proved detrimental to Jewish-Christian relationships. Jews were felt more and more as a burden to cities which, due to the constant wars and pestilence, lacked the human resources to satisfy the payment of the state taxes. With the arrival of thousands of Iberian and Sicilian Jews expelled by the edicts of Ferdinand the Catholic, the already strained relations between Jews and Christians broke into sweeping violence. The Jewish general charters were responsible for the deterioration of the status of the Jews of the Kingdom of Naples not because they modified their de jure citizenship status, but because they revoked their affiliation to the local juridical community.

The Sources
To explore the multilayered juridical identity of the Neapolitan Jews I employed notarial records produced in Terra di Bari, civil cases preserved in the State Archive of Naples, royal charters
granted to Ragusan merchants preserved in the State Archive of Dubrovnik, published Jewish charters, and the vast correspondence that occurred between Apulian cities and the state collected in *Libri Rossi.* Unfortunately barely any local Jewish source has survived the wrath of time. The Jewish sources used in this study are rabbinical responsa previously published by eminent scholars. In fact, most of the documents this study relies on are collected in works published by Italian state archives, and local historical associations. Italian historians and archivists have published a mesmerizing quantity of notarial records which would be otherwise both difficult to access, and difficult to read. Notarial script is notoriously difficult to interpret because of the very nature of the notarial record. Often these documents were produced in haste or were so repetitive that notaries began to utilize a great number of abbreviations in order to speed up their tedious job. The modern scholar is fortunate to benefit from the surgical eye of the paleographers who, with great care and precision, have transcribed and made accessible thousands of documents.

The State Archive of Bari holds a rich collection of notarial records dating back to the fourth decade of the fifteenth century. Such documents are well known to local historians who have published several of them in local journals and publications of the various Società di Storia Patria. Most notably, the late Cesare Colafemmina, a former professor at the university of Bari and Calabria, dedicated his scholarly career to the study of Southern Italian Judaism. Although his historical pieces are written in a rather positivistic fashion, Colafemmina had the undoubted merit of bringing to light the existence of a rich documentary basin for the study of Jewish Mediterranean life in the fifteenth and sixteenth centuries hidden in the archives of Southern Italy. In the 1980s and 1990s he coordinated various teams of paleographers who transcribed

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1 Literally "red books." Further in this section I will explain what Libri Rossi are.
some four hundred documents related to the life of Apulian Jews from Apulian notarial records and from the fondo Partium of the Camera della Sommaria in Naples.

Another volume of similar documents relative to Jews who lived in Calabria was published by Brill in a series directed by Shlomo Simonsohn. Important historians such as Kenneth Stow and Ariel Toaff have been involved in Simonsohn's project at various stages collecting, transcribing, and editing documents from the state and notarial archives of Rome and Umbria - these publications constitute a precious but largely ignored documentary treasure at the disposal of the modern researcher. A significant number of primary sources used in this study come from these valuable publications.

The documents utilized for this research run from the first half of the fifteenth century, when King Alfonso of Aragon won over the Angevine's claims and "inherited" the Neapolitan throne from his adoptive mother Joanna, to 1541 when Emperor Charles V enforced the edict of expulsion of all Jews from the Kingdom of Naples first signed in 1501 by his grandfather, the Spanish King Ferdinand the Catholic. These documents open a window on the life of fifteenth-century Apulian Jews providing information on the urban spaces in which they lived. They give a sense of the economic status of Jewish families and the transmission of wealth through marriage. They give us a sense of the political role of Jewish widows who voted in the election of communal representatives. They show that Christians entered Jewish homes, and Jews entrusted Christians with the care of their belongings, real estate, and even children. They provide glimpses into rites of passage - such as the emancipation of boys who sported golden rings engraved with lions when entering manhood.

These documents record the wrongdoing of officials who tried to increase their personal wealth by overtaxing the Jewish communities and reveal that it took little to turn neighbors into looters.
and haters. During Easter in particular, Jews feared that Christians would force them to carry religious statues in procession, attend mass, that religious icons would be painted in their quarters, or even worse, that they would be subject to physical violence. Most importantly for this study, these documents reveal the cultural proximity of Jews and Christians. Notarial documents are testimony of the familiarity - for both men and women - with Christian laws and legal venues. At the same time the language, abbreviations, and "etcaeteras" prove that notaries themselves were perfectly at ease with recording Jewish contracts and litigations.

The Sommaria under the Aragonese rulers was a civil court dealing mainly with cases of fiscal nature. Universitates, that is corporate bodies such as municipalities, the Albanian and the Jewish communities, and individuals who had the will, time, and resources to pursue justice in Naples, the capital, would file claims either in writing or by appearing in person. The exposto, as the claim was called, was recorded by a notary and submitted together with any textual documentation presented by the plaintiff to the attention of a team of law experts. The court order of the Sommaria would then be issued and signed by the locumtenens and the magistro actorum, and sent to the local authority for its execution. Most of the lawsuits initiated by Jews resulted in court orders issued to the capitani, that is the representatives of royal power stationed in each city of the royal demesne.

After the destruction of the archival material by the Nazi troops in 1943, what survives of these cases are the court orders - everything else has been lost. Even if they represent only a limited and partial picture of the cases, the documents of the Sommaria (fondo Partium) reveal much of the legal culture of the Kingdom.

Firstly, they reveal that rich and poor, men and women, Jews and Orthodox Christians, Albanians and Apulians, individuals and cities all sought the intervention of the central state.
This implied a growing awareness of the greater coercive power of the central state and the willingness to recognize its authority in disputes which would have otherwise caused conflicts of interests. The modalities through which the *esposti* were drawn and filed could help define a restricted group whose social and political behavior was in fact shaped by norms and customs peculiar to quite a restricted territory. This is a group of people that, regardless of their religious affiliation, face similar if not identical economic problems, speak the same vernacular language, are subjects of the same kings, citizens of the same cities, inhabitants of the same provinces, and victims of the same violence inflicted by foreign occupying forces. For example, in the course of the Italian Wars (1494-1559), Jewish and Albanian communities, as well as cities who had suffered from the Venetian and French occupation, sent requests for a temporary alleviation of the fiscal burden. Even more poignantly, both Christian and Jewish widows seem to have been fiscally attacked by feudal lords and cities or by the Jewish community; both groups of women turned to the central state for protection and justice against the abuse of power of local authorities. The nature of these textual sources is per se an indication that notarial documents are the material product of a single juridical community.

The last type of primary source used in this study is the *libri rossi*. During the Middle Ages cities in the Kingdom of Naples, as many other European cities, started gathering edicts, royal letters, privileges, communal records, significant correspondence, and so on into chests. These documents were saved because they were perceived by contemporaries as guarantees of the status and liberties of the municipality. Laws and agreements died with kings and it was thus necessary to ask for a reconfirmation of the older "rights" every time a new ruler ascended to the throne. In time, what survived decades, or centuries, of archival mistreatment was collected into books bound in beautiful, tinted leather. The covers could be green, or yellow, or blue but most
of the time they were red - hence the name *libri rossi* (red books). Luckily, most of the surviving *libri* have been transcribed, edited, and published - a real treasure for the modern researcher. For this research I have studied *libri rossi* of Apulia looking for indications of exclusion and inclusion of the Jewish community into the larger municipal body. As I will show, *libri rossi* can reveal that a strong municipal identity encompassed diverse ethnic and religious groups.

*The Architecture*

In chapter one, I provide an historiographical background to justify a study of the Jewry of the Kingdom of Naples under Aragonese rule. I summarize the events that led to the ascendance of the Aragonese dynasty of Trastamara to the throne of Naples, and then sketch the legal *mish-mosh* regulating the life of Renaissance southern cities. I define the concept of *juridical community* and suggest that it is a much more effective way to assess belonging in a culture that ignored the idea of “full citizenship.”

In chapter two, I provide the legal context in which Jewish communities as corporations, and Jews as individuals operated. I argue that Jews acted in the broader state context as Roman citizens, and in light of their being Roman citizens they could organize in supra-territorial groups.

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and act as de facto corporate bodies. The supra-territorial organization of the iudece resulted in the general Jewish royal charters which impacted Christian-Jewish relations on a local level.

In chapter three, I analyze the relation between the payment of taxes and municipal belonging. I argue that communal membership was tightly knit to the contribution individuals gave to the common wealth. This emerges from dynamics that regulated the integration of Jews and Albanians into the municipal body; of individual Jews into iudece; and, after 1492, of Spanish and Sicilian immigrants into the Italian iudece. Could membership to a juridical community be revoked?

I suggest that the political fight of the Jewish leaders for greater autonomy of the iudece was one of the factors that compromised the relationship between cities and the Jewish population. The political victory of the Jewish leaders fiscally separated the iudeca from the rest of the citizenry. The destruction of the horizontal ties must have had a detrimental effect on the perception that Christians had of Jews. The swelling number of civil cases in the 1490s shows that tensions between iudece and cities had escalated dramatically. The arrival of thousands of Jews from Iberia worsened the already difficult situation. Cities had been hit by the plague in 1493 and, suffering from the destructions and pillages of the French and Venetian armies, the “original” dwellers hardly tolerated the newcomers. Iberian and Sicilian Jews, although maintaining a separate administration, settled in cities where iudece were already established. When a new edict of expulsion from the Kingdom of Naples was published in 1510 cities had no desire to protect a swelling body of people that hardly contributed to local taxation.

In chapter four, I go deeper into the workings of the iudeca. I illustrate the internal electoral process, the regional electoral process, and I compare it to the administrative organization of cities. The similarities between the internal organization of the iudeca and that of
the city furthers the point that Jewish communities were an integral part of the administrative and judicial machinery of the Kingdom of Naples.

In chapter five, I look at the transmission of wealth within the Jewish communities of Terra di Bari. Through this case study I suggest that Jewish women utilized the same strategies to protect their dowries and estates, as their Christian neighbors. They did so because their worldview was informed by a common legal culture, because in fact Jewish and Christian women belonged to the same juridical community.

I conclude this study with an agenda for future research. A venue of research lies within the Apulian diocesan archives. The city of Gallipoli was attracting Jews at a time when, under royal pressure, other cities were expelling them. The population of the city had an unparalleled demographic growth precisely during the expulsions of Jews from the Kingdom of Naples in the first half of the sixteenth century. Was this growth caused by Jewish and Converso immigration? To this day the last names of the Italian Renaissance Jews of Apulia that fill the notarial records of Terra di Bari, are common names among the inhabitants of Southern Italy. Is it possible that the integration in the local juridical communities led many Italian Jews to convert and remain instead of following the path of the Sephardim?

By analyzing changing legal practices of both Jewish men and women through time, I also hope to provide more insight on the gendered pace of acculturation. Paula Hyman convincingly subverted the assumption that women’s emancipation was slower among eastern Jewish women, demonstrating that, in fact, social and economic conditions favored their acculturation more than men’s.³ Her theoretical model could be successfully extended to

Renaissance Italy. Notarial records and court documents preserved in the state archives of Palermo, Naples, Rome, Ferrara, and Venice are particularly rich in Jewish sources. These cities maintained very different political, cultural, and legal identities. A study of Jewish wills in such different polities should provide indications on which economic factors favored the legal acculturation of women.

Proving that such acculturation is a sign of gendered integration offers the chance of a major revision in the understanding of Jewish-Christian relations in Renaissance Italy. These findings can be applied to the study of the integration of other ethnic and religious minorities. An example of a promising case study is that of Balkan enclaves established throughout the Italian peninsula between the thirteenth and the fifteenth century. The assimilation of Albanian communities into the urban population of Southern Italy, for example, seems to have been determined mainly by the size of the community. Individuals slipped into the native society by intermarrying. Some individuals even gained political rights and became part of urban councils. Larger communities acted like other corporate bodies (e.g. qehillot) and requested administrative autonomy resisting integration into the fiscal hearths of the southern cities. Some Albanian communities were invited by feudal lords to populate abandoned rural settlements and were given the chance to survive maintaining a peculiar cultural identity well into the twentieth century. Determining the level of integration of a minority into a juridical community may be used as a Litmus test by research aiming at determining which socio-economic conditions promoted acculturation, assimilation and emancipation.

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4 For Venice see Anna Bellavitis, Nadia Maria Filippini, Tiziana Plebani eds., *Spazi, poteri, diritti delle donne a Venezia in età moderna*, (Verona: QuiEdit, 2012);
1 - The Juridical Community.

Why a study on the Jews of the Aragonese Kingdom of Naples.

The present study is one of the tiles of a larger puzzle that, once completed, should provide a new picture of the municipal communities that animated the towns of Renaissance Europe. The intent of this investigation is to add a layer to the bi-dimensional model where religious communities are placed on a flat surface. In fact, whether described as parallel, intertwined, or tangled, religious communities of the pre-modern world are often thought of as separate units moving along separate vectors. Members of religious communities, though, were simultaneously members of other communities. I do not think that any study exists on Florentine

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6 On the many ways the relations between Jews and Christians have been described see Elisheva Baumgarten, Ruth Mazo Karras, Katelyn Mesler eds., Entangled Histories. Knowledge, Authority, and Jewish Culture in the Thirteenth Century, (Philadelphia: University of Pennsylvania Press, 2017), 2-5.
life at the time of the Renaissance defining the citizenry simply as “the Christians.” Individuals were instead defined by gender and by status. Their municipal belonging will be measured in terms of culture, legal citizenship, political rights, language, and even in the way they related to physical urban space. Usually, “The Jews” are treated as a separate element, which is not expected to be fully integrated in the citizenry. One of the main obstacles obstructing their integration, it has been argued, was their lack of citizenship.

Admission to citizenship, the central hallmark of legal emancipation, also implied access to state power and the control of capital, and it raised fresh questions about the status of community, culture, and minority rights.7

This study recommends abandoning this category as a valid way of measuring municipal belonging. The analysis of legal practices (notarization of documents, wills, utilization of public courts, reliance on the state judiciary, administration of communal justice) of different religious groups in southern Italy (especially in Apulia) yielded interesting results. Jewish men and women shared a common understanding of the world with their Christian neighbors - a worldview informed by the legal norms regulating their daily lives. This study, thus, suggests that the “culture of law” of individuals makes them part of a “juridical community,” a term I define in this chapter.8

8 For a definition of Juridical community see also the introduction to this study. Robert Bonfil stresses the importance of not discounting the weight of “religious otherness” when discussing examples of “interactions” between Jews and Christians in Renaissance Italy. He writes that “[we] should [...] be extremely careful not to interpret the various expressions of cultural interaction between Jews and Christiaana as a result of the alleged high level of social integration, or to present them as a manifestation of Jewish assimilation.” Unfortunately, Bonfil does not say how to interpret and call the similarities in fashion, music, literature, and social behavior. While
It is fair to ask why the objects of this investigation are Jews and Christians of the Kingdom of Naples. A survey of the historiography on Jewish History in the Kingdom of Naples provides the answer and will also allow the unfamiliar reader to situate in time the events dealt with in the following chapters.

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As Robert Bonfil pointed out in 1994, the historiography on Italian Jewry is divided between “the lachrymose conception” of Jewish history and the “anti-lachrymose” one. Since at least 1946 when Cecil Roth’s History of the Jews of Italy was published, the “anti-lachrymose” conception of the Italkim has been the pervasive grand narrative of both Italian and International scholarship on “Italian” Jewry. The (alleged) uninterrupted presence of Jews in the Italian peninsula from Roman times until present days, the vital and thriving Jewish communities of Venezia, Livorno, Roma - just to name a few - and their contribution to the intellectual, cultural and economic history of European Jewry, the flourishing of Hebrew studies among Christians in the Renaissance, their “successful” emancipation in the nineteenth century have been used as proof of the “idyllic” conditions that Italy offered to Jews. To be sure, the good conditions

this study recognizes in undoubttable terms the inferior status Jews were relegated to through discriminatory legislation, and the popular violence they were victim of, it also questions Bonfil’s ambivalence. Shared legal practices are, indeed, a form of acculturation. See Robert Bonfil, Jewish Life in Renaissance Italy, (UCP, 1994), especially “The Problem of Socialcultural Identity: Some Preliminary Observations”, 101-124. The quote is on page 103.


under which Italian Jews lived have been asserted only in comparative terms with the status of Jews in other European lands: no serious historian would in fact deny the discriminatory and persecutory treatment Jews were subjected to in the “Bel Paese”. Although we, today, speak about “Italian” Jews, it is obvious that neither in the Middle Ages, nor in the early modern period was Italy ever a unified political entity. In the fifteenth century, the major political actors were, moving from south to north, the Kingdom of Sicily (later dubbed “of Naples”), the Papal State, the Republic of Florence, the Republic of Genoa, the Serenissima, and Milan. Accordingly, historians have written general histories of Italian Jewry based on different geo-political divisions. Cecil Roth divided the peninsula in four areas based on economic, political and cultural criteria: Sicily, the Kingdom of Naples, the Papal State, and the Northern Cities. In fact, each northern city was a separate body politic with peculiar economic, cultural and political conditions. Roth’s decision to lump together the destiny of the Jews of Venice, Milan and Bologna ignores the dynamics that in fact led these cities to issue very different legislation regulating Jewish life within their domains. Moses Shulvass proposed a division more respectful of the immense diversity of the Italian political reality and divided his The Jews in the World of the Renaissance in: the Kingdom of Naples and the Islands (Sardinia, Sicily and Malta), the Papal State, the House of Este, Parma, Urbino, Venice, Mantua, Lombardy, and Piedmont. Salo Baron preferred a simpler division into five areas: Southern Italy, the Papal State, Tuscany, Venice and the northwestern territories of Lombardy and Piedmont. Robert Bonfil looked at Italy as comprised of two areas, the mainland and the islands - a division justified by the

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historian on socio-economic basis: Sicily was “an island for itself” with static conditions (including a zero growth for 200 years, according to the historian), while on the peninsula Jewish settlements were a lot more fluid in their ethnic composition (Ashkenazim, Sephardim, Italkim) and economic and social fortunes. These general histories necessarily painted a picture of Jewish life with broad strokes that blotted out the peculiar local conditions of the Jews’ legal status. In the last twenty years studies aimed especially at understanding the path towards the emancipation of the Jews, demonstrated that conditions varied greatly even within a same state. Raison d’état shaped citizenship policy so that the legal status of useful minorities was mediated in those cities where they were most needed. Conditions, these studies showed, differed, even among cities belonging to the same state. While great attention has been dedicated to the history of Italian Jews of central and northern regions, studies on the qehillot south of Rome are rather scarce. Even in studies focusing on the fifteenth century expulsions, the Kingdom of Naples is but the background of the Sephardic diaspora. Two relatively recent works focusing on the Kingdom of Naples - Nadia Zeldes’ The Former Jews of this Kingdom, and Peter Mazur’s The


*New Christians of Spanish Naples* - bring the South back in the picture of the Sephardic studies but set aside the fate of local “Italian” Jews.\(^{16}\) David Abulafia in 2008 noted that “Nicola Ferorelli’s *Gli ebrei nell’Italia meridionale* of 1915 [is] still the only broad survey of the subject.”\(^{17}\) In 2018, this still holds true.\(^{18}\)

To be sure, works on Southern Jewry do exist: Ferorelli, Abulafia, Bonfil, Simonsohn, Colafemmina, Petralia, Holo, von Falkenhausen, Houben, Viseglia, Ta-shma, Baron, Ben-Sasson, have all written about the Kingdom; none of these works, though, does justice to the social, cultural, and political vitality of the *iudece*. Unfortunately, the “vertical” view of State-Jewish relations is the *only* grand-narrative painting Jewish life in Southern Italy. This top-down interpretation tends to describe “the Jews” as totally dependent upon state policy and makes them passive objects of the rulers’ whimsical decisions. This reading not only subtracts agency to the Jewish leadership, but also ignores any horizontal ties *iudece* may have had with municipalities. This narrative is anti-lachrymose only when analyzing the Jewish vertical ties, while it turns lachrymose when analyzing horizontal ties.\(^{19}\) The same historians who explain the amelioration


\(^{19}\) This work does not deny the existence of a vertical allience between Jewish community and king. It suggests, though that these political aims were fostered only by part of the leadership and
of the Jews’ condition in the Kingdom by stressing the “magnanimous” heart of the Aragonese kings, reiterate that Jews were despised by the populace, tormented by the clergy, legally discriminated against, and overburdened with unjust taxation. The royal charters granting privileges to the Jews were thus interpreted by Cesare Colafemmina (the first to publish two of the three known ones) as a concession of the Aragonese kings of Naples, as if these charters were peculiar and exclusive instruments utilized to protect the Jews from the hate and greed of cities and overlords. If the emphasis on the separate and “autonomous” condition of Jewish communities has been challenged in the rest of Europe, Southern Italian Jews keep on living in a separate historical narrative. Robert Bonfil wrote:

Jews in fact were only indirectly involved in politics. Political events to be sure conditioned Jewish lives in many ways, but the events themselves were certainly not influenced by the presence of the Jews. In terms of history of the Jewish people, Italian political events are an entirely external factor to which the Jews responded in a totally passive manner since Jews could not, did not expect to, indeed not even aspire to take an organically active part beyond

did not necessarily represent the political views of the whole qehillah. On the “vertical alliance” see the seminal contribution of Yosef Yerushalmi, The Lisbon Massacre of 1506 and the Royal Image in the “Shebet Yehudah”, (Cincinnati: Hewbrew Union College Press, 1976); idem, “Servants of Kings and Not Servants of Servants”: Some Aspects of the Political History of the Jews, (Atlanta: Tam Institute for Jewish Studies, Emory University, 2005); for Baron’s influence on Yerushalmi’s concept of vertical alliance and more on the author see also Lois C. Dubin, “Yosef Hayim Yerushalmi, the Royal Alliance, and Jewish Political Theory”, Jewish History, vol. 18, no. 1, (2014), 51-81.


attempts at “lobbying”, which can well be imagined.22

Why shouldn’t we consider political the formation of networks of Jewish representatives - elected, appointed or self-appointed - their meetings, their constant bargaining with Christian lay and clerical officials and lords? Why shouldn’t we think that the inclusion of the Jews among the beneficiaries of royal privileges accorded to cities was not the result of local Jewish political actions that assured the integration of the Jewish community among the municipal citizenry? Isn’t it plausible that the inclusion policies (granting of citizenship, or expulsion) adopted by cities could have been influenced by the political agenda of the Jewish leaders? Stressing the autonomous nature of the iudece deprives Jews of political agency and marginalizes them from the dynamics animating urban life.

The topos of the “powerlessness” of Southern Italian Jews finds a strong parallel in the “powerlessness” of southern cities vis-à-vis feudal lordship, and of the kings vis-à-vis the barons. With the political unification of Italy (1861-1871) came the realization that the administrative unification would have been slowed down by the great economic differences existing between northern and southern regions. A somewhat artificial border separated the more industrialized and urbanized north from the rural and poverty-stricken south. The backwardness of the Mezzogiorno, as southern Italy is called, was attributed by Italian intellectuals to the feudal system and the barons’ excessive power. According to this narrative, their lack of economic planning, and their “conservative” social views effectively froze Southern Italy in the late Middle Ages until modernity arrived in the form of the Garibaldine troupes who “liberated” the

Neapolitan populace in the name of Vittorio Emanuele II, king of the Italians. The origins of the South’s backwardness and the (failed) policies aimed at modernizing it are known in Italy as “questione meridionale.” At a microscopic level, the *questione meridionale* deprived municipal governments of any agency by positing that barons effectively controlled not only their own lands, but also the political life of the cities they inhabited, baronial or royal.

Especially after the Second World War, though, scholars have liberated the medieval and early modern past from the shackles of a determinist historical narrative. Alan Ryder in 1976 wrote that the Kingdom of Naples was:

Perhaps the first of European states to exhibit many of those characteristics that historians have labeled ‘modern’ – a bureaucratic administration staffed by professional men, a crown dominant over nobility and clergy, a revenue derived mainly from universal, direct taxation, and armed forces recruited and paid directly by the crown.”

More recently Eleni Sakellariou has analyzed the economy of fifteenth century-Naples arguing that the positive growth trend is to be connected with the centralization and professionalization

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of the Aragonese state. A closer look at the centralization of the justice system, too, reveals that the *mixtum et merum imperium* (jurisdiction over civil and criminal cases) ceded to the barons was in fact only a bargaining tool that allowed the Crown to undermine baronial authority by turning them into functionaries of the state. After “inheriting” the Kingdom of Naples from Queen Joanna II of Durazzo, Alfonso I of Aragon moved the center of his domain from Iberia to Italy. Alfonso’s overreaching (and unfulfilled) aims of liberating Jerusalem, defeating “the Turk”, conquering the Balkans, and claiming the Imperial crown, coincided with an impressive reordering of the state bureaucracy, with the reformation of the taxation system, and the centralization of the judicial machinery.

Alfonso (1443-1458), and his son Ferdinando I (1458-1494), oversaw the amelioration of infrastructures, made travels safer, responded positively to the requests for reforms filed by cities, allowed the establishment of markets and fairs, reinforced the power of the central judicial system by turning the royal courts into ultimate courts of appeal, and replaced indirect and irregular taxation with annual direct taxes. The acceleration of the demographic recovery and the growth of a domestic market, which far surpassed the volume of

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international trade, are signs that rather than being “a period of prolonged economic crisis,” as older Italian historiography had supposed, the “late Middle Ages now emerges as a period not of recession, but of restructuring through income redistribution, commercialization and the emergence of a more functional institutional framework.”

Rather than being muted by the centralization of the state, the late medieval Southern cities were able to carve out of royal jurisdiction ample space to exercise (semi-) autonomous rule. Southern settlements were thriving political centers whose municipal experience can be rightfully compared to the northern communes.

Today there is little disagreement about the political agency (potestas statuendi) of southern cities expressed in the drawing of statutes, reform of the municipal judiciary, reordering of the power forces, and the obtainment of extensive privileges from the Crown. According to Beatrice Pasciuta, it is precisely the political autonomy of the cities that enabled the development of a municipal identity in the first place. Cities had the ability to legislate, reform their judicial systems, draw statutes, and force the king’s hand in granting them jurisdicitional privileges. In the attempt to strengthen the authority of the nascent Neapolitan state, the Aragonese kings tried to increase the presence of the state in the periphery. This obective was pursued through administrative and tax reforms that aimed at subjecting parts of the urban population (namely

29 Sakellariou, *Southern Italy*, 419.
minorities) to the direct control of the central courts. This raises the question of what degree of autonomy cities had in the management of “their” ethnic minorities. How integrated were Jews in the social, cultural, administrative, and political fabric of the city and of the state? How can we measure “integration”?

During the Aragonese rule (1443-1501ca.) the recovery and reorganization of municipal and state governments was paralleled by an incredible revival of Jewish life. In 1290-1293 Jewish communities were wiped out by the forced conversions ordered by the French king Charles II.\(^{32}\) Even if some Jews were able to resist Christianization, or even if some returned to their religion in the following decades, the 1348 plague must have decimated the already weak iudece. In 1320 the total population of the kingdom was 1,989,335, but following the 1348 plague the population may have been reduced by 50%. In fact, despite the demographic recovery, in 1447 the total population was only 55% of pre-plague estimates.\(^{33}\) We must assume that the Black Death vaporized the iudece that survived the forced conversion of the 1290s. In fact, no strong proof of Jewish communal life exists prior to the rule of the Aragonese kings. Judging from the names of those Jews who utilized the gentile judiciary, the repopulation of the iudece depended heavily on the immigration of individuals and families from Central Europe, Provence, and Iberia. It is fair to assume that the new settlers emigrated to places lacking any sort of communal structure, so that internal Jewish life as well as Jewish-Christian relations must have been rebuilt from scratch. Fifteenth-century southern Italy has some parallels with the Iberian “frontier” territories of the Christian Reconquista. In both cases, the arrival of a new “foreign” government, and the


\(^{33}\) Sakellariou, \textit{Southern Italy}, 440-441.
necessity to reorganize the state apparatus left space to forces competing to consolidate or expand their administrative and jurisdictional spheres. While municipal bodies could count on a local “tradition” of norms regulating the life of the universitas, the Jews of southern Italy had no roots in the land they came to inhabit. Given their diverse origin, and considering that the settlement in the Kingdom was not the result of some sort of “corporate” migration, it is not surprising that they looked at the universititates as a model to re-organize communal life. In the words of Jonathan Ray:

It was this latter challenge that would come to have the greatest impact on Jewish communal government in the thirteenth century, and lead to the integration of the ostensibly autonomous Jewish community into the rapidly expanding royal administrations of the various Christian kingdoms.34

If Jewish communities began rebuilding only in the fourteenth century, how much could the community have grown in about one hundred years? Shulvass has dismissed Ferorelli’s claim that the Jewish population under the Aragonese was of about 150,000 men and women interspersed in 153 localities.35 According to Shulvass “the figure is entirely out of keeping with the restricted scope of the cultural and social activities of southern Italy and is not reflected in any way in the Jewish sources.”36 In truth Ferorelli estimated the regnicoli Jews at 50,000. Considering that newcomers paid double the special Jewish tax (6,000 ducats versus the 3,000 paid by the natives) he assumed that the Iberian and Sicilian immigrants were twice the local

35 Ferorelli, Gli ebrei, 98.
Jewish population. This means that the number 150,000 provided by the Italian historian, applies only to the last decade of the fifteenth century. Ferorelli calculated the population of 50,000 Jews by looking at the special taxation imposed both on the Christians and Jews. In 1475, king Ferdinando’s daughter Beatrice married Mattia Corvino king of Hungary. In order to pay for the wedding a special “donativo” of 36 grana was imposed on the subjects of the kingdom. Ferorelli assumed that the same amount was requested from Jews and dividing the amount paid by the communities of the province of Terra di Lavoro (1050 ducats) by 36 grana, he calculated that the Jews of that province must have totaled 2916 taxable hearths. The iudece of Abruzzo and Capitanata usually paid ¼ of what Terra di Lavoro paid; Calabria paid 4/5; and Basilicata, Terra di Bari, and Terra d’Otranto together paid another 4/5 of what Terra di Lavoro paid. If we accept Ferorelli’s assumption that Jews paid the same donativo of 36 grana as Christians did, these calculations would give us a total of 9,039.6 taxable hearths which would amount to 36,158.4 Jews based on an average of 4 members per household; or 45, 198 on an average of 5 members per household. To this we must add the poor who would not be included in the fiscal calculations – Ferorelli, without providing convincing evidence rounded the Jewish population of the Kingdom to 50,000 individuals. Eleni Sakellariou has calculated the total population of the Kingdom for the year 1447 to be 890,080 for an average of 4 members per household; or 1,100,100 for 5 members per household (counting taxable hearths only). In 1508, the population of the kingdom had grown to 1,419,790 (for 5 members per household). If we accept Ferorelli’s estimate, which is situated between these two dates (1475), then we can imagine the native Jewish population amounting to about 4% of the total population of the kingdom. As Shulvass argues, it is bizarre that such a strong community has left so little cultural evidence of its

37 Eleni Sakellariou, *Southern Italy*, Appendix A – 3, 440-441.
presence. Material traces are also very scarce. While numerous street names, like “via iudeca” or “via sinagoga”, exist to this day, few excavation sites confirm Jewish presence in the late middle ages. Cemeteries, which should have been located close to such densely populated Jewish settlements, have also not been excavated, and very few synagogues still stand today. Unfortunately, this void is no help in supporting Ferorelli’s calculations.

Even if we assume that the lack of population might have been a strong factor influencing a welcoming citizenship policy, it still needs to be explained how in one hundred years the Jewish population rose from virtually zero to 4% of the total population of the Kingdom. This study will show that those whose lives left traces indeed had a high level of acculturation. Marginalia, liturgical compositions, and colophons of manuscripts tell us something about acculturation: the Jews of Apulia were comfortable enough with the local vernacular language to utilize it in commentaries and even in the Seder of the Haggadah of Pesah. The glosses of the Ms. De Rossi 3173, preserved in the Biblioteca Palatina in Parma, Italy, are indeed a very peculiar mix of Vernacular, Latin, and Greek vocabulary that betrays their southern provenance, and suggest that Apulia Jews understood the local language better than Hebrew. The Jews who emigrated to the island of Corfu during and after the Aragonese rule maintained a specific


Apulian identity for nearly five-hundred years, despite the presence of large Sephardi, Romaniote, and Ashkenazi communities. Their Apulian identity was preserved through language and culture until the Nazi deportation and murder of the Corfiote Jews. These cultural considerations might indirectly support Ferorelli’s calculations by suggesting that the same conditions that favored a high degree of acculturation might have also favored a rapid demographic growth among the Jewish population. When compared to the general demographic recovery that followed the Black Death, and to the demographic boost fueled by Balkan immigration, this southern Jewish “renaissance” does not seem so far fetched.

The dynamics of the growth of the Jewish population also explains why the strengthening of Jewish communal structures closely resemble that of municipal universitates. Iudece (Jewish communities) were located within larger bodies (cities) who were themselves undergoing a process of internal reorganization under the bureaucratic and jurisdictional restructuring of the kingdom. Cities were drawing or modifying their statutes engaging in a diplomatic battle with the state which aimed at the preservation of some degree of jurisdictional and administrative autonomy. The fact that the political efforts of the Jewish leadership replicated those of the municipal administrators is an indication that Jews were not an alien group – Their communal battles which resulted in the drawing of Jewish privileges (capitoli) was the expression of a group that “belonged” culturally and politically to the cities. The ways we can assess their

“belonging” is at the core of this study. The next session focuses on the legal culture of Apulian juridical communities.

A Legal Mish-Mosh.

On December 29, 1462 Allegretta, widow of Russelletto, her father Santoro, and her half-brother Strucco Marcilio, appeared before the judge Francisco de Benedicto and various Christian witnesses in Bitonto, one of the major centers of the Neapolitan province of Terra di Bari in Apulia.

At Russelletto’s death, Santoro had become tutore testamentario of his grandchildren. Russelletto had left two daughters, Alfachim and Amerosa, and a thirteen-year-old son, Iosep - the heir of his father’s fortunes. At her husband’s death Allegretta, according to both Roman and Jewish law, had the right to claim her dowry from the testamentary heir, but since Iosep was still a minor, such restitution needed to be performed by the testamentary tutor, her father Santoro.\(^4\) Having received back from him her dowry in accordance with the ketubah (instrumento dotali ebreo quod nominatur chetuba), Allegretta appeared before a Christian judge in the city of Bitonto to record the execution of the contract. According to the laws of Terra di Bari, a woman could not appear in court without a male guardian and Allegretta thus appointed her half-brother Strucco as her mundualdo (in Lombard law a legal guardian overseeing and validating legal actions performed by women).\(^4\) The Judge listed the terms of the chetuba [sic] as reported in the

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42 “No free woman who lives according to the law of the Lombards within the jurisdiction of our realm is permitted to live under her own legal control, that is to be legally competent, but she ought always to remain under the control of some man or of the king. Nor may a woman have the right to give away or alienate any of her movable or immovable property without the consent
Latin *instrumentum*, penned by the notary Angelo de Bitritto, that had been submitted to the judges’ attention together with the Jewish contract. Declaring herself satisfied with the transaction she swore on the Mosaic law (legem moysi), touching a pen in accordance to the Italian Jewish custom (*more iudeorum*), not to molest or to upset the mentioned tutor, the children, or the heir of the deceased husband.\(^{43}\)

This apparently straightforward document is an exemplary representation of the intricate and multi-layered nature of legal fora in the late medieval Kingdom of Naples. We have on one side the Christian judge validating a private contract and a Christian notary penning the deed, and on the other side the Jewish parties who fixed the terms of the agreement. Not only did the men and woman involved in this affair bring into the court their own legal traditions (Roman law by the judge, and Halakha by the Jews), but the locality in which the transaction took place also

\(^{43}\) ASB, not. Pascareello de Tauris, prot. 15, 1462-1463, f 18rv;

The practice of touching an object in the Jewish oath is attested in T.B. Shebu’oth 38b, and Maimonides, Hilekoth Shebu’ot, but no mention is made of *calami* as preferred objects. In fact, the practice of swearing by touching a pen (*tacto calamo*) may be confined to the Italian peninsula. Raphael Loewe, in The Spanish Supplement to Nieto's "'Esh Dath", *Proceedings of the American Academy for Jewish Research*, Vol. 48 (1981), pp. 267-296, informs us that Nieto's 'Esh Dath, was published with a parallel Spanish translation titled 'Fuego Legal' in 1715 in the city of London. In this tract Nieto writes that Jews in Germany and England had to swear in court touching a bible, while in Italy Jews swore touching a pen. Loewe provides the following explanation: " The symbolism implies, "I hereby swear by that which might be written with this pen", i.e. the divine Name. It being generally understood that we believe in the God of Israel and his law, no one supposes that anyone so swearing would perjure himself.", 293.
shaped the multiple cultural and legal identities of the document. In fact, the intersection of the Jewish and Roman Law in this court was regulated according to the local customs of Terra di Bari rooted in Lombard Law. Allegretta swore on the Mosaic Law under the supervision of a *mundualdo*, a male guardian without whom, according to Lombard Law, a woman could not undertake any legal action.\footnote{Diego Bellacosa, *Il mondo sulle donne di Terra di Bari dall’anno 900 al 1500*, (Napoli: Luigi Piero editore, 1906).}

The intertwining of multiple legal traditions was a widespread phenomenon in Medieval Europe. The lack of strong and well organized central powers could not “impose observance of a uniform law or control the extent to which it was respected”, but “most importantly, the central powers themselves did not see any problem, because it was ‘natural’ to respect a plurality of laws emerging from the fusion” of different nazioni.\footnote{Mario Ascheri, *The Laws of Medieval Italy*: 1000-1500 (Leiden:Brill, 2013), 94; the term I used here, nazioni, is not to be taken in its modern meaning of ‘nation’, but according to the medieval usage as an indicator of a group, a community.} According to the legal scholar Mario Ascheri, different legal traditions simply co-existed, but if placed in competition “that which prevailed tended to be regarded as ‘common’ for certain situations, without excluding, if necessary, recourse to the norms of other parties.”\footnote{Ibid., 95.} The co-existing and sometimes competing, legal traditions found their way into the drafting of the municipal statutes and became a basis for the local administration of justice. In this light, one could understand the document of Allegretta’s dowry in which Roman, Lombard, and Jewish law coexist as the product of a multi-cultural society and an indication of the identity of the legal forums of Terra di Bari.\footnote{Mario Caravale, “La legislazione statutaria dell’Italia meridionale e della Sicilia”, in Mattone and Tangheroni eds, *Economia, società, istituzioni a Sassari nel Medioevo e nell’Età moderna*, (Sassari 1986), pp.191-211; Beatrice Pasciuta, “Due Falsi privilegi fridericiani su Corleone: la normativa cittadina e il paradigma della falsificazione”, especially section 1 “Ius proprium come...
To be sure, the utilization of Christian courts by Jews constituted no exception in the multicultural Mediterranean societies. In the fifteenth century, even if their legal status had deteriorated, from northern Africa to Spain, Sicily, Continental Italy, and the Venetian colonies Jews were still utilizing local and state courts. Documentary evidence, uncovered especially in the last hundred years, suggests that this was not only a geographically widespread phenomenon, but also one that cut through social classes; it involved merchants, farmers, herders, both religious and lay communal leaders, and, as we have just seen, women. Writing about Northern Africa, Goiten provided three explanations for the recurring phenomenon:

First, persons might approach a court of the state when the law applied in that venue was more advantageous to them. Second, the government court might serve as a kind of court of appeal for litigants unsuccessful in a lawsuit in the Jewish court or as an enforcement authority when the opposite party refused to appear before the Jewish courts. Finally, deeds would be drawn up in a state court (or, concurrently in that venue and before a Jewish authority) in order to safeguard their legality and to have them as an instrument of proof should litigation in a state court ensue.48

The reason why Jewish “forum shopping” has generated so much literature is linked to the question of the survival of Judaism in the Diaspora, and more precisely, to the issue of Jewish self-government. In the words of Yom Tov Assis:

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Jewish existence in exile was conceivable only because of the authority given to the Jews to maintain an administrative and judicial system [...] and to uphold all the institutions which were necessary to lead a way of life distinct from the Gentile environment.49

In explaining why Jews resorted to gentile courts rather than turning to the Jewish legal system, older historiography has sometimes tinted the topic with accents of “exceptionalism”.50 Jewish history, quite obviously, begins with the identification of Jews as a separate group, recognizes modernity as coinciding with emancipation and the issues of acculturation and assimilation, and explores the Christian-Jewish relations in the pre-modern era as complex, troublesome encounters between two distinct worlds.51 Even those scholars who don’t frame the inter-religious encounter as the result of breaches in the ghetto walls tend, perhaps unintentionally, to highlight the distinctiveness of religious communities precisely by stressing the loci and modi of their encounter. For example, Robert Burns, in a study on medieval Spanish notarial culture, insists that Jews formed a “permanent parallel society” and that only those Jewish contestants who would not settle within the community allowed the dispute to “spill over into the Royal court.”52

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Recently, Rena Lauer has explained the use of secular courts in fifteenth-century Candia (Crete) arguing that Jews deemed state courts stronger, because of the ability to implement their rulings; more objective because Christian judges were not “party to the insider, cliquish politics that influenced many Jewish court cases”; faster because they commanded greater resources; and finally - inspired by Daniel Lord Smail’s magisterial work on Marseille - because of “the emotional benefit of publicly humiliating the opposing party.”53 Lauer highlights the fact that Jews “could selectively bring elements of Jewish law along with them” in the secular court system but her preoccupation with providing a utilitarian motivation to this legal crisscrossing prevented her from dedicating more space to the cultural aspect of this legal encounter.54

Jewish historians have convincingly demonstrated that religious communities, distinct on many separate levels, were not necessarily “parallel” bodies whose members only occasionally bridged the dividing gap, and then only in the cases of “exceptional men”, but in fact co-existed with multiple exchanges and overlaps. Cultural and literary studies have indeed demonstrated the richness of Jewish-Christian encounters in fifteenth- and sixteenth-century Italy - one needs only to think of Ruderman, Lelli, Veltri, and Guetta’s works - just to name a few.55 These studies shed light on the mutual influence that Christian and Jewish culture had on each other, channeled by intellectuals and extraordinary men who recognized the richness of their interlocutors’ culture.

54 Ibid., 132.
Obviously these literary and philosophical sources cannot tell us much about ordinary Jewish people and how their daily encounters with the Christian community shaped their minds.

As shown by Ariel Toaff, Elisheva Baumgarten, Jay Berkowitz, Lois Dubin, just to name a few prominent scholars of Jewish history, we have much to learn from legal sources such as court records and notarial documents that Jews produced in Christian settings. These sources can provide information on "internal" and "external" Jewish life. For example, they can be used to draw data about the "internal" organizational structure of the Jewish community, or they can provide valuable information about local Jewish customs. More importantly for this study, these sources can help scholars define the limits of the Jewish administrative and judicial independence, and the dynamics regulating social, economic, and legal interactions between otherwise distinct religious communities. Legal sources, as an expression of a legal culture, can complement social historical works that tend to highlight the "entanglement" of Jewish culture(s)

with wider gentile communities. As noted by Baumgarten, Karras and Mesler the complex relations between these communities have often been described with opposing and contradictory terms that tried to capture the paradoxically coexistent interconnection and separation of religious communities. Recent historiography has confirmed the impossibility of separating the exclusion and persecution of the Jews from stories of acculturation and cooperation.

To provide an example of historical works drawing on legal sources, Jessica Marglin recently analyzed examples of double notarization in Fez to highlight the proximity of the Jewish and Muslim communities and support the idea of inter-communal cooperation. The practice of a double notarization performed by both the soferim (Jewish notaries), and udal (Muslim notaries) was not only sought by the Jewish court users but encouraged by the local rabbis. The use of gentile courts in Fez, Marglin argues, had to do less with utilitarian measures and defiance of Jewish authority and more with what she called "cooperation":

Broadly speaking, the availability of multiple legal forums engendered strategies which took advantage of the differences among those institutions, as well as strategies which brought those institutions together in (perhaps unwitting) convergence. Competition and cooperation were not antithetical in nineteenth-century Morocco, nor must legally pluralist settings engender just one or the other. On the contrary, competition and cooperation coexisted in constructive tension; both influenced the ways in which individuals navigated among multiple institutions in a legally pluralist setting.58

57 Elisheva Baumgarten, Ruth Mazo Karras, Katelyn Mesler eds., Entagled Histories, see the introduction of the editors in which they motivate their choice of the term "entangle," 1-20.
The “constructive tension” in the Renaissance legal forums resulted in artifacts that are the cultural expression of communities sharing more than just the locus of their litigations. David Malkiel with great force and clarity has suggested how the Jewish-Italian Renaissance notarial will exemplifies the intermingling of Jewish and European cultures. In his essay on Samuel Abravanel’s will he writes:

Exposing the halakhic and notarial roots of Abravanel’s will leaves us wondering which set of roots Abravanel had in mind when he dictated or approved the text of his testament. Bracketing the question of the role of the notary in the formulation of the clauses, it is impossible to tell. This is perhaps the notarial will’s greatest puzzle, it too is revealing, for it suggests that cultural stimuli are often inextricably intermingled in people’s minds. Practically all facets of the Jewish life forced him to express his cultural identity, often subtly, and unconsciously; willy nilly, that identity was both European and Jewish. The tangle of the halakhic and notarial traditions signifies the subtle and subconscious interweaving of Jewish and European culture in the mind of the Renaissance Jew.59

The question I want to explore is whether it could be useful to introduce a new analytical category to suggest that the choices Jews made in Christian legal forums are the expression of their belonging to a peculiar cultural community, one which I call a “juridical community.” If it can be established that the enjoyment of civic rights of minorities, and their political strength depend on their level of integration into the municipal juridical community, then it might be possible to relate the changing legal conditions of Jewish communities to social and political

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59 David Malkiel, “Jews and Wills in Renaissance Italy”, in *Italia*, vol XII, 1996, 63-64.
forces that impacted their "municipal membership" rather than their official legal status. Did all Jews living in Apulia have similar rights, or municipal rights were extended only to those Jews who shared the fiscal burden? Did "native" Jews of Apulia adopt peculiar strategies in the transmission of wealth more similar to those of their Christian neighbors than those of their coreligionists in Northern Italy? Is it possible that political decisions taken by Jewish leaders caused deterioration in Jewish-Christian relations? Did the legal status of Jews deteriorate when their affiliation to the municipal community was exchanged for greater autonomy? Were Jews expelled from the Kingdom of Naples when the municipal juridical community had ceased to exist?

