Walls and gates:
Jewish ghettos and the built environment in Ferrara, Florence, and Modena (c. 1750-1840)

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SHORT ABSTRACT

This thesis analyses how management of the urban landscape influenced interactions between Italian Jews and Catholics in Ferrara, Florence, and Modena from the creation of the ghettos to the 1840s. I argue that the physical location of the ghettos at the heart of these cities demanded inclusion within the urban community through bureaucratic actions, a process I call embeddedment. Drawing upon Edward Soja's notion of socio-spatial dialectic, in conjunction with social identity theory, I take a comparative approach which highlights broader patterns of convergence and divergence Italy. These three case studies illuminate practices under three different political regimes: the theocratic Papal States, the Habsburg Empire, and the Este dynasty. In all three cases, this thesis demonstrates that embeddedment, rather than the standard tropes of inclusion and exclusion, defined Italian Jewish experience during the era of the ghettos.

This thesis takes a *longue durée* approach. Part One explores the legal foundations for Jewish presence in Italy (Chapter 1), the creation of the ghettos in these cities (Chapter 2) and the historical evolution of the primary institutional actors – the Inquisition, the Italian health boards, and Jewish leadership (Chapter 3). Part Two proceeds topically and chronologically through the late–eighteenth and early–nineteenth centuries. Chapter 4 focuses on the policies for ritual slaughter and burial of the dead in all three cities. The issue of lunacy in Enlightenment Florence is discussed in Chapter 5. Chapter 6 explores conversion through the lens of a civil marriage petition in Modena during the first emancipation under Napoleon. Chapter

7 focuses on the Restoration era through analysis of the arrest of five Christian men who entered the ghetto of Ferrara on the Sabbath. Chapter 8 considers fire management and the impact of epidemic cholera in these cities and their ghettos.

LONG ABSTRACT

The general outline of the history of the Italian ghettos is well established. Jews have inhabited the Italian peninsula for centuries, with the Jewish community of Rome generally considered the oldest community of the diaspora. The ghetto of Venice was created in 1516, and within a few decades Pope Paul IV issued the infamous 1555 bull, *Cum Nimis Abusurdum*, and mandated segregation between Christians and Jews. Over the course of the next century ghettos were established across northern Italy.

This thesis focuses on the ghettos of Ferrara, Florence, and Modena. All three cities are land-locked and therefore represent a particular variation of Italian Jewish life that differed in fundamental ways from port cities. They possessed a roughly similar number of Jewish residents, and their ghettos were located in similar locations. All three cities are located in central north Italy, yet they allow for comparison between three separate political regions: the Papal States, the Grand-Duchy of Tuscany with its ties to the Habsburg monarchy, and the Duchy of Modena, an Italian dynasty under the Este family. Importantly, these different political regions reflect three fundamentally different political traditions in Italy: Papal, Habsburg, and local dynastic rule. In this way, comparing the ghettos of Ferrara, Florence and Modena allows for exploration of broader patterns of divergence and convergence within Italian history.

Historical work on Italian ghettos has tended to focus on the beginning and end of this period, telling the story of how they were initially established, followed by the story of their abolition within the framework of emancipation, during and after

the Risorgimento. By contrast this thesis takes a longue-durée approach, despite leaning chronologically towards the end of the period. Within this broader timeline, I have found it particularly illuminating to explore change and continuity by focusing on the period from the mid-eighteenth century through to the advent of the Risorgimento. This was a critical time of transition and one that remains historically understudied.

Italian ghettos were not autonomous urban enclaves, and should not be viewed as such. In regards to their management and oversight by the municipal authorities, and due to their location within the urban landscape, they functioned more as a Jewish parish. During the last several decades there has been an increased interest in Jewish conceptions and applications of space. The majority of this spatial inquiry is focused on the concept of the *eruv*, the halakhic ritual enclosure of space that allows Jews greater freedom of movement and activity on the Sabbath. The remaining spatial studies focus upon the question of what makes a space 'Jewish' or whether a space is appropriate for Jewish ritual purposes. There is virtually no analysis of how ghettos were incorporated into urban management practices.

By contrast, this thesis tells the story of the ghettos principally through how the built environment structured and moderated lived Jewish experience in physically bounded spaces. To do this, I have primarily relied upon Italian municipal records, although I have also consulted state and ecclesiastic archives. The primary institutional actors within this thesis are the Roman Inquisition, the Health Boards, and the Jewish community leadership. This decision is not intended to minimize

Jewish voices or downplay Jewish agency, but rather, to expand our awareness of Jewish experience by viewing it through a different lens.

Sitting at that intersection of Jewish history, urban history and Italian history, this thesis complements and complicates all of these areas. Drawing upon social identity theory as viewed through the lens of Soja's notion of the socio-spatial dialectic, I argue that the urban management of the Italian ghettos is best understood as embeddedment. The use of the term embeddedment underlines the fact that this was an on-going and relational process because the ghettos, embedded as they were within the physical landscape of these cities, demanded an on-going process of negotiated actions related to urban management as well as religious boundaries.

Chronologically this thesis takes a *longue durée* approach. This is necessary in order to understand the complex legal status of Jews within the Italian context, and spans the course of several centuries, although it is focused more closely on the period of the 1780s to the 1830s. Chapter One begins with an overview of what I consider to be the crucial papal policies related to Jewish rights and their position in both Italian and Christian society, beginning with the Edict of Milan. Although it may seem odd to begin a study which is primarily focused on the late-eighteenth and early-nineteenth centuries in the fourth century, it is necessary because these early pronouncements continued to be cited as justification for later policies and exerted a lasting influence on the complex legal system governing the Jews of Italy. Moving through these historical church policies the impact on the lived experience of Jewish Italians and immigrant Jews begins to take shape. The rights Jews possessed under

Roman law as *cives* were not entirely negated by papal decrees that increasingly restricted Jewish activity in Christian controlled lands.

The interplay of ecclesiastic and secular law and how it was applied to the Jews of Italy is the subject of the second chapter. This chapter explores how the ghettos were established in Florence, Ferrara, and Modena in the late sixteenth and early seventeenth centuries. Any study that wishes to analyse the socio-spatial dialectic must necessarily address how space is structured, as well as the motivating factors behind how it is divided and ordered. Here we learn that the application of the ecclesiastic mandates of *Cum nimis absurdum* was not as uniform or simple as might be anticipated. Indeed, the implementation of the ghetto system was completed in regionally specific ways. Moreover, we learn that Jewish residential patterns did not conform to the tendency toward self-congregation found elsewhere in Europe prior to the creation of the ghettos. Yet, spatial divisions do not mean much without looking at how they impact social and civic interactions.

Chapter Three therefore covers the primary organisational actors – the Italian Inquisition, the Health Boards, and the secular leadership of the Jewish community. These institutions were extremely durable, and all possessed significant communication networks which resulted in a level of continuity of practice across the peninsula. Moreover, we find a level of uniformity within these organizations – perhaps a result of the isomorphic nature of institutional structures. These structural organizational elements become increasingly important as we explore the common themes and specific case studies in the next several chapters.

Food supply and management are central issues for any urban population. Indeed, many historic examples of unrest and revolt are connected to this issue. Chapter Four begins with an exploration of how one specific aspect of food provisioning was handled – slaughter. Due to the stringent religious regulations imposed under the rules of *shechita*, analysing how ritual slaughter was negotiated in these cities provides valuable insight on a range of Jewish-Christian interactions. Maintaining distance between Jewish religious rites and Christian observance of these practices was a central concern of many papal decrees aimed at limiting contact between these groups. Legal separation that resulted in enhancing distinctions between Jews and Christians was a recurring theme within ecclesiastic law, which was then generally imposed by secular authorities (except of course in the Papal States where temporal and ecclesiastic power converged). Yet, in the case of ritual slaughter practices there existed a symbiotic relationship between Jews and Christians throughout this period, resulting in less segregation than might otherwise be expected. Similarly, burial of the dead was a near universal practice across the Italian peninsula, and the centrality of this aspect of shared humanity illustrates another level of accommodation of Jewish religious practices by the urban authorities. Boundaries were more easily established and maintained between the dead and the living of these two faith traditions, but that does not mean that burials and cemeteries were uncontested spaces, or that Jewish cemeteries were not subject to Christian regulation.

Chapter Five covers boundaries related to lunacy. Unlike cemeteries, where strict separation was easily enforced based upon religious affiliation, lunacy exerted

a unifying aspect on cross-communal interactions. All of Tuscany, including the city of Florence, underwent comprehensive reforms during the reign of Peter Leopold. These reforms included the entire hospital system and impacted all subjects, including the Jews. The program implemented in Florence for caring for the insane members of the city's population became a standard of practice across Europe in the decades that followed. This chapter provides insight into how madness was addressed in Florence, and how Jewish Florentines who suffered from insanity were housed alongside their Christian counterparts.

Napoleon's conquest of the Italian peninsula changed the legal status of all Italians, including the Jews. The transition from subject, with rights as *cittadine*, to citizen with civic equality has certainly been lauded as a critical step on the road to modernity. Yet, in the instance of a civil marriage application, we find that things were not altered as significantly as the rhetoric of Liberty, Equality, and Fraternity would suggest. This example illustrates the durability of centuries of separation between Jews and Christians as well as the longevity of bureaucratic institutional memory and practice.