The Concept of ‘Juridical Community’.

Barbara Rosenwein, defined an ‘emotional community’ as:

a group in which people have a common stake, interests, values, and goals. Thus [the emotional community] is often a social community. But it is also a “textual community” created and reinforced by ideologies, teachings, and common presuppositions. With their very vocabulary, texts offer examplars of emotions belittled and valorized.\(^{60}\)

Much inspired by her work I began wondering whether the documents belonging to a “documentary system” could be thought of as the product of a cultural community whose identity is defined by norms that regulate the lives of its members and inform their worldview. Since laws are not necessarily written, such cultural community needs not to be a “textual community” - although its existence is perhaps more easily verifiable in the presence of

documentary evidence. I call this group a “juridical community.” Juridical communities do not have clear geographical boundaries: juridical communities could overlap when members drew on the same legal traditions - for example Allegretta appearing in court with a chosen mundualdo just as any other Christian woman from Terra di Bari; or drift apart when their members chose legal isolation - for example when Jews utilized rabbinical courts to which Christians did not have access. Its borders could coincide with a polity - like the city of Bitonto where Allegretta’s deed was notarized- but also travel with the members of the polity to other places as long as their affiliation with the polity bore legal consequences - as in the case of merchants protected by the privileges given to the citizens of the cities of Trani and Lecce. Members of a juridical community who utilized the same court system shared the very same legal vocabulary; they understood their rights and the way to defend them in the municipal and state courts based on the terms fixed by state law, municipal statutes, and personal and communal privileges. Juridical communities were shaped by the very way their members interacted within a given legal system. The rights of the members of a juridical community derived from statutes and charters that, in establishing the requisites of membership (mainly payment of taxes), could have created a sense of belonging, a communal identity. To be sure, in none of the sources utilized in this study does the word "community" appear. "Belonging" is expressed by indicating the geographical origin, the religious affiliation, the professional or feudal rank, and very often by the identification with a universitas. In this study, I utilize the term "community" to indicate a group that consciously recognizes itself in opposition to other groups, or that is recognized by other groups as a community - the differentiating factors could be religion, social class, citizenship, gender, all of the above having an effect on the legal status of the community. In the words of Anthony Cohen, the use of the word "community"
would seem to imply two related suggestions: that the members of a group of people (a) have something in common with each other, which (b) distinguishes them in a significant way from members of other putative groups. The word thus expresses a relational idea: the opposition of one community to others or other social entities.\textsuperscript{61}

The men and women appearing in the notarial records used in this study belong to groups whose boundaries are “enshrined in law.”\textsuperscript{62} The Jews of the Kingdom of Naples were sure to be Jews not only because they self-identified with the laws of that group but because Canon, state, and local laws turned an imagined boundary into a very tangible limit, recognizable both by the Jewish community and the \textit{gentile} world. Similarly, Jews, as their Christian neighbors, consciously identified with the community of burghers of any given city (the \textit{universitas}) in light of the laws, privileges and norms that regulated their communal life and the privileges granted to that specific group. As I will demonstrate, the identification of Jewish individuals with the municipal \textit{universitas} emerged unmistakably when they exited the administrative boundaries of the city, or more generally when they stood in opposition to other communities whose boundaries were also “enshrined in law.”

Mario Ascheri has suggested that medieval constitutions established not only unity, but may have given members of a polity a political identity.\textsuperscript{63} Such identity, I argue, was also expressed in courts through the adoption of legal strategies that defined the members of juridical communities. The next two chapters will provide an analysis of the legal foundations that allowed Jews to live simultaneously as members of a supra-territorial community under the

\textsuperscript{62} Ibid.
\textsuperscript{63} Mario Ascheri, \textit{The Laws of Late Medieval Italy (1000-1500)}, (Leiden: Brill, 2013), 151.
direct control of the king, and enjoy the protection of the *universitas* as members of the municipal community.

In order to define Jewish civil, legal, and political statuses in the Renaissance Kingdom of Naples we must move along two parallel, and yet connected, levels: a macroscopic and a microscopic one. At a macroscopic level, “the Jews” of the Kingdom of Naples established a direct link with the highest political authorities, who regulated Jewish life by issuing charters. Charters granted Jews special privileges that distinguished them from Christian corporations and assured that iudece maintained a certain degree of self-government. “Autonomy” was sought in administrative, fiscal, and jurisdictional matters and “as such, [the iudeca] constituted a sort of Jewish city within the Christian city, not because the Jews had obtained and established a degree of independence, but because they had always aspired to independence, despite the practical impossibility of achieving it.”

Should we consider this “Jewish city” a corporation? Indeed, Salo Baron has not hesitated from defining the Jewish community “as a corporate body apart entitled [by law] not only to regulate its purely religious activities, but also to adjust many civil and political affairs to suit its own needs and traditions.”

Baron concludes that

“in its totality the Jewish community thus appears as one of a number of corporate bodies within the corporate structure of medieval society. Like other corporate groups, it lived on the basis of specific privileges, which regulated its basic rights and duties, leaving amplification and implementation to local customs.”

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But as Kenneth Stow reminds us, “the Jews” as a corporation had been disbanded under imperial legislation and had not been reconstituted into a *collegium licitum* in the fourteen hundreds.67 And indeed, unlike the situation in Sicily and what would happen some two hundred years later in Poland, Jewish life in the cities of the Kingdom of Naples was not regulated by municipal charters granting Jews corporate rights.68 Jews were absorbed into southern municipal life as individuals benefitting from civil privileges – a condition that some historians have described as “full citizenship.”69 On a practical level this means that the freedoms of the Jews varied greatly throughout the Kingdom of Naples because as citizens they were subject to municipal legislation. Each municipal *bagliva*, for example, had different norms regulating the butchering and selling of meat.70 In some cities Jews could not butcher their own livestock; in others they could not sell meat to Christians; in some they could not purchase certain products from them. In 1465, though, a council representing the whole of the Jewry of the Kingdom succeeded in having King

69 “Under Alfonso’s son, Don Ferrante (Feridandndo I), Jews enjoyed complete freedom of movement and the rights of full citizenship”, Anna Foa, *The Jews of Europe after the Black Death*, (Berkley: UC Press, 2000), 120; referring to a broader context, but including Italy, David Biale writes: “Since the Jews were typically urban dwellers, they fought for the same rights as those enjoyed byburghers. They took full part in the life of their city, sometimes occupying municipal offices and contributing to the town’s armed defense. In many medieval towns in Germany, France, Spain, and Italy, they were able to obtain full and equal citizenship.”, David Biale, *Power and Powerlessness in Jewish History*, (New York: Schocken Books, 1986), 63.  
70 The *bagliava* was a sort of “customs authority” whose duties went beyond that of regulating the flow of produce and goods in and out of the city, but extended to their handling as well. The term was also used to indicate the city government. See the glossary in Pier Fausto Palumbo ed., Libro Rosso di Lecce, vol. II, (Fasano: Schena, 1997), 369; and Idem, vol. I, 92-110, for the “reform of the capitoli of the bagliava” of the city of Lecce approved in 1464.
Ferdinando I approve a general Jewish charter written on the model established by municipal corporations. The universality of these capitoli had the effect of parifying all the Jewish communities of the Kingdom by granting them equal standing before state law. It could be argued that “The Jews” acted as one body, i.e. as a corporation. Does this mean that Jews legally constituted one?

This chapter offers an analysis of the status of Jews in the Kingdom of Naples vis-à-vis the state, while chapter 3 will focus on municipal belonging. The objective is to demonstrate that neither the de jure status of corporation of the iudeca within the Kingdom of Naples, nor the de jure status of citizenship are valid categories in establishing “belonging” to the Aragonese state (at a macroscopic level), and to the cities of the Kingdom (at a microscopic level). As Salo Baron wrote: “legal institutions cannot be fully comprehended through exclusively juristic categories of thinking.”

Establishing if Jews belonged to a juridical community can provide a far more useful indication about the integration of Jewish subjects into the social fabric of Renaissance Italy. I will discuss the position of Jews in the broader context of state legislation before moving on to the effects the royal charters had on the microscopic level.

_Iudei iure Romanorum viventi._

Corporations, licitae or not, were made of individuals who, in order to benefit from the charters, had to enter local and central courts whose procedures were imbued with Roman law. Being judged according to Roman law meant being part of a juridical community that lived

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according to the laws of the Romans. Jews were granted Roman citizenship in 212 with the Edict of Caracalla but since 380 CE, when Christianity became the only *religio licita* in the Roman Empire, their position vis-à-vis the Christian community had been deteriorating. Even if Roman Imperial legislation had affirmed the parity of Jews, the growing body of canon law had been infiltrating the realm of state law. The moral inferiority of the Jews, the fact they “non sunt capaces alicuius dignitas,” became, in the Middle Ages, a religious and moral guiding principle that justified legislation preventing Jews from exercising any authority over Christians. These limitations, though, did not erase their basic status *civitatis* - something well known to medieval jurists. Bartolo from Sassoferrato (d. 1357), the influential glossator of the *Corpus*, acknowledged in his *Commentaria* that “Iudaei habent ea quae sunt civium Romanorum.” Some two hundred years later, Marquardus de Susannis in his “De Iudeis” re-affirmed that Jews “were normally bound by *ius commune*.” This meant that Jews had to be judged according to Roman civil law, and thus that the same laws regulated Jewish and Christian life. At the same time, Jews were to be allowed to live according to their laws as long as they did not contradict the tenets of local laws or those of *ius commune*. The toleration of Jews as a

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76 Bartolo da Saxoferrato, Commentaria, In Primam Codicis Partem, ad lex VI , (Venice, 1581).
people in Medieval Christendom is often linked to the works of Augustine, *Contra Faustum, De Civitate Dei*, and *Adversus Judaeos*. In these works, Augustine of Hippo elaborated the thought that Jews ought to live among Christians as a testimony to “the antiquity of the Christiane promise.”

He wrote:

> For there is a prophecy given previously in the Psalms (which they still read) concerning this, where it is written: “Slay them not, lest at any time they forget your law [legem tuam]; scatter them in your might.” God thus demonstrated to the church the grace of his mercy upon his enemies, the Jews, because, as the Apostle says, “Their offense is the salvation of the Gentiles.” Therefore, he did not kill them [...] lest, having forgotten the law of God, they not be able to provide testimony on our behalf in this matter of our present concern. [...] For if they were not everywhere [...] the church, which is everywhere, could surely not have them among all the nations as witnesses to the prophecies given previously regarding Christ.

And yet, when looking at a broader picture, the toleration of Jews goes beyond medieval Christian theology. ‘Nations’ were generally allowed to bring to court their own laws in those territories where multiple legal traditions co-existed. In fact, citizens of southern cities, such as those of the duchy of Benevento, could choose to be judged according either to Lombard or to

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81 Ibid., Cohen translates Augustine, *De civitate Dei* 18.46, CCSL 48:644-45.
Roman law depending on their “nationality.”

It was assumed that the prevailing customs would govern court procedures, but the party that wished to utilize a different set of norms would have the liberty to do so. The Italian Lombard kingdom had come to an end in the eighth century, for example, but Lombard traditions survived after its collapse, and still in the fifteenth century citizens appearing in court could declare to be living according to either Roman or Lombard law. The freedom to exercise juridical choice allowed individuals to express their cultural identity in courts of law. Jews, like everyone else, made choices about which legal system best suited them manifesting the identity of the juridical community they belonged to.

Hence, the notion that the laws of the Jewish “nation” ought to be applied in matters internal to their community was in perfect alignment with the tradition of medieval Italian kings to respect the legislature of feudal states and universitates. In fact, the notarial documents of the Kingdom of Naples stress that the agreements made by Jews before Christian officials followed more Iudeorum - this clause evidently indicated the possibility that Jews could have recurrent to other legal traditions as Leah, a Jewess in Castrovillari did in 1511, when she was presented to the judge as a Jew living according to Roman law (jure Romanum vivente).

Living according to Roman law was a right granted to, and which defined, the citizens of the Roman Empire, but living according to other legal codes was also a right defining those living in Renaissance Italy. As stated earlier, the status civitatis had indeed been granted to Jews under the Roman empire, but “Roman citizenship” in the late Middle Ages, after the Empire was

83 See chapter 4 for a more detailed analysis.
84 I refer again to Mario Ascheri, The Laws of Late Medieval Italy (1000-1500), (Leiden: Brill, 2013).
replaced by a multitude of states, obviously did not refer to the political and civil rights of members of the same polity. Roman citizenship made sense only in the legal realm, one in which the relation between the individual and the polity was governed by legislation rooted in *ius commune*.

In the fifteenth century, there was no single corpus of laws regulating the life of the Neapolitan subjects. The Kingdom was divided into territorial feudal states, the royal domain, and territories under the direct control of the Church. Even within the royal demesne, cities held a certain degree of autonomy, especially in matters of taxation, internal administration, the administration of justice (with limitations imposed by the central state), the electoral process, and norms regulating the admission to the municipal community, namely *the universitas*. Autonomy from the central power depended only on its political force and was expressed by the power and freedom to legislate - the *potestas statuendi*.86

All of these local norms were gradually organized in statutes that cities jealously guarded. Most of the bigger urban centers of the Kingdom of Naples had been founded long before Alfonso the Magnanimous installed the Aragonese dynasty of Trastamara on the Neapolitan throne in 1442. The Aragonese, although exercising a strong centripetal pull, mostly respected the legal traditions of their most powerful allies - the cities.87


87 On cities in the Kingdom in the fifteenth century: Giancarlo Vallone, *Feudi e città – Studi di storia giuridica e istituzionale pugliese*, (Galatina: Congedo, 1993); Giovanni Vitolo ed., *Città e Contando Nel Mezzogiorno*, (Salerno: Laveglia, 2005); Giuseppe Cirillo, *Spazi contesi. Camera della Sommaria, baronaggio, città e costruzione dell’apparato territoriale del Regno di Napoli* (secc. XV-XVIII) vol. 1-2, (Guerini e Associati, 2011); Francesco Calasso, *La legislazione*
The varying degree of legislative power that cities held meant that the criteria according to which citizenship rights and personal or communal privileges were bestowed were highly diversified, even in a single polity such as the Kingdom of Naples. In the wake of the Italian Wars, for example, Gallipoli was attracting Jews and converts while Trani expelled them.\(^88\) As much as the municipal policy and statutes could differ, all the local customs and laws were interpreted by a professional body of jurists whose analytical tool was the same Roman law as taught in the Italian universities. Everything was filtered and understood according to the language of \textit{ius commune}: the body of laws that synthesized the Imperial Roman legal tradition with canon law.\(^89\)

Anywhere in the Kingdom of Naples, Jewish rights were, at least theoretically, limited by the same discriminatory policy by which \textit{ius commune} was so imbued: Jews could not hold public office, they could not hold Christian slaves, employ Christian servants, nor have sexual relations with or live with Christians. For this reason, they were to be clearly distinguishable - hence the imposition of the badge (often not enforced), and the publication of laws regulating the selling of foodstuffs and sharing of meals, employment of wet-nurses, and a series of other

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\(^88\) See the next chapter in this study for a detailed discussion of municipal citizenship policies. For the Italian Wars see Michael Mallett and Christine Shaw, \textit{The Italian Wars 1494-1559: War State and Society in Early Modern Europe}, (New York: Routledge, 2014); For the document mention the expulsion of Jews and Converts from Trani see Gerardo Cioffari e Mario Schiralli eds., \textit{Il Libro Rosso della Università di Trani}, (Bari: Levante Editori, 2000), 299-300

regulations that aimed at separating the two religious communities.\textsuperscript{90} All these limitations though did not affect the core of their “roman citizenship,” namely their right to live and be judged by \textit{ius comune}.\textsuperscript{91} So, for a Jew of the Kingdom of Naples, such as Leah of Castrovillari, to be member of the \textit{civitas} and living according to Roman law did not mean holding municipal citizenship, but it meant being part of a broader community governed by a common legal tradition. In other words, the Jews of the Kingdom of Naples were members of a supra-territorial juridical community enshrined in Roman law. It was this membership that allowed them to contract for corporate privileges with the king, to sue cities in the royal courts, and use peripheral gentile courts just as their Christian neighbors did.

\textit{“The Jews” – Royal Charters and Corporate Privileges.}

By the time the Aragonese dynasty of Trastamara took control of the Kingdom of Naples in 1442, Jewish municipal life in Medieval Christian Europe had been regulated by charters granted by bishops, cities, popes, and kings for at least four hundred years. Broadly speaking, charters could define Jewish living space within a city, usually granted personal protection from the attacks of the burghers, assured Jews they could practice their religion and live according to


\textsuperscript{91} Manlio Bellomo, \textit{The Common Legal Past of Europe, 1000-1800}, (Washington DC: Catholic University of America Press, 1995).

Personal and local charters often became the precedent for the drafting of later general charters. For example, the charter granted in 1084 by Rudiger, bishop of Speyer, to Jews fleeing from Mainz served as the basis for the charter granted six years later by the Holy Roman Emperor Henry IV detailing Jewish-Christian relations in the German States.\footnote{R. Chazan, \textit{Church State and Jew in the Middle Ages}, 58.} After Henry IV had expanded Houzmann’s concessions, Emperor Frederick Barbarossa utilized the privileges of Speyer as a model for a charter granted to the Jews of Worms in 1157. Emperor Frederick II in 1236 utilized this same charter extending the privileges to all Jews inhabiting the territories of the Holy Roman Empire.\footnote{On this and the evolving legal status of Jews in Germany see also A. Teller, “Some Comparative Perspectives”.} Again, in 1352 the Council and guilds of Speyer, in inviting the Jews to return to their city, promised “to take a solemn oath on behalf of themselves and their successors to protect in life and property, from all violence and injustice, all Jews who would settle within their walls.”\footnote{James Parker, \textit{The Jew in the medieval Community}, p.158.} This same identical charter was copied and constituted a contract thanks to which the Jews of Germany were able to reconfirm their rights in 1360 in Cologne.\footnote{For all of this see Parkes, op. cit, 164-165.}

If on the one hand charters constituted a form of reassurance that Jewish life would be respected by the granting polity, they also signified a change of their legal status. As Kenneth Stow noted, the Jews of the Germanic territories of the Roman Empire had once been Roman
citizens, but in the course of the Middle Ages their “unimpeachable right to live in Christian society, was exchanged for the status of personal dependence” as defined in charters.97

In the Kingdom of Aragon, too, Jewish life was regulated by charters. According to Yom Tov Assis, these contracts were concessions made by kings to individual qehillot that never assumed a broader supra-territorial character because of the absence of a strong inter-communal organization that could claim to represent the whole of Aragonese Jewry.98 The main objective of the charters was to guarantee Jews a form of self-government, whose authority derived directly from the king. The “right to establish a judiciary which operated according to Jewish law was undoubtedly the most obvious expression of self-government.”99 The Spanish communities held jurisdiction over both civil and criminal cases, at least until 1480 when, after the unification of the crowns of Castile and Aragon, the central royal court took control over criminal cases.100 While jealously preserving their individuality, all Sephardic Jewish communities derived their legitimacy from the central royal government. The royal court tried to establish a power hierarchy and extend its control over the communities by appointing officials who would act as intermediaries between the King and the aljamas (as the Jewish communities were called in Spain).101

The situation in Medieval Sicily (linked to the Aragonese crown) was not much different from Spain.102 Here Aragonese kings issued personal privileges throughout the fourteenth

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99 Ibid., 22.
100 Anna Foa, The Jews of Europe after the Black Death, 81.
102 Except for short periods of time in which Sicily fell under the control of the Angevins, Sicily was under “Spanish” control until 1516. See Stephen R. Epstein, An Island for Itself–Economic
century, mainly to Jewish merchants and physicians. The beneficiaries of these charters usually tried to evade the fiscal and jurisdictional control of both the municipality and of the qehillah. Between 1339 and 1340, the Jewish merchant Merdoc, thanks to a royal privilege, escaped all forms of local taxation, was exempted from wearing the badge, from being appointed to any communal office against his expressed will, and from being tried in any other court but the royal one. At the death of King Peter II (1342), Merdoc was imprisoned, publicly humiliated and forced to renounce his privileged status by his qehillah.103 Surely the embarrassing treatment Merdoc received was driven by envy, but his persecutors may have also wanted to discourage other Jews from seeking personal privileges that might have harmed the general interests of the iudeca. Merdoc’s tax exemption, in fact, deprived the qehillah of his monetary contributions. Such exemptions were welcomed only if extended to the whole community. Indeed, municipal Jewish charters were obtained by the communities of Trapani, Palermo, Marsala, Monte San Giuliano, and Syracuse, but it was not until 1421, under King Alfonso V (future king of Naples as Alfonso I “The Magnanimous”), that the Jews of Sicily obtained a general charter.104

On continental Italy, in the fifteenth-century, the life of the qehillot in central and northern cities depended on the agreements that each community was able to stipulate with the city they lived in. These agreements usually took the form of condotte, contracts establishing the terms of Jewish-Christian relations and the extent of Jewish self-government. The condotte, like the charters that would later be granted by the Pope in Ancona, by the Serenissima in her ghettos, and by Ferdinand I in Livorno, had a provisional character - its terms were valid only

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104 Ibid., 130-131; and 138 for the general charter.
for a limited number of years.\textsuperscript{105} Similarly to the dynamics governing Jewish-Christian relations in German lands, early Italian \textit{condotte} were often drawn for a single individual or family, which constituted the nucleus of a soon-to-be community and became the basis on which the terms of the later communal charters were drafted. The very contractual nature of Jews’ “citizenship” constituted one of the major differences that distinguished them from the rest of the citizenry.

This situation did not extend to the entire peninsula. South of Rome was the largest territorial state of Italy, the Kingdom of Naples. Allegedly, Jews had lived here uninterruptedly for centuries, enjoying the status of \textit{cives} as granted by Roman law until their final expulsion in 1541.\textsuperscript{106} There are traces of Jewish life in the epigraphies of Venosa and Brindisi, and in an early medieval literary tradition which is a testimony to the fruitful and rich life Jews enjoyed in southern Italy.\textsuperscript{107} Jews had been identified in royal legislation as a single supra-territorial group already in the Constitutions of Melfi \textit{(Liber Augustalis)} of 1231 by Emperor Frederick II.\textsuperscript{108} Five years later, in 1236, the Emperor designated through a privilege all the Jews living in the Empire as \textit{servi camerae}.\textsuperscript{109}

Now the Jews were officially declared to be a special class of the population, for which the single phrase \textit{servi camerae} created an all-inclusive special law. This special law embraced without exception all persons of like kind, namely, the Jews, as a unified,

\textsuperscript{106} Stow, \textit{Alienated Minority}, 65.
\textsuperscript{107} Ibid., the chapter “Cultural Beginnings”.
\textsuperscript{108} David Abulafia, \textit{Frederick II, A Medieval Emperor}, (London: Penguin, 1988), 208-211
socially closed group. They constituted a body for whose members neither place of settlement nor profession nor any other non-religious criterion had any weight. They were Jews, and nothing but Jews.\(^{110}\)

The Jews of Southern Italy had certainly been treated as a single unified religious community by the Angevines, who attempted their mass conversion in 1290.\(^{111}\) And yet, despite all these references to "the Jews" as a community of subjects existing prior to Alfonso the Magnanimous' reign (1442-1458), we do not hold concrete evidence of the existence of a super-communal Jewish organization in the Kingdom of Naples until the mid-fifteenth century.\(^{112}\) It is only under the Aragonese rulers that an organized supra-territorial Jewish council can be clearly seen operating in the Kingdom.\(^{113}\) Perhaps, as theorized by Teller for the emergence of the Council of the Four Lands in Poland, the supra-territorial organization in the Kingdom of Naples was a direct result of the centralizing efforts of the state.\(^{114}\) In fact, beginning from 1443 Alfonso I had substituted *collette* with more regular taxation, and in 1456 had attempted to create a separate judicial system for the Jews by appointing Francesco Martorel “baiulo generale omium


\(^{112}\) Some historians have considered King Ladislaus' "charter" of 1400 a general charter to the Jews of his Italian Kingdom. In reality, this charter was an individual concession made to the Jewish merchant Dattilo and his family. If this charter came to regulate the life of all Ladislaus' Jewish subjects, then this expansion may have followed dynamics similar to those that extended *condotte* in central and northern Italy. See Nicola Ferorelli, *Gli Ebrei nell’Italia Meridionale dall’Età Romana al Secolo XVIII*, (Torino: Arnaldo Forni Editore, 2007, reprint of the 1915 edition), 64-66; Joshua Starr, “Johanna II and the Jews”, *The Jewish Quarterly Review*, New Series, Vol. 31, No. 1 (Jul., 1940), pp. 67-78.

\(^{113}\) More on their organization in chapter 3 of this study.

\(^{114}\) “The Council of the Four Lands seems to have been established in 1580 as a result of the reimposition of the Jewish poll-tax King Stefan Batory, which the Jewish elders decided to farm.” A. Teller, “Telling the Difference”, 121; see also Jacob Goldberg “The Jewish Sejm: Its Origins and Functions”, Antony Polonsky, Jakub Batista, Andrej Link-Lenczowski eds., *The Jews in Old Poland, 1000-1795*, (London: Tauris & Co., 1993), 147-165.
The increasing control of the state over Jewish matters might have spurred communication among the iudeorum. The increasing control of the state over Jewish matters might have spurred communication among the iudeorum of the kingdom in order to address with a unanimous voice the concerns of the territorial communities.

One of the points of the first charter (1465) was the abolition of the office of the “judge of the Jews,” a resolution that stopped the development of a separate Jewish judiciary and restored at the same time the integration of the Jews into the state’s legal system, and the right of iudece to an internal administration of justice. Like the Polish Council, the drafters of the 1465 charters constituted a body that was recognized only de facto and never received a “foundational privilege.”

Its existence is not disputable, and it is supported by the supra-territorial charters and notarial documents recording the elections of its members. The Jewish leaders were successful in their negotiations mainly because their interests coincided, at least to some extent, with those of the Aragonese kings. In fact, in their effort to weaken barons and cities, the new monarchs, Ferdinando I especially, favored an autonomist Jewish policy that aimed at loosening the economic and jurisdictional ties of the iudece from the local powers. The results of these efforts provide solid proof of Jewish political agency.

Only two complete Jewish charters are known today - the oldest one is from 1465 and the last from 1498. A third charter of 1481 is incomplete but provides information on the structure

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116 Teller, “Telling the difference”, 121 and 126-127.
117 The 1465 charter has survived only in a copy made by a local Apulian historian, Eustachio Rogadeo at the turn of the nineteenth century. As Cesare Colafemmina informs us in his article "I capitoli concessi nel 1465 da Ferrante I ai giudei del Regno", *Studi Storici Meridionali* 3 (1992) 279-303, Rogadeo copied the charter from ASN, Sommaria, Quinternione VIII, 71., foll. 23r.-31v. Rogadeo’s manuscript is preserved in Bitonto, Biblioteca Comunale "Eustachio Rogadeo", Mss A 22, cc 7-9.
of the iudece, on elections, and on the relations between Jewish officials and the state.\footnote{118} Other general charters (1468 and 1476) are known to the modern scholar only because they were partially reproduced in notarial documents, libri rossi, and other correspondence exchanged between the central courts and peripheral administrative offices.\footnote{119}

The general Jewish capitoli followed the model of municipal ones. These were a list of requests submitted to the king that was then sent back to the petitioners with a response to each item. The kings reacted by granting, modifying or denying privileges that established immunity, legal protection, freedom of movement, and residence rights – these privileges are of the \textit{beneficium personae} type.\footnote{120} According to Roman law the persona receiving the privilege did not have to be an individual; it could also have been a \textit{legal persona} - in other words a corporation.\footnote{121} \textit{Privilegium personae} could not be inherited or transferred, hence the necessity for Jewish communities, indeed for every community, to draw new capitoli every time a new monarch sat on the throne.\footnote{122}

\footnote{118} The charter of 1481 was identified by Cesare Colafemmina as a regional charter granted to the Jews of Calabria, I claim it is another "lost" general charter. See Cesare Colafemmina, "La tutela dei giudei del Regno di Napoli nei "capitoli" dei Sovrani Aragonesi", \textit{Studi Storici Meridionali} 7 (1987), pp. 297-310.

\footnote{119} Ferorelli, \textit{Gli Ebrei}, footnote 1, 91; footnote 4, 103; footnote 5, 132-133; 135; footnote 3, 168-169.

\footnote{120} In Italian this dialogic system is called \textit{placitazione}. Placitazione could be positive or negative. If it was positive the king would grant his \textit{placet} (literarely “it pleases”). He could comment on the privilege for example by stating that the privilege brought no modifications to the status quo (\textit{iuxta solitum et consuetum}). The response could qualify points that were too generic and thus susceptible to broad interpretation; or it could be plainly negative. At times the king took his time in explaining his denial, but often the “unfairness” of the request was the only motivation presented.


\footnote{122} On the production and conservation of such documentation, Francesco Senatore, "Gli archivi delle Universitates Meridionali: il caso di Capua ed alcune considerazioni generali", in Attilio
Despite the presence of very specific items that distinguished the charters of the various corporate bodies operating in the kingdom (cities, merchants, Albanians, Jews, etc.) these documents were all part of a single “documentary system.” In fact, if compared closely to the charters granted to other universitates, the Jewish charters lose the exceptional character with which historians like Ferorelli and Colafemmina imbued them. Cities especially asked for new charters every time their relationship with the Crown, and thus their privileges, were menaced by major political changes (revolts, wars, foreign occupation, death of the ruler). Not coincidentally, Jewish charters closely followed municipal ones. It was not because of his good heart that King Ferdinand I granted the 1465 charter to “the Jews,” but because the iudece were one of many forces fighting for the recognition of their rights. Jews lived in the same political landscape as Christians, and their political actions as a group mirrored those of the other political entities in their world.

The 1465 Jewish charter was approved by King Ferdinando I (son of Alfonso the Magnanimous), at the height of the territorial expansion of his domain. Slightly less than two years earlier, in 1463, Ferdinando had succeeded in crushing the revolt of the barons with a series of sweeping victories. The revolt had been led by Giovanni Antonio Orsini del Balzo, Bartoli Langeli, Andrea Giorgi, Stefano Moscadelli eds., Archivi e comunità tra Medioevo ed Età Moderna, (Siena: Cantagalli, Ministero per i bei e le attività culturali, 2009), 447-520; Idem, "Sistema documentario, archivi e identità cittadine nel Regno di Napoli durante l'antico regime", Archivi, X/1 (January-June, 2015), 33-64.

123 Francesco Senatore, "Sistema Documentario", 38.

124 Although some minor battles were still being fought in 1464 the most dangerous opponents had been crushed in the summer of 1463. Giuseppe Galasso, "Il Regno di Napoli - Il Mezzogiorno angioino e aragonese, Storia di Italia, vol XV", in G. Galasso ed., Storia d'Italia (Torino: Utet, reprint 2005), 629-665; Benedetto Croce, History of the Kingdom of Naples, 69-73; Elisabetta Scarton, "'El Parlamento è finito.' - Ripresa e declino dell'istituto parlamentare nel Mezzogiorno aragonese", eHumanista/IVITRA 7 (2015): 295-310; on the second revolt of the barons see Idem, " La congiura dei baroni del 1485-87 e la sorte dei ribelli", in Francesco
Prince of Taranto and arguably one the most powerful men in the Kingdom, who possessed a territory much larger than the Royal domain itself. With Orsini’s sudden death in November 1463, Ferdinando I managed to swallow his enemy’s lands, considerably augmenting his personal power and the royal fiscal revenues. Among the new valuable acquisitions were the cities of Lecce, one of the largest cities in the Kingdom, and Taranto, a port-city controlling the Ionian Gulf.\textsuperscript{125}

In this new political landscape, the various political actors of the Kingdom rushed to pledge their allegiance to the Crown, finding excuses for having sided with the rebellious factions, or inventing a mythical past in which they had always supported the monarchs, and in light of all this, requesting all sorts of fiscal, administrative, and jurisdictional privileges. \textsuperscript{126} Invariably, Jewish and municipal charters opened with the request to be pardoned for any crime committed until that day.\textsuperscript{127} They asked for the king’s recognition of their past privileges granted

\textsuperscript{125} Bendetto Croce, History of the Kingdom of Naples, (Chicago: the University of Chicago Press, 1965); Giuseppe Galasso, Storia d’Italia – Il Regno di Napoli. Il Mezzogiorno Angioino e Aragonese, (Torino: UTET, 2005); for demographic figures see the painstaking and magnificent work done by E. Sakellariou, Southern Italy in the Late Middle Ages, Appendix A, 439-446. According to Sakellariou Lecce was the seventh largest city in the Kingdom in 1447 with a population of 1,323, and the fifth in 1508 with 1,995 inhabitants. In 1320, Barletta, Trani, and Bitonto, and Bari were respectively the second (6,230), third (5,098), fourth (5,030), and fifth (4,553) largest cities after Naples which counted a population of 35,000. The fifth largest city in 1320 had a population greater by 2558 inhabitants than Lecce in 1508 which had fewer than two-thousand people.

\textsuperscript{126} Pier Fausto Palumbo, Libro Rosso di Lecce, (Schena Editore, 1997), 79-117; Rosanna Alaggio, Le pergamene dell’Università di Taranto (1312-1652), (Galatina, Congedo, 2004), 101-114.

\textsuperscript{127} Ibidem.; for another example from the city of Gallipoli see Amalia Ingrosso, Libro Rosso di Gallipoli, 32.
by “all other kings, queens, emperors, princes, lords, and sirs […] until the present day.”  

They asked to be forever kept under the domain and jurisdiction of the king. Both communities also asked that plaintiffs may be given reasonable time (5 days in the Jewish charter, and 4 in that of Lecce) to revoke their accusations without having to pay a fee to dismiss and archive the lawsuit (cassatura).  

Iudece and universitates asked to be lifted from the obligation of having to house soldiers (gente d'armi). In the attempt to reinforce their direct tie to the monarch, Jews in 1465 and the universitas of Lecce in 1463 asked for the privilege to leave baronial lands with their goods unharmed and relocate to royal cities. Finally, citizens of Taranto, Lecce, Lipari, and the Jews also asked to be treated everywhere in the Kingdom like the citizens of the lands to which they traveled.

Even in matters of self-government the Jewish charters did not constitute an exception. The privilege of re-allotting tax quotas, as well as the liberty of electing communal judges, mirrors the fight for jurisdicntional and administrative autonomy of the universitates of the royal domain. Lecce, for example, secured control over the appointment of the “camberlingo,

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128 R. Alaggio, Le Pergamene, 101-102; for Gallipoli see Amalia Ingrosso ed., Libro Rosso di Gallipoli, 31; for Trani see G. Cioffari e M. Schiralli eds., Il Libro Rosso di Trani, 229; for Lecce see Palumbo, Libro Rosso di Lecce, 82; for a comparison with the Jewish charter of 1465 see Table 1, and the appendix for the complete charters.

129 Rosanno Alaggio, Le Pergamene dell'Università di Taranto, 101; Amalia Ingrosso, Libro Rosso di Gallipoli, 33; Palumbo, Libro Rosso di Lecce, 80; Cioffari, Libro Rosso di Trani, 229; Appendix and table 1 for the Jewish charter.

130 Table 1 and Appendix.

131 Palumbo, Libro Rosso di Lecce, 80.

132 Palumbo, Libro Rosso di Lecce, 84.

133 Ibidem, 82. The 1463 reads: "Item supplicano se digna concederli che loro Citatini et Baruni siano tractati como citatini in omne loco per tucto questo Reame et gaudano tucti quelli privilegi et immunitati soleno et so usi gaudere li citatini de quelle citati terre et lochi. Placet Regie Maiestati."

134 For the privileges granted to “the Jews” see Appendix 1.
catapane, sindaco, et audituri,” offices directly involved in the administration of justice. 135 Similarly Jews obtained the freedom of electing men with the power of “making ordinances and excommunications according to their law and impose penalties among them for the preservation of their law.” 136 The charters of the Aragonese period all had a common legal and cultural denominator, but at the same time they were characterized by peculiar privileges that betrayed the identity of the community asking for the capitoli. Ragusan charters pivoted around privileges dealing with maritime commerce, import and export tariffs, and residence rights - all concerns that deeply touched a community of mariners and merchants. 137 Municipal charters were geared toward territorial expansion by means of the extension of citizenship, jurisdiction, rights over

135 Palumbo, Libro Rosso di Lecce, 83. The camerlengo (camerarius in Latin) was an officer in charge of the administration of one or more jurisdictions, and who, together with the capitano, was the representative of the royal power in the universitas. He worked side by side with the judge in civil cases dealt with by the bagliva; the catapano (an office of Byzantine origin whose seat was in Bari) was a governor with civil and military powers who exercised his authority in Southern Italy. In Aragonese times the catapano also had the responsibility of regulating the price of foodstuff, and overseeing weights and measures used in markets; the auditore were city councilors and judges. For some practice examples of how the offices worked in Lecce see Palumbo, Libro Rosso, 369-370; see also Giovanni Brancaccio, "Feudalità e governo locale nel contado di Molise e negli Abruzzi in età aragonese e spagnola", in Antonino Giuffrida, Fabrizio D'Avenia, Daniele Palermo eds., Studi storici dedicati a Orazio Cancila, (Palermo: Quaderni – Mediterranea. Ricerche storiche, 2011), 151-178.

136 Read Item15 from the 1465 charter in Apenndix 1.

137 On April 25, 1464, the ambassadors of the Republic of Ragusa obtained the reconfirmation of the privileges received in 1459 among which was the right of citizens (citatini), inhabitants (habitatori), and foreign-born residents (incoli) of Ragusa to be treated as citizens in the cities of the Kingdom of Naples where they possessed real estate. Another privilege obtained in 1464 assured that both Ragusans and regnicoli could serve as consuls of the Republic, and that they could act as judges in civil cases involving Ragusan subjects. DAD, Privilegii, Vol 23 - Copia u. s. privilegii re di Aragona - regesto et executoriali 1455-1494, ff 8-18; DAD, Privilegii, Vol 23 - Copia u s privilegii re di Aragona - regesto et executoriali 1455-1494, ff 8-18. The item concerning “equal treatment” in the 1459 charter reads: Che li citadini incola ed habitatori della dicta cita di Ragusa che hanno case et possesioni in lo dicto Regno in li pagamenti delle gabelle ed altri diritti della Regia Corte pagandole colte [sic] et altre fiscale functione pro rata delli boni che possedono in lo dicto Regno siano tractati como citadini et non como forestieri overo non siano tenuti pagar le colte et altre fiscal functioni.
pastures and forests - concerns that could not be shared by non-territorial *universitates* (like Jews and Ragusans) who did not have control over public land.\textsuperscript{138}

Jewish charters addressed the respect of the Shabbat, the badge, invasion and violation of Jewish space, abuses committed by converts, protection of material assets belonging to Jewish women following the conversion of the spouse, the burial of (criminal) Jews in Jewish cemeteries, official recognition of contracts written in Hebrew, and protection from physical violence occurring especially during Good Friday.\textsuperscript{139} While pledging allegiance to the Crown, cities and other corporate bodies attempted to define the boundaries of their autonomy: areas of municipal jurisdiction were carved out of baronial lands at the expenses of feudal lords; the election process of communal officials was defined; the roles in urban administration of royal officials were also delineated; and the relations between various social strata, as well as those between religious groups, were often regulated by new legislation.

A milestone in the fight for the autonomy of the *iudece* was the fiscal separation of Jewish hearths from the municipal body – the 1465 charter established that salt and hearth taxes (*sale et focatico*) owed by Jews would be collected by the *iudece* and paid directly to the monarch, bypassing the municipal officials.\textsuperscript{140} Separation from the Christian community on a social level may have been imposed upon Jews by religious restrictions, but on a juridical and administrative level it was sought by Jewish leaders.

On a local and practical level, these charters allowed individual *iudece* to claim their

\textsuperscript{138} I borrowed Senatore's concept of "università non-territoriale" which he used to describe communities like the *universitas iudeorum*. Francesco Senatore, "Sistema Documentario", 35-36.

\textsuperscript{139} See Appendix 1 for the full charter.

\textsuperscript{140} See item twenty of the 1465 charter in the appendix.
administrative and juridical independence from the cities of the royal domain. The implementation of the Jewish charters impoverished the coffers of the cities, decreased the power of the municipal judiciary, and augmented the power of the growing central state. And yet charters should not be considered instruments that alone could cause the legal separation of the Jewish and Christian communities. The *privilegium* itself in fact finds applicability only when invoked in court by the interested party. This means that unless the local *iudeca* claimed its fiscal independence, individual Jews would not be automatically separated from the fiscal hearths of the city: “the final decision as to whether even to accept them [the charters] lay with the individual communities.” The Jewish leaders, who worked at the fiscal and administrative separation of the *iudece* from the universitas, might have feared that if the charters were to be applied indiscriminately they might have proved self-defeating in specific local political conditions. The council thus made sure to include in their charters an item confirming the principle of Roman law, according to which the use of privileges was not binding: "May the King grant [...] that said Jews and each one of them [may] use them [the privileges] and not use them, all and part of them." A striking example comes from the city of Nardò where the Jewish community in 1494 refused the royal privilege that would have allowed its administrative separation, and remained fiscally and jurisdictionally part of the larger *Universitas Neritonis*. The proximity in language and objectives of the Jewish and Christian charters signifies the

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141 For a more detailed discussion see chapter 2.
142 Mackeldy, *Manuale di diritto Romano*, 141-142;
143 The quote is from Teller, “Telling the Difference”, 122. With one modification, the insertion of the word charters, this quote demonstrates the striking parallels existing with the Polish experience. As Teller informs us the Polish Council could not enforce its rulings (what the quote originally referred to) just as the Neapolitan one could not enforce the charters.
144 See Item 23 of the 1465 charter in the appendix.
integration of the iudece into the political, juridical, and administrative system of the Kingdom.

Conclusions

The historiographical problem presented in this chapter lies in determining whether acting as a corporate body equates to being one. Kenneth Stow has suggested that Jews were not a corporation because Jews’ corporate rights had been cancelled in the sixth century. He writes:

The privilege granted Jews by royal and other charters of privilege to live by “their own law” did not reverse this fact. Indeed, when this privilege began to be bestowed upon the Jews as a group, it reflected their becoming not a “corporation among the corporations” but rather a constitutional isolate - “the Jews” - in an increasingly alien Christian world. Stow refers to the reception of the rescript of Caracalla from 30 June, 213 C.E. in the Justinian Code, which transformed “a rescript dealing with a specific question into a general prohibition, which amounted to denying the Jewish communities recourse to the courts in execution of legacies made in their favour”. The rescript changed the status of the Jewish “corporation” from a collegium licitum, “a legal organization, legally qualified to receive legacies,” into a collegium illicitum. Illicitum, though, in the context of the Roman legislation regulating collegia (as corporations were called), did not mean ‘illegal’ but “merely an unincorporated society,

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146 See the introduction to Kenneth Stow, The Jews of Rome I, (Leiden: Brill, 1995), XXXV.
147 K. Stow, Alienated Minority, 180. See also K. Stow, Popes, Church, and Jews in the Middle Ages: Confrontation and Response, (Routledge, 2007), especially chapter “Holy body, holy society: conflictual medieval structural conceptions”.
differing from the *collegium licitum* in not possessing legally recognized rights, privileges, and responsibilities.”

This did not mean that *collegia illicita* were not tolerated or that they lived in a “state of legal outlawry.” In fact, such corporations conducted an “apparently untroubled existence under ordinary circumstances,” and operated in plain sight, often assuming a clear political character. The drawing of the charters should clear any doubt about the political agency of these “unincorporated” communities. Municipal *iudece* even acted as a plaintiff in the royal law courts constituting, *de facto*, a legal persona. A common example of *iudece* acting as plaintiff is given by Jewish communities bringing to trial municipal *universitates* for imposing unjustified taxes - just like the "iudey dela cita de Spechia" did in 1469, and those of Alessano in 1473.

According to Hardy it was their explicit political nature that spurred the state into action "interfering" with the life of the *collegia*.

"In course of time the term 'illicitum' came to get the meaning of 'political' rather than 'unlicensed'. It is in this sense of the word that such statements in the Digest as the following are to be explained: 'Quisquis illicitum leggium usurpaverit ea poena tenetur

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151 Ibid. 205.

152 Ibid.

153 ASN, Sommaria, Partium, 3, 108v-109r; ASN, Sommaria, Partium, 6, 61v-62r; The following are only some of the numerous examples: Sommaria, Partium, 27, 35v-36r; Sommaria Partium, 28, 33r; Sommaria Partium, 29, 89r; Sommaria Partium, 29, 92r; Sommaria Partium, 29, 98r; Sommaria Partium, 29, 98v; Sommaria Partium, 29, 99v; Sommaria Partium, 29, 4v; Sommaria Partium, 29, 11v; Sommaria Partium, 29, 12v; Sommaria Partium, 29, 157r; Sommaria Partium, 29, 73r; Sommaria Partium, 29, 166v.
qua tenetur homines qui hominibus armatis loca pubblica vel tempula occupare iudicati sunt'.

In Imperial Rome, unlicensed groups (as we could call *collegia illicita*) could be “at any time suppressed by police authority of the proper Roman official,” very much like when the activities of the Jewish community conflicted with the religious, economic, political interests of the polity, Jewish communities were suppressed by means of expulsion. If “the Jews” were not a *de jure* corporation, then the privileges they acquired could be abruptly revoked in the event of “unordinary circumstances.” Thus, the “illicitum” character of a *qehillah* was not an impediment to act as a corporation, but it may have weakened its position within the “tolerating” polity.

Jews could act as if they were a corporation, and in spite of the legal contradictions which this entailed, without necessarily being a legally recognized one. This was possible only because they acted as “Roman citizens.” The next chapter will get down to a microscopic level in order to assess the integration of the individual Jew into the municipal “citizenry.”

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155 Merrill, "The Attitude of Ancient Rome", 205.

This chapter will focus on the relation between payment of taxes and enjoyment of municipal rights. As established by scholars working on other areas of the Mediterranean, it was surely raison d’état that pushed Southern Italian cities to inclusive citizenship policies in the second half of the fifteenth century. By extending municipal privileges to newcomers, cities assured the increase of taxpaying households. Not coincidently, governments were less generous with groups that did not offer financial security. Albanians for example were deemed “useless” and had greater difficulty integrating into urban centers than richer Ragusan merchants. This chapter also argues that the “separatist” Jewish leadership compromised the citizenship of the municipal Jewry precisely by fiscally separating the iudece from their universitates. If on the one hand the exercise of citizenship rights and duties established the municipal belonging of juridical communities, on the other, through their political life, juridical communities could conflict with official citizenship.

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In 2013, Giacomo Todeschini noted that the question of municipal belonging of Italian Jews in the late-Middle Ages has been treated by scholars in quite "absolute terms.” At the turn of the twentieth century, for example, Vittore Colorni strongly insisted that Jews during the Renaissance enjoyed the status civitatis, and even when such status was granted on a temporary basis, for the time being Jews were treated as Christians. His analysis was a jurisprudential one

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based on privileges, laws, and condotte rather than on court and notarial sources.\textsuperscript{158} By extending the source pool, Ariel Toaff supported Colorni’s position, claiming that citizenship was indeed extended to Jews in central and northern Italy - Jews had the same rights as Christians with the limitations imposed by Canon law.\textsuperscript{159} Robert Bonfil more cautiously suggested that if in the thirteenth and fourteenth centuries Jews had been "defined as real citizens [cives originarii]", their status gradually deteriorated to the point that by the sixteenth century they stopped being identified as true citizens - at best, municipal documents define their status “"as though they were citizens [sicu cives],” without granting them the rights of citizens.”\textsuperscript{160} According to Todeschini, the problem with such approaches is that the methodology is biased by the erroneous assumption that the concept of citizenship was clear and "incontrovertible," "forever fixed" in the city statutes and in the minds of medieval jurists and civic administrators.\textsuperscript{161} He suggests that medieval jurists did not reason in terms of citizenship as an abstract notion, but rather in terms “of cives as specific subjects, recognizable first of all because of their belonging to a defined group, be this professional, religious or territorial.”\textsuperscript{162}

Municipal belonging can be measured against the right to participate in public life, which included the right to be part of municipal councils, be elected to public offices, own and sell real

\textsuperscript{158} Colorni, \textit{Legge ebraica e leggi locali: Ricerche sull’ambito d’applicazione del diritto ebraico in Italia dall’epoca romana al secolo XIX} (Milan 1945), 86–94.


\textsuperscript{161} Giacomo Todeschini, "I diritti di cittadinanza degli ebrei italiani nel discorso dottrinale degli Ossetvanti", \textit{I frati osservanti e la società in Italia nel secolo XV}, (Spoleto: Fondazione CISAM, 2013), 253-277.

\textsuperscript{162} Todeschini, "I diritti di cittadinanza", 257.
estate, be counted among the fiscal hearths, and benefit from the fiscal privileges shared exclusively by the members of the *universitas*. If all of these conditions had to be simultaneously satisfied in order for an individual to be recognized as a full-fledged citizen, then only a small percentage of the entire urban population would make it into the *de jure* citizenry. In fact, not every urban dweller automatically enjoyed all of these rights: gender, religion, economic, and cultural status could also be factors determining one’s civic and political rights, including the eligibility to hold public office. In 1378, in Firenze, the Ciompi – non-guildsmen wool workers – organized one of the most famous municipal revolts precisely to demand entry into institutional political life.\(^\text{163}\) Padova and Bologna, too, did not allow numerous groups to run in the municipal elections. Among those who were excluded we can list fishermen, peasants, cattle herders, political enemies, minors, ragmen, those who did not possess real estate, and actors.\(^\text{164}\)

The exclusion from political office did not prevent these groups from dwelling within the city walls and enjoying the fiscal privileges granted to the “citizenry,” just as Jews in Apulia would share royal privileges with the Christian citizenry even if they could never sit in a municipal council. When writing about civic identity, should women, fishermen, and actors be excluded from the citizenry in Bologna? Did they not belong to the city? Were not the Ciompi part of the social and cultural fabric of Firenze’s municipal life?

As Todeschini suggests, *de jure* citizenship is not the best way to measure municipal belonging, all the more because methodologically the scholar must confront the challenge of


\(^{164}\) Ibid., 262, note 9.
identifying de jure citizens in light of linguistic inconsistency. In notarial records from Apulia the same individual could be presented simply by his name, as a citizen, as an inhabitant, or both as a citizen and inhabitant. On a sample from the *fondo archivi notarili*, series “notai piazza di Bari” of the State Archive of Bari edited by Cesare Colfammina, out of fifty notarial documents produced between 1446 (the oldest notarial record in which the first mention of a Jew is made) and 1541 (year of the final expulsion ordered by Emperor Charles V), there are a total of 227 Jewish entries. Many of them refer to the same individuals. The status of *cives* is indicated seventeen times; that of *habitatore* thirty-six; no status at all is mentioned for one hundred and twenty-seven entries; the “origin”, expressed by the preposition ‘de’, appears thirty-six times; the status of *incola* (foreign-born residents) is mentioned only one time. With only one exception, the status of *cives* is always associated to that of *habitatores*: in 1436, a contract recording the purchase of olive oil indicated the status of Iosep di Mastro Isac as *Bari cive et habitatore* (citizen and inhabitant of Bari).

Sixteen of the fifty documents analyzed were produced by the family of Allegretta, who, as anticipated in the introduction of this study, had resorted to the gentile judiciary to record the restitutition of her dowry and settle matters regarding the guardianship of her children. Strucco

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166 See the section *A Legal Mish-mosh*, 16-19. The documents are in Colfammina *La presenza ebraica in Puglia*: ASB, notaio Pascarello de Tauris, protocollo 2, 1447, f 41v; ASB, not Angelo de Bitritto, protocollo 64, 1463-1487, f 1v; ASB, not Angelo de Bitritto, protocollo 78, 1469, f 107v; ASB, not Angelo de Bitritto, protocollo 78, 1469, f 108v-v; ASB, not Angelo de Bitritto, protocollo 78, 1469, f 108v-109v; ASB, not Angelo de Bitritto, protocollo 78, 1469, f 119v-120r; ASB, not Angelo de Bitritto, protocollo 78 II, 1469, f 163v-164r; ASB, not Pascarello de Tauris, protocollo 2, 1447, f 42r; ASB, not Pascarello de Tauris, protocollo 2, 1447, f 17 r; ASB, not Pascarello de Tauris, protocollo 2, 1447, f 21 r; ASB, not Pascarello de Tauris, protocollo 2, 1447, f 21 r; ASB, not Pascarello de Tauris, protocollo 2, 1447, f 27v-28 r; ASB, not Pascarello de Tauris, protocollo 2, 1447, f 41 v; ASB, not Pascarello de Tauris, protocollo 2, 1447, f 42 r;
Russello, Allegretta’s husband, is recorded in seven different documents but only in two is he presented as *civis et habitatore*;¹⁶⁷ in four his status is not indicated at all;¹⁶⁸ in one he is mentioned only as *habitatore*.¹⁶⁹ Strucco Marcilio, Allegretta’s half-brother, appears three times as “de Baroli” (from Barletta); and only once is he defined as *habitatore* of the same city. Allegretta is defined as a *habatrix* two times. The data collected suggests that *civis*, *habitatore*, or the origin expressed by the preposition ‘de’, were interchangeable. This becomes even more evident when compared to the status of Christian men. In the same fifty notarial records, Christians appear 258 times, and only on two occasions is the status of citizen clearly stated - both times it is associated to that of inhabitant (*civis et habitator*) - and 229 entries bear absolutely no indication of the legal status of Christian men.

If establishing *de jure* citizenship on linguistic terms proves to be an ineffectual exercise, then we must find safer ways of assessing an individual's municipal belonging. Such membership can be determined by strategies and practices adopted by individuals - men and women, regardless of religious affiliation - in the transmission of wealth (as I demonstrate in chapter 5); by the utilization of public space (as I discuss in chapter 4); by the recourse to local notaries and judges; by the language used in the drafting of documents; and, as I discuss in this chapter, by municipal privileges deriving from the payment of municipal taxes.

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¹⁶⁷ ASB, not Pascarello de Tauris, protocollo 2, 1447, f 43 r-v; ASB, not Pascarello de Tauris, protocollo 3, 1448-1449, f 6 r-v; ASB, not Pascarello de Tauris, protocollo 12, 1459, f 31 r-v; ASB, not Pascarello de Tauris, protocollo 7, 1453, f 49 r-v.
¹⁶⁸ ASB, notaio Pascarello de Tauris, protocollo 2, 1447, f 41 v; ASB, not Angelo de Bitritto, protocollo 64, 1463-1487, f 1 v; ASB, not Angelo de Bitritto, protocollo 78, 1469, f 107 v; ASB, not Angelo de Bitritto, protocollo 78, 1469, f 108 v-109 r.
¹⁶⁹ ASB, not Pascarello de Tauris, protocollo 2, 1447, f 43 r-v.
In 1484 Salomone Sabatello lamented to the Sommaria that the city of Matera was trying to impose import tariffs on the merchandise he and two fellow lecessi (men from Lecce) were carrying. This was contrary to the privilege granted to “their” universitas. The three partners - from the names most probably a Jew, a convert, and a Christian - proved to be from Lecce by exhibiting a puplico transumpto. The document guaranteed [that the] universitas and men [homi] of Lecce be exempted and immune, in all the lands of this Kingdom, just as are treated the men from Lipari in the mentioned Kingdom, who are exempted and immune from any payment.

We would be tempted to assume that by homini the privilege meant citadini; but in fact, homini simply meant “men” - a term that makes no distinction between the legal categories of citadini, habitatori, and incoli. This means that there is no safe way to know the de jure status of Salomone and his partners. Whether he was or was not a citadino, he held a transumpto, which assured his belonging to the privileged community of Lecce. What made Salomone eligible to receive such standing?

170 ASN, Sommaria, Partium 22, 71v-72r, published in Colafemmina, Documenti per la storia, 52-53. “Capitaneo, noviter e stato exposto in questa Camera per parte de Salomone Sabatello, Francisco Mele e Paulo de Serino dela cita de Leze cum fu che per la Maiesta del Signor Re e stato concesso privilegio alla universita et homini de Leze de essereno trattati franchi et immuni per tucte lle terre de questo regno si como sono trattati liparoti in dicto regno, li quali sono trattati franchi et immuni de omne pagamento, secundo dicono haverene facto constare per puplico transumpto de dicta immunita ed franchicia dicono essereno in possesione [...].”

171 Publico transumpto would literally translate into ‘public extract.’ Cities, as corporations, and privates held privileges granted by the kings. These privileges were organized into the so called 'capitoli'. When travelling, citizens carried with them extracts of such capitoli, i.e. just the privileges concerning their business. Most likely, in order to be recognized as official documents, they needed some sort of legal validation like a document "notarized" by a notary public. Hence the puplico transumpto.

172 universita et homini de Leze de essereno trattati franchi et immuni per tucte lle terre de questo regno si como sono trattati liparoti in dicto regno, li quali sono trattati franchi ed immuni de omne pagamento.
Benjamin Ravid argued in his seminal study “A tale of Three cities and their Raison d’état” that the willingness of Italian cities to attract Jews was conditioned by very practical and utilitarian considerations. In order to expand their markets, Ravid argued, Venice, Ancona, and Livorno granted extensive privileges to Jewish merchants. In Livorno, with the issuing of a charter, better known as the Livornina, Jews were granted rights of residence, the exemption from the badge, the right to engage in retail trade, the exemption of any criminal background check, and more generally the “same right as Christian merchant citizens of Florence and Pisa to engage in all the arte as well as in commerce except trade in second-hand goods.” Such factors, Ravid argues, played a considerable role “in the amelioration” of the status of Jews in early modern Europe, and accelerated their emancipation in those localities where their skills were most needed.

Similar utilitarian considerations influenced Trani’s citizenship policy in the 1490s. In 1492 the city reckoned that granting a special tax exemption on iron and tar to Ragusan merchants willing to relocate and become tranesi would encourage Ragusans to build ships in Apulia. Of course, this would have been beneficial to the local economy because of the creation of jobs and the augmentation of commercial traffic through the port. In turn, the tranesi spokesmen argued, the King would benefit from new tax money that would be paid to the royal treasury. Cities that belonged to the Aragonese domain, though, did not issue charters to Ragusans, Jews, or any other “foreign” community. Charters and corporate privileges were

174 Ibid., 157.
175 Ibid., 138.
granted mainly by the Crown, and cities had to rely on another strategy to attract “useful” men – this was the extension of municipal civic rights that included fiscal benefits, use of public land, residence rights, the right to bestow and inherit, to buy and sell real estate, to be represented and protected by the municipal universitas. Inclusion into the municipal body was strictly linked to the satisfaction of fiscal obligations. Indeed, since the twelfth century, jurists considered citizenship as a “factor determining fiscal rights and duties.”\(^{177}\) The medieval jurisprudential debate led to an understanding of “common wealth connected to the idea of belonging, that is of citizenship, of those who had the right/duty of contributing to such common wealth.”\(^{178}\) So, in exchange for the extension of municipal privileges, cities expected the beneficiaries, regardless of their religious affiliation, to pay taxes.

A case of municipal belonging that illuminates the relation between fiscal obligations and municipal inclusion is that of the Greek and Albanian communities of Southern Italy.\(^{179}\) Their influx into Apulia was spread over time – Maria Antonietta Visceglia has identified separate waves of immigration: 1272, 1327, 1396, and a continuous flow in the fourteenth and fifteenth century. Southern Italy was a multi-cultural territory where the Greek language and the Greek right had survived the end of the Byzantine domination,\(^{180}\) so that integration of new Albanian

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\(^{177}\) Giacomo Todeschini, “I diritti”, 260-261.

\(^{178}\) Ibid., 274.

\(^{179}\) Another group was that of the Sclavoni, or Schiavoni. The identity of this group though is far from clear. While Scalvoni should be of Croatian, possibly Hungarian origin, in the contemporary documentation the terms Sclavoni and Albanesi are often used interchangeably.

and Greek communities should have been facilitated by their cultural proximity to the native population. And yet things were not so straightforward. Two trends exist in the settlement and integration patterns of Albanian communities: smaller nuclei that moved into larger urban centers, in time, tended to assimilate through mixed marriages; larger groups formed communities that received corporate privileges and received charters granting them the rights of residence, religion, edification of private and public buildings, pasture and farming rights, and that regulated the payment of taxes to the local and central officials. Landed nobility had a great role in favoring the development of Albanian rural communities by inviting them to settle on their estates trying to revive the economy of unproductive rural areas. If not forcibly Latinized, Greek and Albanian communities maintained a distinct cultural identity well into the twentieth century. The integration of communities of Christians escaping from the Ottoman conquest of Greece and Albania was probably slowed down in southern Italy due not to religious differences but to their “resistance” to share the municipal fiscal burden. Especially in the last decade of the 1400s, Albanians petitioned with great insistence the Sommari for being


183 Visceglia, Territorio, 103-104.

forced by the municipal universitates in contributing to local taxation, or to the *taxa focolariorum*. In 1491 and 1492 the Albanian communities of Venosa, Canosa, Sant’Angelo, Deliceto, San Gregorio, Apice, Lucera, Fossacesia, and Potenza submitted such grievances.\textsuperscript{185} The Sommaria replied that Albanians paid a separate yearly tax of one ducat per hearth and that “not being citizens (*citatini*) […] they should be taxed as customary (*solito et consueto*).”\textsuperscript{186} Foreign communities and Jews were subject to special taxation not applied to munipal citizens. Theoretically the extension of citizenship would have augmented municipal revenues but eliminated a source of direct income for the royal coffers. Since the state was unlikley to give up its contributors, cities often ended up subjecting these groups to double taxation. In order to justify the application of the local taxes, cities should have extended municipal privileges to these groups. By affirming its right over the collection of these direct contributions, the Sommaria implicitly recognized that if cities did not extend citizenship rights to the Albanians they had no right to tax them as citizens. Behind the protective and paternalistic attitude displayed by the central government lay an attempt at monopolizing revenues and jurisdiction over minority groups.

Expressions of solidarity for Albanians and Jews contrast with warnings issued to those cities that threatened the kings’ assets. The items of the general charters granting royal protection against the abuses of the local population are perhaps the most evident expression of the court’s policy.\textsuperscript{187} But if cities did not have an immediate economic return, then the welcoming and forgiving attitude requested insistently by the Crown was hardly going to be displayed by the

\begin{footnotesize}
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\item \textsuperscript{185} ASN, Sommaria, Partium, vol 34, 30v, 50v; vol 35, 90, 173; vol 39, 188, 219; vol 52, 124v, 125r, 267r, 33r.
\item \textsuperscript{186} ASN, Sommaria, Partium, vol 32, 105r.
\item \textsuperscript{187} See the general charters in the Appendix of this study.
\end{itemize}
\end{footnotesize}
universitates. In fact, the Apulian city of Oria deemed Albanians inutili (i.e. useless) for not contributing to municipal and royal taxation; and in Lecce they were the only group not to receive a pardon for the looting of the iudeca in 1463.\textsuperscript{188}

The integration of the iudeca in the municipal universitas was also governed by raison d’état. This can be demonstrated by adopting a different vantage point than the one used by Ravid. If Jews had been part of the citizenry “from time immemorial”, what caused the change in attitude of the universititates? To answer this question, we must look at the political results of the Jewish supra-territorial council. I will demonstrate that the 1465 capitoli granting fiscal separation are a milestone in the deterioration of the “citizenship” status of the Jews of the kingdom.

The 1465 Jewish charter and the reversal of citizenship policy.

In 1442 King Alfonso V of Aragon became Alfonso I of Naples after having defeated Renée of Anjou in a war to control the Kingdom.\textsuperscript{189} In 1443 the central government ordered a census of the population and established a new taxation system that replaced the older extraordinary levies with a more regular hearth tax (called taxa focolariorum, focolario, or focatico), and a salt tax (sale).\textsuperscript{190} The sale forced every household to purchase salt, whose extraction and distribution was monopolized by the state. As we learn from tens of civil cases filed each year after 1465, in 1443 the Jews had been counted among the taxable municipal

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\textsuperscript{188} See the “Supplicatione capituli et grati” of 1491 of the universitas of Oria, in Francesco Trinchera, \textit{Codice Aragonese}, vol. 3, (1874), 62; Palumbo, Libro Rosso di Lecce, 87-89.
\textsuperscript{189} Galasso, \textit{Il Mezzogiorno Angioino e Aragonese}, 561-586.
\end{flushleft}
The burden of the state tax was thus sustained by the whole of the municipal taxpayers, Christians and Jews alike. In 1465, though, King Ferdinand I approved a series of capitoli submitted by “the Jews” of the kingdom aiming at gaining more independence from the cities through administrative and jurisdictional autonomy and through the strengthening of the vertical ties with the royal court. And yet, the Jewish capitoli could never be fully implemented for the simple reason that the central state simultaneously acquiesced to municipal requests that were antithetical to the Jewish privileges. It appears this occurred in the attempt to gain support from all the political parties engaging in what seemed to be a civil war fought with charters. These conflicts mirrored the relations between smaller rural centers (casali) and larger towns. Brigitte Marine notes that in the Kingdom of Naples:

Town-country relations were [...] neither purely antagonistic nor strictly bipolar, but were shaped by the state’s and the feudal lords’ strategy to divide and rule through the judicious use of political privilege. Towns and casali appealed to central authority to adjudicate or mediate their claims, and central institutions responded actively to these requests.¹⁹³

The most daring of the iudece’s requests was the fiscal separation of the Jewish taxpayers. For Apulian cities, this point was especially problematic because their population had

¹⁹¹ These are only some examples: ASN, Sommaria, Partium, vol 29, 89; ASN, Sommaria, Partium, 29, 157r; ASN, Sommaria, Partium, 31, 26; ASN, Sommaria, Partium, 31, 275 two notes at the margins of this case mention that identical griviences had been filed by the iudece of Castrovillari, Altomonte, Corigliano, Bisignano, La Regina, Castello Francho, Civitatis Cutrone, Santa Severina, Strongoli, Eriliti, Corato, Rossano e Rende; ASN, Sommaria, Partium, 32, Fol 56; ASN, Sommaria, Partium, vol 34, Fol 220rv.

¹⁹² See item 3, 15, 16, 18 for the jurisdictional dependency from the king; item 8, 9, 20 for fiscal autonomy. Appendix 1.

been depleted by wars and epidemics during the second half of the century. At the end of Alfonso's reign, the Kingdom of Naples was hit by earthquakes and then swept by the plague (1456-1458) and the demographic and economic consequences were to be felt for more than a decade. Cities from all the regions of the Kingdom in 1469 were still complaining to King Ferdinando that they were unable to pay state taxes based on the old census (1443) because they had lost a great deal of their population by death or emigration. Guglionesi in Molise, Castelli in Abruzzo, Bona in Calabria, and Canosa in Terra di Bari begged for a new head count because they were "not capable of paying what by You [the King] through the Royal Court we are asked to [pay]." Struggling to pay the salt and hearth taxes, cities ignored the royal charters and forced Jews and Albanians to pay with the rest of the universitas in order to match the expected number of taxable hearths. Indeed, in 1469 the city of Teano in Terra di Lavoro succeeded in having its Jews pay with the rest of the citizenry. The iudeca had refused this fiscal unity on the basis of royal privileges of 1465 but the Sommaria ruled that Jews had to pay with Christians because "lo iudeo non deve gaudere maiore privilegio che lo christiano." The fact that the

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King accepted the *universitas*’ request to overrule the Jewish charter on the basis of moral principles is testimony to the administrative chaos deriving from the Crown’s *politica pattista*.  

In the city of Lecce, too, Jews had been paying taxes “as one with the universitas” long before Alfonso’s ascent to the throne of Naples. Lecce felt that the Jews’ attempt to separate from the municipal citizenry was unjust and in 1467 the *sindaco* of the city, Alessandro de Noha, lamented that after having been part of the *universitas* since time immemorial (*che non è memoria*) the Jews now wanted to “subtract and divide themselves” (*subtraherese et dividere*) from the *universitas*, and from the jurisdiction of the captain. As if this was not enough, they also refused to pay taxes with the rest of the citizenry. The Jews, according to the *sindaco*’s account, affirmed their independence from the city in light of their being of the Chamber of His Majesty the King, ignoring two older privileges held by Lecce, which affirmed the right of the city to force the repatriation of emigrated Jews and the unity of the two communities. What was even more unacceptable in the eyes of the *sindaco* was that the Jews of the city enjoyed all the privileges and immunities enjoyed by the other citizens (*gaudendo omne privilegio et immunita qualis gaudevano li altri citatini*). The Jews, de Noha stated, wanted to create two *universitates* out of one (*di una Universita in una medesima cita [voleno] farene due*). The argument moved by Lecce was that if “men of the city” (as Salomone Sabatello defined himself some seven years later) wanted to benefit from the municipal privileges then they should pay taxes.

197 On the concept of “politica pattista” ( politic of pacts) see Massimo Della Misericordia, ““Per non privarcì de nostre raxone, li siamo stati desobidienti”. Patto, giustizia e resistenza nella cultura politica delle comunità alpine nello stato di Milano (XV secolo)”, in C. Nubola, A. Würgler eds., *Forme della comunicazione politica in Europa nei secoli XV-XVIII. Suppliche, gravamina, lettere*, il Mulino, Bologna 2004, pp. 147-215; also supra note 149.
To be sure, relationships between Jews and the municipal councils depended on local political dynamics more than on the 1465 charter, because the *privilegia* of the charter were not automatically implemented and would take effect only if invoked by the *qehillah*.200 This is why, despite the separationist policy of the supra-territorial Jewish council, relations between the iudeca of Trani and the *universitas* were still very good in 1468 when the *sindaci* pleaded with the king on behalf of “their Jews.” The *universitas* lamented that the *transesi* Jews were being “badly treated” by the *Judey Romanishi (sic)* and by other iudece of *Terra di Bari*.201 The city asked that its *iudeca* could be protected by *capitoli* written *ad hoc*. If the iudeca had not been considered part of the universitas, the municipal officials would not have wasted time and resources in order to protect a “foreign” and “useless” group. The very nature of the privilegium personae, namely of being valid only when invoked, created the absurd condition of what I will call “selective citizenship.” Individual Jews or entire iudece could in fact, act as citizens, pay taxes to their cities, live according to the local norms, use public notaries, or invoke the general royal charters and escape municipal taxation, claim their autonomy in jurisdictional matters, and rely on halakha. Local conditions must explain the uneven corrosion of the status of the iudece.

Despite examples of communal unity, the relationship between the universitas and minority was bound to deteriorate, especially because the separatist policy of the Jewish leadership coincided with the centralizing efforts of the Aragonese crowns. In fact, direct control over the Jewish population allowed for a direct interference into municipal matters, a tighter grip

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200 See Chapter 1.
201 Very loosely: “May his Majesty like to have under his wing the Jews living in this city who are mistreated by the Romanischi Jews and by those from Terra di Bari. And may his Majesty agree to letting them publish certain justified privileges so that they can live among others without being oppressed.” Gerardo Cioffari e Mario Schiralli ed., *Il Libro Rosso della Università di Trani*, (Bari: Levante Editori, 2000) 252-253.
on the judiciary, and a re-direction of their revenues straight into the royal treasury. Another step in this direction was taken by the state on September 5, 1476 when a communication was sent to the most southern provinces of Apulia - Terra di Bari, and Terra d’Otranto. The letter informed the cities, their mayors, the barons, and all other feudal lords of new administrative resolutions. Firstly, the king ordered that the *sindaci* may no longer be sent to the *Sacro Consilio* in Naples without first requesting royal approval. Behind the excuse of alleviating the *universitates* from the burden of having to pay for their *sindaci*’s travel expenses lay the intent of depriving municipalities of direct representation in the central government - a move indicating the building of a centralized administration. Then King Ferdinando addressed the Jewish question, perhaps with the intention of providing a workable solution to the administrative chaos caused by the Jewish charters. The king first declared all Jewish “books” to be of no value; 202 then he ordered that in order to avoid scandals (*scandali*) and drawbacks (*inconvenienti*), all Jews no longer be considered citizens, but foreigners (*forestieri*) despite previous letters and privileges holding the contrary. 203 This would have annihilated any local resistance to the charters and frustrate municipal attempts at claiming any sort of rights over “the Jews.” Such a resolution, if implemented, would have also weakened the coffers of cities that, like Lecce in 1467, hung with their teeth and nails to their most valuable asset - taxable hearths. The opening of the letter - the announcement that *sindaci* would no longer be admitted to the *Sacro Concilio* - is the key to the

202 We could posit that by books Ferrante meant those recording their privileges, laws, internal regulations, but perhaps also account books.
203 Gerardo Cioffari e Mario Schiralli ed., *Il Libro Rosso della Università di Trani*, (Bari: Levante Editori, 2000) 525-531. The third point of the letter reads: “Sono multe Città e terre demaniali de dicte provintie che per consuetudini o privilegii hanno o li è concesso che li Iudei penes Capitaneum o ltri offitiali deputati alla ministratione de la iusticia siano citadini el che è molto periculoos et ne soleno succedere scandali. per ziò per evitare li scandali et inconvenienti che ne ponno nascere. volimo che tali Iudei siano forestieri et non Cittadini de le Citta et terre de dicte provintie. non obstante privilegii et licere che obtinessero quadocumque in contrario.”

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correct interpretation of this document: rather than reading Ferdinando’s policy as an anti-Judaic one, his intervention should be read as an attempt at centralizing and monopolizing justice and taxation. The loss of municipal citizenship was a deterioration of Jewish status, and yet it espoused the political goals of the Jewish leaders who had been working on their separation from the Christian *universitas* since at least 1465.

In reality, the king's order was not uniformly implemented and, if anything, only contributed to the swelling number of civil cases brought to the Sommaria. Individual Jews continued to act as citizens benefitting from the privileges bestowed upon the rest of the Christian citizenry and universitates kept trying to absorb Jews in the taxable hearths.

The Jewish leaders, acknowledging the impossibility of a complete victory against the cities, sought a compromise in the 1481 charter: Jews who had been previously counted with the Christian hearths would continue paying with the *universitas*, but new fiscal hearths would contribute separately and directly to the treasury.\(^{204}\) For example Magister Vitalis (a baker), Hemanuel Tudischus, Moyses, Magister Mele (a surgeon), and Ventura had relocated (we do not know when) from Trani to Troia, in the province of Capitanata. In 1490 the local *universitas* tried to have them pay a share of the royal taxes despite the Jews’ insistence that, by means of the general charters, they were subject to a separate taxation. The Sommaria though, having established that these men had been counted with the rest of the *universitas* of Troia in the last

\(^{204}\) “Item che quilli iudey che so soliti pagare sali et fochuleri non siano tenuti, non possano e cesano essere constricti ad pagare sali ey fochuleri o qualsevolgya altro pagamento che se pagasse per fochuleri sino per quillo numero de fochuleri che stanno scritti in lo regio cunto. Placet Regie Maiestati.” Colafemmina, "La tutela dei giudei del Regno di Napoli nei "capitoli" dei Sovrani Aragonesi", *Studi Storici Meridionali* 7 (1987), 307.
census (*numeracione*), ordered that they be forced to contribute like the other men (*como li altri homini*). 205

As clearly emerges from the comparative study of citizenship policy, each municipal government adopted distinct solutions that were determined by a great variety of factors. Adam Teller has suggested that during the late Middle Ages, Jews enjoyed greater freedom and security in Poland than in the Holy Roman Empire because of their legal status. While in Poland, the lives of Jews depended on the negotiations with each territorial lord, in Germanic lands Jews were *servi camerae*, and as such their lives were mainly determined by central royal policy. Furthermore, the professionalization of the legal system spread the notion that Jews were *Cives Romani*, and as such entitled to enjoy the protection of Roman law. While Jews in Poland received great autonomy and were subject only to the jurisdiction of the lord, as “citizens”, Jews of German lands were subject to municipal courts, which, Teller argues, were viewed as hostile by the Jewish communities. 206 And yet, even in the Holy Roman Empire, Jews were gradually “sold” to territorial lords, subjecting them more to local dynamics than to central royal policy. Despite the centralizing attempts of the emperors (including Charles V), Jews moved closer to the protecting wing of the princes. 207

This would suggest that regardless of the legal culture of the jurists working on the charters, it was the economic policy of the territorial lords that most directly affected the

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205 ASN, Sommaria, Partium 31 I, 3v:
[...] Et peroche vista et recognosciuta la ultima numeracione deli fochi facta in dicta cita, dicti infrascripti iudey se trovano ascripti et numerati in quella, pertanto ve facimo la presente per la quale ve dicimo et commandamo che debiate constrengere dicti infrascripti iudei ad contribuire in li dicti pagamenti con dicta universita in li termini et tande debite pro rata alloro tangente cussi como pagano tucti li altri homini de quella [...].

206 A. Teller, *Telling the Difference*, 121-123.

207 Ibid., 126.
‘liberties’ of the qehillot. In the Kingdom of Naples, Gallipoli and Trani provide a good example of how the legal and fiscal status of the Jews was determined by local dynamics. These two cities, both busy ports, and part of the royal domain, had been occupied by Venetian forces and wracked by wars and pestilence. They were part of the same jurisdictional and administrative system, and yet adopted different citizenship policies at the end of the Aragonese reign. Gallipoli acted similarly to Polish magnates, while Trani was more in line with German municipal policies.

The port city of Gallipoli, on the Ionian cost of Apulia, asked the king for the confirmation of its right to make anyone a citizen in 1463 after the Barons’ revolt and the death of Prince Orsini, then again in 1483 after the Turkish invasion of Otranto and rising tensions with Venice, and again in 1497, after the victory of the Aragonese against Charles VIII of Anjou and the loss of many Apulian cities to Venice. That time, the universitas even obtained the extension of citizenship to Jews and christiani novelli. In 1507, when the Aragonese had lost control of the Kingdom and Ferdinand the Catholic had absorbed Southern Italy into his dominions, Gallipoli was able to obtain fiscal control of its Jewish inhabitants, despite the fact that theoretically all Jews of the kingdom were subject only to the King’s chamber. Gallipoli declared that its Jews be tax-exempt, not be “molested” by royal officials, and not contribute to the royal payments together with the other iudece of the Kingdom. In complete contrast to the aims of the 1465 charters, Gallipoli promoted the separation of its iudeca from the supra-

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208 Diplomatic relations had worsened in 1482, and Venice will occupy and loot Gallipoli in 1484. Guerrieri, Le relazioni tra Venezia e Terra d’Otranto fino al 1530, (Trani: Vecchi, 1904), chapter V; La presa di Gallipoli del 1484 ed i rapporti tra Venezia e Terra d’Otranto, Atti del Convegno Nazionale (Gallipoli, settembre 1984), (Bari: Editrice tipografica, 1986); Maria Antonietta Visceglia, Territorio, feudo e potere locale, 143-151.

The repeal of the Jewish privileges subtracted the local iudeca from the special state taxation but subjected it to municipal control. The sindaci of Gallipoli successfully argued that an over-taxation of the Jews was detrimental both to the city and the royal coffers. Allowing the integration of the Jews in the local citizenry, in contrast, would have proved beneficial both for Gallipoli’s economy and for the state through indirect taxation.\textsuperscript{210}

The city of Trani, instead of fighting for the control of its taxable population, decided to expel troublesome elements that fell outside of its jurisdiction. Trani had one of the largest Jewish communities of Apulia and had a strong “class” of converts who had obtained political rights. In 1413 neofiti constituted one of the groups to be elected to the government of the city, along with gentilomini, and popolari;\textsuperscript{211} and as shown above, Jews were so integrated into the universitas that the iudeca’s demands were integrated into municipal charters.\textsuperscript{212} During the devastating wars at the end of the 1400s, Trani had fallen under Venetian control, and its freedom had been restored only after the end of the Aragonese rule on the Italian peninsula.\textsuperscript{213} In 1509 the city drafted a list of 26 requests addressed to King Ferdinand the Catholic and the vice

\textsuperscript{210} ASN, Sommaria Partium, 27, fol 35v-36r; ASN, Sommaria, Partium, 29, f89r; ASN, Sommaria, Partium, 29, f157r; Amalia Ingrosso, Il Libro Rosso della Città di Gallipoli, (Galatina: Congedo Editore, 2004), 59. According to Ettore Vernole, (“Gli Ebrei nel Salento”, Rinascenza Salentina, 1933, 17-24.) a Jewish community was still living in Gallipoli more than twenty years after the final expulsion of 1541. Hopefully future studies will try to determine the “ethnic” identity of Gallipoli’s iudeca. An unconfirmed hypothesis is that many of the local Jews sought refuge in Gallipoli where the city and the iudeca agreed on a citizenship policy in line with the “political tradition” of southern universitates. Sephardim of recent immigration, on the contrary, left Apulia much faster – this because they lacked horizontal ties with the local communities. Conversions to Christianity of the local Jews would also be indicative of the strong ties with the territory. Unfortunately, these documents have not been found.

\textsuperscript{211} Cioffari, Libro Rosso, 155.

\textsuperscript{212} This was very common in Sicilian municipal charters as well. See Simonsohn, Between Scylla, 130-134; Idem, The Jews in Sicily, doc. 1504 in which the city of Palermo interceeds on behalf of the iudeca.

\textsuperscript{213} Giovanni Guerrieri, Le relazioni tra veneziani e Terra d’Otranto fino al 1530, (Trani: Vecchi, 1904), especially chapter VI, 85-108.
king John of Aragon. Unlike documents drawn under the relative stability of the Aragonese dynasty, this charter was drawn in a moment of great anxiety and insecurity. Most of the twenty-six points pivot specifically on the *citadini* of Trani rather than the broader and more inclusive groups of *habitatori* and *incoli*. These points include: a pardon for crimes committed under the flag of San Marco should be granted only to citizens; coastal land occupied by Venice should be given back to citizens; goods sequestered by Venetians to "marrani et christiani novelli" should be transferred by the King to the *universitas* in order to repair the port; and the payment of debts owed by the *tranesi* should be suspended for five years, even if owed to Jews “despite any concession made to said Jews by the aforementioned, even if by means of a signed oath.”

A great number of people had left the city during the war and were now trying to repatriate. Among them were *marrani christiani novelli* who had been expelled by the Venetians because of their *crimine heresis*. As Nadia Zeldes has suggested the term *marrani* must have indicated the Iberian origin of the converts. The denomination, after all, does stand in contrast to that of *neofiti* with which city officials identified the “ancient” community of converts. The central state replied that not only was it fit to prohibit heretics without citizenship (*incolatum hereticorum*) from entering the city, but it would have also been fit to burn them if they did (*sed etiam illos comburere*). In contrast, the *universitas* established that the gates of the city should be open to all other men related to *citatini originarij* looking to reestablish their residence in Trani. Citizenship was a guarantee of tax revenue, while the uncertain status of the Iberians could have brought home unwanted problems. Especially after the change in government, Trani

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216 Ibid. 299-300.
preferred to expel non-paying foreigners and rely on its tax-paying “citizens” for the restoration of the *buon governo*.

Allowing the selective repatriation of converts did not equate to the issuing of *de jure* citizenship. More probably, the city believed that family ties would give greater guarantees of order. The city had to make sure that the repatriates could and would contribute together with the *universitas* in the fiscal payments, which was the basic requirement for the enjoyment of municipal rights and privileges. This shows that the exercise of civic rights, the fulfilment of civic duties, and especially the payment of municipal taxes are inextricable and constitute more important factors in favoring the integration of an individual, or group into a community than the *de jure* status, especially because the *de jure* status can be affected by economic factors.

*Taxation and Belonging to the Iudeca.*

The satisfaction of fiscal obligations affected not only municipal “citizenship” policy – it determined inclusion into the *iudeca* as well. The Jews of the Kingdom, besides paying the regular hearth and salt taxes, had to collect enormous sums (up to 6,000 ducats) to be paid to the royal treasury.217 This sum was repartitioned among the provinces of the Kingdom based on the number of taxable households. Each province elected or named officials (*apprezzatori*) whose appointment was confirmed by the royal treasurer. Their job was to call for a census and estimate the proportional quota each *iudeca* would be paying within their province. Each iudeca then proceeded to establish the number of taxable hearths and the individual households’ quota. Problems arose especially if the demographics changed after the fiscal census was conducted. During wars and plagues people moved with greater frequency, forcing *iudece*, as well as cities,

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217 ASN, Sommaria, Partium, vol 29, 89.
to make constant arithmetical adjustments. Especially when the number of actual taxpayers was less than the estimated total, iudece tried to force “foreign” Jews to contribute to the payment of royal taxes. At times this request amounted to an unfair double taxation, since Jews were required to pay with the iudeca to which they belonged. But when individuals and families had lived for a reasonably long time with the locals, behaving as if they were locals, enjoying the privileges accorded by the charters to the local Jews, the iudeca had solid motives to expect monetary contribution from “foreigners”.

In 1478 Gentila Toros, a widow from the community of Trani and mother of a young man who would grow to become a dynamic, resolute leader of the iudeca, appealed to the Sommaria and explained that many members of the iudeca had left the city of Trani and relocated to “Adri, alcuni in Quarata, alcuni in Spinaczola et alcuni in Taranto”. The community was still being taxed according to the old head count, but Gentila was not in Naples to ask for a new census - that was a matter pertaining to the Jewish sindaci. Gentila was in Naples to defend her personal case. The exodus of Jewish families had left the community with no other choice but to repartition the unpaid quota of the state tax among the wealthiest families. Gentila was thus over-taxed, as were Bonfiglio and Sabatello Piticchio. She lamented that their share was disproportionate because not all “the other wealthy Jews [besides] the mentioned neighbors who pay [taxes] with the mentioned iudeca of Trani” had been counted among the

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218 ASN, Sommaria, Partium, vol 31, 73r; ASN, Sommaria, Partium 39, 121r; ASN, Sommaria, Partium 29, 12r; ASN, Partium 40, 189v.; ASN, Partium 32 I, 6r.; ASN, Partium 34, 121r; ASN, Partium 40, 4r; ASN, Partium 39, 56r-57r; ASN, Sommaria, Partium 37, 86v; ASN, Sommaria, Partium 14, 114v-115r, see also Apendix 2 – the 1481 charter tries to regulate taxation through royal privilege.

wealthy. Furthermore, the actual number of Jewish families in Trani was greater than the one that appeared in the census because many foreign Jews had recently moved into the city. "These German Jews" (iudei todeschi) had been excluded from the taxable hearths because of their economic conditions. According to Gentila the Ashkenazim had become rich after living for “years and months in the mentioned city with their goods and their families enjoying the royal immunities as the other Jews of the kingdom”, and should have thus paid with the rest of the community.

According to Gentila, the Jewish apprezzatori not only failed to take into account the demographics of the iudeca, but disregarded the new economic condition of her household: after “damni et infortunii”, and after having married off her daughters -which meant she had to put together their dowries- Gentila’s wealth had much diminished. Asking for an investigation, she questioned the work of the Jewish officials, denied the authority of the Jewish leaders who managed the iudeca, and opened its doors to direct intervention by the state. The central court, in fact, ordered the capitano of the city, representing the royal power, to conduct an investigation, and then forced the Jewish leaders to re-distribute the fiscal burden among the richer Jewish families, bringing justice to Gentila.

The indignation expressed by Gentila finds an echo in the lawsuit of 1491 by the iudeca of Trani against Musce Thodisco. The iudeca of Trani felt that the privileges and rights of “the Jews of the Kingdom” should have been granted to Musce only if he agreed to pay taxes to and with the rest of the gehillah. Musce came from extra regnum about four years earlier and had made a small fortune with usury (lo quale è facultuso de bona quantita de dinari et quilli

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220 Ibid., “altri iudei facultosi deli dicti convecini che pagano con la dicta iudeca de Trano”
221 Ibid., “tre casate de iudei todeschi che ha piu anni et misi che in dicta cita haveno habitato con le loro bene et famiglia et gaudono inmunita in lo regno como li altri iudei delo regno”
222 ASN, Sommaria, Partium 33, 87r., in Colafemmina, Documenti per la Storia degli Ebrei, 88-89.
continuamente have posti in usure). The iudeca resented that although “until present times he has benefited from every immunity and exemption just like all the other Jews of said iudeca,” Musce had not been paying any taxes.

Clearly membership in a community, either Christian or Jewish, was strictly related to monetary contributions. It thus comes as no surprise that the Jews who had been expelled from Spain and Sicily were not absorbed by the Italian iudece. The fiscal separation of the communities was sanctioned by the central government with a census of the new immigrants in the ports of arrival, and the appointment of dedicated tax collectors like Bartolomeo Bosco who had the responsibility of counting and collecting taxes exclusively from the immigrant Jews. It was perhaps for taxation purposes that the newcomers established a separate administration and separate leadership. At least until the beginning of the sixteenth century, the Sephardim elected their own proti and organized their autonomous tax system. For example in 1494 in Bitonto problems internal to the Spanish community were brought to the Sommaria in Naples by the proti di li iudei spagnoli (representatives of the Spanish Jews). Sicilian Jews too, as convincingly proven by Nadia Zeldes, maintained independent administration and leadership. They too elected their own independent proti, treasurers, and officials. Despite the reassurance that Spanish and Sicilian would be “considered […]as if they had been born in the Kingdom,” and that they would “enjoy all the privileges that [the native Jews] enjoy,” the two groups -

223 Most likely he had emigrated south from German lands as his name suggests.
224 "fine al presente have gauduta omne immunita et franchigia como tucti li altri iudey de dicta iudeca."
225 Ferorelli, Gli ebrei, Ibidem, 92-93.
227 ASN Sommaria, Partium 41, 92r, published in C. Colafemmina, Documenti per la storia degli ebrei in Puglia, 163; and in N. Zeldes, "Sefardi and Sicilian Exiles", 248.
228 C. Colafemmina, Jews of Calabria, 27.
immigrants and "ancient" (antiqui) - remained clearly distinct: the newcomers paid separate, and higher taxes; individuals maintained a distinct identity by specifying their nationality in law court; and leaders petitioned the central court representing independent communities, although in time the Spanish and Sicilian communities may have formed a tighter group because of the necessity to cooperate in order to raise the funds required for a special tax imposed on the newcomers.\textsuperscript{229}

While King Ferdinando's ultimate motivation to accept the Jewish refugees might have been that of augmenting revenues through direct taxation, cities felt that their immigration yielded detrimental economic results.\textsuperscript{230} The numbers and the conditions - both economic and sanitary - of the exiles caused upheaval in the cities of arrival. The arrival of the Sephardim coincided with a new wave of epidemics that hit the countryside and cities alike. Contemporary chronicles, both Christian and Jewish, talk about thousands of deaths.\textsuperscript{231} Eliyahu Capsali, a rabbi from Candia (Crete), wrote in his \textit{Seder Eliyahu Zuta} that 50,000 men -- Christians and Jews -- had died because of the plague.\textsuperscript{232} The blame was assigned to the Iberian and Sicilian immigrants

\textsuperscript{229} N. Zeldes, "Sefardi and Sicilian Exiles", 79-95, 249.
\textsuperscript{232} N. Zeldes, \textit{Sefardi and Sicilian Exiles}, 246; see also note 19 for some bibliographic references on Eliyahu Capsali; Meir Benayahu, \textit{Rabbi Eliyahu Capsali of Crete} [Hebrew], (Tel-Aviv: Tel-Aviv University Press, 1983); See also Minna Rozen, \textit{A History of the Jewish Community in Istanbul: The Formative Years, 1453-1566}, (Leiden: Brill, 2010), especially the section \textit{The Romaniote Congregation}, in chapter six, 66-80.
who began to be expelled or quarantined without royal consent. The universitates of Gaeta at the end of 1492 and Pozzuoli in 1493 arbitrarily began to expel newcomers. The "ancient" Jewish communities were not happy with the sudden demographic boom either, especially because the vast majority of the exiles were poor. By May 1494 the iudeca of Reggio, in Calabria, had swelled by 1,400 poor Sicilian Jews. Accepting the petition of the Italian leaders, the Camera ruled that the poor could be sent “in other places of this province of Calabria,” but not before having informed the iudece of destination, and not against their will. The poor were a burden to any universitas not only because they did not pay taxes but also because they had to be provided for. The iudeca of Reggio, in fact, had lamented that “all [the poor Sicilian Jews] stay [in the city] at the expense of this iudeca.”