The defeat of Napoleon and the restoration of the *Ancien Régime* brought many of the restrictive, ecclesiastically based policies back into force – especially in the Papal States. In Chapter Seven I examine the process of re-enclosure of the Jews within the ghetto through an incident involving the arrest of five Christian men. This event is connected to the Jewish tradition of hiring a non-Jew to light fires on the Sabbath. This was a long-standing form of social and economic interaction the Church had attempted, albeit unsuccessfully, to suppress for centuries. This incident provides

a window into the tensions the Church was experiencing during the Restoration and how the politics and policies of this period impacted the Jews of Ferrara.

In the final chapter we see how, and when, social and religious boundaries became permeable due to crisis events. Similarly to slaughter and burial management, urban conflagration and epidemic disease were issues that impacted Jews and Christians indiscriminately. In urban areas, fire was a constant presence, and therefore also a constant threat to both property and life. Epidemic disease strains relationships of all sorts: familial, political, and social. The physical location of the ghetto in the centre of these three cities demanded their inclusion within urban management protocols due their close proximity to the cathedrals, central markets, and governmental buildings. Exploring how these threats were negotiated allows us to see how the ghettos were incorporated into municipal planning and management in a manner quite similar to the Christian parishes. This, I argue, is key to understanding how embeddedment, as a form of the socio-spatial dialectic, exerted a structuring influence on Jewish-Christian interactions during the final years of ghettoization.

Ultimately, the interplay between ecclesiastic and secular authorities in regards to policies that concerned the ghettos and their Jewish inhabitants reveal three fundamental truths. First, policy without implementation through bureaucratic institutional structures would have remained in the realm of intention and thought. If the papal directives which called for the segregation of Jews in walled and gated enclaves were not implemented and enforced outside of the Papal States, a comparative study would be neither possible, nor necessary. This comparison

highlights the importance of analysing bureaucratic and municipal sources. The inauguration of ghettos across Italy was not completed uniformly. Rather, the ghettos were established in each of these three cities based upon specific legal and political circumstances. Ghettoization was more complex and regionally specific than the extant historiography suggests.

Secondly, if policies move from the realm of intention into the realm of implementation, but the application is inconsistent, transient, or ineffective, then these policies exert a destabilizing influence that can lead to insecurity both within the minority group subjected to inconsistent treatment, as well as within the majority group and the bureaucratic organisations charged with implementing said policy. Bureaucratic insecurity can result in inefficiency at best, and social unrest and violence at worst. In short, consistent implementation of policy, even if it is repressive, does foster a degree of security.

The policies of ghettoization, although restrictive and repressive, did create stable and legitimate places of Jewish residence within these cities. This legitimacy – a legal and recognized right of residence – established, or at least fostered, a sense of 'belonging'. The Jews who lived in these ghettos were not simply Jews. They were *cittadine* – Florentine, Ferrarese, and Modenese Jews with specific rights. They understood the types of recourse available to them in legal matters within their cities of residence, and they recognized that their rights as *cives* coexisted with their religious identification.

Third, this thesis demonstrates that deep continuities in institutional practice, and in the civic status of ghettoised Jews in Italy created a framework that normalised

Jewish presence in urban communities in ways that went beyond theological and political policies about the place of Jews in Italian society. The central location of the ghettos – situated in the heart of the urban community – mandated an approach to managing the realities of urban life that included rather than excluded the ghetto as a place and, by extension, the people who resided within its walls and behind its gates.

Fundamental matters of health and safety – which touch upon the most basic aspects of human existence – mandated urban management practices that included, rather than excluded, Jews. When it comes to burying the dead, urban fire events, epidemic disease, and even dealing with individuals suffering from lunacy within a densely populated urban environment, distinctions between the in-group and the out-group were, and remain, essentially meaningless. For this reason, both the categories proposed by social identity theory and the categories habitually deployed by Jewish historians to describe the diasporic experience – based upon the opposing poles of inclusion and exclusion – fail to capture the realities of life in the Italian ghettos. Day-to-day management of urban life was predicated on the assumption that Jews belonged to the urban community. However, the very same authorities which incorporated Jews at the most fundamental levels of municipal management continued to police the religious boundaries between Jews and Christians in ways that reinforced religious segregation and promoted the social marginalisation of Italian Jews.

Finally, the comparative nature of this study illustrates that during the period of ghettoization, Italian Jewish experience with municipal governments was largely consistent, albeit with regional variations. The legal foundations provided by Roman

law coupled with ecclesiastic pronouncements allowed the Jews of Italy to become integral members of these cities – they were *cittadine,* a status Jews did not enjoy elsewhere. More generally, understanding the socio-spatial dialectic of the ghettos as embeddedment allows us to go beyond the standard tropes so often used to describe Jewish experience of inclusion versus exclusion. Whether this socio-spatial dialectic was specific to Italy, or informed Jewish experience elsewhere, remains to be seen.

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Acknowledgments

Era niente.
Sono christiani come noi.

There are statements and phrases that stay with you long after you first encounter them. These are two such phrases for me. In 2009 whilst researching the experience of Italian and immigrant Jews in Italy during World War II, and especially during the period of the German Occupation, I learned that many Italians explained their decision to protect their Jewish neighbours in this way. *Era niente* - it was nothing.[1] *Sono christiani come noi* - they were believers like us.[2] How was this possible? In a country that actively segregated the Jewish population in mandatory ghettos in the centuries before the Risorgimento, how was it possible that in approximately seventy years following full emancipation and civil equality was this kind of unity between the faiths accomplished?

I am neither Jewish nor Catholic, nor am I Italian, a fact that puzzles many when they learn what I work on. Contrary to the assumption most people make upon learning this

[1] In interviewing Italians, men and women nearing the end of their lives, Dr. Mary Doria Russell, an anthropologist from the University of Michigan, asked them 'where they found the courage to take such risks,' and they responded 'over and over: "*Era niente*." It was nothing. … But, [Dr. Russell asserts] it wasn't *nothing*. The ashes of six million Jews, the scarred bodies and souls of millions of others are witness to the fact that what happened in Italy was extraordinary'. Piera Sonnino, *This Has Happened: An Italian Family in Auschwitz* (New York: Palgrave MacMillan, 2006), p. 209.

[2] Many Italians stated the reason they helped Jewish neighbors and refugees is because they were *christiani come noi*, which translates to 'they were Christians like us.' In Italy, Bettina argued that this use of *christiani* implied human being or religious person, not necessarily a member of the Christian faith, therefore, I have opted to use the term believer in the translation above. Elizabeth Bettina, *It Happened in Italy: Untold Stories of How the People of Italy Defied the Horrors of the Holocaust* (Nashville: Thomas Nelson, 2009), p. 135.

which is reflected in the question, – 'Did you select your topic so you could spend time in Italy?' – I feel, as many historians do, that this line of inquiry selected me. Having always been fascinated by the manner in which people divide themselves into groups of *us* versus *them*, and how these types of boundaries are negotiated, I knew this was a topic that I wanted to explore in greater depth. What a journey it has been.

How do I even begin to thank all of the individuals and groups that have supported me in this endeavour? First of all, I would like to extend the most heartfelt appreciation to my supervisor, Abigail Green, for 'taking a chance' on an 'outsider'. She has been an outstanding professional mentor, as well as tremendously supportive on a personal level, and I am deeply grateful for her guidance. I must also thank David Rechter for his help in providing me with a foundation in the history of European Jewry upon my arrival in Oxford. The guidance and support of Oliver Zimmer, Ruth Harris, and Julia Mannherz during the transitions related to Transfer and Confirmation of Status is also deeply appreciated, along with the comments and suggestions made by visiting scholars. I suspect I will forever hear Derek Penslar asking me whether I have read enough… a challenge which has, and will, continue to serve me well. I must also extend my thanks to Kenneth Stow for taking time to review my work on cholera before it was published in European History Quarterly. It is both humbling and encouraging to have your work critically assessed by such distinguished scholars as I have had the good fortune to be surrounded with for the last several years.

I would be remiss if I did not also extend my thanks to those who helped shape me into an academic before coming to Oxford. The Department of History at University of Colorado, Colorado Springs, was instrumental in my success. Robert Sackett, Paul Harvey, Brian Duvick, and Carole Woodall all provided a great deal of support when I embarked upon

this venture. Along with Richard Wunderli, these scholars helped me discover that I am truly an historian rather than a philosopher. In answer to the question I am certain will be asked by my fellow classmates from my Masters – alas, I still have not really figured out how to 'gut' a book. I must also thank a few people from earlier in my educational journey, Zachary Smith in particular for the chance to be a research assistant during my undergraduate degree. Also, David Brown and David Harbster, who both taught me to look at questions from different perspectives and how to accept things as they are, whilst still believing there may be more happening than meets the eye.

Beyond this, I must thank St. Cross College, my first college in Oxford. A vibrant intellectual community that became my family and is the source of some of the most important relationships I have ever experienced. St. Catherine's College, and the Centre for Hebrew and Jewish Studies both provided financial assistance in the form of scholarships and grants, both necessary components for successful research and I am grateful to have benefitted from their generosity.

The support of my family and friends is simply beyond measure, and I cannot possibly recognize them all. There are those however, that I simply must mention. First of all, my fellow travellers – Oliver Ford, Milena Zeidler, Jean-Michel Jonston, Peter Fiske, Kimberly Marsh, Calum White, Rupal Mistry, and Alexandra Baldi, my life is richer and better for knowing each of you – you have all been there through the ups and downs of the DPhil process and I am very grateful for your friendship. Poorna Mysoor – how can I possibly thank you for being beside me each step of the way? From the moment we arrived at St. Cross, you have been my stalwart companion and gifted me with your unwavering friendship and encouragement. My family; my mother, Sally Premro; my sister, Jamie Baxter; and my friends

– Caroline Bergeron, Robyn Flak, Diane Gilmore, Dawn Ogrodny, and Kirsten Scranton – you are an amazing group of women who have always believed in me. And also, Eric Holstrom, thank you, I am truly grateful for our continued friendship. Lastly, but most importantly, my sons, Andrew and Tyler, I could not have done this without your love and support, period. You are the two greatest gifts I have ever received, and you have given me the gift of fulfilling my lifetime dream, even though it meant long separations from your mom. I love you both with all my heart.

Myrna Gene Martin

A note on dates and money

I have not converted any of the dates or any of the monetary amounts to align with the modern style. In Florence the calendar was changed in the mid-eighteenth century, and there were variations in currency valuation rates across the regions of Italy throughout the periods covered in this study. As this is not a work of economic history, I have elected to simply note the dates and currency as they appear within the archival sources.

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Abbreviations

AAF – Archivio Archivescovile di Firenze

ACDF – Archivio della Congregazione per la Dottrina dell Fede, Vatican City

ASCF – Archivio Storico del Comune di Firenze

ASCFe – Archivio Storico Comunale di Ferrara

ASCM – Archivio Storico Comunale di Modena

ASDF – Archivio Storico Diocesano di Ferrara

ASDM – Archivio Storico Diocesano di Modena-Nonatola

ASF – Archivio di Stato di Firenze

ASFe – Archivio di Stato di Ferrara

ASM – Archivio di Stato di Modena

Introduction

Dana Katz has astutely observed that 'there has been no monograph that probes the spatial and sensory significance of ghetto urbanism' in Italy.[3] And yet, the ghettos of Italy were quintessentially an urban phenomenon. Historically, Jews in Western Europe predominantly lived in urban rather than rural locations, and this general trend holds true in Italy. When Italian rulers began to implement compulsory residential segregation of Jews in the sixteenth century, the areas selected for their habitation were often in the very centre of the city. This is certainly true for the cities of Ferrara, Florence, and Modena, which are the subject of this thesis. How this close coexistence was negotiated within the built environment, once the walls and gates were erected, illuminates an understudied element of Jewish lived experience. This thesis attempts to recover the importance of that reality by analysing the ghetto not simply as a place of segregated isolation, but instead, as a place within a space – that of the early modern urban cities – which were walled and gated in their own right.

Richard Sennett has likened the city to the human body: as a living being with internal and external aspects that structure how it functions and how we experience it. [4] Yet many of Italy's ghettos no longer exist. As part of the

[3] Dana E. Katz, *The Jewish ghetto and the visual imagination of early modern Venice* (Cambridge: Cambridge University Press, 2017), p. 19. It should be noted that the Venetian ghetto's location on the periphery was non-standard across the Italian peninsula. Marco Bini's work on 'reconstructing' the ghetto does not attempt to analyze how the location and structure of the ghetto would have impacted the inhabitants on either side of the walls. Marco Bini, *La città degli ebrei: Firenze dal ghetto alla edificazaione del gran tempio* (Firenze: ALINEA Editrice, 1995).

[4] Richard Sennett, *Flesh and Stone: The Body and the City in Western Civilization* (London: Faber and Faber, Ltd., 1996).

risanamento, a large-scale urban renewal effort following the Risorgimento, many urban areas were demolished, including the ghettos. In Modena, the largest part of the ghetto was torn down in 1873, and a large synagogue was built in its place. The ghetto of Florence was largely destroyed and reinvented as the *Piazza della Repubblica*, and a monumental synagogue was erected in another area of the city in 1882. The ghetto of Rome underwent a similar process – many areas were destroyed, and the Jewish *Tempio Maggiore di Roma* was inaugurated in 1904. In Venice, however, the ghetto remains; reinvented as a tourist destination. In Ferrara, when you stroll along the outside edge of the former ghetto on *Via Contrado* and look up, you can see outlines of where windows and balconies are bricked over, and the streets of the ghetto are now home to restaurants, shopping, and the doors of the old synagogue fade into the background.[5] As Scott Lerner has rightly argued, the destruction of so many of Italy's Jewish ghettos and their replacement with monumental synagogues 'constituted a transformation of Jewish space'.[6] This transformation makes it challenging to read and understand the contours of the built environment that for centuries conditioned the everyday life of Jews in Italian cities.

This destruction of the Italian Jewish past was deliberate, and stems from the ideological politics of the Risorgimento. When the synagogue of Rome was inaugurated in what was once part of the Roman ghetto 'the chief rabbi of Rome,

[5] It is possible that these remain bricked over from the time of the ghetto, but may also be a more recent innovation. It does, however, create an impression of how the external face of the ghetto would have appeared to those living outside its boundaries, and a sense of how closed off this area would have been to rest of the city.

[6] Scott Lerner 'The narrating architecture of emancipation', *Jewish Social Studies*, Vol. 6, No. 3 (2000), p. 6.

Vittorio Castiglioni, referred to his city's new monumental temple as the "visible sign" of the Jewish community's complete readiness to forget the injuries of the past and to let bygones be bygones'.[7] As a result of this reinvention of urban areas, the physical reality of Italian ghettos has too often fallen out of the historical narrative.

In this thesis, however, I take the physical reality of ghettos located in the heart of Italian cities and, by extension, Italian urban life, as my starting point. Rather than focusing on questions of religious identity, economic interactions or cultural exchanges between Jews and Christians in the Italian states, I ask how fundamental aspects of human existence – death, fire, epidemic disease, and even lunacy – structured the place of Jews within Italian urban communities and, by extension, within Italy itself. Did these fundamental urban realities create commonalities across the Italian peninsula? How far did religious doctrine, political traditions, and revolutionary upheaval override these basic commonalities?

Surprisingly, these questions have been largely overlooked in the historiography of the ghetto. In each archive I visited, when I explained my project and told them I was interested in the late 1700 to early 1800s, they looked at me strangely and said 'there is nothing to see, no one looks at this'. Historians of the Jews of Italy have, of course, looked at many periods, subjects, and sources. The standard periodization of Italian Jewish history covers antiquity, the Renaissance, the creation of the ghettos, the Risorgimento, and the Fascist era. Scholars have

[7] Vittorio Castiglioni, *Ricordo della consacrazione e inaugurazione del nuove tempio israelitico di Roma* (Roma, 1904), pp. 25-26, quoted in Scott Lerner, 'The narrating architecture of emancipation' p. 4.

poured over notarial records, internal community documents, trade records and shipping invoices, rabbinical *responsa*, gravestones, diaries and other ego documents, literature and newspapers, conversion accounts, and governmental decrees. In contrast, regulatory records related to building permits, fire regulations, sewer systems, slaughterhouses, and lunatic asylums are unfashionable subjects for academic study. This is hardly surprising. Bureaucratic records on these issues are not exciting documents. They deal with matters so prosaic and fundamental that we simply take them as read. Yet thinking about the ways in which urban necessities and the built environment shaped ghetto life offers a new, and quite literally vital, perspective on Jewish-Christian co-existence in Italian cities during the period we might call 'the age of the ghetto'.

Here I take my cue, in part, from Emily Gottreich's work on Morocco. Gottreich explores how the Islamic principle of toleration, or *dhimma*, resulted in the enclosure of a dedicated Jewish residential space within the city walls in the mid-sixteenth century, shortly after the institution of the ghetto of Rome.[8] Gottreich notes the parallels between ghettoization in Italy and developments in Morocco, but reminds us that there are 'profound differences' between what transpired in Europe compared to North Africa.[9] In *The Mellah of Marrakesh* she explores issues related to overcrowding, maintenance of the cemetery, and

[8] Emily Gottreich, *The Mellah of Marrakesh: Jewish and Muslim space in Morocco's red city* (Bloomington: Indiana University Press, 2007). In regard to *mellahs*, see also Susan Gilson Miller, The Mellah of Fez: Reflections on the spatial turn in Moroccan Jewish history', pp. 101-118 in Julia Brauch, Anna Lipphardt and Alexandra Nocke, eds., *Jewish topographies: Visions of space, traditions of place* (Aldershot: Ashgate Publishing Limited, 2008).

[9] Gottreich, *The Mellah of Marrakesh*, p. 12. In agreement with Gottreich, I would like to note that I do not consider *mellahs* and ghettos to be the same type of institution, nor were they founded for the same purposes. The question, 'Is the *mellah* a ghetto?' is a naturally a topic too large to enter into within this study.

conversion, as well as economic interactions between Jews and Muslims. The *mellah* became a place where deeds that were religiously prohibited for Muslims could be committed. Activities that were considered illicit outside the *mellah* – smoking, drinking, gambling, and prostitution – could be engaged in behind the cover of its walls.[10] Much as Gottreich focuses on issues related to daily life and negotiating existence within the built environment, I attempt to do the same. Exploring basic human needs for subsistence, burial of the dead, care of the insane, and responding to emergent events such as fire and epidemic disease illuminates the moments and themes that allowed the walls and the gates of the ghettos to become permeable. Thereby I present a new, and yet largely untold, story of the ghettos.