The community of Reggio was not an isolated case. This sort of political pragmatism had parallels in cities expelling lepers, Jews, and Albanians, and anticipates the “ethnic” tensions that arose in the Jewish community of Rome as a consequence of the expulsions from Spain and Southern Italy. According to Cooperman, the community in Rome could have resisted the immigration of “foreigners” by invoking the hezkat yishuv, “a claim to exclusive right of settlement [which] was by now well established among the Jewish moneylenders of Renaissance Italy.” The Jews of Rome, though, did not have the power to enforce their decision and had to

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233 Meyerson mentions cases of plagues allegedly brought by Spanish Jews to Genoa, Mark Meyerson, "Aragonese and Catalan Jewish Converts at the Time of the Expulsion", Jewish History, vol. 6, no. 1/2 (1992), 131-149, 139-140.
234 "Observeriti lo supradicto quando che le terre et lochi predicti dove mandariti dicti ludei se contenteranno quilli acceptare, altramente non lo facciati contro loro voluntà.", ASN, Sommaria, Commune, Museo 99 A 35, fasc. 18/a, 20r, in Colafemmina, Jews of Calabria, 421-422.
235 "quali tucti stanno ale spese de epsa Iodeca.", Colafemmina, Jews of Calabria, 422.
237 Ibid., 142.
succumb to Papal policy that opened the doors to the newcomers. 238

In Southern Italy, the situation worsened for both the old and new communities with the death of King Ferdinand I in January 1494. The descent in Italy of the French king Charles VIII, who had come to claim the throne of Naples was accompanied by a new religious fervor and anti-Judaic violence. In fact, King Charles presented his military mission in Italy as the first step in the organization of a new crusade against the Turks.239 As the French troops advanced _iudece_ were attacked, Jews killed or forced to convert, and new messianic hopes began to circulate in both Jewish and Christian circles.240 While some Jews were hoping that Charles VIII would be “the sword of God descending on the Nations of Edom,” Christian zealots launched a campaign of mass-conversion.241 As can easily be imagined, all Jews, regardless of their ethnic origin, fell victim to Christian violence. Children who had been abducted and converted were given to Christian families. Families who were forced to convert but lived close to Jewish communities often secretly kept on professing their old religion. The Sicilian rabbi Hayim Yona who lived some time in Terra di Bari, in a responsum written after the French were defeated, described the

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240 N. Zeldes, _Sefardi and Sicilian Exiles_, 256.

241 N. Zeldes, _Sefardi and Sicilian Exiles_, 258. See also 257-58, in which she transcribes and translates a colophon to the Sefer ha-Peli’ah in which the author expresses his messianic expectations.
tribulations of the converts:

It was during the days, more than two years ago, when Jews -who had remained faithful [to Judaism] during the years of the descent of the French King- were coming, that a man and his family came to Trani. The man's name was Shabbetay de Mansi and his son was Eliya, and the name of the men who had married his two daughters were Moshe Tawil and Menahem Atun. They stayed in Trani for a long time, keeping faithful to the Jewish religion as before because the Christians around us did not know that even having converted they had remained faithful to their tradition. But after having spent some time in Trani the thing came to light and they had to move to Barletta where they stayed for some time. Then they moved to Valona because they had become afraid of living in Barletta[...]."242

Zeldes believed that while the separation of the communities was clear on an administrative level, things might have been different in jurisdictional matters. She argued, in fact, that the Spanish community was under the jurisdiction of a Sicilian dayan, the previously mentioned Rabbi Hayyim Yona.243 She drew this conclusion by assuming that the names of the parties mentioned in a document of the rabbinical court convened in the city of Monopoli in 1504 were all of Spanish origin.244 She identified Barukh Todros, Aharon Benveniste, and Azariah ha-Levi as "clearly" of Spanish origin; Abraham Meir, and Amarusila (sic), as

242 Edited and translated in Italian by Fabrizio Lelli, in M. Mascolo ed., Ebrei a Trani, 269-271. The manuscript is located at Biblioteca Medica Laurenziana, Firenze, Plut. 88, 47, cc.24r-29r. See also Abraham David, "Jewish Intellectual Life at the Turn-of-the-Sixteenth-Century Kingdom of Naples according to Hebrew Sources", Materia Giudaica XI/1-2 (2006), 143-151.
243 Nadia Zelds, Sefardi and Sicilian Exiles, 250-251.
244 Ibidem.
“probably” of Spanish origin; Ya'aqov ben Yosef ha-Levi, and Yehuda ben Shemuel ha-Levi of “no clear origin,” and thus concluded that “the rabbinical court that convened in Monopoli and was headed by a Sicilian dayan must have had jurisdiction over Spanish Jews.” In reality, even if these names might sound Spanish, or indeed be of Spanish origin, they were common names in Southern Italy too. Barukh Todros might have been Benedetto Toros, a very active political figure from Trani, who appears in ten different documents produced by the Sommaria from 1478 to 1492. Aharon Benveniste was, in fact, a Jew from Barletta; Azariah ha-Levi was living in Lecce in 1491 and was the son of Davit from Matera; a Abraham Meir of Bitonto appears in a document from 1465 in which he together with his three brothers performed the haliza in favor of his sister-in-law Fina; he appears also in 1469 among the men who elected Ya'acov ben Iosep ha-Levi as sindaco of the iudeca Barletta; an Amorosa appears as early as 1446 in notarial documents of terra di Bari, and her grand-daughter -born in 1469- might have been the Amorosila mentioned in Hayyim Yona’s responsum. The only name that does not appear in documents that antedate the immigration waves of 1492-1493 is that of Yehudah ben Shemuel.

Thus, the men and women who appeared before the dayan were most likely Italian Jews from Terra di Bari, not Sephardim. Nonetheless, the recourse to a Sicilian rabbi might indicate that the arrival of thousands of displaced persons damaged the jurisdictional structure of local

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245 Zeldes reads the Hebrew as 'Amarusila', and given the absence of vocalization this might be in fact a plausible reading. The notarial documents of Terra di Bari, though, record various documents relating to Amorosa, and its variant Amorosila. These names could be the Italian equivalent of the names Haviva, or Ahuvah.

246 Ibidem, 251.

247 See C. Colafemmina, Documenti per la storia degli Ebrei in Puglia, 35, 41-43, 47, 48, 53, 54, 64, 89, 90, and 115.


249 Ibidem, 83.

250 in Colafemmina, La presenza Ebraica in Puglia, 43.

251 Ibidem, 54-55.
communities. Indeed, as Cooperman notes for the case of Rome, the influx of Sephardim could have diminished the authority of the local Jewish judiciary bringing “potentially divisive halakhic implications.”

This held true for a very delicate matter: divorce. In the Jewish religion, a woman who wanted to remarry after having been separated from the husband either by conversion or having “disappeared” needed special legal provisions. Unless she had received a bill of divorce (get) from the husband, she would be considered an agunah, literally "anchored" to her status and unable to get married again. Rabbis had discussed the issue extensively without reaching a definitive agreement. This was an even more complicated matter if one of the spouses converted. Since in Jewish Law the apostate remained in essence a Jew, a convert’s wife who had remained Jewish could not re-marry because the wedding contract would still be valid. Unless the Christian husband died, the only other legal means to separate from him was to obtain a get. Jewish dottori had no jurisdiction over cases involving Christians, and unless the gentile courts decided to step into matters pertaining to Jewish law, then the rabbinical challenge was usually limited to "finding loopholes to specific cases" in order to secure the Jewish women some sort of economic asset.

As early as 1465 the iudece of the Kingdom of Naples had tried to secure royal support in

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the application of a monetary fine to force converts to repudiate their Jewish wives. But it was only with the charter of 1498 that King Federico I (Ferdinando's son) accepted that converts should divorce their Jewish wives so that they could re-marry in the Jewish religion. The attempt to "translate" rabbinical rulings into state law might have had another motivation besides that of regulating Christian-Jewish relations. The Italian Jewish leaders may have tried to establish their authority over Sephardic rabbis, less lenient in divorce rulings, living in Italy after their expulsion. According to Hannah Davidson, the divorce issue was aggravated in the sixteenth-century by the displacement of Jewish communities and the impossibility of establishing contact with the converted spouse. Davidson (focusing especially on the Ottoman Empire) analyzed responsa written in the first three to four decades of the 16th century by the Romaniot rabbis Eliyahu Mizrahi, David ha-Kohen, and Ninymen ben Matityahu and the Sephardi Ya'akov Ibn Habib and concluded that the conditions deriving from the exile fueled the power struggle between Italian and Sephardic rabbis in Muslim controlled lands. Similar dynamics may have pushed the Jewish religious leaders of the Kingdom of Naples to protect their authority vis-à-vis "foreign" rabbis, like Rabbi Yona, living and operating in Southern Italy.

The 1498 charter was not only an attempt to establish a sort of jurisdictional hierarchy. The Italian communities may have also tried to absorb the foreign communities by requesting that the forastieri be treated “like regnicoli and vassals of this Majesty […] as if they had been born in this Kingdom.” The “naturalization” of the Sephardim and Sicilians would have subjected them to the norms regulating the life of the Italian iudece – including the obligation to pay taxes.

256 Appendix 2.
257 Item 18, Appendix 3.
259 Item 25 and Item 31, Appendix 3.
While the king had no problem reconfirming the privileges of the Italian Jews, as *solitum et consuetum*, he obstructed foreigners' path to municipal citizenship. The king replied that the immigrant Jews would be treated as vassals and “citizens of the places they will live in” only after a permanence of ten years. The crown maintained an administrative division of the communities and, in a way, asserted the privileged status of the Italian *iudece*. The fiscal separation of the newcomers remained in place at least until the first edict of expulsion was passed when Ferdinand the Catholic absorbed the kingdom of Naples into his domains - Sephardim and Sicilians could not integrate into the municipal communities of the Kingdom of Naples.

**Conclusions**

Trying to establish municipal “belonging” solely on the legal status of municipal dwellers entails ignoring the dynamics that regulated Renaissance municipal life. Even if Jews were not a legal corporation, they acted as legal personae in the royal court. They fought against other corporate bodies (cities), they paid taxes to the central courts, they communicated through institutional channels, and they utilized the same language and models used by other universitates in the drawing of charters. Thus, at a supra territorial level, Jews acted de facto as the other *collegia licita* of the Kingdom, an integral part of the administrative machinery of the Aragonese state. As a *collegium* “belonging” to the Kingdom, the Italian Jews were in a stronger

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260 Item che ciascuno de ipsi Iudei per tucto lo dicto Regno sia tractato como sonno li homini de quilli lochi dove habitaranno, et possano gaudere quello che gaudeno li homini de quelli lochi dove habitaranno, cio e lo iudio che sera habitatore de Napoli Taranto o Lecze o altra cita et lochi del Regno, in qualsevole parte dove fosse del regno possa gaudere li privilegii et gratie che in quillo loco gaudeno quilli de Napoli et Taranto Lecze et altre cita. *Placet Regie Maiestati iuxta solitum et consuetum.*

261 New studies should verify if Gallipoli was an exception.
political position than the Sephardi and Sicilian immigrants, who were in fact perceived as foreigners by the cities, the iudece, and the state itself. The 1498 charter established both a fiscal separation and a jurisdictional hierarchy: foreign Jews were taxed more heavily than local Jews, and the Italian rabbinical ruling in matters of divorce was accepted by the state as normative.

At a microscopic level too, legal status is not particularly useful when trying to assess belonging. Citizenship in the fifteenth century is an equivocal concept: it can relate to rights deriving from residence, from ownership of real-estate, payment of municipal taxes. It could also be granted ex privilegio, or, closer to the modern understanding of the term, it can refer to full participation in the political life of the city.262 Jews were excluded from municipal government by law, as were a multiplicity of other social groups. This did not make them foreign to the municipal body. When documentation is unclear and the formal distinction between resident and citizen is blurred, it is the actual enjoyment of rights and privileges by individual Jews that clears the legal fog. If cities were ready to protect their Jews, as they protected their Christians, if Jews used the same royal privileges bestowed upon the whole of the citizenry, if Jews identified with the citizenry despite their “imperfect” status, perhaps we should think of belonging in terms other than “citizenship.”

The integration of individuals into the social fabric of the city can be measured in a multiplicity of ways. The following chapter presents similarities in the administrative organization of the iudeca and of the city and suggests that Jews and Christians shared the same administrative and legal culture.

This chapter explores the Jews’ belonging to the juridical communities of the Kingdom of Naples by analyzing the elections of the communal officials of proti and sindaci and their functions. It argues that the administrative organization of iudece and of universitates developed simultaneously as a result of the centralizing efforts of the state. The structure and functioning of the iudeca, though, was not imposed on communities: it came from internal “statutes.” On a local and “internal” level, the iudece may have imitated the political models of the larger municipal community they were part of - for example establishing similar criteria of eligibility to hold office and designating public municipal squares as the election polls.

At the same time, the Jewish leadership took advantage of the state’s network to strengthen inter-communal organization - an effort unparalleled by municipal leaders, but which echoes the joint political actions of the barons. In fact, the barons occasionally acted as a chorus in the royal parliament obtaining to pay a fixed tax, just as the Jewish leadership succeeded in negotiating the amount of the special tax imposed on the qehillot. Iudece had an internal leadership, the proti, and an external one, the sindaci who dealt with the non-Jewish administration. As in the case of bigger urban centers controlling smaller rural settlements, Jewish sindaci of larger iudece might have represented smaller neighboring qehillot. Despite some differences, the responsibilities of municipal and Jewish representatives remained, in

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264 On the parliament see Elisabetta Scarton, Francesco Senatore, Parlamenti generali a Napoli nell’età di Alfonso e Ferrante d’Aragona, El Compromiso de Caspe (1412), cambios dinásticos y Constitucionalismo en la Corona de Aragón, [XIX Congreso de la Corona de Aragón, Zaragoza-Alcañiz-Caspe, 26-30 giugno 2012], [Zaragoza], Obra Social de Ibercaja 2013, pp. 779-786.
essence, identical throughout the fifteenth century. The integration of the iudece into urban space and the Aragonese system of governance suggests that rather than being a “parallel society,” the Jewish communities shared a legal and administrative culture with the Christian universitates - they were part of one juridical community. The immigration of Iberian Jews and the Italian Wars chronologically converged with the emigration and conversion of local Italian Jews. In the sixteenth century, the surviving and ethnically mixed Jewish enclaves organized in communities that adopted new political strategies, like the appointment of ad hoc shtadlanim. The transformation of the role of sindaci, the reduction of the number of representatives, and the end of the promulgation of charters all signaled the death of the Jewish juridical communities of the Kingdom of Naples.

Communal Leadership.

The Aragonese conquest of the Kingdom of Naples in 1442 projected Southern Italy towards a period of great demographic, political, and administrative change. After the population was reduced by more than half by the plague of 1348, and many small centers had disappeared completely, the urban population of the Kingdom began a steady recovery.265 If in 1447 the total population might have been “lower than pre-plague estimates by almost 45 per cent,” by the end

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of the century some cities had almost doubled the number of their taxable hearths. In Terra d’Otranto, for example, the hearths went from 10,277 in 1447 to 20,948 in 1508; in Terra di Bari they increased from 9,707 to 20,715 in the same years. The immigration of Slavs, Albanians, and Jews who were, at least partially, included in the enumerations of the fiscal hearths, contributed to these demographic changes. According to Sakellariou, though, the increase of the kingdom’s population is mainly to be linked with the rise of a centralized territorial state that favored economic development through numerous fiscal reforms, investments in infrastructure, development of markets and fairs, and “a relatively unified institutional framework of enforcement.” Under Alfonso I, the Angevin collectae were replaced by annual direct taxation that became the state’s most stable source of revenue. The centralizing efforts of the crown extended to the administration of justice. In fact, despite the promise to grant the barons merum et mixtum imperium (jurisdiction over civil and criminal cases), King Alfonso placed himself at the top of the judicial pyramid by turning the royal courts in Naples into the highest courts of appeal: the Gran Corte della Vicaria had competence in civil and criminal cases, while the Regia Camera della Sommaria dealt with fiscal cases, and the Sacro Regio Consiglio was the ultimate court of appeal. According to Giuseppe Cirillo, Alfonso’s policy modified the capitoli on

267 Ibid., 440.
269 Sakellariou, 422.
271 The Sacro Regio Consiglio overlapped with the Vicaria and ultimately replaced it. Rossana Sicilia, Un consiglio di spada e di toga: il Collaterale napoletano, 1443-1542, (Napoli: Guida,
criminal law granted by the Angevin king Robert “the Wise” (d. 1343), so that the juridical rights of the barons now derived from a royal concession - in the words of sixteenth-century jurist Matteo D’Afflitto, barons were turned into baglivi in their lands.272 Similar dynamics shaped the judicial hierarchy in the lands of the royal domain. The fifteenth century royal charters confirmed a certain degree of judicial autonomy to cities and iudece but the appeal system always ensured that individuals could count on the “impartial” judgement of the state.273 In the effort to expand state jurisdiction beyond the boundaries of communal judicial autonomy, Alfonso I even introduced an advocate of the poor and established that petitions from the “people” would be heard every Friday.274 Many of the cases contained in the fondo Partium of the Sommaria are, in fact, civil cases of impoverished men and women accusing their communities of over-taxing them.275 The constant dialogue between center and periphery could not have been possible without an efficient network of communication and the existence of

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273 Jurisdiction varied but was never granted over cases of homicide and lèse-majesté; see for example the reform of the “capitoli della Bagliiva” of the city of Lecce, Palumbo, *Libro Rosso*, 92-110. See also the Jewish charters in Appendices 1, 2, 3 for the juridical privileges granted to the iudece. See also Maria Antonietta Visceglia, *Territorio, feudo e potere locale: terra d’Otranto tra medioevo ed età moderna*, (Napoli: Guida, 1988), chapter 4 “Città e Contado”, 209-219.


275 For this see also Chapter 4.
bureaucrats travelling to represent local interests. Both the iudeca and the universitas called these “ambassadors” sindaci. 276

The number of sindaci could vary depending on municipal statutes and on local political dynamics. For example, in 1413 Trani had established that sixteen sindaci would be elected every four months. Eight of them would represent the nobility, six the popolari, and two of them would be neofiti (converted Jews). 277 Under Aragonese rule, though, cities elected only one or two sindaci. In some cities, the two classes of gentilomini and popolari would alternate in the regency of the office. This is what commonly happened on the Amalfi coast and in most Apulian cities. 278 Taranto had one sindaco in 1471, and so did Lecce in 1463 and 1468. 279 Other municipal governments opted for a joint government led by the representatives of the two classes, as did Trani in 1460 and Nardò in 1491. Sindaci acted as judges in local courts, appeared in state and feudal courts if the universitas was sued, held responsibility for ratifying agreements, and traveled to Naples to submit pledges and charters for the king’s approval. 280

It comes as little surprise that the Jewish communities communicated with the central bureaucracy in a similar way. In fact, other historians have recognized the role that the central government played in the modeling of the “internal” organization of the qehillah. Writing about medieval Iberia, Jonathan Ray suggested that monarchs, in the attempt to regularize their

277 Gerardo Cioffari, Mario Schirelli eds, Libro Rosso di Trani, 155.
278 Cirillo, Spazi Contesi, 190-191.
279 Chapters of the universitas of Nardò of 1491 in Trinchera, Codice Aragonese, 53-55; Alaggio, Le pergamene, 165; Palumbo, Libro Rosso, 83, 199.
280 Cirillo, Spazi Contesi, 191-192.
relations with the Jewish communities, played “an integral role in shaping the development of 
Jewish communal organization and political structures.” The administrative architecture of 
iudece, though, was not simply the result of “vertical” communication. In the words of Robert 
Bonfil:

There were two sources that the communities drew upon for the elements necessary to 
define themselves at the organizational level. In the first place, there was their awareness of 
belonging to the Jewish people, with the attendant principle of strict adherence to 
Jewish law, including the best means of expressing the sovereign right of the collectivity 
to govern its own life as it saw fit. In second place came the inspiration provided by the 
institutional models in existence in the Italian cities, provided they did not appear to 
present a threat to the perception of Jewish identity in all its integrity.”

Jewish communities responded to the changing political environment in disparate ways. 
The local oligarchy, for example, may have exercised significant control over the administration 
of justice, dwarfing the authority of the communal rabbi. Weak leadership, on the other hand, 
may have favored more participatory forms of government. In the Kingdom of Naples, as in 
Iberia, most, if not all communities elected both their “internal” and “external” leaders. The 
“internal” leaders of the iudece were called proti, as were those of Sicilian communities, while

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281 Jonathan Ray, The Sephardic Frontier. The “Reconquista” and the Jewish Community in 
Medieval Iberia, (Ithaca, Cornell University Press, 2006), 105; See also Kenneth Stow, Alienated 
282 Robert Bonfil, Jewish Life in Renaissance Italy, 180.
283 J. Ray, The Sephardi Frontier, 107; R. Bonfil, Rabbis and Jewish Communities in 
Renaissance Italy, (London: The Littman Library of Jewish civilization, 1993), see especially 
“Authority and Privileges”, 62-81; and “The Judicial function of the Rabbi”, 207-269.
284 Ibid., 108.
the “external” ones were called *sindaci*, like the representatives of the municipal councils.\textsuperscript{285} A number of Sicilian notarial documents define the Jewish leaders with the term “sindaco” but, while in the insular communities the terms *proto* and *sindaco* were clerly interchangeable, the two offices may have had distinct tasks on the mainland.\textsuperscript{286} As in Sicily, continental *proti* were community judges, imposed internal taxes, and perhaps were responsible for tax collection. As late as 1524, Jacob de Bresce, *proto* of the iudeca of Barletta, collected taxes to pay for *scole et domus* from all the Jews who had been living in the city for at least five years. The sum was then handed, in the presence of a Christian notary, to seven men who, most likely, represented the lay and religious leadership of the *iudeca*.\textsuperscript{287} In the *iudeca*, just like in Iberian communities and Italian cities, candidates to the office of *proto* had to be chosen from among the “most suitable and leading” men of the community.\textsuperscript{288} What suitable meant could be an object of dissension. In fact, on October 1, 1488 Jewish leaders of the community of Trani lamented to the court of the Sommaria that despite the custom of electing “two or three *proti* from the richest, suitable and [self-] sufficient,” because of the “wrong-doing of some” the *iudeca* now intended to “elect and create poor, insufficient men to the government of the mentioned *iudeca*, with great harm [to the

\textsuperscript{285} S. Simonsohn, *Between Scylla and Charybdis*, see especially 349-357.

\textsuperscript{286} Simonsohn points out that a difference existed between the office of *protho* and *sichus*, one being a lay judge, while the other a religious one, but does not analyze the difference between *protho* and syndic suggesting that the two offices coincided Ibid., 70. The two terms, sindaco and sichus, must not be confused. About the two judges, Simonsohn explains: “*sichoria* and *prothoria* were distinct offices […] the *sichoria* dealt with *spiritualia*, that is religious matters, and the *prothoria* with *temporalia*, that is secular affairs”, 339.

\textsuperscript{287} Two of the men bear the title of *rav* which could have indicated that the men were *dottori* of Jewish law. Colafemmina, *La presenza*, 68-70.

\textsuperscript{288} As do state the capitoli of the city of Barletta of 1491 “se elegano pure de li più disposti et idonei al regimento et governo de essa Terra.” Sabino Loffredo, *Storia della città di Barletta*, (Barletta: Vecchi, 1893), Libro 1, 422, footnote 46; in the capitoli of Nardò: “quilli populari quali serranno ydonei et sufficienti”, Trinchera, *Codice Aragonese*, 55; for the Jewish sindaci see Appendix 2; see also Ray, *The Sephardi Frontier*, 121.
The Sommaria ordered the city captain to intervene to enforce what was “usual and customary.” The ruling of the court was to be respected under the penalty of a monetary fine applied to the entire community and the physical punishment (casticare) of the individuals who refused to obey. The right of the elite to hold office was recognized by the Sommaria not simply because of custom, as the document reports, but also because it was entrenched in the 1481 Jewish charter. Similar fights between factions of the iudeca are recorded in Sicily. “Acting on complaints from a Jewish faction, the Sicilian authorities in 1456 (1457) ordered the Jewish officials of Catania to elect as tax assessors “the most appropriate and virtuous men” and prescribed that Jewish elders of the current and preceding years should participate in that election. But they left the ultimate choice to the Jews themselves.”

Tensions between the popular classes and the oligarchy extended to matters of judicial authority. In 1494 the captain of the city of Lecce was instructed by the Sommaria to intervene to restore order in what seemed to be an uprising of the iudeca against their “doctors”. According to Mayr and Mose de Balmes - sons of Abraam de Balmes who had been King Ferdinand’s personal physician – “some Jews refused to observe marriage contracts and other […] laws made by the Jewish doctors, with great harm to their interests.” The captain was to act promptly and

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289 ASN, Sommaria, Partium 30, 179r. in Colafemmina, Documenti per la Storia degli Ebrei in Puglia, 68.
convince the rebellious Jews to yield for the *bon governo*, the *ben comone*, the *ben vivere*, and to avoid disorders and “scandals” in the *iudeca*.

As shown in this example, the leaders of the *iudeca* of Lecce faced a problem common to most Jewish authorities of the Diaspora, namely the enforcement of “internal” ruling.293 While they claimed the right to administer justice inflicting monetary fines, issuing bans, expelling members from the community, and more rarely sentencing to death, the actual enforcement was problematic due to the absence of a Jewish “police force” with coercive powers.294 In order to protect the hierarchical structure of the *iudeca*, the interests of the leading authorities, and surely the survival of a community whose identity was rooted in religious norms, the Jewish leadership needed the backing of gentile officers.

In the Kingdom of Naples, the authority of the Jewish judiciary did not depend on local agreements with the towns. Instead, the legislative power emanated directly from the state and

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was expressed in general charters. In 1465, King Ferdinand agreed to the request that iudece may be granted the right to have internal elections for the purpose of electing two men with the power of “fare ordinazioni et excomunicazioni secondo la loro legge ed imponere pene intro loro ad preservazione della loro legge.” Gentile officials had responsibility for implementing the verdicts of the Jewish court of law under the penalty of a fine of 1,000 ducats to be paid directly to the royal coffers. As we have seen earlier in the case of the De Balmes brothers, the responsibility of ensuring that the rulings of the central court were carried out by the local authorities fell on the capitano who represented the state in the city.

While proti had only internal functions, it was sindaci who represented their communities in the central courts in Naples and submitted charters to the King’s approval. As suggested by the general charter of 1481, the number of sindaci to be elected in each province was at the discretion of the local iudece. The general charter established that ten to twelve Jews should be elected in Calabria, and that any other province that wished to do the same could elect "four or six or eight Jews, as many as the Jews of that province will want." In 1508 the two provinces of Calabria had 19 settlements with a population of over 2000 inhabitants, of which 2 had more than 5000 inhabitants. These cities were also home to the largest of the 32 iudece of Calabria, whose sindaci must have thus represented the entire Calabrese Jewry.

For Poland, Anton Polonsky, The Jews in Poland, 45-47.
Appendix 1, Item 15.
Ferorelli defined the mas provincial administrators of the iudece. See Idem, Gli ebrei nell’Italia Meridionale, 106-107.
For a list of iudece in Calabria, Nicola Ferorelli, Gli Ebrei, footnote 1 on page 98.
each of the leading iudece elected not more than two sindaci, then five to six communities would have represented the remaining 27 Jewish communities of the province. Similar dynamics in Terra di Bari seem to confirm this model for the rest of the provinces of the Kingdom. By 1508 Terra di Bari had a total of 51 settlements, 11 of which had populations between 2,000 and 4,999 inhabitants, and 5 cities with a population greater than 5000 inhabitants.\textsuperscript{301} Organized iudece existed in at least 14 centers of this province and yet, in 1469, only four of them (Bitonto, Bari, Trani, and Barletta) elected sindaci to negotiate (\textit{ad contractandum}) with the king and the Sacro Regio Consilio.\textsuperscript{302}

The lack of a political and administrative organization in the smaller centers is paralleled by the absence of any architectural or archeological evidence of synagogues in the same localities. This occurred in other parts of Europe: as reported by Haverkamp, fifty Jewish settlements in fourteenth-century Alsace were served by not more than fourteen synagogues.\textsuperscript{303} This can be explained by positing that smaller centers simply lacked the financial resources to erect new structures and either conducted their religious life in private spaces or its members travelled to the nearest synagogue. Stronger, more populated, and richer iudece may have (politically) swallowed poorer ones as the city of Lecce did with its neighboring casali. The rural communities of Squinzano, Surbo, Campie (the list goes on), did not have sindaci.

A hierarchy that subjected the periphery to the will of the city was clearly the norm. For example, the universitas obtained by royal decree the monopoly of \textit{vino musto}, which meant that

\textsuperscript{301} Sakellariou, \textit{Southern Italy}, Appendix A, 443.
\textsuperscript{302} Ferorelli lists Acquaviva delle Fonti, Altamura, Andria, Bari, Barletta, Bitonto, Conversano, Corato, Gravina, Molfetta, Monopoli, Polignano, Rutigliano, and Trani, see Idem, \textit{Gli Ebrei}, 98; the election of the sindaci of Bitonto mentions the parallel elections taking place in the other centers. The document is published in Colafemmina, \textit{La presenza}, 54-55.
\textsuperscript{303} The findings are attributed to Gerd Mentgen. Alfred Haverkamp, “Jewish Quarters”, 18.
the inhabitants of the *casali* could not purchase the product from any other market but the one in Lecce.\(^{304}\) Just like the sindaci of strong universitates negotiated for agreements whose effects reverberated on peripheral settlements, only sindaci of strong iudece took part in the supraterritorial council that negotiated the terms of the general royal charters.

The sindaci operating under Aragonese rule were long-term representatives who, like their Christian counterparts, were elected by the majority of the communal members. The fact that the Sommaria, indeed, took for granted that communication with the iudeca would be channeled through the Jewish sindaci and proti leaves little doubt about the stability of these offices. If any quarrels ensued between the universitas and the iudeca, or between the iudeca and an individual Jew, the Sommaria expected that its rulings would be implemented by the royal official of the city, the *capitano*. He had to ensure that the orders of the central courts would be carried out under the penalty of a heavy fine.

This means that iudece were not “imagined” municipal communities, but constituted groups organized under a leadership identifiable by the state and the local government.\(^{305}\) For example, in 1494 the Sommaria requested the intervention of the *capitano* of Barletta to solve a case of unjust taxation. The Jew Meo Levi who did not live on usury but “de soye industrie et del campo” had been over-taxed by the iudeca of Barletta. The Sommaria requested that the *capitano* summon proti and sindaci of the Jews make sure that Levi’s share be redistributed

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fairly among the rest of the Jewish community. The new repartition should have included also the Jews who had moved to the city in the last five years and did not appear in the latest royal census.  

Forty-one years later, and after the end of Aragonese rule, the Sommaria wrote to the perceptore of Terra di Bari in order to investigate the claims made by Helia de Moyses. Helia claimed he had been robbed (arrobato) by the “prothi et sindici deli iudei dela provincia” who had left him with nothing but his skills (arte) in order to pay for local taxation. If the claims were proved to be true, the fiscal officer was charged with the responsibility of forcing (constrengere) the proti and sindaci to give back what they had allegedly stolen.  

If the leaders of the Jewish communities had not been identifiable, state justice would have failed.

The functions of the sindaci of the Kingdom had striking similarities with the role that the shtadlanim would later adopt in central Europe. Like the shtadlanim, sindaci were learned men who had familiarity with the gentile world and “possessed a wealth of knowledge concerning the customs, language, and balance of power in the non-Jewish world.” Like in the Polish-Lithuanina territories, Jewish intercessors of Southern Italy can be divided into two categories: long-term public servants and ad hoc appointed officials. The two, though, did not coexist, but developed at different times and under different political conditions. Until the complete disappearance of Jewish life from Southern Italy, the two-tier structure of the iudeca

306 See further in this chapter for a more detailed discussion on the taxation system. The document coming from ASN, Sommaria, Partium 40, 167r, is published in Colafemmina, Documenti, 129-130.

307 Ibid., 304-305.

308 The quote refers to shtadlanim in Polish territories but it equally applies to Italian sindaci. For the figure of the shtadlan Scott Ury, “The Shtadlan of the Polish-Lithuanian Commonwealth: Noble Advocate or Unbridled Opportunist”, Polin 15 (2002) 267-299, the quote is from 276; also A. Plonsky, The Jews in Poland, 41.
seems to have remained in effect. What changed drastically was the political scope of the sindaco and the organization of the supra-territorial council.

After the Kingdom of Naples was occupied by the forces of Ferdinand the Catholic, older communal structures disintegrated. In the sixteenth century and until the final expulsion, the sindaci of the iudece were *ad hoc* appointed intercessors who received compensation for single missions. The election of Vitale di Mastro Iosep as *procurator* in 1533 gives important clues to what might have been the new political arrangements which followed the end of the old Jewish juridical communities of the Kingdom. Considering that in 1469 the iudeca of Bitonto elected two sindaci, and that three more iudece had elected their own representatives in agreement with the guidelines later set by the charter of 1481, we could posit that sixteen sindaci represented Terra di Bari and Calabria in the supra-territorial council. This means that, even if we do not know the exact number of sindaci sent by the iudeca of the other administrative provinces of the kingdom, we could assume that the supra-territorial council could have been composed of as many as fifty sindaci.

In 1533, in contrast, Vitale was the only sindaco travelling to Naples to join the Sephardi leader Samuel Abravanel and the proti of the iudeca of Naples. Vitale was not even a member of the iudeca of Bari whose proti proceeded to the notarization of the elections. He came from the neighboring city of Giovinazzo and accepted the job only after his compensation had been clearly defined and notarized by the public notary Francesco Filippucci.\footnote{ASB, not Francesco Filippucci, prot. 120, 1534-1538, 66v-67r-v., in Colafemmina, *La presenza*, 79-80.} The appointment of a professional figure to conduct a diplomatic mission might have resulted from specific demographic and political conditions. In fact, the first edict of expulsion of 1510 drove a great, if
indeterminable, number of Jews from Southern Italy. Furthermore, the “separation” of the fiscal iudece from the universitates, the invasions, the arrival of foreign Iberian Jews, and the plague weakened the political force of the Italian Jewish leadership.\textsuperscript{310}

It is possible that in the wake of persecutions and expulsions following the French and Venetian occupation of Southern cities, iudece crumbled. The Jews who did not abandon the southern provinces had to reorganize around a new leadership. Although some structures survived the political quake (as we have seen, the office of the proti and sindaci were still active in 1535), the supra-territorial council received a tremendous blow. Although a Jewish diplomatic mission existed in 1533, this can hardly be defined as a supra-territorial council. Its achievement was not a new charter but a bribe. Under the leadership of Abravanel, the Jewish leaders suggested (or accepted) paying the exorbitant sum of 10,000 ducats a year to postpone their expulsion.

The impossibility of honoring their promise resulted in new edicts of expulsion ultimately carried out by Charles V in 1541.\textsuperscript{311} With the end of the Aragonese rule, while iudece might still have had an internal administration, the political power of the local sindaci and of the supra-territorial council had disintegrated. The Southern iudece composed of native Jews were fully integrated into the local and state political and juridical culture: they communicated through the same channels, with the same language, and adopted the same strategies as the universitates they drew inspiration from. If in the sixteenth century influential Sephardim were successful in replacing the Italian leadership in their negotiations with the central court, they did so operating

\textsuperscript{310} See chapter 2.
along a different political tradition. The appointment of an *ad hoc shtadlan* was the sign that the Jewish juridical communities of the Kingdom of Naples had forever ceased to exist.\(^{312}\)

*Some notes on Elections, Public Space and Municipal Belonging.*

The degree to which the *iudece* were integrated into the life of Southern cities is well exemplified both by their physical amalgamation into the urban architecture and by the use that Jews made of public space, for the elections of their representatives. Jewish residential life in Southern Italy was usually not restricted to closed and segregated quarters.\(^{313}\) One notable exception might have been the city of Taranto which, in the 1463 royal charter, asked King Ferdinando that Jews “se debiano levare et non habitare piú in mezzo li detti cristiani. Ma che debiano andare ad habitare in la iudeca gli altri Iudei dela dicta cità, in loco deputato per loro habitatone.”\(^{314}\) To be sure, the request only proves that, at least until the time of the implementation of the privilege (if ever implemented), Jews in Taranto had been living side by side with Christians.\(^{315}\)

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\(^{312}\) The *iudece* of the Aragonese Kingdom, may have reached a level of organization with the creation of an inter-regional council whose political scope will be matched only a century later by the Council of the four Lands in Poland. For a comparison see Antony Polonsky, *The Jews in Poland and Russia, vol 1. 1350-1881*, (Portland, Littman Library of Jewish Civilization, 2010), 40-67.

\(^{313}\) For Poland see Antony Polonsky, *The Jews in Poland and Russia*, 72; For central Europe see Alfred Haverkamp, “The Jewish Quarters in German Towns during the Late Middle Ages”, R. Po-chia Hsia and Hartmut Lehmann eds., *In and Out of the Ghetto, Jewish-Gentile Relations in the Late Medieval and Early Modern Germany*, (Cambridge, Cambridge University Press, 1995), 13-28; for Spain see

\(^{314}\) In Rosanna Alaggio, *Le pergamene dell’Università di Taranto*, (Galatina: Congedo, 2004), 101-114.

\(^{315}\) Documents do attest to the presence of Jewish money lenders in the city of Taranto in 1474, and in 1507, though no specific reference to a *iudeca*, or to residence rights is made. In 1504 the city asks king Ferdinand the Catholic the confirmation of rights over Torre Iudece, but it is
When there were synagogues, Jews tended to live around them in an area called *iudeca*, but the higher concentration of Jewish households did not stop Christians from purchasing real estate in the same area. The abbot Vitus in 1398, for example, gained the consent of the archbishop of Trani to lease a house located in the *iudeca* of the city. Nor were Jews prohibited from buying houses and land outside of the *iudeca*. In 1413 a deed of sale in which the brothers Petrucius and Nicolaus de Conserio sold some properties to the nun Mitula mentions land belonging to Iacobus *phisicus* situated in a marsh on the seashores of Barletta. In 1464 the deacon Angelo di Goffredo rented to Iacob and Angelo, Jews of Bitonto, a property near the arch of St Jacob. The property had two floors, the upper one built on an arch over a public street and was suited for both private and commercial use. In fact, it appears the two brothers intended to exercise the *ars confettarie*: selling candy in a Christian neighborhood can hardly be defined as “ghettoization.”

Often *iudece* were very close, if not adjacent, to the squares where markets were held, and it was not unusual for Jews to own or lease property in the piazzas themselves. On the evening of February 4, 1535, the public notary Antonio de Tristis, accompanied by Nirchio, serving the court of the city captain, walked to the marketplace of Molfetta.

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318 Colafemmina, *La presenza*, 40-42; for some other examples of Jews purchasing realestate in Christian neighborhoods (a shop, an olivegrove, and a house) see Colafemmina, *La Presenza*, 64-66; 70-76; and 85-86; for more information on the art of the *confettieri* see Sandra Cavallo and David Gentilcore eds., *Spaces, Objects and Identity in Early Modern Italian Medicine*, (Wiley-Blackwell, 2008) and especially Elizabeth Cohen, “Miscarriages of Apothecary Justice: Un-separate Spaces of Work and Family in Early Modern Rome”, 8-32.
Here, between the shop owned by the bishopric of Saint Nicholas but leased by Graulino, and a private home, Gentile de Vino had his herbalist shop. His lease having expired, the notary lit a candle in the dark of the night and placed it in front of the doorstep. If, by the time the light extinguished, an offer for the rent of the shop was made, Gentile was to vacate the property. Antonio read the *bannum* stating that the shop would go to the highest bidder but, as it turned out, the only offer came from Joseph de Muscilam, a Jew *civis et abitator* of Molfetta.\(^{319}\)

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\(^{319}\) ASB, Trani, not Giacomo de Porticellis, prot 1, 1534-1535, 112v-113r. in Colafemmina, *La presenza*, 80-82.
All of these cases demonstrate that despite the clear identification of an area of the city as the Jewish quarter, the distribution of Jewish homes and shops was rather loose in the commercial hubs of Apulia. In Trani the iudeca was not walled in, and its streets flowed “naturally into the rest of the urban fabric without interruption.” Its location between the port and the Cathedral within the fortified walls and the architectural features of its buildings reinforce the idea that the iudeca belonged, physically and culturally, to the city. Palazzo Lopez, for example, once the residence of wealthy Jewish merchants, with its spacious courtyard and ample rooms, imitated the palaces of the richest families of the city. The oldest synagogue of the city, too, has a peculiar south-eastern identity appearing as a miniature Hagia Sophia and reflecting the Byzantine culture that veined the multicultural society of Apulia. Scolanova, the more recent synagogue of the city, was built in 1247 within the city walls. From the piazza in front of it, three streets led towards the older synagogue, the port, and Via del Cambio, which was “the center of operation for Jewish money-changers and bankers.”

In Terra d’Otranto, too, iudece occupied central positions in the urban outline. In Alessano, a baronial town under the control of the Orsini family, the Jewish quarter was located

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320 I cannot refrain from thinking to the later urban development of Livorno where “così come luoghi di residenza non si definiscono in base all’appartenenza allos tesso gruppo etnico o religioso, anche I luoghi dei negozi (di stranieri e non) non sembra obbedire a logiche di categoria ma solamente a quelle della frequentazione e della comodità alle attività portuali.” Donata Battilotti, “Luoghi di Commercio e produzione degli Stranieri”, Città e Storia, II, 2007, 45-60, 56.


322 See also Linda Safran, The Medieval Salento, chapter 7, “Rituals and Practices at Home and in the Community”, 176-208.

323 See Figure 2.

324 Ibid., 38.

325 Ibid., 41.
by the main piazza of the town.\textsuperscript{326} In Nardò, Jews lived inside the city walls in the merchants’ quarter and by the gate which opened in the direction of the city of Lecce.\textsuperscript{327} Here too, the iudeca bordered the \textit{Piazza de’ Mercadanti} as did the nations of \textit{Veneziani, Milanesi, Ragusei, Sclavoni} and \textit{Albanesi}.

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{map.png}
\caption{Map of the city of Nardò (Neretum). The area in yellow represents the fifteenth-century walled city; the area in red represents the Jewish quarter near Porta of St. Paul (A1). (1) Synagogue. (A2) Porta Castello; (A3) Porta Vaccarella; (A4) porta St. Francis; (B) Castle; (C) Cathedral; (D) Piazza Salandra. The red area outside the walls indicates the possible location of the medieval Jewish cemetery.}
\end{figure}

\textsuperscript{326} See \textit{Figure 1}. See also Fabrizio Ghio, "Gli Spazi della Comunità", in F. Ghio ed., \textit{Comunità ebraiche nel Salento: una scomparsa silenziosa}, (Monteroni di Lecce: Esperedi, 2013) 21-63, 30.

\textsuperscript{327} Ibid., 28.

\textsuperscript{328} Ibid., 26. See \textit{Figure 4}.
In the piazza the sounds and voices of these different communities overlapped over and over again, amalgamating into a peculiar Apulian “soundscape”. In this multicultural setting, to an external observer, the local Jews might have been indistinguishable from the Apulian Christian merchants. In the first place, Jews of Apulia under Aragonese rule did not wear the badge. Secondly, local Jews, unlike foreign Christian merchants, spoke the same vernacular language of the Christians. The Jews of Terra d’Otranto were comfortable enough with the local vernacular language to utilize it in commentaries, marginalia, liturgical compositions copied from 1384 to 1494, and even in the Seder of the Haggadah of Pesah. The tools, bodies, and voices of Jews and Christians mixed in the clamor of the Apulian streets. Even the sounds of their places of worship, although separate, comprised part of the soundscape of Southern cities, especially during religious festivities. As Safran suggests, the bells of the Christian churches could be clearly heard in the iudeca, just as the sound of the shofar played on Yom Kippur must have echoed through the spiraling stone walls of the Apulian city.