The very first Jewish quarter called 'ghetto' was the ghetto of Venice. In 1516 the Venetian Republic ordered the Jews living scattered through various parts of the city to relocate to the island known as *ghetto nuovo*, or new foundry – an area in which there was no particular tradition of Jewish residence.[11] Later, as this area became too densely populated, Jews were also allowed to settle on the adjoining island known as the *ghetto vecchio*, or old foundry. The two islands, linked by a bridge, were closed off from the rest of the city by heavy gates; locked at sunset and only again opened at sunrise. Direct access to the canals from the

[10] Gottreich, *The Mellah of Marrakesh*, Chapter Three.

[11] Jews were not the only group to be segregated from the native Venetian population – Turks and Germans were also restricted in their residences. See, Roberta Curiel, and Bernard Dov Cooperman, *The ghetto of Venice* (London: Tauris Parke, 1990), and Riccardo Calimani, *Storia del ghetto di Venezia* (Milano: Rusconi, 1946), and also Francesco Jori, 1516 *Il primo ghetto: Storia e storie degli ebrei veneziani* (Pordenone: Edizioni Biblioteca dell'Immagine, 2016).

houses was prevented through the construction of high walls.[12] Ghetto, or *getto* in the Venetian context, is thought to derive from the Italian verb *gettare* meaning to throw or to cast, but it has also been suggested that the term ghetto comes from the Hebrew word *ghet*, which is a document for divorce.[13] The Venetian ghetto predates Pope Paul IV's 1555 bull, *Cum Nimis Absurdum*. With this bull, Pope Paul IV mandated the creation of walled and gated spaces for Jews in Rome and 'in all cities, holdings, and territories belonging to the Roman Church', a decree that eventually led to the establishment of 'ghettos' across Italy over the course of the next century and a half.[14]

The word ghetto has taken on a life of its' own. On the one hand, it is taken to symbolise the wider Jewish experience of diaspora. On the other, it is now widely applied to describe the concentration of marginalised urban communities in specific parts of a city, where human lives were (and are) often shaped by structural inequalities related to economic, social and cultural issues. Even within this larger interpretation, the word 'ghetto' does continue to be particularly associated with the marginalisation of Jews. It is, however, currently used more frequently in association with the Jewish experience in Nazi-occupied Poland during World War II than with Jewish life in the early modern period in Italy and throughout Europe. Indeed, the two most common adjectives associated with the ghetto are first, Jewish, and second, Nazi.[15] Yet the Warsaw ghetto of the twentieth

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[12] Benjamin Ravid, 'All Ghettos were Jewish Quarters but not all Jewish Quarters were Ghettos.' *Jewish Culture and History*, Vol. 10, No. 2-3 (2008), p. 14.
[13] Kenneth Stow, *Theater of Acculturation: The Roman Ghetto in the sixteenth century* (Seattle: University of Washington Press, 2001), p. 42.
[14] Kenneth R. Stow, *Catholic thought and Papal Jewry policy 1555-1593* (New York: The Jewish Theological Seminary of America, 1977), p. 295.
[15] See wordassociations.net. The first ten nouns most often associated with the word ghetto lists are Warsaw, extermination, deportation, Auschwitz, Nazis, Jews,

century and the early modern Italian ghettos diverge from one another in significant ways that should not be ignored.

More fundamentally for this study, it is important to distinguish between self-congregation and compulsory segregation. This distinction has tended to elude a historiography that applies the same term to radically different phenomena, and uses the term to describe any area of Jewish settlement. Jacob Katz's seminal *Out of the Ghetto: The social background of Jewish emancipation, 1770*-1870, is a foundational work of Jewish history which explores the path to emancipation of European Jews, yet does not engage with the ghetto in any significant way.[16] Similarly, although Kenneth Stow's *Theater of Acculturation: The Roman ghetto in the sixteenth century* does address the history of Jews living in the Roman ghetto, his focus is on the preservation of Roman Jewish culture, rather than on the ghetto as an influential element of social intercourse in its own right.[17]

In contrast, is the argument made by Benjamin Ravid in his article, 'All ghettos were Jewish quarters but not all Jewish quarters were ghettos', which has

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Uprising, Riga, Holocaust, and Gestapo. This is also the connection made in Michael Goldfarb's popularized, though frequently historically inaccurate, *Emancipation: How liberating Europe's Jews from the ghetto let to Revolution and Renaissance* (Victoria: Scribe Publications, 2009). For information on the experience of Italian Jews during World War II, see Meir Michaelis, *Mussolini and the Jews: German-Italian Relations and the Jewish Questions in Italy, 1922-1945* (Oxford: The Clarendon Press, 1978), Alexander Stille, *Benevolence and Betrayal: Five Italian Jewish Families Under Fascism* (New York: Picador, 1991), and Susan Zuccotti, *The Italians and the Holocaust: Persecution, Rescue and Survival* (Lincoln: University of Nebraska Press, 1987). In Italian, see Renzo De Felice*, Storia degli ebrei italiani sotto il facismo* (Turin: Giulio Einaudi editore, 1961).

[16] Jacob Katz, *Out of the ghetto: The social background of Jewish emancipation, 1770-1870* (Syracuse: Syracuse University Press, 1973).

[17] Kenneth R. Stow, *Theater of Acculturation: The Roman ghetto in the sixteenth century* (Seattle: University of Washington Press, 2001). Another example is R. Po-Chia Hsia, and Lehmann Hartmut, eds., *In and out of the ghetto: Jewish-Gentile relations in late medieval and early modern Germany* (Cambridge: Cambridge University Press, 1995).

strongly influenced the way in which I conceptualise the Italian ghetto.[18] Ravid notes that 'to apply the term "ghetto" to Jewish areas prior to 1516 is anachronistic, while to state that the first ghetto was established in 1516 [in Venice] is something of a misrepresentation.[19] In this context, it is interesting to compare the history of Italian ghettos with the emergence of the ghetto in Prague, where a 'Jewish town' was well established by the eleventh century. Gates were later installed during the thirteenth century to provide protection. It is not clear what motivated the installation of the gates, but it may have been at the behest of the Jews themselves; it occurred during a period when King Otaker II issued multiple edicts in favour of the Jews. Later, during the sixteenth century, as ghettos were being implemented across Italy, Rudolf II 'reconfirmed all Jewish privileges… and in 1599 he exempted the Jewish community from all customs and toll duties in Prague'.[20] Thus, while walls and gates may have come to define the ghetto – a view tellingly endorsed by the *Enciclopedia Cattolica*- the contrasting, but contemporaneous, experiences of Prague and Rome in the sixteenth century underline the importance of local context in understanding what those walls and gates might mean to both the Jewish and non-Jewish populations in these cities.[21]

This thesis will focus on the physical reality of the Italian ghetto, and takes location as its starting point. I do not want to go as far as assigning the ghetto the rank of historical 'actor', or promote the notion that the ghetto itself had a form of

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[18] Benjamin Ravid, 'All ghettos were Jewish quarters but no all Jewish quarters were ghettos', *Jewish Culture and History*, Vol. 10, No. 2-3 (2012), p. 6.
[19] Benjamin Ravid, 'All ghettos were Jewish quarters', p. 14.
[20] https://yivoencyclopedia.org/article.aspx/Prague.
[21] The *Enciclopedia Cattolica* and suggests that the word may come from the English *gate*, "because the gate which was closed at night constituted the true character of the ghetto". Sam Waagenaar. *The Pope's Jews* (London: Alcove Press Limited, 1974), p. 174.

'agency'. However, the physical reality of 800 to 2,000 people living in a segregated enclosure, in the very centre of these Italian cities, created a complex situation. One which demanded incorporation of the ghetto into planning and management actions taken by municipal authorities. This simple truth means that the ghetto was more than simply a stage upon which other actors performed, its physical reality influenced both social interactions and urban planning and resulted in on-going boundary negotiations. This thesis is conceived as a comparative study of the ghettos of Ferrara, Florence and Modena from the period of their inauguration to the advent of the Risorgimento, with a particular focus the late eighteenth through early nineteenth centuries, as this was a time of significant transformation throughout the Italian peninsula.[22] But, why these cities, why not look at ghettos that are more well-known?

The ghettos of Venice and Rome, and the Jewish community of Livorno, have all been subject to extensive historical inquiry.[23] Each of these cities are

[22] These cities will be covered more extensively in Chapter Two. For Ferrara begin with Matteo Provasi, *Ferrara Ebraica (una città nella città)* (Ferrara: 2 G Editrice, 2010) and Laura Graziani Secchieri, *Ebrei a Ferrara (XII – XX sec.) Vita quotidiana, socialità, cultura* (Ferrara: Soprintendenza Archivistica per l'Emilia-Romagna, 2012). For Florence see Roberto G. Salvadori, *Gli ebrei di Firenze: Dalle origini ai giorni nostr*i (Firenze: Editrice la Giuntina, 2000), and Stefanie B. Siegmund, *The Medici state and the ghetto of Florence: The construction of an early modern Jewish community* (Stanford: Stanford University Press, 2006), and Bini, Marco, *La città degli ebrei: Firenze dal ghetto alla edificazaione del gran tempio* (Firenze: ALINEA Editrice, 1995). For Modena see Katherine Aron-Beller, *Jews on Trial: The Papal Inquisition in Modena, 1598-1638* (Manchester: Manchester University Press, 2011) and Fulvio Diego Papouchado, *Viaggio in un ghetto Emiliano: Storia degli ebrei a Modena dal Medioevo al secondo dopoguerra, 2 ed.* (Modena: Grafiche Garattoni, 2010).

[23] For Rome, see several of the works by Kenneth Stow, including, *Jewish life in early modern Rome: Challenge, conversion, and private life* (Aldershot: Ashgate Publishing, 2007). For Venice as entry points, see Riccardo Calimani, *Storia del ghetto di Venezia* (Mulino: Rusconi, 1986), and Brian Pullan, *The Jews of Europe and the Inquisition of Venice, 1550-1670* (Oxford: Basil Blackwell Publisher Limited, 1983). For Livorno see Francesca Bregoli, *Mediterranean Enlightenment:*

exceptional in their own right. Venice, as the oldest and arguably most famous Italian ghetto, was singular in both its construction and later expansion, as well as in its economic position. Livorno, another port city, grew in importance from the sixteenth century onwards and was unique because no ghetto was ever established and the Jews of Livorno lived in relative peace and security. Indeed, writing in 1764, the English historian Edward Gibbon described Livorno as 'the veritable land of Canaan for the Jews who experience here a mildness unknown in the rest of Italy'.[24] The Roman ghetto was also exceptional due to its location in the heart of Catholic Rome and because it fell immediately under the control of the Vatican and its officials. By contrast, the experiences of central Italian cities – like those that comprise the subject of this thesis – have been relatively underexplored. And yet they were, perhaps, more typical. Less research has been conducted on ghettos in the interior of the peninsula, with virtually no comparative work on any ghettos due to the regional variations. Yet only comparative work can allow us to assess the common features of ghetto life across Italy.

As we shall see, the cities of Ferrara, Florence and Modena did share some common features. All three are land-locked and they therefore represent a particular variation of Italian Jewish life that differed in fundamental ways from port cities like Venice, Trieste and Ancona.[25] They possessed a roughly similar

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Livornese Jews, Tuscan culture and eighteenth-century reform (Stanford: Stanford University Press, 2014) and also Francesca Trivellato, *The Familiarity of Strangers: The Sephardic Diaspora, Livorno, and Cross-Cultural Trade in the Early Modern Period* (New Haven: Yale University Press, 2009).

[24] George Bonnard, ed., *Gibbon's Journey from Geneva to Rome: His journal from 20 April to 2 October 1764* (London: Thomas Nelson and Sons, 1961), pp. 230-231. I must thank Abigail Green for bringing this to my attention.

[25] For an entry point to port Jewry see David Cesarani, ed., *Port Jews: Jewish communities in cosmopolitan maritime trading centres, 1550-1950* (London: Frank Cass Publishers, 2002). For Trieste, see Tullia Catalan, *La comunità ebraica di*

number of Jewish residents, and the ghettos were situated in similar locations. In Ferrara, in the early 1800s there were 1,590 Jews in the ghetto, reflecting nearly two and half per cent of the city's 66,000 total residents. In the final decade of the eighteenth century in Florence, 929 of the city's 76,000 inhabitants were Jewish. And finally, Modena had the highest percentage of Jews. In 1766, there were 1,262 Jewish residents, out of the total population of 23,000.[26] Surprisingly, moreover, neither the overall population figures for Italy as a whole nor the proportion of Jewish inhabitants changed substantially from the mid sixteenth to the mid nineteenth centuries.[27]

These three cities belonged to three different states and were governed by three different political regimes. All three were located in central north Italy, yet they allow for comparison between three separate political regions: the Papal States, the Grand-Duchy of Tuscany with its ties to the Habsburg monarchy, and the Duchy of Modena, an Italian dynasty under the Este family.[28] Importantly too, these different political regions reflect three fundamentally different political traditions in Italy: Papal, Habsburg and local dynastic rule. In this way, comparing

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Trieste (1781-1914): Politica, società e cultura (Trieste: LINT Editoriale Associati, 2000) and Lois Dubin, *The port Jews of Habsburg Trieste: Absolutist politics and enlightenment culture* (Stanford: Stanford University Press, 1999). For Ancona, see Ercole Sori, ed., *La comunità ebraica ad Ancona* (Ancona: Comune di Ancona, 1995).

[26] Demographic data for Modena and Firenze from Alan C. Harris 'La Demografia del ghetto in Italia (1516–1797 circa)', *La Rassegna Mensile di Israel*, Vol. 33 (1967), pp. 38–39. For Ferrara, see Ermanno Loevinson, 'Gli ebrei dello stato della chiesa nel period del Risorgimento politico d'Italia', *La Rassegna Mensile di Israel*, Vol. 8, No. 9 (1934), pg. 518.

[27] Bachi, Roberto, 'La demographia dell'ebraismo italiano prima della emancipazione', *La Rassegna Mensile di Israel*, XII (1938), pp. 256-320.

[28] I am using the term region, rather than regime, since I am focused more on how Jewish experience was both variable and consistent across the peninsula than on in-depth political analysis of variation within these governments. Moreover, region helps maintain the focus on location rather than on political structure.

the ghettos of Ferrara, Florence and Modena allows for an exploration of broader patterns of divergence and convergence in Italian history.

The general outline of the history of the ghettos is already well established. Jews have inhabited the Italian peninsula for centuries, with the Jewish community of Rome generally considered the oldest community of the diaspora. The late-fourteenth and fifteenth centuries witnessed a significant influx of Jewish immigrants from other areas of Europe across the Italian peninsula. Jews were expelled from France in 1395, and many made their way into Savoy and later into Piedmont, eventually moving into both Lombardy and Romagna in the late-fifteenth century. The expulsion from Provence in 1491 resulted in Jews moving as far south as Sicily during the sixteenth century.[29] During this same period, beginning with the persecution of Spanish Jews in 1391 and their eventual expulsion in 1492, Sephardic Jews emigrated from Spain, some going to Portugal, others to Africa, and others still to Italy. Those who sought refuge in Portugal were expelled from there in 1497, following mass forced conversions. 'Throughout the entire sixteenth century there was a steady stream of Marrano families, arriving singly or in groups from the Iberian peninsula, who threw off the cloak of Christianity in Italy.'[30] Immigration to Italy was possible since from the thirteenth century through the first half of the sixteenth century, Church policy in Italy was one of relative toleration, and allowed for the migration of German Jews and for those Jews expelled from Spain to establish residence in several regions. The attraction of Italy for these displaced Jews 'was the relative freedom of movement

[29] Moses A. Shulvass. 'The Jewish Population in Renaissance Italy', *Jewish Social Studies*, Vol. 13, No. 1 (1951), p. 7.
[30] Shulvass, 'Jewish Population', p. 7.

and security of existence…reflected in the fact that not only were Jews influenced by Italian culture, but [also that] Christians too felt free to learn from Jews'.[31]

The position of Jews in Italy, both those native to the land for centuries, as well as the more recent immigrants from Europe and the Levant, altered dramatically on 23 May 1555, when Giampietro Carafa was elected pontiff and took the name of Paul IV. On 12 July 1555 he issued the now infamous Papal Bull, *Cum nimis absurdum,* which laid the doctrinal and legal foundations for the ghettos.[32] Construction of the Roman ghetto began immediately. The site selected was located at a low spot on the banks of the Tiber, and subject to frequent flooding. Within a few short weeks after *Cum nimis absurdum* was issued, the Jews of Rome were locked behind the ghetto gates. Ghettos were soon established across the northern half of the Italian peninsula (Jews had been expelled from the southern regions in 1541); Ancona followed immediately after Rome in 1555, Bologna in 1556 (although Jews were expelled from this city in 1569), Florence in 1571, Sienna 1572, Padua 1601, Ferrara 1627, Modena 1638, and Turin in 1680. The Jews remained within these mandatory enclosures for the better part of three centuries.