Although referring to the city of Palermo, a 1471 chronicle describing the celebrations for the coronation of Alfonso I projects us into the vibrant life of the multicultural southern city. According to the chronicler, the governors of Palermo invited the Jews to parade in the streets with all the citizens, and guilds, and noble men of the city. They were given the freedom to dress

330 Ferorelli, Gli Ebrei, 186-187; this is confirmed in Item 38 of the 1498 charter, Appendix 3.
as they pleased and to organize whatever performance they deemed appropriate as along as it was an “honest manifestation of joy.” And so, 400 youth dressed in silk joined the Christian citizenry marching through the streets of Palermo singing, dancing and acting

while the women from the windows and doors of their homes, cheerfully watched the torches, and the show, and the festivity of those who in the meantime paraded in the streets.333

Jews were involved in the celebrations as full-fledged members of the city, not as a foreign and exotic prize displayed to please the king. The dancing youth of the iudeca were more visible than the Christian women who remained confined within their homes. This was not a once-in-a-lifetime-defiance of spatial restrictions. As argued above, Jews of Southern Italy were generally not forced to live in special quarters, nor, as we have seen in the example of Musciullam’s lease, were their movements restricted to certain times of the day.334

The appropriation and free utilization of public space is a strong sign of municipal belonging, and the fact that Jews of Apulia were allowed to conduct the elections of their representatives in the open is a strong argument in favor of their “oneness” with the universitas. Clearly, the citizens of Apulia did not perceive Jews associating in the open as a threat as, for example, did the Florentine government when the Ciompi gathered in the main piazza. While both the Ciompi and the Jews were prevented from participating in the government of the city,

the iudece of the Kingdom of Naples at least had the freedom to conduct their political life in the open. In fact, on March 2, 1469 Abraam Levi and Iacob de Iosep, the proti of the community of Bitonto reported to the notary Angelo Benedicto the outcome of the elections of the Jewish sindaci. Allegedly, the entire iudeca (omnes iudeos iudece) had gathered in the merchant’s square (platea publica rerum venalium) and had reached a unanimous agreement (unum concorditer et pari voto) electing Iosep Levi and Iosep Russellum as their sindaci. The elections of Jewish officials were thus as public as were municipal ones – these events were clearly visible and audible to the rest of the Christian citizenry as were the municipal elections to the Jews. Public assemblies could take place in the cathedral, but frequently were held in the open in front of it. Often, especially if tensions existed between the lay civil government and the ecclesiastical power, city councils were held in the piazza to affirm the independence of the urban government from the Church. The universitas of Bari convened in the market’s square anytime such conflicts arose with the local bishopric. Similarly, during Aragonese rule, the universitas of Trani moved its assemblies from the piazza in front of the cathedral to the locus campi Longobardorum (the merchant’s square), close to the iudeca where Jews lived, traded, and voted.

336 Ibid, 55; Also, Simonsohn states that the elections of prothi in Sicily took place after Shabbat Bereshit, but apparently this was not the case in Apulia.
337 Carmela Massaro, "Spazi pubblici e città nella Puglia del Tardo Medioevo", in Giovanni Vitolo ed., *Città, spazi pubblici e servizi sociali nel Mezzogiorno medievale*, (Battipaglia: La Veglia e Carlone, 2016), 175-209.
The Apulian piazza thus emerges as the geographical, political, social, and economic heart of both the Christian and the Jewish communities. To be sure, the situation in Apulia is not an exceptional case in the Mediterranean world. Goiten informs us that in Medieval Old Cairo “houses and shops were held in partnership by members of different religious communities” and, although they might have concentrated in closer proximity to their places of worship, Jews were
free to settle anywhere in the city.\textsuperscript{339} In other Italian cities like Verona, Padua, Rovigo, Vicenza, and Udine, prior to the creation of ghettos in the sixteenth century, Jews lived in central areas in close proximity to the market squares.\textsuperscript{340} The fact that the Jews of southern Italy lived in open quarters and utilized with relative freedom public spaces reinforces the idea that:

Jews in the premodern Mediterranean city lived in complex and multiple arrangements with their non-Jewish neighbors, bound to their city by an overriding feeling of common identity based on a shared sense of place.\textsuperscript{341}

\textsuperscript{339} S. D. Goiten, A Mediterranean Society, vol II, (Berkley, University of California Press, 1999 reprint), 289-293. Goiten defines the relations between the different faiths in Cairo as “symbiosis.”


\textsuperscript{341} Mauro Bertagnin, Ilham Khuri-Makdisi, Susan Gilson Miller, “A Mediterranean Jewish Quarter”, 34.
Figure 4 - Map of the city of Lecce. The area in yellow represents the sixteenth-century walled city. The area in red represents the Jewish quarter near Porta of St. Martin which no longer exists (A1). (1) Synagogue. Via della Sinagoga (2) and via Abramo Balmes (3) are two main streets cutting through the iudeca. (A2) Porta Napoli; (A3) Porta Rudiae; (A4) porta St. Biagio; (B) Castle; (C) Cathedral; (D) Piazza dei Mercadanti (today called Piazza S. Oronzo).
Imagining the Jewish community gathering in the open air, in the middle of the platea publica, to elect their sindaci while people went about their daily business helps us understand how integrated the iudeca was in the urban space and in the life of the Renaissance city. The fact that their elections took place in the public piazza gives us the sense that Jews were acting as citizens, or as if they were citizens. Jews and Christians of Trani chose the piazza as the voting venue because they were in fact members of the same juridical community.

Royal Taxation and the Limits of Self-government.

In 1443 under the guidance of Alfonso I, “the principle of direct taxation proportional to the human resources of the kingdom, was enshrined in its constitutional texts; […] direct taxation became the main asset of royal patrimony.”342 Although the tax reform of the Aragonese kings was one of the most successful centralizing policies of their rule, their “charter policy” left a great degree of freedom to the local governments in deciding how the state taxes would be collected. The state conducted negotiations with three main groups of contributors: the cities, the barons, and the Jews.

Cities of the royal domain payed 1 ducat per hearth through the taxa focolariorum et sale.343 This means that the revenue coming from taxation would have fluctuated based on the number of taxable citizens. In order to determine the amount each city would be paying, the state conducted enumerations in 1443, 1472, 1489, and 1497-1498.344 Royal officers (commissari or apprezzatori) were dispatched into the twelve provinces of the kingdom where, aided by

342 Sakellariou, Southern Italy, 98.
343 Ibid., 97.
municipal officials, they visited each and every household.\textsuperscript{345} Their numbers were checked by the representatives of the city against older registers and the economic status of the families - a process that opened the door to possible negotiations between the city and the state. The number of taxable hearths was sent back to Naples where the Sommaria compiled registers containing a list of all the settlements of the Kingdom and their taxable hearths (cedolari). The cedolari were sent back to provincial officers, the tesorieri, who coordinated the exaction of taxes.\textsuperscript{346} Commissari were dispatched again into each province, and they handed out the cedolari to the municipal officers who had to meet the sum as expressed by the calculations of the Sommaria.

The way cities collected the sum was determined by charters. Some cities proceeded to the direct taxation of its inhabitants, often employing a sort of proportional system, while other cities employed an indirect taxation system which relied on the tariffs payed by merchants.\textsuperscript{347} Despite the apparent rationality of the system, things were far from smooth. The first problem derived from the lag that intervened between the enumeration and actual exaction. Only four enumerations were carried out between 1443 and 1498 so that the rate the cities were charged could have not corresponded to the real number of tax payers living in the city by the time the exaction took place. One of the major causes for the fluctuation of the population number were conflicts, pestilence, and of course, the less dramatic but constant relocation of men and women who were following fortune or their hearts. The incongruence between the calculated number of fiscal hearths and the real number of households created a stream of protests and petitions flowing from the periphery to the Sommaria asking for new enumerations and the reduction of

\textsuperscript{345} On the division of the Kingdom into provinces, Galasso, \textit{Storia d'Italia}, XV, 841-908.
\textsuperscript{346} Ibid., 99-100.
\textsuperscript{347} Michele Manicone, “La tassazione diretta nel Regno di Napoli tra la fine del XIII e la metà del XV secolo: la Basilicata Angioina e Aragonese in una prospettiva comparativa.”, \textit{Peloro}, I, 2, 2016, 77-128.
local quotas. In November of 1463 the city of Brindisi wrote to the king informing him of the “extrema at incredibile povertà” of its citizens. Despite the decrease of its population the Sommaria expected payments for more than 3,000 fiscal hearths – an unbearable demand. Not capable of satisfying the request of the government but willing to cooperate, Brindisi asked 1) to set the direct tax at 150 ounces; 2) to exempt the Balkan minority from the state focatico who would have otherwise “returned to their Country”; 3) that the 12-15 Jewish families who had fled be forced to repatriate.\textsuperscript{348} The difficulty in meeting the royal demands is the reason why many other cities of the Kingdom, like Brindisi, tried to extort money from groups who, according to special privileges, should have not been included in the municipal hearths.

Barons, like the Jewish leaders of the supra-territorial council, were able to negotiate (probably on a yearly basis) a fixed sum to be paid to the state. In the parliamentary sessions of 1443, the barons were able to bargain with the king the payment of a fixed rate based on an estimate of the population of their lands. This estimate was reconfirmed for decades without assessing any demographic changes. Although barons could tax their subjects independently from state prerogatives, the collection of the focatico in baronial lands (which constituted feudal pockets in the larger state provinces) was coordinated by the same officers operating in demanial cities.\textsuperscript{349}

In the first Aragonese enumerations, Jews were counted and incorporated with the Christian hearths and thus were required to pay the focatico with the municipal universitates. Jews, though, were exempted from paying extraordinary contributions imposed upon cities for

\textsuperscript{348} Annibale de Leo, Angela Frascadore ed., \textit{Codice Diplomatico Brindisino vol.3 1406-1466}, (Bari, 2006), 95-96.

\textsuperscript{349} Roberto delle Donne, \textit{Burocrazia e fisco a Napoli tra XV e XVI secolo}, (Firenze: Firenze University Press, 2012), 95-98.
the building and maintenance of castles and fortifications. This does not mean that Jews paid less than the Christian subjects. On the contrary, they were subject to a special tax that the leaders bargained with the king based on an estimate of the total Jewish population of the kingdom – this mirrors precisely the strategy adopted by the barons.\footnote{Ferorelli, \textit{Gli Ebrei nell’Italia Meridionale}, 151.} For example, in 1465 and 1487 (and perhaps every year in between) they were asked to contribute a sum of three thousand ducats which was then repartitioned among the Jewish communities of the kingdom according to the number of hearths and the wealth of each household.\footnote{Ibid., 151-172; on taxation see also Giuseppe Galasso, \textit{Storia d’Italia – Il Regno di Napoli. Il Mezzogiorno Angioino e Aragonese}. (Torino: UTET, 2005).} The proportional distribution was determined most probably by a self-declaration of one’s possessions, the \textit{cedola}, compiled by each household and handed to local \textit{apprezzatori}.\footnote{“[…] Et pertanto ve dicimo et expresse ve comandamo che ve debiati convenire insiemi in alcuno loco ad vui ben visto et fare convenire tucti quilli che foro desmenticati et altri che iustamente ve parera essereno sufficiente ad pagare, et quelli constregeriti ad presentare cedole sive liste de loro beni et quelle havute le taxariti sequendo lo ordine et forma che fo tenuto in fare lo apprezo […]”, ASN, Sommaria, Partium 22, 78v-79r, in Colafemmina, \textit{Documenti per la Storia degli Ebrei in Puglia}, 54.}

The \textit{apprezzatori} were coordinated by the proti who had the responsibility of calculating exactly how the lump sum due to the royal treasury had to be repartitioned among the members of the Jewish community. In the Christian community, the calculations of this lower rank officer were supervised by the \textit{mastro giurato}. The \textit{mastro giurato} of southern municipalities could have had different roles according to the statutes of the city. Generally, its main function was that of assuring public order, overseeing the organization of markets and fairs, cooperating with the \textit{sindaci} to avoid administrative abuses and, as previously noted, supervising the work of the \textit{apprezzatori}.\footnote{Cirillo, \textit{Spazi Contesi}, 193.} In Jewish communities too, the local apprezzatori were overseen by royal
officers. When in July 1484 the Sommaria realized that some Jews of Terra di Bari had evaded the *apprezzo*, it addressed its concerns to *magistro* Abraam Bello Infante, Vitale Mayr, Iosep de Secli, and Benedictus Thoros.\(^{354}\)

In perfect agreement with the dynamics described by Cirillo for the appointment of their Christian counterparts, these men had been elected among the Jewish communities of the province of Terra di Bari (*electi Iudeorum Terre Bari*).\(^{355}\) The letter explained how the communities of the province would benefit from a new repartition of the fiscal burden and gave the men the authority to summon local Christian officials to conduct new calculations. Abraam Bello Infante had the duty to correct the work of the *apprezzatori* who had forgotten (*desmenticati*) to include some members of the community in their enumeration, creating errors in the calculations. Theoretically, just as cities could decide by statute the modalities of distribution and exaction of taxes, iudece had the liberty to administer taxation without any kind of external interference. The 1465 charter had granted “to the mentioned Jews that all their general and particular payments, ordinary and extra-ordinary, they can divide, distribute, and tax and manage among themselves in any way and form they like best […]”\(^{356}\)

This principle, though, was only valid as long as the fiscal burden was fairly divided. When the leadership abused the lower strata, the system of appeal allowed the state to extend its

\(^{354}\) ASN, Sommaria, Partium 22, 78v-79r, in Colafemmina, Documenti per la Storia degli Ebrei in Puglia, 54.

\(^{355}\) Cirillo, Spazi Contesi, 193-194.

\(^{356}\) Item 9, Appendix 1: “Che V.M. conceda ai detti Giudei che tutti i loro pagamenti generali et particolari, ordinarii et extraordinarii se li possano partire, distribuire et taxare et ordinare infra de loro per qualsivoglia via et modo et forma ad loro meglio piacerà, maxime per via di gabella ad loro contingente et esse gabelle, taxe, pertinentie contribuzione a loro arbitrio le possano permutare levarle et ponerle et levarle tante volte quante ad loro piacerà senza incorrere ad alcuna pena, danno et pregiudizio et senza contradizione alcuna. Placet Regie Maiestati.” In Cesare Colafemmina, “I capitoli concessi nel 1465 da Ferrante I ai Giudei del Regno”, in Studi Storici Meridionali, 3 (1992), 298.
jurisdiction into the periphery “interfering” in the “autonomous” sphere of the communities.

In 1506 for example, the captain of Lecce was asked by the Sommaria to intervene to protect the poor Jews of the iudeca. The less fortunate strata of the community lamented that instead of taxing “according to the faculty of each one as it has always been in the past since the time of [...] king Ferdinando I”, now the community was being taxed according to the arbitrary decisions of “some wealthy Jews against what is usual and customary”.357

The political conflicts that tore both universitates and iudece apart, and the confusion deriving from the great number of privileges granted by the royal court to individuals, cities, and corporations, required constant intervention of the state into the periphery. Roberto delle Donne gives us a good idea of the chaos caused by the politica pattista of the Aragonese. According to the Italian historian, the Crown granted fiscal privileges to “fiorentini, veneziani, ragusei, liparoti, francesi, triestini, milanesi, baresi, capuani, cotronesi, amalfitani, mantioti, tropeani, altamurani, montefuscani, cavi, rossanesi, sorrentini, messinesi, mazaresi, ischitani, leccesi, tarantini, nolani, procitani, agli abitanti di Pignano Paterno, Seminara, San Germano, Atri ed altri centri ancora.”358 Rather than weakening the system, the litigations ensuing from the conflicting privileges oiled the monstrous bureaucratic machinery of the Neapolitan state, allowing its presence to gain strength in the periphery of the Kingdom.359

While competing corporate bodies had no other choice but to appeal to the central courts,

357 ASN, Sommaria, Partium 70, 17v-18r in Colafemmina, Documenti per la Storia degli Ebrei in Puglia, 208.
358 Delle Donne, Burocrazia e fisco, 100.
359 Although focusing on Early Modern England, Steve Hindle makes a compelling case for a direct correlation between people’s trust in state justice and legitimization of the central power, and the making of the modern state. Steve Hindle, The State and Social Change in Early Modern England, 1550-1640, (New York: Palgrave, 2000). Indeed, Alan Ryder does not hesitate in describing state building under Alfonso as the “making of the modern state.”
individuals could have relied on a greater variety of judicial powers. Jews, for example could have tried to resolve conflicts within the community, in municipal courts, in provincial ones, or by appealing to the court in Naples. The fact that Jews indeed chose to solve internal matters in gentile courts utilizing customs and laws that defined the identity of the municipal citizenry, signifies their belonging to the juridical communities of the Kingdom of Naples. This is the topic of the next chapter which will focus on strategies adopted by Jewish women in gentile courts for the preservation and transmission of their wealth.

Conclusions

This chapter has shown that although Jews in the Kingdom of Naples had successfully separated from the municipal government, they did not constitute a parallel society. Iudece were tied to the state by the same strings that pulled cities and barons towards the center. The exaction of state taxes, for example, unfolded with identical dynamics in Jewish and Christian communities precisely because they were part of the state’s body. As argued also in Chapter 1, Jews arriving in Southern Italy in the fourteenth century had to build communal structures from scratch. Until the iudece developed a sense of how to operate within the “hosting” cities and the administration and judicial authority of the state, they remained embedded within the body of the universitas. Whether the Jewish dwellers of Apulian cities had escaped the forced conversions of the 1290s, or they had arrived at a later date, what is certain is that they had grown familiar with the urban space, the language, and the social dynamics of cities they called themselves “of.” Trani, as many other settlements, did not restrict their residence to walled quarters, nor limit their utilization of public space in ways that significantly impeded the growth and wellbeing of the iudeca. Jews bought homes in the city center, but also land and olive groves in the city’s outskirts. Christians, including the clergy, also bought or rented homes in the heart of the Jewish
quarter. The piazza is the emblem of the Jews’ municipal belonging. It was the core of financial transactions, of trade, and of social gatherings. The public square was also the locus for the main events in the political life of both communities - Jews and Christians voted in the piazza. Mirroring the municipal government, iudece elected sindaci in charge of representing the community before other polities.

The absence of earlier sources, as well as explicit references contained in some notarial records, suggest that the reordering of the “internal” government of the iudece was synchronous to that of cities. Both communities reacted to the new Aragonese policies and took advantage of the space allowed for negotiations left by the state in the attempt of gaining consensus and assuring governability. Native Jews thus developed a political culture that was peculiar to the region they inhabited. The successful integration of the Jewish leadership in the political fabric of the state can be measured in the issuing of general charters which mirrored and competed with the municipal ones. These charters shattered the relationship between iudece and city governments. At the end of the Fifteenth century, calamitous events such as the immigration of thousands of Iberian Jews, and the Italian Wars, provided the final blow to the native Jewish communities.

The death of the Jewish juridical community of the Kingdom of Naples is exemplified by the emergence of the shtadlan. In fact, while during the Aragonese rule iudece were able to obtain charters, the shtadlanim of the sixteenth century literally tried to buy time, offering exorbitant sums to postpone their definitive expulsion. The dynamics and result of these negotiations were the sign that the old juridical community had forever disappeared.
5. Dos, Mundio, and Chalytza - Women and the Juridical Communities of Terra di Bari.

In this section I argue that the local courts of Apulia did not impose on court users the Lombard norms which characterized the statutes of many cities in Terra di Bari. Rather court users invoked their own legal traditions. We can see that by examining the ways in which women interacted with the courts. Court records demonstrate that women who claimed to be living under Lombard law made testament and drew contracts under the tight supervision of a mundualdo. Women living under Roman law had greater freedom in the disposal of their properties. When women had to fight against the universitas (often against unfair taxation), and perhaps did not receive or could not count on the support of their families, they appealed to the central court of the Sommaria in Naples. Here Apulian women had greater judicial agency as they were freed from the control of the mundualdo. Jewish women of Apulia acted in similar fashion, demonstrating that they shared a legal culture with their Christian neighbors. In fact, Jews were not obliged to utilize the Christian judicial system but very often did so, especially to record economic transactions, including weddings and betrothals, and even the election of communal leaders. When Jewish women utilized local courts, they, like their Christian counterparts, often did so under the control of a mundualdo. And when Jewish women appealed to the Sommaria in Naples, they did so for the same reasons as Christian women - mainly to fight against communal officials who tried to take possession of their properties. The similarity in the strategies adopted by Jewish and Christian women to fight against a male dominated society proves that they shared a common understanding of their legal world. When Jewish and Christian women chose to behave according to Lombard norms in local courts, or chose to fight in the central courts of Naples without a mundualdo, they behaved as members of the same juridical community.
The notarial archives, those of the cathedral, and those of the Basilica of San Nicola of the city of Bari contain marriage contracts, litigation between families ensuing from marriage arrangements, last wills, dowries, the sale of properties to or by women in short documents that called into action gender-based legislation. These documents are a clear testament to the multicultural nature of Terra di Bari and exemplify the way different legal traditions blended into a distinctive municipal juridical community. Between the end of Byzantine rule and the sixteenth century, Apulia was subject to Lombard, Norman, Swabian, Angevine, and Aragonese domination. Each of these kingdoms left, to varying degrees, traces of its administrative and legal traditions. Lombard law in particular had great influence in the drawing of municipal statutes of Terra di Bari. As Antonietta Canta states:

over some three centuries, a mutually beneficial coexistence gradually developed between the people of Apulia and the Longobards, encouraged by mixed marriages.

360 Many of the documents that have survived are written on vellum. The medium is more durable than paper but also more costly. As paper became cheaper than parchment the choice of the medium is an indication of the value of the content of the document. The parchments of the archives of Apulia have been transcribed and published in the series “Codice Diplomatico Pugliese” (from now on CDP) and “Codice Diplomatico Baresi” (from now on CDB) and constitute the documentary basin of the present work. The following volumes have been particularly useful CDP, vol. XIII, XXIV, XXVII, XXVIII, XXIX, XXX, XXXI, XXXV, XXXVI; CDB, vol. VI, VII, XIII, XIV, XVIII, XIX. See the Bibliography – Printed Primary Sources for full bibliographical references.

Although coming under the aegis of public law (successively Byzantine, Norman, Swabian, Angevin, etc.) private law was regulated by the Consuetudines Civitiatis Bari, a corpus of deeply rooted local customary rules, which were clearly modelled on Longobard legal precepts, but revised in the light of the Roman socio-juridical tradition.362

Because of the changing political landscape "local customs had grown up mingling elements of both" Roman and Lombard laws.363 But we should not read this hybridization process simply as a top-down one in which newly established local administrations imposed a new judiciary and a new legal tradition. As Patricia Skinner suggests, the hybrid forms of legal acts can also be explained by positing that court users were able to bring their own legal traditions to the courtroom.364 Skinner argues that women living according to Roman law in Calabria brought along the customs of their hometown when relocating to Apulia. Not bound by the _mundio_ in the region of provenance, "Roman-Calabrese" women were allowed to draw wills in Apulia, making bequests without undergoing the control of the Lombard _mundualdo_ despite the fact that this practice was required by local customs in Terra di Bari.365 This means that the flexibility of the local legal system allowed individuals to manifest their cultural backgrounds and to express themselves according to the customs that regulated their daily lives. This in turn shaped their _Weltanschauung_. Court users had the freedom to present themselves as members of their chosen juridical community. If women acted on different occasions according to different legal

364 Ibid., 142.
365 Ibid., 142.
traditions of their own volition rather than in response to court orders, this means that they had judicial agency and that their community allowed this "legal swinging".

In 1208 in Barletta, for example, Goffredo renounced the power he maintained over his sister in the *mundio* because she was able to prove with documents that their family had been living not according to Lombard law but according to "Francorum legem." Goffredo's sister was liberated from the *mundio* and acquired the judicial liberty granted by Frankish law. A sample of 51 documents on vellum left by Christian men and women of Barletta from 1320 (the oldest) to 1503 (the definitive end of the Aragonese dynasty and thus the terminus of this study) includes eight wills produced by women who acted without a *mundualdo*, at least two documents indicating women as the executors of men's wills, fifteen other wills and contracts involve women but make no mention of a *mundualdo*, and twenty-seven by "Lombard women". Only seven of the Lombard contracts were stipulated after the Aragonese conquest, while sixteen of the "Roman" legal acts follow Alfonso I's coronation in 1442. Five of these are women's last wills. The most significant difference between the two legal traditions is the presence of a *mundualdo* "according to the use and custom of the city of Barletta in the way of the Lombards" (iusta usum et consuetudinem civium Baroli more longobardorum).

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366 Codice Diplomatico Barese, VIII, 198 cited in Patrizia Mainoni, 231.
367 Jole Mazzoleni ed., *Codice Diplomatico Barese vol. XIX, Le Pergamene di Barletta (1309-1672)*, (Trani: Vecchi, 1971). The Roman wills and contracts are documents number 3, 13, 44, 55, 56, 59, 93, 97, 101, 121, 125, 136, 165, 175, 190, 198, 205, 209, 215, 223, 227, 235, 236, 238, 240, 243; The Lombard wills are documents number 4, 5, 6, 7, 8, 10, 11, 18, 19, 23, 25, 42, 48, 72, 74, 78, 86, 90, 130, 131, 174, 178, 184, 199, 221.
369 Mazzoleni, Codice Diplomatico Barese, 126-127. The document is prepared and signed outdoors, in front of the church of "Santa Maria de Episcopio" (the Cathedral of the city now known as Santa Maria Maggiore) and it records a wedding dated November 26, 1446.
This "legal swinging" can frequently be observed when Apulian women who normally underwent the control of a mundualdo in the closing of sales acted alone, as they were able to do according to Roman law when bequeathing property or money to the Church or when involved in transactions with clerics. Skinner had noticed a similar pattern in the twelfth century: women may have preferred engaging in such transactions precisely because dealing with religious institutions granted them greater freedom from their mundualdi. Piety, salvation of the soul, and desire of being remembered after death are some of the explanations presented by scholars who have studied legacies to religious institutions in pre-modern women’s wills.\textsuperscript{370} Mainoni suggests that this kind of legacies can be also understood as a strategy that women adopted to receive the protection of convents and monasteries while in life. Particularly generous donations, the author argues, might have facilitated their admission into religious institutions assuring them support and care even after their husbands’ death.\textsuperscript{371} The respect for religious institutions, trust in their representatives, and a shared belief system that valued legacies to the Church and saintly figures, might have been the reason why husbands did not “interfere” in such transactions.\textsuperscript{372} Needless to


\textsuperscript{371} Mainoni, “Il potere”, 206-207.

\textsuperscript{372} For small legacies left to saintly figures (pious women) who were not ordained nuns see S. Cohn, “Nuns and Dowry Funds. Women’s Choices in the renaissance”, in Women in the Streets. Essays on Sex and Power in Renaissance Italy., (Baltimore: Johns Hopkins University Press, 1996), 76-97.
say that the beneficiary of the legacy would have had not had any interest in disputing the legality of the donation. Of course, such freedom would have not been possible if the local legal system had not recognized the right of women to act without the control of the mundualdo.

This should not be elevated to a rule, though, as in the fourteenth and fifteenth centuries there are also instances in which women were under the control of the mundualdo even when dealing with the Church. In 1330, for example, the sisters Iohanna, Nicolia and Maria needed their mundualdo's consent to bequest a house to dopno Franco de Elefanto and dopno Guidone, clerics of the church of San Giacomo in Barletta. In 1334 Gemma needed her brother’s and mundualdo's consent to sell a house to dopno Thomasio, cleric of San Giacomo. Similarly in 1349 Mariula and Mita, whose brother was out of town, appointed a mundualdo to complete the sale of real estate to Iohannes, Tucio, Roberto, Nicolao and Iacono Luca, clerics of the same church. Even in 1482, under King Ferdinando's reign, Nenna Buccuta needed her mundualdo's consent in order to cede her rights over a plot of land to the cleric Andreas de Rencio.

If Apulian women were often not forced to use mundualdi in Terra di Bari, then they were completely liberated from this institution in those lands where Lombard law did not have considerable influence on the local legal culture. The mundualdo appears in notarial documents in Florence, Bari, and Trani but not in Milan. In a sample of twenty volumes from the fondo

373 Codice Diplomatico Barese XIX, 7.
374 Ibid., 8.
375 Ibid., 19.
376 Ibid., 189-190.
Partium spanning from 1463 to 1541 considered in this study, the civil cases initiated by women in the court Sommaria in Naples constitute a small percentage of the total documents - in fact less than one per cent.378

Table 1 – The horizontal axis shows the volumes of Sommaria, Partium from the state archive of Naples with a breakdown of the respective number of cases (vertical axis) involving women, iudece (Jewish communities), Balkan communities. Other cases involving individuals and universitates are grouped under “other.” The total number of cases appears in blue. The number of cases in which minorities and women are plaintiffs is so small compared to “other” cases that they are barely visible in the chart.

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378 The sample was chosen from the earliest volume available up to 1541, date of the final expulsion of the Jews because this is the period under scrutiny in this work. I chose to investigate the fondo partium of the sommaria, because this is where the majority of Jewish-related sources is found and the volumes are 1, 2, 3, 4, 5, 6, 12, 13, 19, 20, 27, 29, 31, 32, 33, 34, 35, 51 I, 51 II. See the chart below.
Out of the 4,685 cases analyzed for this study, only 64 were related to women and none of them mentioned the presence of a guardian. The absence of any mention of male guardians could be interpreted as an accidental omission of the notaries. But in this case there should be at least some documents where the notary reported all the parties present. Since these court documents were undersigned by numerous male witnesses, it does not make much sense to believe that the notaries of the Sommaria voluntarily omitted the names of male guardians, curators, tutors, and mundualdi. Most of the documents are produced by widows who request the intervention of the Sommaria against the "abuses" of local administrations trying to overtax them - as in the case of Donna Anella, Donna Elena, and Donna Catarina de Comestabulo; or against creditors of the deceased husbands who advance claims over their properties - like in the case of Madama Joannella Mormile, Antonella de Monte Sion, or that of Marcella Beneincasa whose brother had taken control of her dowry, leaving her without means of sustenance. The consistency of this pattern suggests that women did indeed appeal to the central state courts directly, without any sort of male mediation. This conclusion is valid for Jewish women as well. Donna Richa, Sara, Stella, Malcha, Leonecta, and

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379 In 77 cases Iudece acted as plaintiffs, and in 28 Balkan communities (Sclavoni, and/or Albanians) did the same. The numbers are so small that they are bearly visible on a chart.
380 ASN, Partium, vol 1, f 67rv.
381 ASN, Sommaria, Partium, vol 4, f 36v.
382 ASN, Sommaria, Partium, vol. 29, f83r.
383 ASN, Sommaria, Partium, vol. 27, f68v.
384 ASN, Sommaria, Partium, vol. 29, f180r.
385 ASN, Sommaria, Partium, vol. 28, f134r.
386 ASN, Sommaria, Partium vol. 37, 240r; ASN, Sommaria, Partium 42, 17v; ASN, Sommaria, Partium 39, 109v-110r.
387 ASN, Sommaria, Partium vol. 39, 109v-110r.
388 ASN, Sommaria, Partium vol. 39, 121r; ASN, Sommaria, Partium vol. 38, 95v-96r; ASN, Sommaria, Partium vol. 29, 12r.
389 ASN, Sommaria, Partium vol. 41, 168r.
Bonella are all Jewish women from Terra di Bari who in the 1490s travelled to Naples because they had been allegedly overtaxed by the officials of their qehillot; or in order to fight against men of their communities who had unjustly requisitioned part of their properties after their husbands' death. Bonella, for example, appealed once in 1491, and twice in 1494 to lament that she had been overtaxed and to suggest that the taxes be redistributed among the wealthiest members of the community of Barletta.

Women appealing to the Sommaria, both Christian and Jewish, were seeking the intervention of the highest authority in their fights against male communal leaders. Gentila, the widow fighting against the iudeca of Trani whose case was analyzed in chapter 3, and Donna Anella were both widows and thus lacked the "protection" of their husbands, and they became targets of the male officials who sought to exploit the situation to the advantage of the community, and perhaps to their own. Conducting a fight at a local level would have required the support of their families, and especially their male relatives. This is especially true if these women acted as "Lombards" and thus needed a mundialdo. Appealing to the Sommaria in Naples meant seeking the intervention of a more neutral party far from local feuds and allowed the plaintiffs to free themselves of the control of the mundo. Liberated from the legal authority

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390 ASN, Sommaria, Partium vol. 27, 18v
391 ASN, Partium vol. 34, 121r; ASN, Partium vol. 40, 4r; ASN, Partium vol. 39, 56r-57r.
392 "Per parte de Bonella ebrea de quessa terra de Barletta e stata in questa Camera presentata peticione, la quale presentibus interclusa ve remectimo et ve dicimo et ordinamo che al recevere de epsa ve debiete chiamare duy dela iudeca de dicta terra et ve debiete da loro diligentemente informare del contenuto in dicta peticione et inde debiete provedere ala indepinita de epsa exponente de manera tale che non sia indebitamente gravata in lo apprezo predicto per quelle facultate che non possede et quella rata in la quale venera ad essere desgravata epsa exponente in lo apprezo predicto la debiete fare despartire sopra li altri iudei facultosi de dicta terra de manera tale che li pagamenti per dicta iudeca ala Regia Corte debiti non se vengano per questo aliquo ad diminuire ne tardare. " Published in C. Colafemmina, Documenti per la storia degli ebrei in Puglia, 88-89.
of agnates, Christian and Jewish women exercised greater judicial agency in the central court of the Sommaria.

By the same token, most of the notarial documents produced by women's legal action in Apulia, where Lombard customs were in place, are not litigations - they consist largely of wedding contracts and wills that fell under the scrutiny of agnates and husbands. One notable exception is Mita's attempt to recuperate her dowry through the channels of the local judiciary and with the help of her son Lillo, rather than through the Sommaria. The documents produced by this civil case confirm the peculiar character of Terra di Bari's juridical culture. These characteristics include: 1) the Roman-Lombard hybridity of the judicial system with the relative limitations on women's agency deriving from local customs, i.e. the mundio; 2) the tendency to assign the mundio to the woman's family rather than to the husband's; 3) the transmission of wealth in the woman's family rather than the husband's; 4) the tendency in the popular classes of dividing property between children rather than transmitting the estate to one son.

Towards the end of spring 1425 Elia de Liocta died, leaving a substantial estate to his children Lillo and Filippella. His wife, Mita, was not to inherit any assets.393 This was not unusual in Italy, and in fact, as Kuhlen explains:

[for the Renaissance, the prevailing pattern is seen to have been the dual strategy of limiting female inheritance to dowry (rendered in cash or movables), while leaving real property to sons or the closest surviving agnates.394

Elia had designated his children as his universal heirs in his last will and, in agreement with Roman law and adhering to patterns of lower classes in Terra di Bari, had decreed that

everything be equally divided between the two. Annunziata Pappalardo, in her study on the wills in the city of Bitonto, established that strategies for the transmission of wealth were influenced more by socio-economical structures than mere volition. According to the author, wealthier families belonging to the nobility of Bitonto followed more conservative lines of transmission: the male line of inheritance was preferred, as were bequests to lay men rather than the clergy. Also, sons usually inherited the father's estate while daughters received a dowry. Popular classes, though, often deviated from the norm by dividing inheritances more equitably between sons and daughters. Spouses very rarely received the inheritance, although they were frequently nominated executors of the testament and maintained the usufruct of the estate for their lifetime.\textsuperscript{395}

Unfortunately, Elia had also passed on to his children debts that probably surpassed the value of his estate. In Roman law the heir, and especially the universal heir, acquired the testator's credits and debits together with his property. Once the patrimony was received, it merged with the estate of the heir, making it vulnerable to claims that may have been advanced by the creditors of the deceased. The clause \textit{Beneficium Inventarii} separated the assets of the testator from those of the heir, who was thus shielded from the claims of creditors. Originally, in Imperial Roman legislation, this clause was introduced to protect the interests of soldiers who, often leaving for prolonged periods, may not have been aware of the patrimonial state of the deceased. Justinian then extended it to any heir who wished to accept the inheritance, only after having been informed of the status of the patrimony as expressed in the \textit{inventarium} (inventory). The inventory had to be drawn by a notary, or in his presence, by all the parties or by three

witnesses representing the parties and signed by all of the above. The inheritance could be thus refused according to the *jus deliberandi*, which was the right of the heir to accept or refuse the inheritance (*repudiatio*).

In Roman Law a lack of spoken intentions on behalf of the heir could lead to two possible scenarios: 1) if there were other heirs in the succession line, the silence of the heir was interpreted as his intention to refuse the inheritance; 2) in the event the deceased had creditors, the heir’s silence was interpreted as his tacit acceptance of the inheritance. In Kuhen's words

The advantage of the law for the heir who declined an inheritance was obvious: he escaped the debts and obligations against the estate, at the cost of losing its assets.

So, on June 9 Filippella and Lillo, appeared before a notary and "renounced to, and refused the inheritance" (*renunciaverunt et repudiaverunt ereditatem*) left by their father Elia: the *Beneficium Inventarii* effectively shielded Lillo and Filippella from creditors’ claims that might have otherwise impacted their own private assets.

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These debts should not have affected their mother's property which, both in Roman and Lombard law, remained fundamentally separate from that of the husband. Husbands could manage their wives' estates (the dowry, meffio and quarta) but could not dispose of it without their consent. At their husbands’ deaths, widows should have been able to recuperate their lawful property. Somehow though, Mita's property, or parts of it, had fallen into the hands of one of her husband’s creditors, leaving her with no choice but to attempt to recuperate it through a lawsuit. The same day her children refused the inheritance, she appointed her son Lillo as her procurator (agent), entrusting him with the responsibility to recuperate her dowry.401

According to the Lombard custom, though, she could have not appeared before a judge to seal Lillo's appointment without acting under the supervision of a mundialdo. Her father had died, and Lillo could not have approved his own appointment to the role of procurator without causing an obvious conflict of interest. The city thus proceeded to the appointment of a temporary mundialdo, Giovanni di Nicola de Dottula, known as Bruno. Two days later, on June 11, Lillo initiated a civil case for the recuperation of some of his father's estate to match the value of her mother's dowry secundum iura Longobarda ac usum et consuetudinem dicte civitatis Bari. Although the document does not reproduce the marriage contract, we know that this included provisions for the payment of what in Bari were called the morgencap and the meffio. The morgencap (morning gift) derived from the Germanic custom of repaying the wife for the loss of her virginity.402 The morgencap did not need to be paid on the day of the wedding; it could have been simply promised at the moment of the engagement but it had to be paid in

401 Corrina Drago Tedeschini, Le Pergamene del Duomo di Bari, 173-177.
402 Roth 199; the metfyo is called also meta in 178, 179, 182, 188, 190, 191, 192.
money or property of equal value in the event the woman was repudiated or widowed. The *meffio* was the "price of the purchase" of the woman paid by the husband. King Liutprand tried to put a cap to the amount but it was only King Rothar who established that "dona vadiam quod facies ei mulieri quartam portionem de quanto nunc habes et in antea adquirere potueris, tam de re mobili, quamque immobili, seu de familia." Being the *meffio* the fourth part (*quarta portio*) of all the husband’s assets at his death, it was also known as *quarta* in "Latin" lands where Lombard law had considerable influence on local customs.

On June 11, having found Lillo's request valid, the judge Antonio di Giovanni di Ancona assisted him in the recuperation of Mita's substantial estate. This included a dowry estimated to forty *uncias* in silver *carlini*, sixty *uncias quamlibet computatis*, also the furnishing of a house in Bari, four *staia* of olive oil from Bonus Homo's home, part of a house near the bishop's residence, two olive groves, a yearly payment of three *tari* owed by the de Muffuletto brothers, and land situated near the saltern of the city.

Lillo's intervention must have been crucial to the economic independence of his mother, Mita, who considered him to be in *omnibus hobedientem*, and decided to "remunerate and be grateful for the mentioned services and benefits [she had] received" *(remunerare et gratam esse"

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403 Francesco Schupfer, *Il diritto privato dei popoli germanici con speciale riguardo all'Italia*, 318. For a practical example: In 1446 Tontus the day after having married Teobalda appears before the judge of Barletta giving 30 silver carlini to the wife to be paid "in casibus dissolucionis matrimoni iuxta usum et consuetudinem civium Baroli more longobardorum viventium". CDP, n. 131, 127.

404 Rothar 182. 196 in Schupfer, 320.

405 Plural of staio (bushel). It was a measure common throughout the Mediterranean basin. The average staia in the Kingdom could be estimated to be 10.58 litres in which case Mita could have owned 42.32 litres of oil - possibly more than a year's supply. See Florence Edler, *Glossary of Medieval Terms of Business*, (Cambridge: The Medieval Academy of America, 1934), 279; Eleni Sakellariou, *Southern Italy*, 493; Carlo Afan de Rivera, *Tavole di riduzione de' pesi e delle misure della Sicilia Citeriore in quelli statuti della legge de' 6 aprile del 1840*, (Napoli, 1840).
de dictis servitiis et benifitiis receptis). Thus, in April 1426 she donated to him three hundred olive trees, most likely those sequestered by the judge Antonio di Giovanni the previous year.406 The contract seems to be drafted according to Roman law but it is also veined by Lombard law; for example, Mita acts under the supervision of her cousin and mundualdo, Francesco del Giudice Gualtiero.

The contract insists on the spontaneity of Mita's donation, her clarity of mind, and the decision process that led to the drawing of the contract.407 Surely the sanity of the legator was required by Roman law in order for the contract to be valid but from the document emerges maternal love and gratitude, the motivations for the bequest, and freedom of choice - in other words Mita's agency.408 Under these premises we are under the impression that the mundio is little more than a formality. And yet, even if no objection was raised against the will of Mita, the mundio still placed the woman's juridical action under the scrutiny of a man, thus limiting her liberty. Mita's bequest was stipulated with the clause that if the children died without heirs, the inheritance would be given to her father Vitale - a disposition that mirrors the custom of Lombard women to maintain wealth within their family. In fact, Mita had acted in an identical fashion in 1426 when she donated inter vivos her estate to her children.409 Thanks to Roman Law, Mita successfully granted some sort of support to her children despite the catastrophic inheritance left by her husband, but the exercise of her "Roman rights" took place after her

406 Corrina Tedeschini, Codice Diplomatico Pugliese, Le pergamene del Duomo di Bari, n.53, 183-188.
407 Considerans et revolvens in menta sua dicta Mita, ut dixit, eundem Lillum filium suum semper fuisse et esse sibi un omnibus hobendientem, Ibid., 184.
408 Mackeldey, 127-128 where he analyzes the nature and conditions of juridical acts in Roman law; see also Alessandro Corbino, Anotnio Metro eds, Cesare Sanfilippo, Istituzioni di diritto Romano, 10th edition (Rubettino, 2002), I soggetti del diritto privato", 49-65.
409 Corrina Drago Tedeschini, 183-189.
subordination to Lombard law. This is an indication that Mita belonged to the Lombard juridical community of Bari.

Jews, too, utilized Christian notaries in Apulia and when they did so, women acted according to the subordination to male relatives of Lombard tradition. Jews were not obliged to utilize Christian courts, and when they did so, they were not forced to present themselves as "Lombards". Jewish communities had been granted by the Aragonese kings of Naples the right to maintain a great degree of autonomy in the government and administration of justice. The general charters of 1465 and 1498 recognized the validity of all Jewish libri et scripture (documents written in Hebrew), they recognized the authority of Jewish dottori (law experts), and assured the cooperation of the state’s secular hand in the enforcement of Jewish law. Thus, on a theoretical level, Jewish women were not obliged to utilize Christian courts at all. And yet, as argued in the introduction of this study, the phenomenon was widespread in Italy and in the rest of the Mediterranean basin. If it is true that women were in fact not obliged to act according to local customs in Christian courts of Apulia, then why did Jewish women not avoid the restrictive control of the mundualdo? Is it possible that they acted like their Christian neighbors because they shared the same juridical filter? That Jews and Christians were part of one juridical community?

Jewish women who certainly conducted a life shaped by Jewish norms and customs brought their legal culture into Christian courts as well. This happened when marriage contracts were recorded, when dowries were claimed, and sometimes when the promise of a halitzah was notarized by a Christian official. Being that the preference between Lombard and Roman law (or hybrid forms of the two) was not imposed upon women but rather derived by the cultural milieu,

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410 Section II analyzes charters in greater details.
this means that Jewish women's self-styling was informed by their identification with a juridical community. Recourse to the mundualdo and choices in the transmission of wealth might demonstrate that Jewish and Christian families of Apulia were members of the same juridical community.

A set of ten documents coming from the State Archive of Bari, spanning the years from 1446 to 1469, related to the Jewish woman Allegretta, highlight the appropriation of local Lombard customs by part of the Jewish community of Terra di Bari. The story of Allegretta begins in Bitonto with a dispute between her father and her future father-in-law, two patriarchs who belonged to rich and respectable families who would generate future key political actors in the history of Judaism in Apulia. Santoro de Iosep, Allegretta’s father, and Iosep Russello, the father of Allegretta’s future husband Strucco, had strong disagreements on the wedding arrangements whose date they kept on moving. The two men elected Jews from the neighboring community of Trani to act as arbiters but resorted to the Christian courts to record the agreements. In the meantime, Iosep emancipated his son Strucco in the gentile court, allowing him to start his own family with Allegretta. The emancipation was recorded by a Christian notary before Christian witnesses, including the captain of the city, and was performed.