Historical work on the ghettos has tended to focus on the beginning and end of this period, telling the story of how they were initially established – and then the story of their abolition within the framework of emancipation, when Italian Jews left the ghettos to become part of an emerging Italian nation-state during and after the Risorgimento. By contrast this thesis takes a longue-durée approach, despite leaning chronologically towards the end of the period. This

[31] Kenneth R. Stow, *Catholic Thought and Papal Jewry Policy*, p. xvi.
[32] Kenneth R. Stow. *Catholic thought and Papal Jewry policy,* p. 294.

approach is necessary because structures put in place at the beginning of this period (and earlier) related to basic religious necessities like ritual slaughter and burial remained in place thereafter. Yet, within this broader timeline, I have found it particularly illuminating to explore change and continuity by focusing on the period from the mid-eighteenth through the advent of the Risorgimento. This was a critical time of transition and one that remains historically understudied. For example, although the first emancipation of Italian Jews during the Napoleonic era is well attested, I have found virtually no work that explicitly addresses this subject and the Jewish experience of re-enclosure.[33]

This thesis sits at the intersection of Jewish history, urban history and Italian history. It complements and complicates all of these areas of history. As I shall show, Italian ghettos were not autonomous urban enclaves, and should not be viewed as such. In regards to their management and oversight by the municipal authorities, and due to their location within the urban landscape, they functioned more as a Jewish parish. Nevertheless historians of the ghetto have preferred to explore ghetto life in a fundamentally 'internalist' way. That is to say they have focused on issues that are more specifically 'Jewish' – particularly upon Jewish

[33] Giorgina Arian Levi and Giulio Disegni, *Fuori dal ghetto: Il 1848 degli ebrei* (Roma: Editori Riuniti, 1998). Francesca Bregoli, *Mediterranean Enlightenment: Livornese Jews, Tuscan culture and eighteenth-century reform* (Stanford: Stanford University Press, 2014). Ulrich Wyrwa, *Juden in der Toskana und in Preußen im Vergleich. Aufklärung und Emanzipation in Florenz, Livorno, Berlin und Königsberg i.Pr.* (London: Mohr Siebeck, 2003). Levi addresses some of the challenges related to property ownership following re-ghettoization, but not the process of re-enclosure. Similarly, Bregoli and Wyrwa addreass changes related to cultural, social, and political developments, but neither address re-enclosure for this was not a significant feature in either community since there was never a ghetto in Livorno, and the Jews owned the ghetto of Florence before the turn of the century.

individuals, identity, literature, social and cultural issues, or conversion accounts and religious law.

It may be easier to understand what I mean by an internalist approach if we consider what has recently been characterized as the 'spatial turn' in Jewish Studies. During the last several decades there has been an increased interest in Jewish conceptions and applications of space. This development may seem obvious: the historically diasporic culture of Jews is overwhelmingly connected with spatial concerns, albeit predominately from the perspective of the absence of legal possession of bounded physical space.[34] Yet, rather than addressing physical space as a moderating and influencing element upon Jewish experience within the larger urban environment, the majority of this spatial inquiry is focused on either the question of what makes a space 'Jewish' or whether a space is appropriate for Jewish ritual purposes, such at the creation of a *sukkah*.

When addressing Jewish life within the larger urban context, spatial inquiry tends toward analysis of the *eruv* – the halakhic ritual enclosure of space that allows Jews greater freedom of movement and activity on the Sabbath. The use of the principle of *eruv* is an important element of Jewish life. However, it is also an 'abstract notion of space' rather than one grounded in the physical reality

[34] Charlotte Elisheva Fonrobert and Vered Shemtov, 'Introduction: Jewish conceptions and practices of space', *Jewish Social Studies*, New Series, Vol. 11, No. 3 (2005), pp. 1-8, p. 3. For more on this see also, Charlotte Elisheva Fonrobert, 'Review essay: The new spatial turn in Jewish Studies', *AJS Review*, Vol. 33, No. 1 (2009), pp. 155-164, and Julia Brauch, Anna Lipphardt, and Alexandra Nocke, eds., *Jewish topographies: Visions of space, traditions of place* (Aldershot: Ashgate, 2008), as well as, Michal Kümper, Barbara Rösch, Ulrike Schneider, and Helen Thein, eds., Makom: Orte und Räume im Judentum; Real. Abstrakt. Imaginär. Essays. (Hildesheim: Georg Olms Verlag, 2007).

of the built environment.[35] Indeed, the *eruv* is best understood as a metaphysical space that overlays the urban landscape 'that can be deployed wherever it is needed – [it is] portable, dynamic, and private.[36] This metaphysical construction of space, however meaningful and important to Jewish lived experience, has zero significance for, or impact upon, their non-Jewish neighbours. It is strictly an issue for the Jewish community.

By contrast, this thesis tells the story of the ghettos principally through exploration of the processes of managing the ghettos as a part of the larger built environment of these cities structured and moderated lived Jewish experience in physically bounded spaces. To do this, I have primarily relied upon Italian municipal records, although I have also consulted state and ecclesiastical archives. This decision is not intended to minimize Jewish voices or underplay Jewish agency, but rather, to expand our awareness of Jewish experience by viewing it through a different lens. The internalist approach often taken by Jewish historians can obscure as much as it reveals. Municipal archives are a largely under-used resource for Italian Jewish history, and yet when it came to policing the everyday minutiae of Jewish-Christian relations, enforcing religious boundaries and maintaining the fabric of the ghettos, Italian municipalities were the administrative frontline. As a result, engaging with municipal sources is illuminating in two clear ways. First, these records preserve the history of

[35] Manuel Herz, '"Eruv" urbanism: Towards an alternative "Jewish architecture" in Germany', pp. 43-61 in Julia Brauch, Anna Lipphardt, and Alexandra Nocke, eds., *Jewish topographies: Visions of space, traditions of place* (Aldershot: Ashgate, 2008), p. 45. See also, Boaz Hutterer, and Adam Mintz, 'Between ghetto and city: The communal *eruv* in 17th-18th century Italy' (Hebrew), pp. 9-40, in Adiel, Yair, ed., *Pe'amin: Studies of Oriental Jewry: Space and Boundaries*, No. 154-155 (2018).
[36] Herz, '"Eruv" urbanism', p. 45.

maintaining and regulating the ghetto as an element of the built environment. Second, when looking for moments and issues that permeated the walls of the ghetto, the records kept by those organisations charged with establishing and enforcing those boundaries must be a first port of call.[37] I view these documents as communicative acts, illustrating the reality of how these two groups remained in conversation and relationship with one another.[38]

My approach diverges from the existing historiography. With the exceptions of the broad monographs by Roth in English, and Milano in Italian, there is little to no work that addresses more than a single ghetto, or addresses Italian Jewish experience across the entire period of ghettoization.[39] The vast majority of the existing historiography of Italian ghettos and their Jewish residents during this period places emphasis upon individual Jews, specific ghettos, or addresses specific themes, such as conversions, political, or economic

[37] In addition, many Jewish community records are now housed in these archives – this is especially true in Florence.

[38] For more on the idea of communicative acts as conversation, see Steven Hendley, *From Communicative Action to the Face of the Other: Levinas and Habermas on Language, Obligation, and Community* (Oxford: Lexington Books, 2000). Levinas places emphasis on conversation necessarily including recognition of the Other (meaning another) – that is 'to remain in conversation with the other is to accept, then, an obligation to respond to the other in terms of what s/he says to you.' (p. 3) Written records are a physical expression of conversation, of a speech, or speech-like act, that necessarily contain elements of relational intercourse. Also see Jürgen Habermas, *The theory of communicative action, volume one: Reason and the rationalization of society*. (trans. Thomas McCarthy).

[39] Cecil Roth, *The History of the Jews of Italy* (Philadelphia: The Jewish Publication Society of America, 1946), and Attilio Milano, *Storia degli ebrei in Italia* (Torino: Giulio Einaudi, 1963). One exception to the lack of comparative work on the ghettos is Osanna Fantozzi Micali, *La segregazione urbana: Ghetti quartieri ebraici in Toscana* (Firenze: Alinea editrice, 1995), yet even this work is only focused on the Jewish communities in Tuscany and does not address ghettos in other locations. On a general discussion of ghettos and their significance see also the classic work of Wirth, Louis, *The ghetto* (Chicago: University of Chicago Press, 1928, 1956).

activities. This trend holds true for scholarly analysis of Jewish-Christian relations which tends to focus on conversion, cultural exchange, or economic interactions prior to emancipation, and applies to both Italian and English-language traditions.[40] Moreover, there is tendency to treat the ghetto as an autonomous and distinct community, rather than as an integrated part of the urban environment, as is telling reflected in the titles of books like Matteo Provasi's *Ferrara Ebraica (una città nella città)*, Fulvio Diego Papouchado's *Viaggio in un ghetto Emiliano*, and David B. Ruderman's *Preachers of the Italian ghetto*.[41]

While the focus of this work is different from my own, it is often illustrative about living conditions within the ghetto, and about certain aspects of Jewish-Christian relations. Ultimately, however, I have been more influenced by the work

[40] Examples related to conversion include Marina Caffiero, *Forced Baptisms: Histories of Jews, Christians, and converts in Papal Rome*. (Berkeley: University of California Press, 2011), David I. Kertzer, *The Kidnapping of Edgardo Mortara*. (New York: Alfred A. Knopf, 1997), as well as Matteo Al Kalak and Ilaria Pavan, *Un'altra fede: Le case dei catecumeni nei territory estensi* (1583-1938) (Firenze: Leo S. Olschki Editore, 2013), and most recently, Kenneth R. Stow, *Anna and Tranquillo: Catholic anxiety and Jewish protest in the age of revolutions* (New Haven: Yale University Press, 2016). Examples related to economic themes include the work of Werther, Angelini, *Gli ebrei di Ferrara nel Settecento: I Coen e altri mercanti nel rapport con le pubbliche autorità* (Urbino: Argalià Editore, 1973), Francesca Trivellato, *The Familiarity of Strangers: the Sephardic diaspora, Livorno, and Cross-cultural Trade in the Early Modern Period*. (New Haven: Yale University Press, 2009). On political themes, including emancipation see Gadi Luzzato Voghera, *Il prezzo dell'eguaglianza: Il dibattito sull'emancipazione degli ebrei in Italia: 1781–1848 (Studi e ricerche storiche)* (Italy: F. Angeli, 1998), Andrew M. Canepa, 'L'immagine dell'ebreo nel folklore e nella letteratura del post-Risorgimento, *Rivista Mensile Israel* Nos. 5-6 (1978); 383-399, and Dan V. Segre, 'The emancipation of the Jews in Italy', pp. 206-237, in Pierre Birnbaum and Ira Katznelson, *Paths of Emancipation: Jews, states, and citizen*ship (Princeton: Princeton University Press, 1995).

[41] Matteo Provasi, *Ferrara Ebraica (una città nella città)* (Ferrara: 2 G Editrice, 2010), Fulvio Diego Papouchado, *Viaggio in un ghetto Emiliano: Storia degli ebrei a Modena dal Medioevo al secondo dopoguerra, 2 ed.* (Modena: Grafiche Garattoni, 2010), and David B. Ruderman, ed., *Preachers of the Italian ghetto* (Berkeley: University of California Press, 1992).

of Ariel Toaff and Schlomo Simonsohn on Umbria and Mantua. Although their work deals primarily with an earlier period and other regions, both authors do address fundamental aspects of communal coexistence related to basic human needs, as well as providing detailed accounts of the internal structure and administrative functions of Jewish community organizations and how these groups interacted with the Christian authorities.[42]

Building on these foundations, this thesis aims to add a new dimension to this story by considering how the ghettos themselves structured Jewish-Christian coexistence. Here, I draw inspiration from the work of the geographer and spatial theorist Edward Soja, for whom space effectively operates "simultaneously [as] a social product (or outcome) and a shaping force (or medium) in social life".[43] In his seminal article, 'The socio-spatial dialectic', Soja argues that:

> The structure of organized space is not a separate structure with its own laws of construction and transformation, nor is it simply an expression of the class structure emerging from the social (i.e. aspatial) relations of production. It represents, instead, a dialectically defined component of the general relations of production, relations which are simultaneously social and spatial.[44]

Rather than focusing on 'the empty question of which *causes* which or endless arguments about preeminence', Soja calls for exploration of 'the mix of opposition, unity, and contradiction which defines the *social-spatial dialectic*'.[45] This is the

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[42] Ariel Toaff, *The Jews in Umbria, Volume One, 1245-1435* (Leiden: E.J.Brill, 1993). Shlomo Simonsohn, *History of the Jews in the Duchy of Mantua* (Jerusalem: Kiryath Sepher Ltd., 1977).
[43] Edward W. Soja, *Postmodern Geographies: The Reassertion of Space in Critical Social Theory*, (London: Verso, 1989), p. 7.
[44] Edward W. Soja, 'The Socio-Spatial Dialectic', *Annals of the Association of American Geographers*, 70:2 (June 1980), p. 208.
[45] Edward W. Soja, 'The Socio-Spatial Dialectic', p. 208. Emphasis in the original.

approach I attempt to take in this thesis – an exploration of the social-spatial dialectic of the Italian ghetto. [46]

Here, the central position of the Jewish ghetto within the heart of so many Italian cities emerges as a key determinant. In his classic study, *The Preindustrial City: Past and Present*, Gideon Sjoberg argued for a specific set of land use patterns which underscore 'the pre-eminence of the "central" area over the periphery, especially as portrayed in the distribution of social classes', while noting the existence of certain 'finer spatial differences according to ethnic, occupational, and family ties'.[47] In particular, he argued that the elite members of the city – religious, political, and economic – were clustered near the centre both to ensure ready access to seats of power and because this was generally the most defensible position in case of outside threat. Concomitant with this pattern, lower status groups were forced to the outskirts of the urban area by the elite in order to minimize the amount of contact between the two groups. Crucially for our purposes, Sjoberg maintained that residential patterns of these cities were essentially uniform - the city elite reside in the centre, and that moving in relatively concentric circles from this nucleus are members of the lower classes in

[46] For additional information on this subject see, Brook Neely and Michelle Samura, "Social Geographies of Race: Connecting Race and Space," *Ethnic and Racial Studies,* Vol. 34, No. 11 (2011), p. 19-38. Also, Edward S. Casey,'From space to place in contemporary health care', *Social Science & Medicine*, (2003) Vol. 56:11, pp. 2245-2247; Rick Grannis, *From the ground up: Translating geography into community through neighbor networks* (Princeton: Princeton University Press, 2009); Peter Marcuse, 'Putting space in its place', *City*, Vol. 11, No. 3 (2007), pp. 378-383; and Nicole P. Marwell, and Michael McQuarrie, 'People, place, and system: Organizations an the renewal of urban social theory', *The ANNALS of the American Academy of Political and Social Science*, Vol. 647, No. 1 (2013), pp. 126-143.

[47] Gideon Sjoberg, *The Preindustrial City: Past and Present*. (New York: The Free Press, 1960), pp. 95-96.

descending status levels with the 'poorest and the outcastes living … the farthest removed from the center.'[48] As will become clear in chapter two, Italian ghettos diverge strikingly from this model.

Countering Sjoberg's thesis is James E. Vance's theory of multiple centres. Vance argues that although pre-industrial cities did tend toward a clustering of the civic leaders, or 'patriciate' near the main square, the city was actually 'many-centered' due to the importance of the gilds. He asserts the gilds performed an important economic role, not only through the 'execut[ion of] the contractual relationship with the sovereign', but that they also 'provided some security against disaster and destitution, [for] they offered a place of entertaining and a structure for social contact'.[49] Further to this he argues that the process of social ordering within the city led to the creation of 'occupational districts', which were usually coterminous with the religious parishes, with the result of limiting or preventing association with infidels or foreigners. Indeed, the conclusions of this thesis tend rather to support James E. Vance's of multiple centres.[50]

As part of the mix of opposition and unity that contributes to the socio-spatial dialectic, I found it necessary to engage with group identity – especially as the stratification between Jews and Christians was so distinctive during this period. Social identity theory posits that social categorization creates an inherent distinction between *us* and *them*; between the ingroup and the outgroup, and

[48] Sjoberg, *The Preindustrial City,* p. 98.
[49] James E. Vance, Jr., 'Land Assignment in the Precapitalist, Capitalist, and Postcapitalist City', *Economic Geography*, 47:2 (April 1971), 103.
[50] James E. Vance, Jr., 'Land Assignment in the Precapitalist, Capitalist, and Postcapitalist City', *Economic Geography*, Vol. 47, No. 2 (1971), p. 103.

although it may not be useful an accurate predictive tool,[51] it is highly effective as an analytical framework for evaluating historical group divisions and boundary negotiations.[52] Social identity theory draws on both individual social identity and on social categorization. Social identity is how the individual understands their position within the overall social environment based upon 'membership [in] a social group (or groups) together with the emotional significance attached to that membership.'[53] It does not focus on personal individual identity but rather on how an individual views themselves as part of a group. Social categorization is the function of how social groups and their members orient themselves in reference to other groups. The categories of interaction within social identity theory include social mobility, assimilation, social creativity, social competition, and enhanced distinctiveness. I do make use of these terms, as I find they are more accurate and less emotionally laden than the terms inclusion and exclusion and provide a more precise vocabulary for analysing social interactions. What is missing when applying social identity theory to the history of the Italian ghettos is the physical aspect expressed through the socio-spatial dialectic.

This thesis argues that the socio-spatial dialectic of the Italian ghetto is best understood as embeddedment. To *embed* means to fix (an object) firmly and

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[51] Gillian Finchilescu, Social Identity Theory and Intergroup Attributions (Unpublished Dissertation, Faculty of Psychological Studies, University of Oxford, Hilary Term 1991), 32-43.

[52] Henri Tajfel, 'Social identity and intergroup behaviour', *Social Science Information,* Vol. 13, No. 2 (1974), pp. 65-93, as well as Henri Tajfel, ed., *Differentiation between Social Groups: Studies in the social psychology of intergroup relations* (London: Academic Press, 1978). See also, Marilynn B. Brewer and Norman Miller, *Intergroup relations* (Buckingham: Open University Press, 1996), and Arthur G. Miller, ed., *The social psychology of good and evil* (London: The Guilford Press, 2004).

[53] Tajfel, 1974, pg. 69

deeply in a surrounding mass, or to implant (an idea or feeling) so that it becomes ingrained with a particular context. The suffix *-ment*, indicates either an action or a process – or a state or condition – resulting from a specified action. My use of the term embeddedment therefore underlines the fact that this was an on-going and relational process because the ghettos, embedded as they were within the physical landscape of the cities, demanded an on-going process of negotiated actions related to urban management as well as social and religious boundaries.

This process only becomes apparent through exploring Jewish-Christian relations and the history of the ghettos over the course of centuries. Bureaucratic institutions do no spring fully formed from the ruling elite overnight. Once they are established, however, they do possess a momentum and a memory of their own upon which social stability is strongly reliant. Indeed, if bureaucracy 'stops working, or if its work is interrupted by force, chaos results. … [and] increasingly the material fate of the masses depends on the continuous and correct functioning' of these institutions.[54] Therefore, in order to assess how the Italian Jewish ghettos functioned within the built environment, historians must necessarily address the decisions and management of the relevant bureaucratic institutions.