411 Allegretta’s son will be elected to the position of sindaco of the iudeca of Bitonto in 1462 and sent to Naples to with other Apulian Jewish sindaci ad contractandum cum dicta regia maiestate et suo sacro consilio. ASB, not. Angelo Benedetto de Bitritto, prot. 78 II, 1469, 163v-164r.
412 ASB, Atti notarili, not. Pascarello de Tauris, prot. n. 2, a. 1447, c.27v-28r.
by Iosep donating to his son anulum unum de auro aniyllatum cum duobus leonibus de auro.\footnote{414}{A golden ring decorated with two golden lions. ASB, Atti notarili, not. Pascarello de Tauris, prot. n. 2, a. 1447, c.41v.}

In 1462, fifteen years after the wedding, Strucco Russello died, leaving Allegretta with four children: Iosep, Bonedonne, Alfachime and Amorosella (named after her maternal grandmother). Strucco's estate was inherited by his children, not the wife, in line with both Jewish and local Lombard customs, and it was placed under the administration of the children's maternal grandfather, Santoro, according to the deceased's will.\footnote{415}{ASB, Angelo de Bitritto, prot. 64, 1463-1487, f1v. in Colafemmina, La presenza ebraica in Puglia, 37-38.} Santoro's patriarchal control extended beyond the management of the grandchildren's inheritance - he had also taken control of Allegretta's dowry. The restitution of the dowry to the endower was not an uncommon practice, but Santoro had acted against the testament left by his son-in-law, which called for the restitution of a dowry of thirty five uncias to his wife Allegretta.\footnote{416}{Ibid.} With the help of her brother, Struco Marcilio, acting as her mundualdo, Allegretta appealed to the local court, obtaining the restitution of her dowry in the form of fifteen uncias in carlini, textiles for the value of fifteen uncias, and the remaining five uncias in triscimugho [sic] according to the custom of Jews (more iudeorum).\footnote{417}{It is unclear what the triscimugho is.} In addition she received eight uncias and twenty five tareni in parafrenali (paraphernalia) as established in the “instrumento ebraico dicto chetuba.”

Acting as a Lombard Jew, Allegretta won the restitution of her rightful possessions through the institution of the mondo exercised by her brother. Seven years later, on January 3, 1469, Allegretta summoned the judiciary of Bitonto one more time. The baiulo of the city, the notary Angelo de Bitritto, and other Christian witnesses went to her house neighboring that of Roggero

\footnote{414}{A golden ring decorated with two golden lions. ASB, Atti notarili, not. Pascarello de Tauris, prot. n. 2, a. 1447, c.41v.}  
\footnote{415}{ASB, Angelo de Bitritto, prot. 64, 1463-1487, f1v. in Colafemmina, La presenza ebraica in Puglia, 37-38.}  
\footnote{416}{Ibid.}  
\footnote{417}{It is unclear what the triscimugho is.}
de Affatatis, and that of sir Nitto, son of the judge Leone. They learned that Alegretta's “pater legimato ac tutor testamentario” had died and while maintaining her status of widow, she took up her father's role and “administered and governed” the estate of her minor children (pupillari filiarum). Asserting that she was not able to exercise this custody, taking care at the same time both of the family and of other business (non potest tutelam ipsam commodo exercere, curis familiaribus et eliis negociis occupanda), she requested that her adult son Iosep and her brother Strucco become the guardians of her daughters and administrators of the estate. Iosep and Strucco promised they would act only in the interests of the children, and the judge accepted the transfer of guardianship from Allegretta to the two closest agnati. Allegretta, once again with the consent of her mundualdo Strucco, then bequeathed her entire estate, including the inheritance that she would have eventually received after the death of her mother Amorosa, to her children.418

This contract made Iosep and Strucco also creditors of sums owed by Christian men of Bitonto for the purchase of olio musto (the result of the first press of olives). Iosep and Strucco accepted these responsibilities and promised to allot a sum of twenty five uncias to Allegretta in the event she married again.419 Two weeks after signing this contract, Iosep and Russello went back to the judge, stating that they were “too busy with their own business and [could] not exercise beneficially their custody over the girls.”420 Furthermore, it became clear that Allegretta had no intention of getting married again,421 and thus she agreed to regain control of her estate and daughters without suing Iosep and Russello for the sum of one-hundred golden once, which

418 ASB, not Angelo Benedetto de Bitritto, prot. n. 78 I, 1469, f. 108r-v.
419 ASB, Angelo de Bitritto, 78 I, 1469, ff 108v-109r.
420 Ibidem, […] sunt aliis eorum negociis occupati et non possunt utiliter pro dictis pupillis tutelam dittam exercere.
421 […] deliberavit viduale lettum servare […].
the men had agreed to pay in the event they gave up their role of guardians. In this last case no mention of a *mundualdo*, or a male tutor is made. So why did the local judges allow such judicial liberty?

Generally speaking, the legal persona of women during the middle ages had been seriously weakened by an increasingly male-dominated society which imposed limitations on their exercise of political and civil rights. Such limitations were obvious in the exclusion of women from public offices and in statutes that prohibited wives from inheriting their husbands' estates. Still, from the end of the fourteenth century and especially during the Quattrocento, jurists had been re-affirming the civil and legal rights of women. For example, Bartolo da Sassoferrato defended a woman's right to be an *arbitrator* and a *procuratrix* (agent) and even act on behalf of male relatives. In Florence jurists recognized women as "full-fledged legal persons endowed with the capacity of acting to defend and preserve what rightfully belonged to them." As Kirshner warns, this does not mean that jurists were seriously concerned with gender discrimination; rather, this preoccupation derived from the necessity of assuring "orderly transmission" of wealth. It might have been that the judges of Bitonto acted in a similar spirit, allowing widows to regain control of their assets when their closest male relatives (fathers,

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422 A clause contained in the previous agreement.
425 Bartolo da Sassoferrato, D. 1.5.9, f22v; D 1.3., f.15r, Opera omnia, Vol 1 in Judith Brown, *Gender and Society*, 92, footnote 20.
426 Julius Kirshner, *Marriage, Dowry and Citizenship in Late Medieval and Renaissance Italy*, (Toronto: University of Toronto Press, 2015), 160.
427 Ibid.
brothers, uncles, and sons) turned their back on them and their minor children.

The story of Allegretta, from her marriage arrangements to the adulthood of her children, confirms that Jews, too, acted in conformity to the peculiar legal mishmash of Terra di Bari. In fact, apart from rare instances where husbands detained the *mundio*, or where *mundualdi* and guardians do not appear at all, the traditions of Terra di Bari seem to have clear patterns to which Allegretta's family also adhered. The legal actions of women were under the control of a *mundualdo*, rather than the husbands' (or their family's). The *mundio* was not maintained by the husband as it happened in Lombard communities of other Southern regions, like in Campania, but remained among the women's agnates.\(^{428}\) This was a greater assurance that the dowry, the *morgencap*, the *meffio* (or *quarta*) returned to the woman's family. As Mainoni says, in Apulia these practices meant that the wife was introduced “into the community of the co-heirs of the husband, but [...] the husband does not enter among the co-heirs of the wife.”\(^{429}\)

Despite the formal control of their families, women of Terra di Bari had judicial agency: they appealed to the court of the Sommaria in Naples; they made testaments and bequests *inter vivos* and thus they disposed of their wealth with relative freedom; they might have even appointed new *mundualdi* when their legitimate ones disagreed with their decisions.\(^{430}\) The *mundualdo*, rather than being the woman's tutor “appears [as] the custodian of the rights not only on the dowry given by the father but also on the patrimony acquired by the woman with marriage and on other goods [she might have possessed].”\(^{431}\) The case of Allegretta - in particular the fact that she switched between Jewish law, under which she got married and obtained a ketubah, to

\(^{428}\) Patricia Skinner, *Women, wills and wealth in medieval southern Italy*, 136-137.


\(^{430}\) Ibidem, 234-237.

\(^{431}\) Ibidem, 237.
Lombard and Roman law when she appointed a *mundualdo* and managed her children's inheritance - shows how deeply connected were the Christian and Jewish communities of Terra di Bari. For example, the municipal judges, in order to record Allegretta's testimony, entered her home, which bordered those of notable Christian men of her city. She lived and acted immersed in a Christian environment and she demonstrated with her judicial choices how the local legal practices had been assimilated by herself, her family, and very likely by the rest of the local Jewish community. To be sure, as I have stated in the introduction of this study, this is not peculiar to the city of Bitonto. Jews were absorbing and internalizing norms, habits, languages of the native communities. For example, in 1510 in the city of Cosenza in Calabria, Berardino acting as an agent (*procurator*) for his daughter Bella, accepted the sum of seven *once* from his son-in-law Angelo as *dos de paragio*:

Bella tenuit se integre satisfactam et indotata de paragio et cum assensu eius viri
renunciavit materne paterne fraterne et omni alio iuri legitime et cum iuramento
promisit dictum Beradinum amplius non molestare.\(^{432}\)

The *dos de paragio* was instituted by Emperor Frederick of Swabia in 1231 through the law *In Aliquibus*, which gave women the right to inherit. Before then the Merovingian Salic Law, which lay the basis for the exclusion of women from the inheritance of goods, thrones, and fiefs, had been in use in Sicily and the (future) Kingdom of Naples. It was not until the constitution of Melfi of 1231 that women would be allowed to inherit "pro modo facultatum suarum et filiorum

superstium numero secundum paragium". This provision tried to solve a series of problems: first it solved the problem of daughters who had not been provided with a dowry at the death of their fathers. Not inheriting and not having a dowry meant that their chances to find a husband were extremely slim. It also meant that the dowry allotted by the father could be modified and augmented to meet the level of richness of their future husbands (hence the name paragio, i.e. to make equal). Paragio, though, was not simply a matter of evaluating and compensating material assets. According to the fifteenth-century jurist Matteo d'Afflitto, there were six variables that had to be accounted in determining the paragio: 1) the riches of the dotante (most commonly the father of the bride); 2) the dignity of the family; 3) the quality of the woman; 4) the quality of the man; 5) the number of siblings; 6) the local laws. Most of the time, paragio was brought to the bargaining table by the groom (or his relatives), who saw marriage as a way of elevating the status of the bride and her family. The "appropriation" of this custom by Jews speaks volumes about the familiarity with the life of the higher strata of the urban population, about their acculturation, and about their proximity to the values illustrated by d'Afflitto.

Encounters between the members of the Jewish and Christian communities occurred in the streets and in the piazzas where both communities lived, shopped, and voted; but courthouses were also loci where these encounters took place. Judges and notaries were obviously Christians; witnesses called for the validation of Jewish depositions and contracts were Christian as well. Each and every time a contract needed to be notarized, literate Christian men (presumably

citizens or inhabitants of the city) were called to preside. Why would a Jewish family like that of Allegretta rely so much on the Christian judiciary? Of course, it may be argued that the validation of a private contract by Christian judges would have assured the intervention of the municipal or state authorities in the eventuality that Jewish authorities would not honor the Hebrew contract. Although this hypothesis cannot be ruled out, no extant cases can prove that this was the main concern of the Jews who utilized local courts in Terra di Bari. Merely focusing on the utilitarian motivation of court bridging and providing a functionalist explanation for this occurrence distracts from the cultural implications of such legal exchanges. I argue that this happened because Jews had internalized a worldview shaped by the same legal norms that governed the municipal life of their Christian neighbors. Some Jews chose to utilize the Lombard *mundualdo* just like others chose to bring litigations to Jewish arbiters. The core of the argument lies with the freedom to choose between legal systems. In fact, Jews could have recorded Jewish legal documents with Christian notaries without necessarily adopting local Lombard customs.

A privilege granted to the Jews in 1465 validated any Jewish "scripture", including dowry contracts, as if it were written in Latin.\(^ {435} \) In fact, the gentile courts of Apulia had no trouble in notarizing marriage contracts drawn according to Jewish law, and even transliterating terms from Hebrew without necessarily providing a Latin or vernacular rendering. For example, on December 9 of 1468 Davit, son of Iacob Theotonico, and his wife Graciosa from the city of Lecce appeared before the notary Angelo of Bitritto to "confess" that he received five *uncias* in

\(^ {435} \) Point 33 of the 1465 charter reads: *Che V.M conceda ai detti Giudei che ogni contracto et causa doale et scriptura alta qualsivoglia che sia ebraica fatta et che in futuro se farà de loro in iudicio et in omni loco abbia effetto ed exequitione et sia observata come se fosse Instrumento pubblico fatto et roborato per mano di notaro pubblico.*
silver carlini from Graciosa's father Gentile in the customs (consuetudine et pacta) of the Jews of Trani in anticipation to the full payment of the dowry (in consignacione dotium). This consisted in fifteen uncias in silver carlini as reported in the original instrumento ebraico [i.e. the ketubbah] which began with the words basi basebat [sic] and ended with sarir vechim [sic].

Similarly in 1466, following Momecto's request, Leo appeared before a judge, a notary, and five witnesses, all Christians, in the city of Bitonto to declare he had received a dowry of 28 uncias in silver carlini from Momecto, having wedded his sister Fina. The terms of the agreement were recorded "iuxta tenorem cuisdam intrumenti ebrayci quod incipit berrenihy bassabat et finit sacir vechym." The transliterations are renderings of the Aramaic בשבת בשבת (in the sixth day from Shabat, i.e. Friday) which opened Graciosa's ketubah;brisעביום (in the fourth day from Shabat, i.e. Wednesday) which opened Fina's pre-marriage agreement; and [לכה שריר וקיים] (everything is in order and irrevocable), which usually closed the ketubah sanctioning its validity.

The notary Pascarello de Tauris, who recorded Fina's pre-marriage agreement,

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436 [...] Coram iudice Iohanne Angeli de Reginis etc., me notaro Angelo etc., et testibus inscriptis de Botonto [...], Davit sponsus confessus fuit se recepisse et habuisse a dicto Gentile patre et dotante ipsius Graciose sponse, contemplacione et causa dicti matrimonii, dante et assignante sibi pro dicta Graciose sua filia in dotem et dotis nomine una cum dicta Graciose sponsa, in carlenis argentii uncias quindecim seque adidisse dotibus predictis de suo proprio, eadem contemplacione dicti matrimonii, pro iuribus et lucrimaritalibus dicte Graciose sponse sue uxoris, uncias quinque in eisdem carlenis argentii, secundum consuetudinem et pacta iudeorum iudece civitatis Trani, quae ad presens servatur inter iudeos iudece predicte in consignacione dotium, prout continetur in quodam instrumentum ebraico testium in modo oportuno, incipiente etc. basi basebat et concluente sarir vechim [...]. ASB, not. Angelo Benedetto di Bitritto, 1469, 88v., published in Colafemmina, La presenza ebraica in Puglia, 45-46, and Mariapina Mascolo ed., Ebrei a Trani - fonti documentarie, 177 - 178.

437 ASB, Pascarello de Tauris, prot 17, 1466, f 4v. in Colafemmina, la presenza ebraica, 42-43.

438 Some Italian ketubots are made available on-line by Yale University’s Beinecke Rare Book and Manuscript Library at the url: http://brbldl.library.yale.edu/vufind/Search/Results?join=AND&bool0%5B%5D=AND&lookfor 0%5B%5D=Ketubah&type0%5B%5D=AllFields&lookfor0%5B%5D=Italy&type0%5B%5D=As
transcribed two non-existing words: berrenihy, and sacir. Berrenihy in the original ketubah indicated the day in which the agreement was made, so it had to be a cardinal number. In fact, in the Jewish calendar the days of the weeks do not have names but are simply numbered. The prefix Be in the word berrenihy is certainly the transliteration of the preposition ב which means in, while the remaining word renihy does not correspond to any number, thus to any day of the week. The only day of the week containing an "r" sound would be רביעי (Wednesday/fourth).

Pascarello also wrote sacir in place of sarir. We could imagine Pascarello making spelling mistakes and writing an n in place of a b/v, and a c in place of an r. Spelling variants and spelling mistakes are not uncommon in notarial records, but two such mistakes in a single line would be too sloppy even for a public notary. More plausibly Pascarello did not comprehend the words spoken by Momecto and could not give proper written form to the unfamiliar sounds.

As soon as the instrumentum dotale was sealed, the brothers Abramuccio, Ruben, and Vitale agreed to give their sister-in-law Fina, the chalyza (sic.) in the event of her husband's death. The promise was made "by touching a pen [swearing] on the Law of Moses according to the custom of the Jews" (tacto calamo super legem Moysi more iudeorum) in the presence of the Christian witnesses Nicolao de Affatatis, Francisco Angeli de Mellionico, Francisco Angeli Nicolai Lombardi, diacono Nicolao, diacono Donato Roberti de Sciptino, and of that of

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The Jewish National Library has digitized an impressive number of ketubots as well and all are available on-line at their website: http://web.nli.org.il/sites/NLI/English/collections/jewishcollection/ketubbot/Pages/collections.aspx; the British Library also holds some examples of Italian ketubot and they are visible on their website: http://www.bl.uk/onlinegallery/sacredtexts/ketubahitaly.html; For southern Italian ketubots see the article by Dario Burgaretta, "La ketubbah di Caltabelloetta", Giancarlo Lacerenza ed., Hebraica Heredits - studi in onore di Cesare Colafemmina, (Napoli: Università degli Studi di Napoli, 2005), 1-26; Id. "Due contratti matrimoniali, un atto di fidanzamento e un atto di ripudio ebraici nel Regno di Napoli (Trani, Bari, Napoli)", Sefer Yuhasin, XXIII, 2007, 3-34.
Momecto who was acting on behalf of his sister Fina. The chalyza was recorded by a Christian court despite the fact that local law courts had no jurisdiction in religious matters. The ignorance of Jewish law by part of the Christian court of Bitonto was not an impediment for Jews to obtain an official Latin notarization from the local judge.

There are instances, though, in which documents are written entirely in Latin terms, avoiding any mention of Halakhic ones. For example, in 1469 the Jew Masello appeared before the judge of Bitonto to promise he would give the "libellum repudium" to his wife Desiata in the event he was close to death, if he went abroad and never returned, or if he was away for more than a year. The utilization of the equivalent of the Jewish get confirms the hybridity of the legal culture of Apulian Jews. They were well aware of the possibility of "divorcing" according to Roman Law, they knew the language, and thus they entered the court of Bitonto choosing Latin "legalese" over Halakhic terms. This of course does not demonstrate the cultural appropriation of Christian customs. In fact, while divorce in the fifteenth century had reached "epidemic proportions" within Italian Jewish communities, marriage was (almost) indissoluble for the Church. It rather demonstrates the familiarity of Jews with Roman law, which must have come from a deep understanding of their Christian neighbors' legal culture. This was reflected also by some Italian rabbinic responsa "that were actually based in the Latin

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439 ASB, not. Pascarello de Tauris, prot 17, 1466, f 4v.
440 ASB, Angelo Benedetto de Bitritto, prot. n.78, 1469, f. 31r, in Colafemmina, La presenza ebraica, 44-45.
441 The words are of Jeffrey Woolf, "Damsels in Distress: Jewish Women in the Responsa of Rabbi Joseph Colon", Tov Elem - Memory, Community and Gender in Medieval and Early Modern Jewish Societies, (Jerusalem: Bialik Institute, 2011), 103-117, 111; See also Weinstein Roni, Weingarten Ettel, "Rituel du mariage et culture des jeunes dans la société judéo-italienne. XVIe-XVIIe siècles", Annales. Histoire, Sciences Sociales. 53e année, N. 3, 1998. pp. 455-479. The get is also discussed in this study in the section on communal identity.
When it came to ruling on adultery and the punishment to be inflicted, Italian rabbis in the Papal and in the Venetian territories, Adelman shows, adopted "the vantage point of their Catholic neighbors:" even though the Talmud makes no specific reference to sexual acts without penetration, they treated "imperfect intercourse" between a married women and her lover as undermining marriage and thus constituting the basis for separation - just as canon law understood these acts sufficient to consider perpetual separation of the couple (not divorce). Even in the event the couple did not separate, Italian rabbis tended to suggest harsh punishments for the woman that varied from whipping to the cutting of the nose, in line with Catholic texts. Shared behavioral patterns have also been shown to exist in the way Jewish and Christian women made testaments in other parts of Italy. In Venice for example, women who had been freed from traditional patterns of succession, left testament with public notaries choosing their heirs among family, or friends, bequeathing other women - in short

443 Ibid., for this specific case Adelman here refers to Solomon Aviad Sar-Shalom Basilea of Mantua who lived an operated in a later period (1680-1749) than that under consideration in this study. Nonetheless, combined to other examples, from the fifteenth century, rather than weakening my argument, these responsa demonstrate continuity in the acculturation of the Italian Jewish community.
making choices based on "affection rather than law." Alessandra Veronese suggests that in the rest of central and northern Italy, too, Italian Jewish communities, unlike the Ashkenazi families of recent immigration, testaments were made following the same patterns found in Christian communities in which daughters were almost completely excluded from the father's inheritance. On the contrary, Ashkenazi men tended to nominate wives and daughters as heirs. In the German Jewish community of Treviso for example, more fathers bequeathed to their daughters than mothers did. Veronese does not investigate the origin of the Ashkenazi tradition but it should not be excluded that, like their Italian coreligionists, Ashkenazim had absorbed inheritance and transmission strategies found in German lands. Judith Hurwich, although focusing on a later period, does hint at the fact that during the middle ages, before


families began consolidating wealth in the male line, property tended to be divided equally among children of both genders. It is only at the end of the fifteenth century that males become the preferred universal heirs while daughters are only assigned dowries.  

Although the documentation is scarce, the case of Allegretta, Jewess of Bitonto, previously presented in this chapter, suggests that testaments and bequests followed similar patterns in both religious communities in Apulia. Once widowed, Allegretta did not receive a share of her husband's estate, which was assigned to their children instead. In line with Pappalardo's findings for the Christian community, Strucco Russello's inheritance was equally divided among the four minor daughters Bonedonne, Alfacchima, Amorosella, and Russellina and Strucco's only son Iosep. This stands in contrast to what is considered to be the classic pattern of wealth transmission among Italian Jewish communities where "mariti si limitavano, nella maggior parte dei casi a trasmettere alle figlie la loro quota dotale considerata come l'unica parte d'eredità a cui avevano accesso." Breaking with consuetudinal norms regulating inheritance, Jews and Christians of Bitonto of the popular classes seem to have adopted the same strategies of wealth transmission.

Linguistic considerations also suggest the cultural proximity of Jews and Christians in Terra di Bari. In 1540, just one year before the final expulsion of the Jews from the Kingdom of Naples, Rebecca, a Jewess living according to *jure romano* in the city of Bari, donated *inter  

449 ASB, not Angelo Benedetto de Bitritto, prot. n. 78 I, a. 1469, c. 107v  
vivos her entire dowry (dote), the quarto, the meffio, the propter nuptis, and one hundred ducats to her children, in the same terms used by the Christian Mita in the 1460s.\textsuperscript{451} Since, as I have demonstrated, Hebrew legal terms brought to court by Jewish users were transliterated and recorded by the Christian notaries - like the term chalytza, and the opening and closing lines of ketubot - it is unlikely that the Lombard words used in Rebecca's contract were simply a rendering of Hebrew equivalents. There is a trace in the Torah of the bride-price having been part of the Jewish marriage ritual.\textsuperscript{452} Also, during the middle ages (and after) it was customary for Jewish husbands to give the wife the tosefet (a counter-dowry), which, according to Miriam Davide, was "traditionally calculated at one-third of the dowry."\textsuperscript{453} In reality, as Gasperoni as shown, the amount of the tosefet varied and was determined by municipal statutes: in Rome the tosefet was 25\% of the dowry, “20\% in Ancona, 17\% in Senigallia, 12\% in Pesaro and Urbino and 10\% in Lugo.”\textsuperscript{454} Gasperoni’s findings confirm that Jews absorbed municipal practices, and shared a local culture with Christian burghers. Jews of Terra di Bari had adjusted the economic terms of their marriage agreements according to the Lombard meffio, which was one-fourth of the husband’s estate. Moreover, since transliteration of Hebrew words was an attested practice - I provided examples of the opening and closing words of ketubot, and of the terms halitzah and get being used by Christian notaries - then it is very likely that when the Lombard or Latin terms were preferred over Hebrew ones, it was because Apulian Jews chose to utilize them, not because notaries translated them: Rebecca thought of her assets in Lombard terms.

\textsuperscript{451} ASB, Atti notarili, prot. n. 199, f. 656r-v., in Colafemmina, \textit{La presenza ebraica}, 130.
\textsuperscript{452} Deuteronomy 22:28-29 and Exodus 22:16-17.
\textsuperscript{453} Miriam Davide, cit., 6.
The conclusion to be drawn is not, as Adelman and others have suggested, that "Italian Jews developed local customs, especially when they served their needs better than Jewish law."455 This is a very functionalist and utilitarian explanation. Since these customs are in fact local and change according to the local culture of the city/region Jews lived in, these are not simply "Jewish customs" - the components of these customs which are shared by Jews and Christians (for example drawing wills in the presence of an agnate acting as a mundualdo rather than a husband) are the manifestation of a juridical community.

Conclusions

As in the case of Mita, Allegretta, a Jewish woman, acted in a court of Terra di Bari under the supervision of a mundualdo. While Apulian Christians in the fifteenth century could present themselves either as "Romans" or "Lombards" but were confined to the use of the same judicial system, Jews had the privilege of "forum shopping." Jewish families could have used rabbinical courts or turned to Christian courts, and when they did so, like their gentile neighbors, they had the choice to be judged according to different parameters. We have seen that Mita's dowry had fallen prey to one of her husband's creditors - in order to solve the matter, she chose to turn to the local judiciary subjecting herself to the customs of Terra di Bari. She thus nominated her own son as a procurator and subjected herself to the control of a mundualdo. But Mita could have turned to the royal court instead as many other wealthy women had done. This would have allowed her to act with greater freedom. Perhaps her choice was determined by the trust she had in the local judiciary and her son. Perhaps Mita did not feel the need to escape male control. Perhaps Mita could not afford a lawsuit in the capital or did not want to travel to Naples. Or maybe Mita was convinced that following the Lombard customs would have given her better

455 Adelman, Law and Love, 300.
chances to recuperate her belongings rather than fighting alone in the Sommaria. As I have demonstrated, women of Apulia even made testaments without a *mundualdo*, acting in a "Roman" fashion. So, the fact that Jewish women like Allegretta also subjected their legal action to a *mundualdo* should not be taken for granted. Jewish families who chose the local gentile courts over rabbinical ones could have used Roman rather than Lombard norms. The point is that this is a matter of choice - Jews recognized the *mundio* as a valid way to protect/control the women of their community because local customs had shaped their legal culture. Jews did not have to write wills and marriage contracts according to Roman Law - they chose to do so because the laws of the land had shaped their *forma mentis*. Because in fact, Jews and Christians of Terra di Bari were members of the same juridical community.

This study has also confirmed the usefulness of digging deeper into court documents in order to draw a more defined picture of the life and status of Renaissance women. If older historiography identified the Middle Ages as the end of a “golden age” for women, recent studies have been challenging the idea of women’s powerlessness. Loci as convents, for example, rather than being emblems of constraint, silence and marginalization are emerging as places that allowed new forms of self-expression. The image of courts of law too is gradually changing


from a place restricting women, to one where female agency was exercised to its full potentials. Despite the fact that even juridical tractates reiterated misogynist assumptions of female vulnerability, “imbecillity”, and incapacity, women were, in fact, active court users in Naples as they were in Spain. This study echoes Marie Keheller’s argument that by utilizing courts of law “women participated in shaping the legal culture that in many ways influenced their lives.”

Laws, written or not, create a *forma mentis*, a juridical culture proper of the community that adopts it. The legal culture of the Jews of Terra di Bari intersected with that of their Christian neighbors in the use they made of the judicial system. The daily encounters in the courts, at the notary’s, in the streets, and in the privacy of homes shaped a common legal culture - a lens through which we can re-think municipal identity.

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6. Conclusions

This study has suggested that flat, bidimensional divisions of ethnic minorities ignore the other affiliations these groups may have had with broader communities. Groups superficially distinct and parallel to each other, like religious communities, can overlap when the plane is rotated and the viewers assume a new perspective. Jewish and Christian women of Terra di Bari for example could be imagined as being part of a same gendered juridical community. Identities were (indeed, are) fluid, and were shaped by gendered legislation, customs and traditions, language, appropriation and interiorization of space, and confrontation with “external” political forces.

Much of the scholarly debate about Jewish municipal belonging at the time of the Renaissance has centered on the question of citizenship. The legal status of the Jews and their rights has been measured against “full citizenship.” This approach, Todeschini noted, is methodologically erroneous because citizenship was not universally conceived by medieval and early modern legislators, jurists, governors, and subjects, and, more importantly, a very restricted group of people held “full” political, and civic rights. Jews were excluded from municipal government and subject to restrictive legislation, as were many other categories of urban dwellers. Throughout Italy women, the poor, but also also “unworthy” laborers could not be elected to the city council. Padua, Bologna, Firenze are well documented cases of municipal governments that blocked the path to full citizenship to a vast array of Christian dwellers. This does not mean that prostitutes, actors, beggars, farmers, fishermen, unguilded laborers like the Ciompi in Firenze, and Jews were excluded from the citizenry and from municipal life.

Belonging thus can and must be assessed from vantage points other than de jure citizenship. For one thing, Jews were included among the beneficiaries of the royal charters of municipal bodies. They were often explicitly listed among the groups receiving privileges by the
drafters of the charters. In other words, municipal governments, not kings, wanted “their” Jews to be treated as citizens. It is telling that Jews are the only minority to whom cities extended municipal rights as a group. Foreign merchants, Albanians, Sclavoni, and Greeks were not protected by the universitas. Trani made a timid attempt at extending citizenship to the merchants and ship builders from Ragusa, but this only confirms that this Balkan enclave did not hold a privileged status. Ragusan ambassadors bargained with the Aragonese king obtaining royal charters applicable to the whole of the Ragusan community in Italy, as did the Jewish supra-territorial council.

The nature and aim of the charters of the two groups, though, differ in significant ways. The Ragusan ambassadors spoke in the interests of merchant colonies whose nature was only temporary. Their main objective was to consolidate their commercial presence in the Kingdom by gaining an advantage over other merchants operating in the same markets, namely the Venetians. Their homeland was only 125 miles away from Bari, on the other side of the narrow Adriatic Sea. Jews in Southern Italy were there to stay. They build synagogues and homes, they purchased buildings and farmable land, they left their inheritance to children who would keep on living in the same lands their parents lived in. The Jewish charters were not commercial agreements like the Ragusan ones, but instead were modeled on municipal capitoli. They aimed at expanding communal jurisdictional and administrative autonomy, augmenting the authority of the leadership, chopping the sinews that linked them to competing local forces by bidding on the coercive strength of the centralizing Aragonese state. Their modus operandi conformed to the political language of the Kingdom and, as Francesco Senatore noted, their charters, grievances, and lawsuits, in fact belonged to the documentary system of the Neapolitan state.
Despite the attempt of Alfonso I to create a dedicated judicial system for the Jewish population, Jews remained perfectly integrated into the judicial machinery of the state. The political confidence of the Jewish leadership grew together with that of the Christian governors of the cities they lived in. In the restructuring of the state apparatus that followed the Aragonese conquest, political forces rushed to secure or strengthen their position. Many baronial cities, for example the princely cities of Taranto and Lecce, fell under the direct control of the state. In order to build a strong basis of allies the Aragonese kings “generously” accepted daring requests from universitates.

Jews, too, participated in the fight for corporate autonomy by attempting to become a “city within a city” - as Alessandro de Noha sindaco of Lecce lamented, the Jews tried to create “two universitates out of one.” Jews had been absorbed into the social fabric of southern cities to the point where the iudeca and the universitas had a mutual sense of belonging. For example, Trani begged the king to protect the city’s Jews from the molestations of the neighboring iudece; while Salomone defended his privileged economic status claiming to be a man of Lecce.

Chapters 2 and 3 have argued that since it is extremely difficult to establish whether a man held de jure citizenship, the actual utilization of rights and privileges should be the criteria guiding our investigation on ‘belonging’. Acting as a citizen made the person a citizen. Certainly, municipal communities, as well as iudece, expected their members to pay taxes. Todeschini has shown that the Franciscan preachers insisted in their sermons that monetary contributions to the municipal coffers, as well as to the Monti di pietà, were among the moral obligations of the citizenry. In fact, the attempt to “ex-corporate” the iudeca and create a new fiscal regime in the city was at the core of de Noha’s outrage, and possibly the motive for the growing tensions between universitates and iudece throughout the Kingdom. Similarly, iudece
expected Jews who claimed the right to exercise royal privileges to pay taxes to and with the Jews of the Kingdom. Belonging, in both cases, was inextricably linked to fiscal contributions.

This study has not looked only at the fiscal integration of the Jews in the wider taxation system. Municipal belonging has been assessed in cultural terms too. The organization of a community is the result of ways of coping with pragmatic issues that are grounded in a political and legal culture. Jews who had settled in the Kingdom of Naples found a territory lacking communal structures. If synagogues, like the ones in Trani, had survived the Angevin attempt to erase Judaism from Naples, the same cannot be said of iudece (in the sense of communities) themselves. Although some traces of Jewish life exist in the early fourteenth century, these refer to individual families not iudece proper.

It is only after the Black Death that Jews migrating from various parts of Europe began to repopulate southern cities. The lack of a corporate emigration agenda, the diverse background, and probably an irregular, if constant, flow of immigrants might have facilitated the integration of Jews in the body of cities who were desperate for new taxpayers. The conditions must have been beneficial for both parties: Jews found a home, and cities found human capital. Jews who decided to settle and contribute to the wellbeing of the universitas received the protection of the city walls and benefited from all the privileges enjoyed by the citizenry. Among Jews were merchants who expanded the city markets; but Jews were not only merchants: there were butchers, bakers, physicians, artisans, and also farmers. In the south, the ability to lend money to municipal governments does not seem to have been among the conditions that pushed universititates to invite Jewish settlers. In fact, money lenders must have been but a tiny percentage of the Jewish population.
As their number grew they slowly organized first into municipal communities, and eventually into a network that led to the creation of a supra-territorial council. It is difficult to say how much of the political tradition of the immigrants influenced the nascent southern Italian qehillot. Surely the Jewish representatives were called proti, as were the communal leaders in Sicily, but it appears that communities were organized on the model of local municipal governments, not on that of other qehillot. Elections took place in open public spaces just as the municipal ones did. Often this happened in the “merchants’ square” of the town, usually situated in close proximity to the iudeca.

The fact that Jews voted in the piazza is a clear sign of their integration into the urban fabric. Municipal statutes did not prevent Jews from gathering in the open, probably because they were not perceived as a threat by the universitas. In fact, despite the insistence of the Church to minimize interconfessional encounters, the municipal governments of the Kingdom of Naples allowed Jews to move and operate in the urban space pretty much without restrictions. Encounters between Jews and Christians took place also in the privacy of homes. Christian notaries, for example, crossed the doorstep of Jewish homes in order to notarize their wills, but encounters might have taken place for other reasons and more frequently than what it is assumed.

On September 7, 1447 Masello of Bitonto rushed to the judge Antonio de Blasio to accuse Strucco Marcilio of plotting against his life. According to Masello, Strucco had offered thirty ducati to Francesco Giacomo Catalano, a Christian, to murder him and other members of his family, and fifteen ducati if he only managed to inflict injuries by stabbing them. The notary recording this testimony, wrote that having “news come to Masello’s ears”, of Strucco’s intent to hire Francesco Catalano to murder him, he invited his killer to his home (domum

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460 ASB, not Pascarello de Tauris, prot. 3, 1448-1449, 6r-v, in Colafemmina, La presenza.
habitacionis sue). Hiding in an adjacent room were Christofaro, Aytardello and Marino, all viros nobiles (and Christian citizens) of Bitonto. Convinced by Masello’s words of the gravity of the situation and of the consequences he would face in the event that he was found guilty of murder, Francesco repented. Feeling that Strucco would not abandon his plan, Francesco urged Masello to go to the city captain and request permission to carry arms for the protection of his person.

When Francesco uttered his confession, the three men, Christofaro, Aytardello and Marino jumped out from their hiding to the surprise and disconcertment of Francesco who cried: “You betrayed me as Judah did with Christ!” (Tu prodidisti me, sicut fecit Iudas Cristum). The parties involved gathered before the judge, the notary and the witnesses in the “square of the merchants” (platea puplica rerum venalium) to have this testimony recorded in ink.

This case exemplifies how Jewish-Christian relations might have moved from the public to the private space with natural fluidity in Terra di Bari. A Jew relied on the support of notable Christian men of his city and on the local gentile judiciary to frame his (repented) killer, and have the Jew who paid for his assassination arrested. The sharing of spaces intertwines with the sharing of legal practices, channeled through a common vernacular language in a mix that is best defined by the juridical community.

Women, far from being marginal figures in this narrative, offered the strongest example of what a juridical community entails. However limited their legal rights might have been, women of Terra di Bari did not refrain from exploiting the legal means at their disposal. They entered local courts, used notaries to draw testaments, and defied male control and local authority by appealing to state courts. Jewish and Christian women adopted identical strategies to defend their dowries, and to transmit wealth.
The multi-cultural legal system allowed the coexistence of varied legal traditions, so that women could have actively chosen the legal system that best fit their needs and believes. In Terra di Bari Jewish women could have relied on three different systems: Jewish, Roman, and Lombard law. Of the three, Roman law was probably the one which would have granted them better chances of defending their rights against the claims of male heirs. It is thus striking that Jewish women followed Lombard customs as did their Christian counterparts. Why would they subject themselves to the authority of an agnate if they could claim a different legal background? The choice operated by these women, this study argued, was the proof that their worldview was informed by the same culture of law that shaped the Weltanschauung of central Apulian women.

So how was the Jews’ affiliation to the local juridical community rescinded? As stated before, during the Aragonese reign of the Kingdom of Naples universititates fought for the expansion of their territory, the numerical increase of tax-paying inhabitants, commercial privileges, and jurisdictional autonomy from the centralizing pull of the state. The Jewish leaders mirrored the fight of the cities they inhabited trying to gain administrative and jurisdictional independence from the Christian universitas. The centralizing aims of the Aragonese kings coincided with the desire for autonomy of the Jewish leadership. While claiming to act in the interests of all the Jews in the Kingdom, the charters also protected the interests of the Jewish elite that drafted them. Behind privileges asking for autonomy were provisions that assured the authority of Jewish dottori. These privileges regulated the electoral process, recognized the legal validity of documents written in Hebrew, assured a stipend to leaders, and strengthened ties between the state's judicial system and the Jewish judiciary throughout the kingdom. The ultimate goal of the charters was the jurisdictional, fiscal, and administrative separation of the Jewish universitates from the municipal ones. The political goals of the Jewish leaders, though,
did not coincide with the broader interests of the Jewish communities, and especially with those individuals who most benefitted from the status of municipal citizenship.

The continuous attempts of the Jewish supra-territorial council to separate iudece from the municipal administration coincided with the king's aim to weaken the cities and gain direct control over a sizable number of fiscal hearths. In fact, establishing independence from the city meant primarily to stop paying taxes to it. Neither cities, nor individual Jews, though, were ready to accept the separation of the iudeca: cities kept on fighting for the control of taxable hearths, and individual Jews sought for the protection of universitates from the aggression of hostile cities and foreign Jewish communities. In fact, some Jews kept on benefitting from the status of citizen and did not hesitate to utilize municipal privileges even after the 1476 decree with which Ferdinando I established that Jews should be deprived of municipal citizenship.

The capitoli were the strongest affirmation of the non-territoriality of the Jewish council, and it was the affirmation of such independence that alienated the local iudece from the urban community. The implementation of the charters in fact, caused serious frictions with the universitates they lived with. Fiscal discrimination, jurisdictional separation, the evasion of civic duties, the growing intervention of the royal officers in the life of the city must have exasperated the universitates already struggling with wars, plagues, and economic anxiety.

Jews ceased being an asset and had become a burden for urban governments. The immigration of thousands of Jews from Iberia and Sicily after 1492 strained the relationship between iudece and the Christian citizenry. Neither the Italian iudece nor the cities found any "use" for the poor exiles that could not contribute to the payment of local and royal taxation. The new immigrants formed iudece with an independent leadership, and the central government, too, tried to maintain a separate administration for the newcomers. In 1498 the Italian Jewish council
submitted to the King a new general charter. Only two out of a total of forty-six privileges were written for the benefit of the exiles, but this does not mean that the Spanish and Sicilian leaders had an important role in the drafting of this last collective charter. In fact, the Italian *iudece* may have directly benefitted from the improvement of the exiles’ status. If the newcomers had become citizens they would have obtained residence rights, and fiscal privileges that could have eased their integration into the economy and administrative apparatus of the Kingdom. In fact, one of the items attempted to extend municipal citizenship rights for the exiles. King Federigo, though, did not grant them this right and established that only after having resided for ten years would the foreign Jews be considered vassals of his Majesty and municipal citizens. This was a tactic aiming at having complete economic control over the *iudece*; it was also a way to strengthen the state's jurisdictional power in the periphery.

In 1504 Ferdinand the Catholic annexed the kingdom of Naples to his domain. Six years later the same concerns over the "purity" of the blood of his Christian subjects that motivated the edict of expulsion from Spain in 1492, lead to a new edict of expulsion from the Kingdom of Naples. Without the support of the cities, which had eroded in fifty years of political struggles, the Italian Jewish communities did not have the political strength to fight against the decision of the Spanish Crown to expel them and began leaving Southern Italy. Even if the order was revoked and Jews were given a ten-year extension, many families had decided to abandon the Kingdom.

The dissolution of the juridical community of the Kingdom led to new political alliances. The *iudece* that had survived gathered around a mixed leadership representing southern Italian, Spanish, and Sicilian Jews. This new diplomatic mission, though, had short roots with no grasp to the urban mantle; it represented an impoverished and desperate handful of Jews. The men
trying to negotiate the permanence of the Jews after 1510 had little political leverage. The men sent to Naples to negotiate were more similar to the figure of the shtadlan than to the older elected sindaci of the iudece. The document presented by Samuel Abravanel who led the mission of 1533 was nothing more than an attempt at purchasing the right of the Jews to dwell in the Kingdom. The Jewish juridical community of the Kingdom had ceased to exist. The promise of a substantial payment only delayed their final expulsion which came in 1541, when it had become clear that the few families remaining in the Kingdom could not fulfil their contractual obligations. By the mid sixteenth-century only the memory of the Jews remained.

An Agenda for Future Research.

This preliminary exploration of the juridical communities of the Kingdom of Naples was centered mainly on the iudeca and the merchants’ square. Many streets depart from the piazza and all are worthy of being explored. One of these streets leads us out of the commercial hubs of Apulia to the better-known cities of central Italy, where Jewish sources have been better preserved. Although studies on wills produced on the Italian peninsula are far from scarce, it seems that to this day studies have been rather compartmentalized. A systematic comparative study of women’s wills should highlight similarities and differences in the legal practices of Christian and Jewish families throughout the Italian peninsula. A comparative analysis of women’s strategies to control and transmit property should give us a sense of the level of integration of Jewish women into local juridical communities.

Framing chronologically the evolution of the legal strategies adopted by Jews should also provide information on the speed of acculturation in different localities. This study could: 1) tell us if there was an “ethnic pace of acculturation” – did Italkim, Sephardim, Ashkenazim adapted
to/adopted gentile legal practices at the same pace? ; 2) provide insight on the “gendered pace of acculturation” through a comparison of men and women’s wills. The idea that acculturation and assimilation are gendered processes, of course, is not new and was pioneered by Paula Hyman, but it could be successfully extended to fifteenth-century Italy; 461 3) help us dynamically map the Jewish legal acculturation; 4) and ultimately lead us to understand what changing economic and political conditions influenced the pace of legal acculturation and if there was any discrepancy with other legal limitations experienced by the Jewish population. Extending these studies to other ethnic minorities would help us situate the Jewish case in a broader legal, social, and political setting.

In fact, another road leaving the iudeca leads to the neighboring quarter of the Albanian and Balkan merchants. The concept of juridical community, in fact, can be used to assess the municipal belonging of other ethnic minorities as well. In this study, I have identified some important differences linked mainly to the economic role occupied by these groups in the local universitas – or at least the universitas’ perception of their utility. Did the strategies adopted by Albanians differ in any significant way from those adopted by Jewish and Christian citizens? Data seem to suggest that the integration of Albanians in the universitates of the Kingdom of Naples depended much on “scale” – the smaller the number the smoother the acculturation and amalgamation. When groups were larger though, Albanians acted as corporate bodies which were (generally) successful in obtaining charters that assured their survival as a distinct community. And yet, the petitions filed by the Balkan communities do not mention the existence of sindaci or any other elected representative. It is possible that the internal organization of these

461 Paula Hyman, Gender and Assimilation in Modern Jewish History. The Roles and Representation of Women, (University of Washington Press, 1995).
communities differed significantly from that of the Jewish ones. Does this mean that Albanians, as a group, never integrated into the juridical communities of Southern Italy?

This leads us to a broader but not less tortuous avenue. The southern Jewish communities annihilated by the 1291 mass conversions, had been forming anew in the fourteenth century but their growth must have been stopped by the 1348 plague. Organized communities clearly emerged only in the fifteenth century. This means that the Jews who had lived and survived the Black Death in southern Italy formed the nucleus of the communities that would later develop within cities that were themselves trying to recover and reorganize after the devastating demographic decline of the fourteenth century. The bulk of the Albanians arrived about a century later to provide military support to the Aragonese first, and as refugees escaping the Ottoman conquest later. Also, the Jews who arrived in the second half of the 15th century seem to have had difficulty integrating into the local iudece, and thus into the universititates. There is ample evidence of Ashkenazim, for example, practicing usury and remaining on the fringes of communal life. Even more evident is the case of the Sephardim and Sicilians who were denied citizenship and entry into the community of the Jews of the Kingdom.

Did the same socio-economic conditions that favored the integration of Jews into the municipal fabric in the 14th century, slowed down the integration of “newcomers” in the 15th century? It may appear very rational, almost self-evident that changing economic and political conditions were at the heart of the dynamics regulating entrance to the municipal juridical communities. And yet, these dynamics, which must have been extremely localized, are not at all clear. For example, Trani and Gallipoli were both port cities, both targets of Venetian imperial aims, they were both occupied by Venetian forces, in both cities there were organized ethnic communities, both enjoyed extensive royal privileges, both might have had interests in securing
agreements with “foreign” commercial partners, and finally both had a clear interest in attracting “useful” citizens. And yet, in the wake of the Italian Wars, Trani expelled “its” Jews and neophytes, while Gallipoli pressed the state to obtain the freedom of exercising inclusive citizenship policy. It may be that Trani’s economy had grown to a point where Jews were expendable, while Gallipoli was trying to consolidate its position as a commercial hub? Perhaps it was purely religious preoccupations that shaped the different attitudes of two otherwise similar Apulian port cities? The answer to these question lies on unexplored shelves of southern Italian archives.

An even more emblematic example of the necessity of micro-historical analysis comes from the State archives in Trani. Most of the wills and dowry contracts in Terra di Bari were produced by fairly wealthy women. Lower strata rarely resorted to public notaries to record weddings and wills because the value of the dowries (if any existed) would have not justified the costs they would have sustained. This means that as well preserved and not uncommon these sources may be, their number is fairly limited (tens produced in a single year in cities of about 5,000 inhabitants). Strikingly, women of the small settlement of Corato produced an unusual large number of documents.\textsuperscript{462} Hundreds of marriage agreements exist for the 14\textsuperscript{th} and 15\textsuperscript{th} century. It seems that every household turned to the local public notaries to assure that their wealth be safeguarded by the law. And yet, Corato was not a commercial hub, it was not a port city, and it was not known to be a wealthy town at all. These documents are unpublished and, alas, in terrible condition. And yet these small paper leaflets, damaged by water and insects, may turn out to be a small treasure for the modern researcher. They lead us from the spacious and rich piazza of cities such as Trani, Bari, and Lecce onto the dusty roads of a southern Italian

\textsuperscript{462} ASBa, sezione Trani, Fondo: Notai della Piazza di Corato.
settlement and into the life of a rural community. These documents might be an important term of comparison that can help us better understand the dynamics animating the lives of Apulian juridical communities. Hopefully a new series of studies on southern juridical communities will restore to scholarly attention the “forgotten” Kingdom of Naples.
Appendix 1 – The 1465 Jewish Charter.463

1. Che la Sacra R. Maesta conceda ai detti Giudei che essi siano rimessi perdonati at
relassati tutti e qualsivoglia crimine e fatta remissione di ogni delitto et insulti et crimini
che per loro o per ciascuno di loro fossero commessi et patrati per fino al presente senza
inputazione alcuna. Placet Regie Maiestati

2. Che V.M. si degni confirmari et di nuovo concedere alli detti Giudei ed a ciascuno di loro
in solido tutti li privilege e grazie per V.R.M. e per la benedetta memoria di Re Alfonso
et la Regina Gionavanna et de qualsivoglia predecessore di V.R.M. a loro sono stati
concessi in generale ed in special. Placet Regie Maiestati.

3. Che V.M. si degni sub verbo reale promettere alli ditti Giudei di tenerli et mantenerli in
dominio di V.R.M. et per nullo unquam tempore donarli ne rimetterli in mano di Bailo ne
ludice ne de qualsivoglia altro ufficiale né giudeo che particolarmente sopra
de loro abbia alcun ufficio, titolo ne giurisdizione et che nullo qualsivoglia Signore ne
Barone ne niuna qualsivoglia altra Ecclesiastica ovvero secolare persona sopra de loro
abbia potestate in temporale ne in special mai sempre restino in potestate di V.R.M. et de
lo sig. D. Alfonso d’Aragona Duca di Calabria et da mo in Avanti siano rotti irrati et cassi
et annullati et revocati tutti et qualsivoglia privilegi de Balat o Iudicano et de qualsivoglia
altro ufficio sopra di loro fosse concesso tanto in temporale quanto in special tanto a
Giudei quanto a Cristiani et maxime li privilegi di Misser Martorello et de Mastro
Lazaro Giudeo et de qualsivoglia altra persona che sopre di loro avessero privilegio titolo
ufficio giurisdizione. Placet Regie Maiestati riservil il diritto che hanno i Baroni sopra
i giudei abitanti nei loro territorii et l’ufficio dell’inquisitor dell’eretica pravità.

4. V.M. conceda ai detti Giudei che tanto il presente pagamento et spese di esso dipendenti
quanto ogni altro pagamento che a li detti Giudei bisognasse pagare che tutti li giudei di
questo Reame di Sicilia Citra faro mascoli et femine che debbano contribuire secondo la
rata loro contingente et se per qualsivoglia rispetto V.M. ad alcuni di loro ne volesse fare
grazia che la rata loro contingente V.M. la debba escomputare al pagamento che fossero
tenuti ad pagare et che qualsivoglia provincial terra et singolare persona pagata che
avesse la sua rata contingente non sia tenuta per qualsivoglia provincial terra et singular
persona che non avesse pagata la loro rata. Placet Regie Maiestati eccetto per la Giudea
di Montanello, Cosenza, Lecce e Suessa per quelli cioè giudei che al presente in dette
Giudee abitano.

5. Che V.M. si degni di concedere ai detti Giudei in generale ed in ciascuno di loro in
special che reservato in crimine di lesa Maesta contra di loro non si possa in alcun modo
procedere per via d’inquisizione se non per accusazione et che non siano tenuti
rispondere fino a tanto che lo accusatore abbia donate idonea plageria in provare la sua
accusa per idonei testimoni et che in caso non provasse la sua accusa per idonei
testimonia caschi in pena talionis et soddisfazione de’ Danni et interesse a la parte et che
lo accusatore abbia tempo cinque giorni a pentirsi dell’accusa et che lo officiale sia tenuto
ad intendere la repentina et che l’accusato non sia tenuto pagare se non tre grana de
cassatura et l’ofiziale et qualsivoglia altra persona che contrafarra caschi in pena di docati
mille et altra pena in arbitrio di V.M. riservata. Placet Regia Maiestati.

463 Bitonto, Biblioteca Comunale "Eustachio Rogadeo", Mss A 22, cc 7-9. Copia da Archivio di
Stato di Napoli, Sommari, Quinternione VIII, 71
6. Che V.M. conceda a detti Giudei et a ciascuno di loro che in ogni processo ovvero causa che loro movessero o contra di loro fosse mota che a loro arbitrio possano eleggere un uomo Cristiano degno di fede lo quale abbia ad essere uno con lo mastrodatti alle scritture tutte citazioni et tutti altri atti che si faranno et che per li officiali non li possa essere denegato et che ogni atto che contro loro si farà senza lo homo eletto non abbia valore. Non chiedono cosa giusta ma piace che siano provveduti di notaio non sospetto.

7. Che V.M. conceda alli detti Giudei ed a ciascuno di loro in solido che non possano essere detenuti in prigioni né costretti di giorno di sabato ne delle alter loro feste donando idonea pleggeria e passata la festa tornare in prigione, riserbato se fossero tenuti di morte. Placet Regie Maiestati nelle cose civili e criminali nelle quali sarà cosa necessaria fideiussone cautione.

8. Che V.M. si degni concedere alli detti Giudei ed a ciascuno di loro in solido che ogni pagamento extraordinario che per V.M. o per qualsivoglia altra ecclesiastica persona o secolare se importasse che non se intendà per li detti giudei et che non siano tenuti contribuire attento che in essi pagamenti extraordinarii che per V.M. sono imposti sopra li detti Giudei li cristiani non ci cintribuissero non obstante qualsivoglia causa che in contrario fosse. Placet Regie Maiestati.

9. Che V.M. conceda ai detti Giudei che tutti i loro pagamenti generali et particulari, ordinarii et extraordinarii se li possano partire, distribuire et taxare et ordinare infra de loro per qualsivoglia via et modo et forma ad loro meglio piacera, maxime per via di gabella ad loro contingente et esse gabelle, taxe, pertinentie contribuzione a loro arbitrio le possano permutare levarle et ponerle et levarle tante volte quante ad loro piacera senza incorrere ad alcuna pena, danno et pregiudizio et senza contraddizione alcuna. Placet Regie Maiestati.

10. Che V.M. conceda ai detti giudei et a ciascuno di loro che per qualsivoglia giudeo che se battezzasse che esso fatto sia tenuto dare lo libello de lo repudio a la sua moglier a secondo la legge mosayca et che ogni ufficiale lo quale sopra de cio per qualsivoglia ludio fosse ricercato debba costringere lo detto baptizzato a dare lo detto libello et l’ufficiale et qualsivoglia altra persona che contrafara caschi in pena di docati mille. Non è attinente alla Regia Maestà.

11. Che V.M. conceda che detti Giudei che per nullo tempo da venire qualsivoglia Iudeo che fosse battizzato sopra de loro ne de ciascuno de loro possa avere officio, titolo ne jurisdizione ne contro di loro ne de ciascuno de loro possa deponere o testificare. Placet Regie Maiestati.

12. Che V.M. conceda ai detti Giudei che tutte quelle Iudeche che abiteranno da per loro a parte de li Cristiani che non sia lecito a nulla qualsivoglia persona ecclesiastica o secolare potere pinnere ne fare pinnere dentro la detta Iudeca niuna figura di Santi et de qualsivoglia altra figura ne farene alcuna Ecclesia consideringo l’errori li quali senza colpa ci potessero succedere et intervenire. Placet Regie Maiestati che nelle loro case non si possa dipingere alcuna pittura.

13. Che V.M. conceda ai detti Giudei ed a ciascuno di loro in solido che non siano tenuti a portare lettere et che siano exempti da ogni comandamento et servizio personale loro et de loro bestie, consideringo che sotto coloro di questi comandamenti sono molto stracciati et occultamente composti per modo che ne sono mangiati et gravamente adanegiati et similmente che nelle loro Iudeche et case et abitazioni ad arbitrio non se possano mettere.
gente d’arme ne darze alcuna posata et riservato se la V.M. fosse in quelli luoghi dove bisognasse dare posta. Placet Regie Maiestati.

14. Che V.M conceda ai detti ludei che qualsivoglia ludeo che fosse condannato a morte et facessa sende iusticia, che l’ufficiale che lo intificherà sia tenuto in quello di che ne fara la iustizia darelo ai ludei che lo possano seppellire et fare tutto quello che la loro legge comanda senza contraddizione alcuna et qualsivoglia altra persona che contradirà caschi in pena di ducati mille. Placet Regie Maiestati eccetto pel delitto di lesa maesta, eresia et falsa moneta.

15. Che V.M conceda ai detti ludei che ciascuno di loro dovrebbe che possano eleggere a loro volontà due ludei li quali abbiano plenaria potestà di fare ordinazioni et excomunicazioni secondo la loro legge ed imponere pene intro loro ad preservatione della loro legge, applicare le dette pene in beneficio de loro ludeche et che ogni ufficiale et qualsivoglia altra persona che per li detti eletti serra ricercato che circa premessa li donano aiuto ed ogni ufficiale e qualsivoglia ecclesiastica o secolare persona che contraverrà caschi in pena di ducati mille. Placet Regie Maiestati che usino le censure secondo la loro legge.

16. Che V.M conceda ai detti Giudei ed a ciascuno in solido che andrano per li mercati du questo reame di Sicilia citra Faro che aliquomodo non possano essere costretti ne chiamati ne vexati davanti niun maestro di mercato ne qualsivoglia altro ufficiale di mercato et maxime nel mercato de la Magdalena de Cusenza perche sono spesse fiate ingiustamente male trattati, ma solamente siano costretti et chiamati Avanti l’ufficiale ordinarl della terra dove si farra lo mercato et qualunque altro ufficiale o maestro de mercato che presumesse fare lo contrario caschi in pena di ducati mille. Placet Regie Maiestati.

17. Che V.M conceda alli ludei impotenti e miserabili del predetto Regno che siano sopraseduti per tre anni et che non possano essere costretti a pagare li loro debiti che sono tenuti per lo passato pagare et che l’ufficiali et qualsivoglia altra persona siano tenuti osservare et fare osservare li presenti capitoli come se fosse privilegio di moratorla fatto in forma consueta attento la povertà carestia et guerre che hanno sostenute. Placet Regie Maiestati che contro detti Giudei non si possa concedere moratoria ne alter dilazioni cosicche I detti Giudei non possano servirsi et giovarsi di esse contro i loro creditori tanto cioè per le fatte dilazioni che per quelle da farsi.

18. Che V.M conceda ai detti Giudei ed a ciascuno di loro in solido che per nissun unquam tempo possano essere citati ne chiamati nella Corte della Vicaria e se per qualsivoglia modo fossero citati et chiamati non siano tenuti comparire o non comparingo non possano essere condennati ne possano essere puniti ne siano tenuti in pena alcuna. Placet Regie Maiestati nelle prime cause.

19. Che V.M conceda alli detti ludei et a ciascuno di loro in solido che possano donare a loro libero arbitrio dei loro denari et qualsivoglia alter cose a qualsivoglia altra persona di qualsivoglia stato, titolo, preminenza, ufficio et iurisdizione se siano ecclesiastica vel secolare et essi donamenti per nullo altro modo li possano essere imputati ne interpretati essere donate per subernatione ne a loro che li donneranno ne ad quelli che li riceveranno e per nullo unquann tempo ne possano essere processati, condennati ne puniti. Non chiedono il giusto.
20. Che V.M si degni con la sua speciale e dominica podesta non submissa alle leggi concedere ai detti Giudei ed a ciascuno di loro in solido che non siano tenuti pagare niuna moratoria ne foculario, salario, provisione né niuno qualsivoglia altro pagamento a niuna qualsivoglia altra persona ecclesiastica o secolare riservati i pagamenti da V.M. proprii serraranno imposti et che da mo in avante sia rotto, casso, irrito et annullato ogni privilegio impenetrazione concessione consuetudine che contro li detti Iudei sopra di ciò fossero impestrate fatti ed usati non ostante qualsivoglia altra causa in contrario alla fatta vel vicenda. Placet Regie Maiestati eccetto agli ecclesiastici.

21. Che V.M conceda a tutti li Giudei che fossero partiti da terra di Demanio e fossero andati ad abitare in terra di Baroni che a loro arbitrio et volontà con tutti i loro beni franchi et liberi et secure se ne possano tornare in terra di demanio et vendere i loro beni et stabili quali hanno in dette terre di Baroni et per nullo qualsivoglia Signore possano essere detenuti et impedicati sotto pena di docati mille et altra pena in arbitrio di V.M. riservato. Placet Regie Maiestati.

22. Che V.M conceda ai detti Giudei et a ciascuno di loro in solido che nisciuna bagascia ne femina de nulla fama et niuno ruffiano ne huomo di mala fama contro li detti Iudei ne de ciascuno di loro possano deponere ne testificare et ciascun Giudeo che fosse incriminato che carnalmente avesse usato con cristiani ne niuno ufficiale li possa aliquomodo martorire, considerato le gravi suburnazioni et composizione che occultamente per questo ne bisogna fare sotto questo colore. Placet Maiestati che non siano ammesse contro essi accusazioni che non siano legittime.

23. Che V.M conceda ai detti Giudei ed a ciascuno di loro in solido et per qualsivoglia via modo et forma che qualsivoglia de li presenti capitoli per qualsiasi tempo non li fossero osservati overo che loro o ciascuno di loro per qualsivoglia loro rispetto non volessimo usare che li presenti capitoli ne ciascuno di essi per questo non siano ritti ne in alquio maculati ne violati ma sempre restino in loro valore et validita et in potestate de li detti Iudei et ciascuno di loro usarli et non usarli tutti et parte d'essi per non usare non s'intenda esserende fora de possessione et alloro arbitrio et volontà li possano tornare ad usarli et intendasi in possezione et favoribilmente li siano osservati. Placet Regie Maiestati.


25. Che V.M conceda ai detti Iudei et a ciascuno di loro in solido che li presenti capitoli siano ossevati dallo di dalla loro data innante come se fosse privilegio ad sigillo pendente fatto con modo et forma consueta et che V.R.M. comanda che li presenti capitoli ad ogni questa loro li sia fatto un autentico privilegio modo et forma favoribilus solitis et consuetis. Placet Regie Maiestati.

26. Che V.M conceda ai detti Giudei che possano liberamente andare et venire per mare con loro persone mercanzie et beni senza impaccio alcuno et siano trattati per tutti li corsali amici et vaxalli de la detta Maesta come a suoi sudditi et umili vaxalli et servoli et essendo essi presi o alcuno de loro quello tale che ne verra contra lo tenore de li presenti capitoli incorra in pena de dieci mila ducati et probazione de beni. Placet Regie Maiestati.

27. Che V.M conceda ai detti Giudei che tutti quelli Iudei chevorranno andare ad abitare a Bisiglia non ostante qualsivoglia detto capitolo, privilegio in contrario lo possano fare ad ogni volonta et piacere et stare in Vicaglia quanto con gusto loro serra senza contradizione alcuna. Placet Regie Maiestati che non ostante il capitolo olim fatto per
l'Universita ed essi di Visceglie detti Giudei possano accedere a detta città come ale altre città et terre dei baroni del regno purché non accedano causa di abitazione.

28. Che V.M conceda ai detti Giudei che ogni privilegio capitolo e provisione prammatiche lettere ed albarano et ogni altra qualsivoglia causa contro li presenti capitoli et ciascuno del loro in futuro si facesse o s'impetrasse da mo siano cassi irriti et annullati et revocati non ostante che di essi bisognasse farne speciale menzione et che ogni privilegio capitoli lettere et provisioni prammatiche lettere et albarani qualsivoglia altre cause che contro li presenti capitoli et ciascuno di loro in futuro si facesse o s'impetrasse da mo siano cassi irriti et annullati et revocati et intendete per inavertenza concessa et per non se ne essere V.M. ricordato et che ogni dubbio accadesse nelli presenti capitoli et altra loro scrittura fatte vel fiende sempre se intendano in favore di detti Iudei et a loro utilità siano impetriti. Placet Regie Maiestati.

29. Che V.M conceda ai detti Giudei et a ciascuno d loro in solido che non siano tenuti portare alcuno segnale atteso le grandi mangerie et composizioni che sotto questo colore spra de loro so fatte et per questo supplicano V.M. li conceda la detta grazia non ostante qualsivoglia privilegio consuetudine lete et costituzione et alia quacumque causa in contrario fatta vel facienda et che nullo qualsivoglia predicatore inquisitore de qualsivoglia altra ecclesiastica persona ut supra de loro si abbiano ad impicciare ne innovarli ad alcuna cosa contro di loro. Placet Regie Maiestati.

30. Che V.M conceda ai detti Giudei et a ciascuno di loro in solido che non siano tenuti pagare nessun pagamento per loro persone et che qualsivoglia persona che l'impiacciasse ne fareseli pagare qualsivoglia quantità per le loro persone caschi in pena di ducati cento senza remissione et che a ch contrafarà se ne faccia debita exequutione attento le grandi robarie che per questo si fanno che per ogni loco dove passano sono rescosti come oersoni per manera che non poteno andare per lo reame facendo loro fatti. Placet Regie Maiestati che pro personis eorum in solucionibus faciendis tractentur quemadmodum Cristiani.

31. Che V.M conceda ai detti Giudei et a ciascuno di loro in solido per ogni denaro che avessero prestato de qualsivoglia maniera che fosse stata che li fosse renduta de la maniera usuale che volera in quelli tempi che la resconteranno a che li officiali et qualsivoglia altra persona che contraria casca in pena di doci mille. Placet regie Maiestati.

32. Che V.M conceda ai detti Giudei et a ciascuno di loro in solido che ogni robbe pigni et altre qualsivoglia bene per sacchiggiamento overo per qualsivoglia Signore li fossero stati levati como beni de rebelli che per nullo unquam tempore siano tenuti ad restituzione ne ad soddisfazione alcuna ne de tal cosa possano essere vessati ne adresati ne costretti ne molestati realmente vel personalmente aut aliter quovismodo. Placet Regie Maiestati se non furono contro queste racionabili cause.

33. Che V.M conceda ai detti Giudei che ogni contracto et causa doale et scriptura alta qualsivoglia che sia ebraica fatta et che in futuro se farà de loro in iudicio et in omni loco abbia effetto ed exequutione et sia observata come se fosse Instrumento pubblico fatto et roborato per mano di notaro pubblico. Placet Regie Maiestati che le dette scrittura ebraiche abbian la stessa forza come se fossero scritte in latino.

34. Che V.M conceda ai detti Giudei et a ciascuno di loro che se per qualsivoglia modo, via e forma li detti giudei et ciascuno di loro de Venerdi Santo et de qualsivoglia altro di o de notte facesse petrite o insulto o iniuria caschi alla pena di Doci mille et alia pena ad
arbitrio di V.M. reservata et che li officiale siano tenuti sotto la predetta pena favorire li detti Giudei et procedere che contra quelli che contrafarando. Placet Regie Maiestati che tali cose non si facciano contra di essi mentre staranno nelle loro case e in esso giorno di Venerdì Santo ed i contrafacenti severmente saranno puniti.

35. Che V.M conceda ai detti Giudei et a ciascuno di lor in solido che per qualsivoglia modo, via et forma li detti Giudei et ciascuno di loro fosse saccheggiato overo per forza del loro beni li fossero levati, che la Universita di quella terra dove fossero saccheggiati overo che li beni li fossero levati siano tenuti satisfarli riservato overo se il saccheggiamiento fosse generle per tutta la terra ad Iudei et a Cristiani. Placet Regie Maiestati che i malfattori siano puniti ed astretti a satisfare i danni apporlati ai detti Giudei.

36. Che V.M conceda ai detti Giudei et a ciascuno di loro in solido che non possano essere costretti ne pigliati per manigoldi ne ad martoriare ne ad fare alcuno altro atto de iusticia et che qualsivoglia officiale o altra persona che contrafara caschi nella pena di Docati mille. Placet Regie Maiestati.

37. Che V.M conceda ai detti Giudei et a ciascuno di loro che sia data piena fede ai transunti che si fanno dei presenti capitoli et di tutti altri loro privilegi et che non siano tenuti pagare presentata ne a farne copia a loro spese et che presentati in essi Iudei li detti privilegi capituli et transunti subito siano restituiti in loro potere senza contradizione o retinencia alcuna. Placet Regie Maiestati purche siano a modo di Legge.

Spediti i presenti capitoli Castel Nuovo Napoli 2 Maii 1465.
Appendix 2 – The 1481 Jewish Charter

1. [...] li denari ad pagare et satisfare ad quillo iudio che li haverrà imprestato li denari et lo officiale che contrafarrà, cascha in pen de ducati cento. – Placet Regie Maiestati.

2. Item che sua Maiestà se degna de gracia speciale concedere ali Iudey habitanti in la cità de Cosenza che possano gaudere tucte quelle gracie et franchicie che gaudeno li Iudey de Montealto et che lo presente capitulu come fosse autentico privilegio facto con tucte clausole necessarie et oportune et ad omne requisione nele sia facto autentico privilegio. – Placet Regie Maiestati.

3. Item che qualsevoglia protho de qualsevoglya Judeca che se volesse fare cortese ad dare lecti et fare altre cose contra lo tenore deli nostri privilegii, cascha in la pena comente in dicti privilegii. – Placet Regie Maiestati.

4. Item che qualsevoglya notaro, iudece ad contractu, testimoni et mastridacti et altri scripture che per qualsevoglya officiali de cioché condicione et preminencia se sia contra qualsevoglya barone et privata persona del Regno, che siano tenuti ad intevenire subito senza besognare mediante justo et competente salario, et qualsevoglya notaro, iudice, testimonio, mastridacti et altri scripturi che per dicti Iudey serrà recercato in tale facenda e contrafarrà, ipso facto caschano in pena de ducati di cinquanta, la quale pena se habia ad exigere tante volte de ciascuhno quante contrafaranno. – Placet Regie Maiestati.

5. Item che qualsevoglya lege cconstitucione et capitulo del Regno, pragmatiche et dicti banni, consuetudine, prohibicione et altra qualunca causa che obstasse et contravvenesse ali presenti capituli et ad ciascuno de ipsi da mo’ siano cassi irритi et a nullati et non habiano valore né effecto contra li presenti capituli et de ciascuno de ipsi et de tucti altri loro capituli et gracie, similiter omne impetracione et omne altra qualunca causa che fine al presente li fosse stata facta, concessa et ordinata che contravnesse ali presenti capituli et ciascuno de loro, da mo’ siano cassi, irритi et annullati, non obstante che besognasse de epse cause farende speciae mencione che se ne intendia esserence specificati et declarati et similiter omne altra impetracione, concessione et revocacione et altra qualuncha causa che in futurum se concedesse et ordinasse, da mo’ siano cassi, irритi et annullati et non habiano nullo valore come non fossero may facti et ordinati per inadvertencia per non se essere sua Maiestà et li expedienti recordata, et omne dubio che accadesse in li presenti capituli et in ciascuno de loro sempre in favore de dicti Iudey et de ciascuno de loro se habia ad impetrare et intendere. – Placet regie Maiestati.

6. Item che se intendia essere dicti Iudey et ciascuno de loro in possessione deli presenti capituli dalo dì dela data de ipsi cosí como ne fosse facto autentico privilegio con tucte exequtorie et altre cose che appartenessero ad dicto privilegio et che ad omne requisicione de ciascuno de dicti Iudey lende sia facto autentico privilegio, et si per alcuno bono respecto dicti Iudey et ciascuno de loro non volessero usare dicti capituli, overo alcuno de ipsi, che per questo non se intendano essere ructi, né maculati et non se intendia che dicti Iudei siano fora de possessione et dicti Iudey ad loro voluntà possano tornare ad usarlili et sempre se intendia esserne in possessione. – Placet Regie Maiestati.

7. Item che omne Iudio che habitarrà in questo Regno sia tenuto contribuyre in li regii pagamenti non ne exceptuando nesciuno excepto mastro Abram de Leze, et se sua

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464 Published in Colafemmina, The Jews in Calabria, 278-284.
Maiestà ne volesse franchiare provincia o terra o privata persona sello debia intendere in camera et che omne ludeo sa tenuto pagare la rata sua dove habitarà et non in altro loco et per alcuno de loro se partesse da provincia ad provincia o da terra in terra che la rata sua debia mancare ad quella terra donne se parterrà et iongerla ad quella terra o ad quella provincia dove anderrà ad habitare, et omne uno che averrà pagato la rata sua non possa essere spignato o constricto ad pagare l’uno per l’altro. – Placet Regie Maiestati.

8. Item che quilli ludey che so’ soliti pagare sali et fochuleri non siano tenuti, non possano essano essere constricti ad pagare sali et fochuleri o qualsevoglya altro pagamento che se pagasse per fochuleri sino per quillo numero de fochuleri che stanno scritti in lo regio cunto. – Placet Regie Maiestati.

9. Item che se li presenti capituli fosse necessario presentarli et allegarli per qualsevoglya sindico o sindichi quali seranno ordinati et mandati per qualsevoglya provincia de Regno per fare facende deli ludey de quella provincia che li maderanno, che li ludey de quella medesimo provincia che li maderanno siano tenuti satisfarli de tucto quello che per haveranno despiso, et tucte quelle spese che haveranno facte che non li potessero clarificare, sia data fede alo iuramento de ipsi sindici. – Placet Regie Maiestati.

10. Item che sua Maiestà ordine che lo ill.mo don Ferrando debia mandare alo Thesaurero de Calabria che debia eligere dece o dudice ludei li più idonei et principalì dela provincia de Calabria, li quali habiano ad ordenare tucte queste faceende pertinenti alla generalità deli ludey de Calabria et tucto quello serrà ordenato et deliberato per dicti electi o per la maiore et saniore parte de loro, sia rato, grato, firmo et observato come fosse facto et ordinato, facto et deliberato per tucti li ludey dela provincia de Calabria, tanto quelli de terra de dumania quanto de quelle de terra de baruni, et qualsevoglya iudio dela docta provincia che contravennerrà all’ordenacione et deliberacione de dicti electi o della maiore et saniore parte de ipsi, casche in pena de ducati cento tante fiate quanto volte contravennerrà o fàrrà contavenire, et lo presente capituto essere ampla commisione ali dicti electi con tucta quella potestà che bisognasse ad tale commisione, et qualunche altra provincia de questo Regno che li ludey volessero fare semele electione la possano fare, et li thesaureri et altri generalì officiali dele provincie predicte siano tenuti afare la electione de quattro o sey overo octo ludey, tanti quanti li ludey de quella provincia che li vorranno li serranno demandati, et li electi de Calabria et dicta elecione habiano ad durare ad beneplacito de sua Maiestà et sempre stanno ferme finché ne apparasse revocatione de sia Maiestà. – Placet Regie Maiestati.

11. Item che nelli apprezzì che se haverranno de fare, non se habia da ponere nullo de quelli che non haverranno doe unce da capitane anele teste, nele case e dove habitaranno et che quelle case che se allocano alle vigne et altri territorii se ne habia ad estimare lo fructo che se ne perceperà levatene le expese et rendite et per quillo fructo che sende perciperà siano apprezzati et omne volta che se facessero novi apprezzì se habiano da fare in quisto modo. – Placet Regie Maiestati.

12. Item che li ludey dela provincia de Calabria non siano tenuti contribuire ale spese facte et da fare con li ludey de Terra de Labore, reservato si li ludey de Terra de Labore contribuyrranno in le expese che anno facto et faranno li ludey dela provincia de Calabria, et se le dicte spese se pagassero de comne e li ludey de Terra de Labore colessero che fosse data fede alo dicto loro con sacramento o sencaa sacramento de ke dicte expese et semelmente sia data fede ali ludey de Calabria. – Placet Regie Maiestati.
13. Item che quilli haveranno da iudicare et declarare li apprezi habian consideracione che
la uncia dela usura deve pagare più che quella delle mercanzie, debitui et bestiame
actento che le mercancie pagano fondicho, cabelle, dohana et altri pagamento et pericolo
che talevolta sole intervenire in li denari de dicte mercancie con morte et altri desastri
possano accascare ali debituri et le bestiame pagano erbagii, decime et altre angarie che
non è cossì in li denari dela usura et perzò la dicta uncia dela usura habia ad pagare più
che quella delle mercancie tanto più quanto parezza ala decretione deli apprezzaturi et
iudicanti quali haveranno ad ordinare et fare dicti apprezi. – Placet Regie Maiestati.

14. Item che Sua Maiestà se digne de gracia speciale confirmare et de novo concedere a dicti
Iudey et a ciaschuno de loro tucti privilegii, capituli et gracie che per Sua Maiestà et per
la felice memoria de ser.mo signor re Alphonso suo genitore et le la bona memoria dela
regina Ioanna et anche per tucti li altri soy precessuri sono stati concessi neli tempi
passati. – Placet Regie Maiestati.

15. Item che lo capitulo quale Sua Maiestà have concensso ali dicti Iudei, cioè che lo
accusatore habia ipso cinque dì ad mentirese de sua acqua se intenda che habia tempo
cinque dì da poy serrà citata la parte et che nullo possa essere accusatore si non in causa
sua propria et che dicto capitulo se intenda per iudio et per christiano et per omne altra
persona che accusasse. – Placet Regie Maiestati.

16. Item che li presenti capituli et li privilegi che de ipsi se faranno siano franchi de segillo.
– Placet Regie Maiestati.
Appendix 3 – The 1498 Jewish Charter.\textsuperscript{465}

Capituli supplicatione et gratie quale se domandano ala Maiesta del Signor Re Don Federico per li Iudei del Regno et per li Cristiani novelli baptizati dala venuta deli Francesi in qua.

1. In primis supplicano Vostra Maiestà se digne guidare et assicurare tanto li Iudei che al presente sonno in lo Regno, quanto quelloro venessero ad habitarence in futuro, sub verbo regio de non li fare offendere in personis nec in bonis, et cosi per vigore del presente capitulo se intendano assecurati et guidati in ampla et cauta forma, et sia tale guidatico per vintecinque anni con disdicta de doi anni, et li Iudei veneranno ad habitare in lo Regno socto la protectione de dicto presente guidatico se ne possano retornare ad loro posta sencza offensione alcuna de farseli per Vostra Maiestà et soi ministri, et li siali rito possere vendere li loro beni tanto stabili quanto mobili, et cosi similmente li Iudei regnicoli volendoli exulare dal Regno Vostra Maiestà con la disdicta se ne possano andare impune tanto le persone quanto loro beni mobili et stabili, et eo casu li possano [vendere] ad loro arbitrio et volunta et cosi similmente volendo Vostra Maiestà exulare li Cristiani novelli dal Regno con [la disdicta], li siali rito de potere vendere li boni loro stabili et mobili, et non siano offesi per ordine de Vostra Maiestà finché seranno arrivati dove voleranno andare. \textit{Placet Regie Maiestati}.

2. Item supplicano Vostra Maiestà, considerando che per li malittractamenti haveno patuto in loro patrie et per fugire li odij et male v[olunta] intendono andare ad habitare in altri lochi del Regno, che possano vendere li beni stabili [teneno] in dicte loro patrie ad dicto effetto, non obstante la prohibitione facta de non potere vendere li loro stabili. \textit{Quod caveant de non descendendo a Regno aut emanat tantundem in aliis partibus Regni}.

3. Item supplicano Vostra Maiestà se degne concederli indulto et remissione plenarie in genere et in specie de tucti loro excessi commissi per lo passato per quanto specta ad Vostra Maiestà et soi officiali et signori dele terre dove sonno habitati ipsi Iudei et Christiani novelli, etiam in crimine lese Maiestatis, et fare annullare et cancellare tucti processi stessero pendenti fino al presente contra li predicti servato interesse partis civiliter intendando. \textit{Placet Regie Maiestati}.

4. Item havendo dicta Maiestà per lo capitulo supra scripto concesso indulto generale in genere et in specie ali Iudei predicti et Christiani novelli commoranti in lo vostro Regno de tucti excessi et delicti patrati per essi per el tempo passato, supplicano la predicta Maiestà se digne fare ad loro gratia de tucte pene in le quale fossero incorsi fi al presente di, tanto per cosa criminale como etiam civile ac etiam instrumentale, et ognaltra accusatione de pena incursa per fi al presente di, ad cio che per lo odio li hanno conceputo li Christiani mediante loro saccheggiamenti per le cause predicte non vengano ognidi ad essere devorati et molestati. \textit{Placet Regie Maiestati}.

5. Item supplicano che, considerato multi Iudei et Christiani novelli sonno stati exulati da loro patrie dove haveno [loro beni per li tempi] turbulentì dela guerra, Vostra Maiestà li conceda che possano ad loro [lochi] repatriare et gaudere li bono loro, non obstante per

\textsuperscript{465} "Gli statuti di Federico d'Aragona per gli Ebrei del Regno", in \textit{Archivio Storico per le province napoletane}, Terza serie, Anno XVIII-XCVII, Napoli, 1979, 131-184. The original charter is in ASN, Frammenti Aragonesi, Busta VIII/528, foll.23 r.-31 v.
importunita alcuni lochi havessero optimuto lo contrario da Vostra Maiesta. Placet Regie Maiestati quod possint reddere ad rehhabitandum in dictis terris.

6. Item supplicano che tucti Iudei et Crystiani novelli se fossero absentati dal Regno per la venuta de Francesi possano impune repatriare, et per tale absentare non vengano ad essere incursi in nulla pena aut confiscatione o alienatione de loro boni, non obstante ogne altra ordinatione in contrario. Placet Regie Maiestati quo tamen ad Crystianos etiam nisi defecerint a fide.

7. Item supplicano, considerato in tempo de li Francisi multi crediti de Iudei et Crystiani novelli foro confiscati et concessi ad private persone et ad universitate, et quietati per poca cosa li dibitori de li predicti Iudei et Crystiani novelli, che Vostra Maiesta se voglia contentare che deli predicti se possa exigere integramente per li commissari se deputeremo per quella, admettendo et fando bono ali debitori quello verdateramente se trovassero pagati. Placet Regie Maiestati.

8. Item che considerando multi Iudei et Crystiani novelli per li sacramigliamenti havero patuti in le guerre francesi per li quali sonno restati poverissimi senza stabili et senza recoglienza, supplicano Vostra Maiesta se digne ad quilor o sono de tale sorte concedere tempo che non possano essere molestati da loro creditori, tanto se fossero Crystiani quanto se fossero Iudei. Placet Regie Maiestati concedere dilationem per biennium in forma prestita fideiussoria cautione.

9. Item supplicano Vostra Maiesta se degni che tucti loro stabili teneano et possideano avante lo advento de Francesi nel Regno ad loro fossero stati tolti da baroni universita et particolare persone, tanto ecclesiastica como seculare, etiam se fossero impetrate o motu proprio donate da Re de Franza o dala felice memoria del Signor Re Ferrante secundo o da Vostra Maiesta benche non fosse emanata de questo lettera o privilegio de quelle, [le] impetrat[ione] concessione et donatione siano nulle inadvertenter facte et importune concesse, etiam se fossero in tucto o in parte alienate o permutate seu distracte quomodocumque et qualitercumque senza replica et dilatione, comandando ad tucti baroni et officiali del Regno che ad requisitione simplice o solemne de essi et ciaschuno de loro senza altra consulta siano restituiti de continente et reintegreti in la pristina posxessione et dominio senza alcuna contrarieta, et lo predicto se intenda per quilli Iudei et Crystiani novelli che non so partuti dal Regno. Placet Regie Maiestati nisi in domibus et locis eorundem fuissent constructe ecclesie seu cappelle.

10. Item supplicano perché multi Iudei et Crystiani novelli per timore dele impretratione et ad minacce contra loro volunta haveno venduto loro stabile ultra dimidium iusti pretii, Vostra Maiesta se voglia contentare che li sia administrata iustitia, non obstante li contracti et scripture contra loro volunta ne havessero facti a li comperatori, et se li comperatori volessero pagare iusto pretio habiano ad valere li contracti, alias quilli non tengano ne le pene adrecte in essi contratti. Placet Regie Maiestati quod ministetur eis iustitia.

11. Item perché in le guerre francesi multi Iudei et Crystiani novelli per timore et pagura haveno facti multi contracti et promissione simulate et ficte, supplicano Vostra Maiesta se voglia contentare che dicti contracti et promissione et anche vendite simulate et ficte siano irrite et nulli, et che non habiano efecto alcuno. Placet Regie Maiestati.

12. Item supplicano Vostra Maiesta che se voglia contentare tucti boni stabili dopo dicte guerre se trovano essere stati occupati contra lo dovere et minus iuste per universitate o particolare persone, etiam che ce fosse intervenuto lo consentimento de li patroni non
spontaneo ma per timore, se li abiano ad restituire ad essi ad cio vengano ad recuperare la robba loro li specta de ragione. Placet Regie Maiestati prout in Christo.

13. Item perche per causa de dicte guerre francesc sono state in multe terre del Regno occupate le scule et sinagoghe dele Iudeche et le possessione et boni loro stabili, li quali se possedono per universita o particolare persone tanto seculare quanto ecclesiastica, et per importunita si dele universitate como de private persone ne sono state concesse confirmatione de Vostra Maiesta, supplicano quella se voglia contentare che dicte scule et sinagoghe con loro boni stabili se habiano ad redure al pristino statu, et vengano in potere del Iudeche secundo stavano innante dicta guerra, et similiter le cose mobile de dicte scule et sinagoghe le quali sono venute in potere de alcuno non per via de sacchigiamento. Placet Regie Maiestati ut in nono.


15. Item supplicano Vostra Maiesta se digne conderleri che li Iudei se sono trovati in dicte guerre francesc in le terre et lochi de rebelli de Vostra Maiesta non siano reputati per rebelli, ne per questo vengano a perdere loro boni, ne se habiano possusto impretrare loro robbe, acteso in Iudei non po cascare rebellione secundo loro privilegii, et similmente in questo siano tractati li Crystiani novelli. Placet Regie Maiestati.

16. Item perche alcuni Crystiani novelli se ne sono andati extra Regnum, et le mogliere sono remaste ludee, et loro boni sono stati concessi ad altri, supplicano Vostra Maiesta se voglia contentare che dicte loro mogliere sopra dicte robbe possano recuperare le dote loro, con le quale se possano substantare. Placet Regie Maiestati.

17. Item supplicano che considerato li sacchigiamenti haveno patuti li Iudei et Crystiani Novelli haveno perduti tucti li pigni teneano de Crystiani, li quali stanno con tanto disfavore, del continuo sonno molestati de dicti pigni, la Maiesta Vostra se voglia contentare per tale causa non se li possa dare molestia alcuna, maxime per essere de deve re et se le leva materia de continuo piatere et spendere in li tribunali, dove se consumano indebitamente, et fare mittere silentio ale lite pendeno de presenti de tali piati. Placet Regie Maiestati quoad sacchizatos nisi aliter consitterit in contrarium.

18. Item perche multi Iudei se sono baptizati, et le mogliere sono restate in la loro fede iudayca, supplicano Vostra Maiesta se digne ordinare che dicti Crystiani novelli habiano da dare lo repudio a loro mogliere, adicio che quelle se possano maritare ad altri Iudei secundo la loro lege, et tale repudio se habia da dare senza pagamento ne recapto alcuno. Placet Regie Maiestati.

19. Item supplicano che ogni dubio et difficultate potesse nascere et cascare in li presenti capituli et ciaschuno de essi sempre se habia interpretare in favore de dicti Iudei et Crystiani novelli. Placet Regie Maiestati.

20. Item dicti Iudei supplicano la Maiesta predicta se digne conderleri che ogne Iudio possa comperare nante tempo como oglio vini grani et ognaltro legume et victuarie et pedatico et ognaltra cosa, et quello comperando et usando, che li debitori siano tenuti de darli tucto quello li haveranno venduto et promesso, et lofficiale sia tenuto, quando lo debitore non volesse pagare dicti Iudei, constringerli summare de et plano ad farli dare tanto quello hanno comperato per lo passato, como quello comperaranno per lo advenire. Placet Regie Maiestati.
21. Item dicti Iudei suplicano la predicta Maiesta se digne concederli che non possano essere constricti da qualsivoglia comminita o officiale, tanto de domanio como de barone, prestare denari sencza pigno, ne etiam possano essere constricti per dicte comminita o officiale ad imprestare li loro lecti massarie o altre loro cose mobile. Placet Regie Maiestati.

22. Item che dicta Maiesta se digne concedere ali dicti Iudei che nessuna persona de qualsivoglia stato grado et conditione se sia se possa ne debia impretrare o censuate, et che nessuno possa usare ne fare usare dicti lochi per commodita o remota ogni dilatione et contradictione quillo llavesse impetrato le debia retornare ali patroni, et se lhavesse posseduto qualche tempo o facto possedere da altra persona che de continente siano retornati in potere deli dicti patroni, et che li officiai del loco li quali fossero requisiti per dicta causa per dicti Iudei debiano fare retornare li dicti lochi ali dicti Iudei, et che ipsi non siano tenuti pagare ali occupatori de dicti lochi nesuna spesa che avessero facta. Placet Regie Maiestati reservatis locis in quibus fuissent constructe ecclesie et preter meliorationem inde securat quam teneantur solvere.

23. Item dicti Iudei suplicano la predicta Maiesta se digne concedere ad dicti Iudei che quando se volranno partire dale terre dei baroni, con le robbie famiglie et tucte loro cose, che ad ogne piacere loro et volunta se possano partire et andare ad habitare dove li piacera per lo Regno, et si per casu se partesser o fossero partuti, che non possano essere constricti ad alcuno pagamento tanto ordinario como extraordinario, pagando dicti Iudei dove andarando ad habitar. Placet Regie Maiestati.

24. Item dicti Iudei suplicano la predicta Maiesta che morendo qualsevoglia Ludio remanendo la mogliere con li figlioli che inventario dele robbie de dicti Iudei che se trovara essere facto se intendra così legitimamente per la matre como per li figlioli, la quale heredita se intendra ad beneficio de inventario legis tam pro preterito tempore quam pro futuro. Placet Regie Maiestati sine preiudicio tertii.

25. Item dicti Iudei suplicano dicta Maiesta che tanto ipsi Iudei che sonno habitanti in presente in questo Regno, como quilli ce veneranno in futurum ad habitar in ipso, et così li Iudei forasteri che practicaranno in esso Regno tam in genere quam in specie, se digne de gratie farli franchi exempti de passi, como sono li Crystiani de Sua Maiesta, tanto de loro persone como etiam robbie, et così etiam de ogne cabella piazza scafa o altra qualsivoglia solutione che se domandasse ali dicti Iudei o qualsevole de essi tanto regnicoli quanto forastieri habiano ad essere tractati et siano tractati como li Crystiani regnicoli et vaxalli de essa Maiesta da tucti et qualsevole officiali de dicta Maiesta, gabelotti scafari passageri et piazzari tanto de ipsa Maiesta como de qualsevole barone et altre private persone, et in casu quo dicta franchita li fosse per alcuno rocta o impedita o che ipsi Iudei fossero altramente tractati in lo passaggio de dicti passi piaze sfae et ponti, quelli tali che contraveneranno al tenore del presente capitolo per ciascuna volta che contravenera in quillo habia ad pagare vintecinque uncie de pena applicanda ala Regia Corte, et se debia dare fede ali dicti Iudei con iuramento more ebreorum quando supra cio se querelassero, cassando et annullando ogne consuetudine abusione privilegii ordinatione o capituli che per lo passato fossero stati observati, li tenori deli quali licet presentibus non inserantium haberi hic tamen robbie piu che se exigesse dali Crystiani, et sia tenuto lo Sacro Consiglio dela predetta Maiesta overo lo Regente, o qualsevoglia altra Corte dove ne sera facta querela, procedere rigidamente in exigere la pena predicta et per fare satisfare lo danno et lo interesse alo Ludio o Iudei per lo quale sera facta querela.
Placet Regie Maiestati quod tractentur prout tractabantur tempore recolende memorie Regis Ferdinantis primi genitoris Sue Maiestatis.

26. Item supplicano dicti Iudei la predicta Maiesta che ad ipsi et ad ciascuno de ipsi tam in gener quondam in specie sia licito et permisso in qualsevole cita terra et loco de questo Regno possere usare loro cerimonie ebraiche et loro consuetudini, et dire le oratione consuete ordinate per loro doctori et lege o la usanza ebraica, et quilli possano usare in lochi honesti et consueti, et in casu se trovassero in alcuna terra et loco dove li predicti Iudei o qualsevoglia de ipsi Iudei tanto in gener quanto in specie non havessero loco deputato, et in ogni altro caso ne necessita per lo quale fosse necessita farli in altra parte, che in li loci consueti et soliti, li possano fare in loro case et dove ad loro meglio piacere et parera, et li sia licito tenere li libri pertinenti et spectanti a loro lege in loro lingua, et quilli fare scrivere translatare legere et usare, et così li libri de loro doctori ad loro piacere et volunta senza essere puniti in alcuno modo ne pagarne pena alcuna, et absque impedimento vel obsticulo. Placet Regie Maiestati.

27. Item supplicano li prefati Iudei che coacti et contra loro volunta ipsi o qualsevoglia de ipsi ne loro donne o figlioli non siano astricti de andare ad audire predicche o altre cerimonie cristiane, si no quanto fosse de loro volunta, et che per qualunque persona tanto ecclesiastica quanto secura sub quovis pretextu de ecclesiastica inquisitione aut alias quovismodo non siano astricti ad alcuno pagamento directe vel indirecte che se havessede da fare ad persone ecclesiastiche, et quando in questo se contravenesse in modo alcuno, li officiali dela predicta Maiesta siano tenuti darli adiuto et favore da tale vexatione. Placet Regie Maiestati.

28. Item supplicano li dicti Iudei ala predicta Maiesta che non facza gratia ad essi in genero et specie che in primis causis non possano essere constricti si non davante li officiale o ordinario de la cita terra o locho dove habitarranno, et che occorrendo da havere ad presentare loro privilegi in qualsevole Corte non siano tenuti de pagare la presentata ad chi seranno presentati, parendo ali dicti officiali de pigliare copia de dicti privilegii o capitulo per lo quale sera presentato lo privilegio la passa tollere ad spese dela parte o de esso officiale se de suo interesse ageretur, et supplicano se debiano dare fede alo transumpto de ipsi privilegii como ali proprii originali. Placet Regie Maiestati dummodo quod semel presentaverint.

29. Item che quilli Iudei che sono soliti pagare sale et foculeri et collecte con li Crystiani non li possa essere posto ad pagare, si non solamente per lo numero de li foci che sono scripti in lo Regio cunto. Placet Regie Maiestati servare solitum et consuetum.

30. Item che ciascuno de ipsi Iudei per tucto lo dicto Regno sia tractato come sono li homini de quilli loci dove habitarranno, et possano gaudere quello che gaudeno li homini de quelli loci dove habitarranno, cio e lo iudio che sera habitatore de Napoli Taranto o Lecze o altra cita et lochi del Regno, in qualsevole parte dove fosse del regno possa gaudere li privilegii et gratie che in quillo loco gaudeno quilli de Napoli et Taranto Lecze et altre cita. Placet Regie Maiestati iuxta solitum et consuetum.

31. Item che tucti Iudei che per lo passato sono venuti ad habitare in lo dicto Regno, et similmente tucti quilli che in futurum ce veneranno ad habitatre, siano tenuti et reoutati subditi et vaxalli dela predicta Maiesta como se fossero nati in lo dicto Regno, et possano gaudere tucto quello che gaudeno li altieri regnicoli Iudei, et che in quisto Regno non possano essere constrietti ne puniti per qualsevoglia cosa quantumvis criminale extra
Regnum commissa. Placet Regie Maiestati quovero ad solutionem iurium dohnarum et aliorum dirictuum tractentur ut vaxalli et cives locorum elapso decennio habitationis.

32. Item suplicano dicti Iudei che le nocte de loro sabati et altre feste che non ponno portare foco ne lumera ad loro sia licito de possere andare liberi et securi senza foco ne lumera et non siano tenuti ad pena alcuna, non obstante li banni o consuetudine o altre ordinatione facte overo fiende. Placet Regie Maiestati.

33. Item che ciaschuno deli dicti Iudei che havessero regie lictere de practicare in medicina, cio e de fisica et ciururgia, per nullo protommedico ne per qualsevolgia altra persona possano essere vexati ne molestati, et bisognandoli monstrare seu presentare le loro littere de practica non siano tenuti ad pagare presentata ne altro pagamento, actento le grande mangiarie che socto questo colore supra de loro sonno facte. Placet Regie Maiestati facta tamen una presentatione.

34. Item che la predicta Maiesta se digne concedere ali dicti Iudei in generale at ad ciaschuno de loro in speciale che reservato in crimen lese Maiestatis contra de loro non se possa aliquo modo procedere per via de inquisitioni si non per accusacione et che non siano tenuti respondere fine ad tanto che lo accusatore habia donata idonea pregeria provare la sua accusa per idonei testimoni, et che in caso che non provasse la accusa per idonei testimoni caschi in pena talions et satisfaktion et interesse ala parte, et che lo accusatore habia tempo cinque di ad pintire delaccusa, et che lo officiale sia tenuto ad intendere la repetenza, et che lo accusato non sia tenuto ad pagare si non tre grana per cassatura, et lo officiale et qualsevole altra persona che contrafarra casche in pena de mille ducati et altra pena in arbitrio de dicta Maiesta reservata. Placet Regie Maiestati.

35. Item che la predicta Maiesta conceda ali dicti Iudei et ad ciaschuno de loro in solidum che non possano essere tenuti in presone ne constrechi de di de sabato ne de le altre loro feste donando idonea pregeria passata la festa tornare in presone, reservato se fossero tenuti se morte o altra pena afflictiva de corpo. Placet Regie Maiestati.

36. Item che la predicta Maiesta conceda ali dicti Iudei che per nullo tempo davenire qualsevolgia ludio che fosse bappticato supra de loro et de ciaschuno de loro possa haver officio titolo o iurisdictione, ne contra de loro ne de ciaschuno de loro possa deponere ne testificare. Placet Regie Maiestati.

37. Item che la predicta Maiesta conceda ali dicti Iudei et ciaschuno in solidum che anderanno per li mercati de quisto Reame de Sicilia Citra Farum che aliquo modo non possano essere constrechi ne chiamati ne vexati davante niuno de mastri de mercati o qualsevoglia altro (de mercato\(^{466}\)) officiale de mercato, et maxime del mercato dela Madalena de Cusentia, che sono spisse diate injustamente milto maltractati, ma solamente siano constrechi et chiamati avante lo officiale ordinario dela terra dove se fara lo mercato, et lo qualunche altro officiale o mastro de mercato che presumesse fare lo contrario casche in pena de mile ducati. Placet Regie Maiestati iuxta solitum et consuetum.

38. Item che la predicta Maiesta conceda ali dicti Iudei et ad ciaschuno de loro in solidum che non siano tenuti portare alcuno insegna, actento le grande mangiarie et compositione che sotto questo colore supra de loro sonno facte, et per questo supplicano la predicta Maiesta li conceda dicta gratia non obstante qualsevoglia privilegio

\(^{466}\) six dots mark the words in the original document. To be considered erased.
consuetudine lege constitutione et alia quacumque causa in contrario facte vel fiende, et che nullo qualsevolgia predicatore inquisitore et qualsevolgia altra ecclesiastica persona vel seculare supra de loro se habiano impacizzare ne innovarli cosa alcuna contra de loro. Placet Regie Maiestati.

39. Item che la predicta Maiesta conceda ali dicti Iudei che ogni contracto et causa dotale et scriptura altra qualsevolgia che sia ebraica facta et che in futurum se fara intro de loro in iudicio et in ogne loco habia effecto et executione, et sia observata come se fosse intrumento publico facto et roborato per mano de notaro publico. Placet Regie Maiestati quoad inter eos.

40. Item che la predicta Maiesta conceda ali dicti Iudei et ad ciascuno de loro che non possano essere constrecti ne pigliati per maninvolti ne ad martoriare ne ad fare alcuno altro acto de iustitia, et che qualsevolgia officiale o altra persona che contrafarra casche in pena de mille ducati. Placet Regie Maiestati.

41. Item se per li Cristiani populi et universita del Regno predicto imponesse cabella alcuna inprunto o altro pagamento extraordinario, sub quocumque colore sive causa, vole dicta Maiesta che li predicti Iudei et ciascuno de loro nec in genere nec in specie siano tenuti ad contribuire ala dicta compositione de pagamento, o altro subsidio extraordinario o servito personale tanto per mare quanto per terra, immo siano franchi et exempti per auctorita del presente capitolo, et per nesuno officiale o vero commissario del Regno tanto de domanio quanto de baroni ne per qualsivoglia universita o particolare persona se possano constringere nec modo aliquo molestare ali dicti pagamenti et impositione, sed semper maneant franchi liberi securi tutti et exempti, actento maxime che li dicti populi Christiani non contribuiscono in lo supradicto pagamento ne in altro con li supradicti Iudei. Placet Regie Maiestati quovero ad dictas solutiones opportune providebit.

42. Item che succedendo che alcuno Judio o Iudea che se infectasse de lepra che lo Comandatore de Sancto Lazaro vel priore o vero procuratore o altra persona ad chi pertinesse non li possano togliere li beni et robbe tanto mobili quanto stabili, ne de loro se debiano impazare si non da separarle dalle persone sane et farli stare in quillo loco dove sonno soliti stare li Iudei, et ad chi succedesse tale male, in quelli lochi dove non havessero loco deputato che lo dicto Comandatore o vero altro per soa parte sia tenuto darli uno loco debito in le pertinentie de quella terra. Placet Regia Maiestati.

43. Item che la predicta Maiesta concede ali Iudei predicti et ad ciascuno de loro in solidum che niuna bagassa ne femina de mala fama ne niuno roffiano ne homo de mala fama contra li dicti Iudei et de ciascuno de loro possano deponere ne testificare, et ciascuno Judio o Iudea che fosse incriminata che carnalmente havesse usato con li Cristiani, ne niuno officiali li possa martiori, considerato le grande suburnatione et compositone che occultamente per questo ne bisogna fare socto questo colore. Placet Regie Maiestati.

44. Item che se li dicti Iudei et ciascuno de loro per qualsevole respecto non usassero alcuno deli dicti Capituli che non se intendere essere rupti ne maculati, ma sempre se intenda esserne in poxessione, et che sia in loro arbitrio usarli tucti o vero parte deli presenti Capituli, et che quelli non usassero ad loro arbitrio le possano tornare ad usare, et sempre siano in poxessione de ipsi, et che quando fosse necessario de presentarli che subito siano restituiti ali presentanti, et che non siano tenuti pagare presentata alcuna ne ad dare copia de ipsi ad loro spese, et ogne dubio che accadesse in li presenti Capituli et in ciascuno de ipsi sempre sia interpretato in favore de dicti Iudei et ad ciascuno de loro, remota omni sinistra informatione o interpretatione, et che se debiano interpretare gratiosamente
et non per via de lege, et che li presenti Capituli siano concessi proprii motus instinctu. 

Placet Regie Maiestati ut supra.

45. Item supplicano dicti Iudei che se digne la Maiesta predicta concederli de gratia che non possano essere convenuti ale corte deli baglivi, actento li multi danni et magnerie et interesse li succedeno in dicte corte. Placet Regie Maiestati iuxta solitum et consuetum.

46. Item che la Maiesta predicta de gratia speciale et dominica potesta legibus non submissa se digne concedere ali dicti Iudei et ciaschuno de loro in solido che non siano tenuti pagare nessuna mortafa ne focularo salario provisione ne qualsivoglia altro pagamento ad niuno qualsevoglia altra persona ecclesiastica vel seculare, reservati li pagamenti che la predicta Maiesta proprii seranno imposti, et che da mo innante sia rupto casso irrito et annulato ogni privilegio impetratone concessione et consuetudine che contra li dicti Iudei supra cio fossero impetrati facti et usati, non obstante qualsevoglia causa in contrario facta vel fienda. Placet Regie Maiestati iuxta solitum et consuetum.

Expedita fuerunt presentia Capitula in Castel Novo civitatis Neapolis XII iunii MCCCCLXXXXVIII. Rex Federicus.


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⁴⁶⁷ Stata Archive of Naples, Frammenti Aragonesi, Busta VIII/528, foll.23 r.-31 v.
Appendix 4 – The 1462 Capitoli of the Universitas of Trani.468

1462, martiis 22 – Indictione
1. Imprimis supplicano li dicti Sindici ala prefata Maiesta che se degne concedere de novo ala universita et homini de dicta cita tucte gabelle, dele quali erano in possessione in tempo dela felice memoria de Re Alfonso, una insieme con la cabella dela carne la quale havea madama Lucretia de alagno. Placet Regie Maiestati.
2. Item supplicano ala prefata Maiesta se degne concedere che la dicta cita de Trano per nullo tempo sia altramente tractata et tenuta si non de demanio como ia sempre è stata et al presente sta, de la qual cosa non è memoria in contrario. Et si la dicta universita volesse de ciò scriptura, o altra auctentica cautezza, la dicta Maiesta sia tenuta farla ad ogni requesta de essa universita. Placet Regie Maiestati.
3. Item supplicano ala prefata Maiesta se degne confermare et de novo concedere tucti privilegij che la dicta cita ha, albarani, et altre scripture favorebile ad essa Cita, et similiter altri privilegij concessi per qualsevoglia Re et per essa Maiesta ad tucti citatini de essa universita. Placet Regie Maiestati.
4. Item supplicano la predicta Maiesta se degne actento la grande povertate et inopie in che sono tucti citatini de essa cita per li pagamenti et guerra strecta che haveno havuto et continuamente haveno, fare una supersessoria generale ad tucti Citatini de essa Cita, che non possano essere molestati da loro creditori per anni cinque. Et se intend da qualsevoglia forestieri facendo cauto de farlo contento offrerendoli tanto del suo bene che ipso creditorie abbia lo equivalente per sua securita. Placet regie Maiestati.
5. Item supplicano ala predetta Maiesta attento abbiamo per privilegi che la dohana et dohanari de Trano paghino annuati imperpetuum unceze tre per impiere la fontana dove se abbeverano li cavalli, licet lo privilegio se perdesse in la rotta de Sarno. Essa maiesta se degne confermarlo et de novo conceder le dicte tre unvze per la dicta causa se paghneo annuati imperpetuum per ditca dohana et dohanieri. Placet Regie Maiestati.
6. Item supplicano ala predicta Maiesta perche essa Maiesta per sua benignita et clementia pagao tucti crediturì de essa Cita reservato Ioanne Alamagny, essa Maiesta se degni farlo contento per modo che nullo Citatino et habitante in Trano de ipso Iohanne sia molestato ne da altro per sua parte como per essa maiesta è stato promiso. Placet Regie Maiestati.
7. Item supplicano alla predecta Maiesta se digne concedere ala dicta Universita che essa non possa essere constricta da alcuno officiale che fosse stato in la dicta cita per lo tempo

468 Published in Gerardo Gioffari and Mario Schiralli eds., Il Libro Rosso della Università di Trani, (Bari: Centro Studi Nicolaiani, 1995), 228-232.
passato per li residui deli pagamenti de loro salarii ali quali la dicta universita fosse per alcun modo tenuta. \textit{Placet Regie Maiestati.}

8. Item supplicano ala predecta Maiesta acteso che essendo in potere de ipso Ihonallo de Sifula et Valentino Citiulo circa ducati quattrocento videlicet in potere de ispo Ioannello circa ducati cento, et in potere de ipso Valentino circa ducati trecento, deli denari de Lucretia de Alagno, li quali erano pervenuti dala cabella della carne quale ora era della dicta Lucretia. Li magnifici Bernardo dela Marra, messer Stefano de Bologna et Iohanne Antonio de Foxia officiali de essa Maiesta in la dicta cita pigliaron li dicti denari da potere deli predicti et quelli dispesero in servitio de essa Maiesta: et la dicta universita intrao tenuta ali dicti Iohannello et Valentno de li caczare indemni dela dicta quantita. Pertanto se degne la dicta Maiesta concedere e donare la dicta quantita ad essa universita come cosa devoluta ad essa Maiesta per rebellione de essa Lucretia che per niuno tempo essa universita sia tenuta ad qualsevoglia persona dela dicta quantita. \textit{Placet Regie Maiestati.}

9. Item supplicano ala predetta Maiesta se degne concedere ad essa Universita due unce per anno imperpetuum sopra la dohana de la dicta Cita per lo palio che se fa ogni anno in la festa delo glorioso Sancto Nicola peregrino. \textit{Placet Regie Maiestati.}

10. Item supplicano ala dicta Maiesta se degne concedere ad essa Universita lo Capitaneo annuatim et non piü et che in essa cita non sia altro officiale come è stato consueto in tempo dela Regina Ioanna. \textit{Placet Regie Maiestati.}

11. Item supplicano, acteso lo dampno quale essa universita have recevuto, et homeni de quella, essa Maiesta se degne de gratia concedere ala dicta universita che quelli che compraranno vino dali citatini de essa Cita et caczranno dala dicta Cita non siano tenuti ad pagar alcun diricto de dohana, piazza, fundico, uno per cento o altro vectigale posto o che in futurum se ponesse et che li comparaturi deli dicti vini possano fare portare et caricare li dicti vini da chi li piacerà senza che li bastasi li possino constrengere ad caricarli loro. \textit{Placet Regie Maiestati.}

12. Item supplicano la predicata Maiesta conceda che tanto li bastasi de mari come li sfossaturi et fornari siano tenuti ad contribuyre ali pagamenti regali et andare ale guardie et altre gravecze della cita. Et se possano constrengere avante lo Capitaneo de dicta cita presente et futuro in casu che lo castellano non facesse iustitia d loro. \textit{Placet Regie Maiestati.}

13. Item supplicano ala prefata Maiesta se digne concedere che tucti citatini dela dicta cita de Trano per tucto lo regno siano tracati et tenuti per citatini tanto de loro mercantie quanto de ogni altra cosa si in doana, portu, passu como so tracati et tenuti quelli citatini delli lochi proprij dove ipsi citatini de Trano intravenessero. \textit{Placet Regie Maiestati.}

14. Item supplicano ala dicta Maiesta se degne concedere actento li affanni haveno patuto et pateno si dela guerra como del pagamento per sostentare contra inimici de essa Maiesta, che siano franchi tucti citatini de Trano per anni quindici de ogni colta, taxa, foculeri et altra impositione quomodocumque et qualitercumque per essa Maiesta se imponesse ordinarie o extraordinarie dapoi faca la generale pace in lo regno. \textit{Placet Regie Maiestati.}

15. Item supplicano ala predecta Maiesta concedere che nullo citatino de Trano per qualsevoglia causa civile o criminale possa essere constrecto et presonato in castello excepto fosse crimen lese Maiestate, heresis et false monete. \textit{Placet Regie Maiestati nisi veniret puniendus pena mortis.}

P. Garlon

Dominus Rex mandavit mihi Antonello de Petrutiis.

Sol. Unc. XXXXV

Iohannus Pontanus pro Mastro Camerario

Registrata in Cancelleria in regesto XVIIIJI
Penes Cancellarium
Appendix 5 - The 1463 Capitoli of the Universitas of Lecce.

Privilegium Regis Ferdinandi primi in quio continentur nonulle et quam plurime gratie et immunitates concesse Universitati et hominibus ipsius ob merita sincere devocionis et fidei pro ut infra particulariter annotantur.

In castris prope Terlicium, 26 novembris 1463
Ferdinandus Dei gratia Rex Sicilie Ierusalem et Hungarie. Universis et singuli presencium seriem inspecturis tam presentibus quam futuris In hiis que Principium animos ad benefaciendum subditis suis monet hoc maxime vel in primis est sincera quidem vountas, animi sinceritas et observancia erga Principes quibus subditi sunt: que cum ita solum eos ad benefaciendum verum etiam ad caripendendum subditos suos cogit atque compelli considerantes igitur merita sincere devocionis et fidei erga nos et statum nostrum nobilium virorum Universitatis et hominum civitatis nostre licii provincie terre Hydronci nostrorum fidelium dilctorum qui ob eorum ob nos singulare observanciam nunciate eis obitu Illustris Principis Tarenti cognoscentes celsitudinem nostram iure ptimo ipsi principi debere succedere in statum sese urbemque nobis dederunt et nonnullas supplicaciones in vim capitulorum per eorum sindicos nobis presentarunt: que decretari iussimus prout in fine uniuscuisque ipsorum continetur et sunt tenoris sequentis. Le infrascritte gratie se domandano alla inclita et excelsa Maiesta dello glorioso et invictissimo Signore nostro Re Ferdinando per li sindaci elitti per la Universita de li cittadini del la Cita de Leze de sua Maiesta fidelissimi vassalli.

1. I primis supplicano alla clementia et bonta de dicta Meista actento la Universita alla Illustre Madamma Anna de Colompna principessa de Taranto et contessa de Leze etc. per li suoi boni et optimi regimienti li se porta devotissima affeczione et dileccione se ingne concedere ad dcita madamma possa salva libera et secura cum tucta sua famiglia et robe et armese dimorare ne la cita de Roma o altrove dove li piacera; nella quale ancora possa andare libera et secura cum le dicte robbe senza obstacolo et impedimento alcuno. Placet Regie Maiestati.

2. Item supplica a la dicta Maiesta considerato sanno sua Maiesta essere divotissima et benefactrice et augmentatrice de le ecclesie privilegii et loro beni se dengna confirmare et acceptare tucti privilegii gratie et immunitati facte et facti concesse et concessi pet tutti li regali et altri signuri passati de quella citate tanto de la episcopale ecclesia quanto de le abbatie monasterii et altre aclessie site dentro la dicta citate et suo districtu. Placet Regie Maiestati ei et pro ut in possessione persistunt.

3. Item supplicano se digna vostra Maiesta la dicta citate cum ceteri altri lochi chi con de corpore de la dicta Universita ersta per omne tempo sotto lo dominio et optimo guverno de la dicta Maiesta de la Inclita Regina sua delectissima consorta alla quale la dicta universita et citatini sono stati et sono fidelissimi et affecitianatissimi et che per nullo tempo se possa concedere in Capitania et castrolania ad alcuna persona. Placet Regie Maiestati.

469 Published in Pier Fausto Palumbo ed., Libro Rosso di Lecce, vol.1, (Fasano: Schena Editore, 1997), 79-86. I have numbered the items to facilitate the reading and consultation of the document, but neither the original manuscript, nor the published document edited by Palumbo bear such numeration.
4. Item supplicano alla dicta Maiesta actento li excessivi et intollerabili pagamenti facti per la dicta Maiesta actento li excessivi et intollerabili pagamenti facti per la dicta Universita in sonno multi anni passati in fin al presente la gran fama et menuria de tucte cose et amplissima multitudine de populo tucti li citatini et habitanti in quella sono reducti in grandissima et extrema pauperta se digna ad quella mostrare la sua benignissima liberalita et quella affrancare de colte datii focali et altri pagamenti fiscali per anni deyece et quelli passati in perpetuum liberare et affrancare tucti li citadini de Leze del pagamento personale et similiter deinde in antea farli pagare per focolare ad rasone de tari conque per vocare iuxta lo numero del cetularo facto nel tempo de la felicite et immortal memoria de Re Alfonso Rev.mo genitore de la dicta Maiesta computato tumolo uno per focolare de sale et la simile gratia habiano tucti casali se teneno et possedeno per li baruni et citatini de Leze quanto de fore zioè del pagamento de li focali ad tr: cinque pro foculari. Regia Meistas concedit Universitati exemcionem omnium iurium fiscalium pro annis quinque quibus elapsis Placet Regie Maiestati quod tamen solvant dictum ducatum pro quolibet foculari et altra supplicatur.

5. Item supplicano se digne liberare et affancare la dicta Universita de dono consueto et omne altro pagamento et dono extraordinario dacto et solito fare per la dicta Universita alli signuri passati de la dicta cita et omne altra indebita solcione et quantum che fosse stata pro usu et consuetudine introducta del piso de allogiare cortesani et altri officiali de la Maiesta sua. Placet Regie Maiestati de affrancacione dictarum solucionum extraordinarium et quod non teneantur hospitari aliquos curiales nisi quando Regia aut Reginalis Majesta aut aliquis ex filis ipsorum presentes fuerint in dicta civitate.

6. Item se degne la dicta Maiesta remeclereli lo pagamento de la gabella del sangue el quale antiquamente e stao solito per li signuri passati exigerese et remeclereli la decima precii de le case e lochi se vendono intro la cita di Leze et le tricesime de le cause se ventilano tanto ordinarie quanto extraordinarie tanto ne la corte del Capitano quanto ne la corte civile de li baglivi. Placet regie Maiestati remictere ius tricesimarum et decime ut supplicatur.

7. Item supplicano se digna la dicta humanissima Maiesta concedere a la dicta Universita lo jorno del lunedi in lo quale se fa nella dicta cita la piazza sia franco et libero de omne pagamento per quello se vendesse o comprasse nel dicto jorno et la simile franchit et immunitate se conceda per li di octo alla fiera de Sancto Iacobo et a la fiera de la prima domenica de Novembre di altri octo et ad tucte altre che se fanno infra annum franchitia de jorni dui per ciascata [sic] una fiera. Placet Regie Maiestati quod dictis singulis diebus Lune dicta Universitas celebrare possit fare frunce ut supplacatur et Placet Regie Maiestati de confirmacione dictarum Nundinarum videlicet Sanctii Iacobi et prime dominice dierum Novembris.

8. Item supplicano se dingne un'altra fiera se fa a di vinti de Aprile et dura per tucti li iorni vinticinque alla ecclesia de Sancta Maria de Cerrate che a franca se transmute et fazase nel loco de Marczo et dura jorno octo: et sia franche et libere de omne pagamento per la rasone del vendere et comparare. Placet regie Maiestati.

9. Item supplicano a la dicta Maiesta se dengna cassare et annullare omne concessione privilegio et gracia concessa et facta per la dicta Maiesta de tucti beni mobili et stabili burgensatichi et pheodali si teneno et possedeno al presente per li baruni et citatini de la dicta cita tanto del territorio coltemntatu et distrectu de la dicta citate quanto in ciascuno
loco di questo Reame de ciascuna persona de qualunca gradu et condizione si fosse. 

Placet Regie Maiestati.

10. Item supplicano se digne vostra Maiesta confirmare et acceptare tucti instrumenti et prothocoll et altre scripture puplece et private facte sub nomine et titulo … del duce Renato et ad quelli et quelle sia data plena fide tanto in judicio quanto extra per inde come si fossero facti et facte sotto lo titulo de vostra Maiesta. 

Placet Regie Maiestati, verum instrumenta que nondum redacta on puplicam formam intitulari debeant sub nomine Regie Maiestatis.

11. Item supplicano se dengne vostra Maiesta predicta quanto in altre spese concernenti alla Universita predicta et che passato el tempo de la franchicia concedenda per vostra Maiesta quello pagamento se dovera fare alla vostra Maiesta per li focaluri predicti se daza in tre termini, lo primo per tucto lo mese de decembre lo secundo per lo mese de Aprile: et lo ultimo per tucto lo mese de Augusto de ciascuno anno. El quale pagamento sia tenuta la dicta Universita mandarlo dove piacera alla Maiesta vostra senza alcuno impedimento de Alguzino Commissario Erario o vero altro exactore de pecunia fiscale. 

Placet Regie Maiestati.

12. Item supplicano se digne confirmare tucti privilegi gratis et immunitati alla dicta Universita de tucti Ill.mi Ri et signuri passati et signanter de la immortal memoria de Re Alfonso concessi. 

Placet Regie Maiestati de confirmacione dictorum Privilegiorum si et prout in possessione peristunt.

13. Item supplicano se digne vostra Maiesta concedereli che nisciuno citatino de la dicta cita possa essere convenuto extra territorio de la dicta Cita tanto in principale causa quanto in causa appellationis civile o criminale: et cussi chel Iusticeri de vostra Maiesta non possa impazere ne cognoscere de le dicte cause de la Universita predicta suo districtu et contato et de lì sì baruni et phedioatarì et ancora quilli citadini del tempo passato havessero ad computare tanto de pecunia quanto de omne altra causa de la Principale et regia corte havesse ministrato possa essere costrecto ad mectere cuncto fuora de la dicta cita de Leze. 

Placet Regie Maiestati quod in primis causis non possint conveniri extra civitatem: in causis autem appellacionum extra provinciam et quod qui tenentur computare cum Regia Curia intra Civitatem habeant computare.

14. Item suplicano concedere alla dicta Universita la immunita del fundico et exitura de tucte le cose: reservato de quelle che se solevano pagare davanti che la bona memoria de quondam Regina Maria imposesse ad tucte le cose lo dicto fundico. 

Placet Regie Maiestati.

15. Item supplicano se digna concedereli che loro citatini et Baruni siano tractati como citatini in omne loco per tucto questo Reame et gaudano tucti quelli privilegi et immunitati soleno et so usi gaudere li citatini de quelli citati terre et lochi. 

Placet Regie Maiestati.

16. Item supplicano se digne vostra Maiesta considerato nella bagliva de Leze sono multi Capituli et consuetudini indebite ed inustria exhorbitanti de omne iusticia equita et devere molto dapnosì alla dicta Universita et ad mone altra persona: concedere quelli se debiano corregere et emendare et redurese alla debita iusticia et equitate per alcune persone docte et digne per la dicta Universita et quelli correcti se debbiano observare et tenere. 

Placet regie Maiestati dicta capitula et consuetudines indebite et iniustae corrigantur per personas doctas cum intervencione cuiusdam deputati per suam Maiestatem.
17. Item supplicano alla immensa liberalità di vostra Maiesta tucta la quantità de grano oglio et dinari lo dicto signor Principe piglio dalla baruni Episcopo certi altri gentili homini chirici et citatini de Leze nell’anno de la decima Indictione proemta preterita sub pretextu de subvencion e promicendo alloro restituueri actento non li foro restitui siano allo predicti restituti del dinaro grano oglio che al presente e restato dal dicto signor Principe. Non potest in presentarum Regia Maiestas comode supplica concedere multis respectibus: sed suo tempore ipsa Maiestas eos teliter comendatos habebit quod cognosceret quantopere sua Maiestas eos caros habet.

18. Item supplicano se digne vostra Maiestate concedereli la dicta cita non sia tenuta per salario del Capitanio Assessore et Mastrodacti non debia durare si non per anno uno de ciascuno officiale: et non se possiano vendere ne exercitare pro substituto et che li provencti tanto civili quanto criminali siano de la dicta Universita et che lo dicto Mastro dacti non se debia pagare si non ad modo et ordine dato per la bona memoria de la Regina Maria et del prncipe de Taranto. Placet regie Maiestati.

19. Item supplicano se digne vostra Maiesta concedere alla dicta Universita che per ipsa se possa elegere lo Camberlingo Catapane Sindaco et Audiituri et omne altro officio spectante alla dicta Universita: li quali debiano servire loro et non per substituto. Placet Regie Maiestati.

20. Item supplicano se digne vostra Maiesta se digne considerato messer Nicola de Iacobo Messer Angelo de Effrem de Baro et messer Bisancio Palea de Iuvenacio Capitaneo et Assessore de la dicta Cita sono fedelissimi et affeccionatissimi de la prefata Maiesta et hannose portato bene in li dicti officii si anno causa loro robbe et famiglia tanto stando in Leze quanto andando altrove salvi et securi senza alcuno impedimento: Placet Regie Maiestati.

21. Item supplicano se digne sua Maiesta confermare et de novo concedere tucti pheodi et casali se teneno et possedeno per li baruni et citatini de Leze nel contato de Leze et ab exeteri etiam si quelli se devessero confiscare per la morte de loro precessuri non notificata fra el tempo debito ne prestito lo relevio et iuramento ligio et homagio alla predicta Maiesta overo per qualunche altra occasione si fosse et de la confirmacione et de novo concessione se ne faza uno privilegio in bono et cauta forma. Placet Regie Maiestati.

22. Item supplicano se digne vostra Maiesta considerato Raymundo de Noha e loro citatino et Gentilomo et e de vostra Maiesta non subdito al Contado de Leze unire et incorporare lo casale suo de Celino al dicto contatu et debia godere quelli privilegi immunitat et gratie che gaudeno li altri lochi de li baruni del dicto contatu de Leze. Placet Regie Maiestati nisi interesse tercii tangat.

23. Item supplicano se digne vostra Maiesta si alcuno barone citatino o altro habitante de la dicta cita fosse detinuto overo loro robbe in qualunco loco se sia de la dicta Maiesta siano liberati et possiano securamente cum tucte loro robbe et fameglia repartire. Placet Regie Maiestati.

24. Item supplicano se degni dicta Maiesta concedere che nullo de li baruni et citatini sia tenuto pagare foresta per loro bestiame pascendo in altro loco ne ancora bagliva. Placet Regie Maiestati de forestis Curie.

25. Item supplicano se digne vostra Maiesta liberalissima considerato la gran fame et penuria et multitudine de populo in Leze per poter loro vita passare donareli thumula diecemila de grano che se crede essere in Leze fo del dicto signor Principe. Regia Maiestas popre
diem personaliter intendit se conferre ad civitatem Licii et cum illic fuerit habita noticia predictorum providebit dicte Universitati taliter quod merito poterunt potestatem contemtari.

26. Item supplicano se digne la vostra Maiesta concedereli che omne persona denunciasse o accusasse pena de intrumento obbliganza facta in qualunque corte possa infra jorni quatro repentirise et repetendose non habia alcuno effectu ne possa exigere. Placet Regie Maiestati de triduo.

27. Item se digna concedereli che niuno citatino cristiano o vero judeo sia constricto affare guardia a piutosto se debiano elegere persone vinti o piu quanto bisognasse salariai per la dicta Universita. Placet Regie Maiestati.

28. Item supplicano se digne concedereli li Iudei commoranti in Leze siano tractati in omni pagamento concenentino la dicta universita come citatini. Non possunt supplicata concedì quia non est iustum quod judei tractentur sicut Christiani.

29. Item supplicano se digne la prefata Maiesta conferire omne concessione et contracto de terreno demaniale et burgensatico fece lo signor principe de lo suo propria ad citatino de la dicta cita et per niuno tempo per altra persona deputata ad ziò se possa inquirere supra lo dicto terreno concesso. Placet Regie Maiestati quod omnes concessiones et contractus facti per Principem serventur iuxta illorum seriem.

30. Item supplicano considerato la qualita et condicione de la dicta Cita non esser conveniente lo Episcopo de quella essere subdito al altro Prelato et digne Sua Maiesta intercedere a la Santita de Nostro Signore la dicta loro Ecclesia episcopale se reduca per sua Sanctita essere ecclesia Archiepiscopale et li benefici ecclesiastici sono in la dicta Cita et districtu se debiano concedere ad citadino de Leze et non ad altra persona. Placet Regie Maiestati.

31. Item supplicano a la dicta Maiesta de degna tucti mercanti tanto regnicoli quanto esteri commoranti o vero commoraturi in Leze per fare loro mercancie in la dicta cita et suo contado cum tucte loro mercancie siano salvi et securi senza esserelci data alcuna molestia o impazo da la dicta vostra Maiesta o vero sui officiali etima si per essa fossero state confiscate per alcuo delicto o altra occasione et possanose partire cum loro robbe et andare liberi et securi. Placet Regie Maiestati.

32. Item supplicano se degne la dicta Maiesta benignissima et gratitissima concedere indulto generale ad tucta la dicta Universita et contau baruni et citatini de ogne delictu commisso per ciascuno de loro etiam si crimen lese Maiestatis aut notoria rebellio fuisset cassando et annullando omne processo et sentencia che per tal rebellione o delictu fossero facti et omne pena et confiscacione de beni tanto feudale quanto burgensatico mobile o stabile per tale occasione quilli restituendo alla sua buona fama reservato se fosse facto tal delicto in detrimento et damno de altre persone le quali posseno non obstante lo dicto indulto consequire loro robbe lampni et interessi facti ad ipsi per li dicti delinquenti senza alcuna pena corporale overo pecuniaria infringendo a li dicti delinquenti per lo delicto per ipsi commisso. Placet Regie Maiestati.

33. Post quorum quidem Capitulorum presentacionem et eorum oblacionem per eius fuit universitatis et hominum civitatis nostre Licii parte humiliter supplicatum ut preinserta capitula ac omnia et singula in eis et unoquaque eorum contenta iuxta huiusmodi decreationis nostras in fine unius cique ipsorum appositas et descriptas confirmare retificare acceptare et approbare et in formam vimque autenticorum privilegii deduci et inviolabiliter observari facere benignius dignaremur. Nos autem eiusmodi Universitatis et hominum supplicacionibus benigne inclinati, nec minus actentes eorum promptam
paratamque obedienciam Maiestati nostre per eos factam post obitum dicti Illustris Principis Tarenti ostendentes suorum animorum optimam singl urearemque volutatem per infrascripta caput al et unumquodque ipsorum ac omnia et singula contenta et annotata in eius iuxta productas nostras decretaiones in fine unus cusque ipsorum appositas et descriptas temore presencium de certa nostra scientia et speciali gratia confirmamus ratificamus et acceptamus et approbamus et in quantum opus est de nove concessionis munimine roboramus. Serenissime propterea Regine Ysabelle consorti et Ill.mo Alsonso de Aragonia Duci Calabrie filio primogenio Vicario locumtenentibus nostris generalibus premissa signif icantes harum serie de dicta certa nostra scientia Viceregibus Iusticariis Capitaneis Commissariis ceterisque officialibus nostris maioribus et minoribus quocumque nomine nucupatis ac officio et iurisdictione fungentibus ublibet et in toto hoc regno nostro Sicilie et signanter in provincia terre Hidronti de dicta civitate Licii statuis et statuendis et aliis ad quos spectat et spectari poterit eirumque locatenentibus presentibus et futuris dicitus precipimus et expresse mandamus sub ire et indignationis nostre incursu penaque decem milium ducatorum aureorum quatenus preinserta capitula unumquodque illorum ac omnia et singula in eius contenta iuxta preinsertas nostras decretaiones in fine uniuscuisque ipsorum annotatas et descriptas predicte Universitatii et hominibus dicte Civitatis Licii teneant firmiter et observent tenerique et observari faciant inviolabiriter per quoscumque et contrarium non faciant quia dicta regina et dux nobis obedire cupiunt ceterique officiales et subditi nostri gratiam nostram caram habeant et dictam penam cupiunt evitare. In cuius rei testimonit. Datum in nostris felicibus castris prope Terlicium per nobilem et Egregium virum Benedictum de Balsamo de Pedimonte Locumtenentem spectabilis et Magnifici viri Honorati Caytani Fundorum Comitis huius nostri Regni Sicilie logothete et prothonotarii Collaterali Consiliari i fidelis nostri plurimum dilecti die XXVI Novembris anno millesimo quattuorcentesimo sexagesimo tercio Regnorum nostrorum anno sexto. Rex Ferdinandus. Egiduius Sebastiano pro Pascasio Garlon. Dominus Rex mandavit mihi Antonello de Petru ciis. Registrata in Cancelleria penes cancellarium XXXIV. P. Compator pro Magno Camerario. Solvat uncias viginti.
Appendix 6 – 1464 Charter to the Merchants of Ragusa.470

Privilegium quintum Regis Ferdinandi
Ferdinandus dei gratia Rex Sicilie Hierusalem et Hungarie. Universis et singulis presents litteras inspecturis tam presentibus quam futuris notum facimus cq nuper ad presentia nostre Maiestate se contulerunt Magnifici viri Nicolaus Simonus de Bona et Marinus georgij de goce Oratores magnifice Communitatis Ragusij. Et inter alique vigore litterarum credentie et legationis eorum nobis expresuerunt quamdam supplications et capitula obtulerunt de quibusdam gratijs quas a nobis concede humiliter supplicarunt super quibus habita nostril Sacri Consilij deliberatione matura prodidimus et responsione dedimus: illasque concessimus ut infine uniuscuiusque illorum nobis expresuerunt quamdam supplications et capitula obtulerunt de quibusdam gratijs quas a nobis concede humiliter supplicarunt super quibus habita nostril Sacri Consilij deliberatione matura prodidimus et responsione dedimus: illasque concessimus ut infine uniuscuiusque illorum continentur quorum capitulorum et decretationum series talis et supplicatio et gratie che se domandano et supplicano alla S. R. M.ta del S. R. Don Ferando Re de Sicilia et c. v per li Magnifici Nicola Simon de bona et Marino Iorgi de goze Ambassatori della Magnifica Communita de Ragusa.

1. Primo se digne essa Maiesta che li mercatanti Ragusei et subditi de essi che con li navilij vineranno in su le fiere o mercati per le terre cita e lochi del suo Regno con le robbe et mercantie loro se per casone dello temporale cativo o per corsari non si potesse partir durante lo tempo della fiera o del mercato dal detto luogo possano dare dieci overo quindici giorni passato lo tempo della fiera over mercato e non siano costretti ne tenuti a pagar nulla delle robbe o mercantie loro come al tempo della fiera dummodo non comprano ne vendono cosa alcunha et se alcunha cosa non vendessero over comprassero siano tenuti a pagar da quello che venderanno over compreranno in quelli di de poi la fiera lo dretto delle dohane e fondachali quello che doveranno. Placet R. M.

2. Item se occorresse chel mercatante overo subdito Raguseo se aggravasse della stima esserli facta in vista delle robbe e mercantie sue per lo dohano: Chel Consolo della Ragusei overo Vicenconsolo si trouasse in quel luogo la deba stimare con lo detto dohanerio et se li detto dohanerio Consolo over viceconsolo Ragusei nel stimare delle ditte robbe e mercantie accordar non si potesse intervenga fra de essi Mastro Portulano della R. M. over Vice portulano e quella stima se facia nella terra citta e luogo dove imprima arivasse quel tal Raguseo per vender le sue robbe over mercantie Segnase quella stima dove veranno portate da poi quelle mercantie overo quelle robbe. Placet R. M. quod si deve extimatione senserint se gravatas quod decretus et magister portulanus provincie provideat quod indebita non gravantur.

3. Item se occorresse che Raguseo overo subdito de Ragusei sconasse le sue robbe overo mercantie da recano a Ragusa non potendole vendere nel Regno de Tal robbe e mercantie non siano tenuti ad alcunno pagamento delle dohane e fondegazi. Placet R. M. ad eis In beneplacitum.

4. Item chel Regimento de Ragusì nel Regno de S. M. possa eleger over creare uno over più soi console tanto Ragusei quanto Regnicoli e che habia a judicare tanto fra li Ragusei li quali fossero nel dicto Regno in litigi Civili quanto fra Ragusei e forestieri e Raguseo e Regnicolo lo quale addomandasse alcunno Raguseo over subdito de Ragusei con modi condizioni e consuetudine secundo e stato usitatofino al presente. Placet R. M.

470 DAD, Privilegii, vol.23, 16v-19r.
5. Item che li navili Ragusei ed i subditi de Ragusei non siano tenuti più a pagar la imposta nova [de tari] quindici per navilio ma vole lo arboragio antico zoe tari tre per navilio. *Placet R. M.*

6. Item che li navilij patroni et marinari Ragusei et subditi de Ragusa habiando pagato una volta lo panatico e ancoragio nelle terre over Cita del suo Regno dove si trovava e partendose de quella terra over Cita e arrivando per fortuna in un altra terra over Cita del suo Regno non siano tenuti a pagare in quella terra ne panatico ne ancoragio attento che una volta ha pagato altro tanto se partendo de una terra e andasse in un altra del suo Regno per cercar nolo. *Placet R. M.*

7. Item che li Patroni e marinari dellii navilij Ragusei e subditi loro possano portar arme per la Cita dove se trovaranno qu[ocumque] sonno per spazarsi dummo honeste. *Placet R. M.*

[...] Die XXV Mensis Aprilis Xij Ind. ne Anno a nativitate Domini MCCCLXIIJ [...].
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Vol. 26, Annorum 1497 - 1500, fol. 300.

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Vol. 9, Libro de li stridati, banditi e tormenti, e sententiai a morte de 1520 - 1539 - 1657, fol. 81/79.

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7 Copia privilegiorum regnum Hungariae - libertatem ragusinis mercandi conceedditur 1387, 1439, 1454, 1455, 1465, 1470, 1474, 1477, 1488, 1492. - Additur regestum privilegiorum ab a. 1438 - usq. ad a. 1562.
9 Repertorio de Privilegi concessi a la Republica in Napoli, Sicilia etc. ab a. 1429, usq. ad a. 1600.
21 Copia u. s. Privilegi Ferdinandi regis. 1472, 18 Aprilis.
23 Copia u. s. Privilegium re di Aragona - regesto ed Executoriali 1455 - 1494.
24 Copia u. s. Privilegi Ferdinando - Carlo V, 1459, 1535.

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