Part one of this thesis consists of three chapters, and sets the stage by exploring the ecclesiastic and secular legal conditions that structured Jewish experience, as well as identifying the key institutional actors. Part two, consisting of the remaining five chapters proceeds in a roughly chronological manner, and addresses both commonalities and singular cases. Since this thesis focuses

[54] Weber, Max, *Economy and Society: An outline of interpretive sociology, Volume 2*, Guenther Roth and Claus Wittich, eds., (Berkeley: University of California Press, 2013), p. 988.

primarily on the late-eighteenth and early-nineteenth centuries, I have selected specific case studies that include enlightened absolutism in Florence, Napoleonic rule in Modena, and the effects of the Restoration in Ferrara. This structure allows for exploration of the broader political developments of this period in the movement toward modernity and the impact these transitions had upon Italian Jewry. These case studies are bookended by chapters focused on communal issues that demanded action by the municipal authorities in the on-going negotiation of spatial divisions within the built environment.

Chapter one begins with an overview of what I consider to be the crucial papal policies related to Jewish rights and their position in both Italian and Christian society, beginning with the Edict of Milan. Although it may seem odd to begin a study which is primarily focused on the late-eighteenth and early-nineteenth century in the fourth century, it is necessary because these early pronouncements continued to be cited as justification for later policies and exerted a lasting influence on the complex legal system governing the Jews. Moving through these historical church policies the impact on the lived experience of Jewish Italians and immigrant Jews begins to take shape. The rights Jews possessed under Roman law as *cives* were not entirely negated by papal decrees that increasingly restricted Jewish activity in Christian controlled lands.

The interplay of ecclesiastic and secular law and how it was applied to the Jews of Italy is the subject of the second chapter. This chapter explores how the ghettos were established in Florence, Ferrara, and Modena in the late sixteenth and early seventeenth centuries. Any study that wishes to analyse the socio-spatial dialectic must necessarily address how space is structured, as well as the motivating factors behind how it is divided and ordered. Here we learn that the

application of the ecclesiastic mandates of *Cum nimis absurdum* was not as uniform or simple as might be anticipated. Indeed, the implementation of the ghetto system was completed in regionally specific ways. Moreover, we learn that Jewish residential patterns did not conform to the tendency toward self-congregation found elsewhere in Europe prior to the creation of the ghettos in these three cities. Yet, spatial divisions do not mean much without looking at how they are utilized and how they impact interactions.

Chapter three therefore covers the primary organisational actors – the Italian Inquisition, the Health Boards, and the secular leadership of the Jewish community. These institutions were extremely durable, and all possessed significant communication networks which resulted in a level of continuity of practice across the peninsula. Moreover, we find a level of uniformity – perhaps a result of the isomorphic nature of institutional structures – within these organizations that has been largely neglected. These structural organizational elements become increasing important as we explore the common themes and specific case studies of part two.

Food supply and management are central issues for any urban population. Indeed, many historic examples of unrest and revolt are connected to this issue. Chapter four begins with an exploration of how one specific aspect of food provisioning was handled – slaughter. Due to the stringent religious regulations imposed under the rules of *shechita*, analysing how ritual slaughter was negotiated provides valuable insight on a range of Jewish-Christian interactions. Maintaining distance between Jewish religious rites and Christian observance of these practices was a central concern of many papal decrees aimed at limiting contact between these groups. Legal separation that resulted in enhancing

distinctions between Jews and Christians was a recurring theme within ecclesiastic law which was then generally imposed by secular authorities, except of course in the Papal States where temporal and ecclesiastic power converged. Yet, in the case of ritual slaughter practices there existed a symbiotic relationship between Jews and Christian throughout this period, resulting in less segregation than might otherwise be expected. Similarly, burial of the dead was a near universal practice across the Italian peninsula, and the centrality of this aspect of shared humanity illustrates another level of accommodation of Jewish religious practices by the urban authorities. Boundaries were more easily established and maintained between the dead and the living of these two faith traditions, but that does not mean that burials and cemeteries were uncontested spaces, or that Jewish cemeteries were not subject to Christian regulation.

The boundaries related to lunacy are addressed in chapter five. Unlike the cemeteries where strict separation was easily enforced based upon religious affiliation, lunacy exerted a unifying aspect on cross-communal interactions. Tuscany, including the city of Florence, underwent a comprehensive reform program during the reign of Peter Leopold. These reforms included the entire hospital system and impacted all subjects, including the Jews. The program implemented for caring for the insane and mad members of the city's population became a standard of practice across Europe in the decades that followed, yet studies of madness are largely absent from the historical record before the late nineteenth century. This chapter provides insight into how madness was addressed in Florence, and how Jewish Florentines who suffered from insanity were treated alongside their Christian counterparts.

Napoleon's conquest of the Italian peninsula changed the legal status of all Italians, including the Jews. The transition from subject, with rights as *cittadine*, to citizen with civic equality has certainly been lauded as a critical step on the road to modernity. Yet, in the instance of a civil marriage application, we find that things were not altered as significantly as the rhetoric of Liberty, Equality, and Fraternity would suggest. This example illustrated the durability of centuries-old tradition of separation between Jews and Christians as well as the longevity of bureaucratic institutional memory and practice.

The defeat of Napoleon and the restoration of the *Ancien Régime* brought many of the restrictive, ecclesiastically-based policies back into force – especially in the Papal States, as would be expected. In chapter seven, the process of re-enclosure of the Jews within the ghetto is explored. A rather striking incident involving the arrest of five Christian men is brought forward for examination as well. This event is connected to the Jewish tradition of hiring a non-Jew to light fires on the Sabbath – the '*shabbes goy*'. This was a long-standing form of social and economic interaction the Church had attempted, albeit unsuccessfully, to supress for centuries. This incident provides a window into the tensions the Church was experiencing during the Restoration and how the politics and policies of this period impacted the Jews of Ferrara.

In the final chapter we see how and when social and religious boundaries became permeable due to crisis events. Similar to slaughter and burial management, urban conflagration and epidemic disease were issues that impacted Jews and Christians equally and indiscriminately. In urban areas, fire was a constant presence, and therefore also a constant threat to both property and life. Epidemic disease strains relationships of all sorts; familial, political, and

social. The physical location of the ghetto in the centre of these three cities demanded their inclusion in urban management protocols due their close proximity to the cathedrals, central markets, and governmental buildings. Exploring how these threats were negotiated allows us to see how these urban ghettos were incorporated in municipal planning and management in a manner quite similar to the Christian parishes. This, I would argue is key to understanding how embeddedment, as a form of the socio-spatial dialectic exerted a structuring influence on Jewish-Christian interactions during the final years of ghettoization and moving forward into modernity.

In 1988 Robert Bonfil asserted that 'the reception of Jews into Christian society was transformed by means of the ghetto from being exceptional and unnatural into being unexceptional and natural' through the provision of a legitimate place for them within Italian communities.[55] The establishment of the ghetto created an uncontested Jewish space – one that was legal, accepted, and purposeful. The Jews, and the ghettos in which they lived, were embedded in the cities of Ferrara, Florence, and Modena. Yet, Bonfil's argument was never developed through analysis of the connections and disconnections that are found in the urban management practices implemented during the era of the Italian ghettos. This thesis aims to address this gap. It illustrates how the physical location of the ghetto within the city centre exerted a spatially bounded inclusionary influence on the lived reality of the Jews living within its walls and gates and upon the policies and procedures of the civic authorities.

[55] Robert Bonfil, "Change in the Cultural Patters of a Jewish Society in Crisis: Italian Jewry at the Close of the Sixteenth Century." *Jewish History 3* (1988): 11-33. Reprinted in Ruderman, ed., *Essential Papers*, 401-25, p. 110

The actors within this thesis are both Jewish and Christian. They are officials and common people. The story is not one of simple division created by the physical boundaries of the ghetto, nor one based on confessional divisions. Instead, it is sensitive to the structuring quality imposed by the fundamental requirement of everyday life in an urban context; food, burial, fire, health and sickness, to name only the most compelling. Analysing the ghetto as space, as place, and as a mediator of social intercourse at its most basic level, allows us to understand the intricate entanglements between Jews and Christian in Italy, in new, but vitally important ways.

Chapter One – Ecclesiastic Boundaries

If it is impossible to write a unified history of the Italian peninsula prior to the Risorgimento, then it is equally difficult to write a unified history of the Church's policy toward the Jews for there were actually multiple 'churches' that enforced, ignored, or expanded upon official doctrine. The first of these entities was the Catholic Church, and the official policies established both by the popes and by the cardinals that were assigned to the various dioceses across the regions of Italy. The second level of the church consisted of the local clerics, parish priests, and transient preachers who often exerted greater influence on the laity than did the upper echelons of church leadership.[109] The final element was comprised of the sovereign, secular, Christian leaders, and how they chose to interpret and then impose, or ignore, papal decrees. This chapter focuses on official church policies enacted under papal authority and demonstrates that the legal status of Jews was more complex and subject to greater variation than the lachrymose conception of Jewish history has suggested. Papal policy regarding the Jews influenced secular authorities across Christian Europe. This chapter, and the next, demonstrates that the influence of the Church over the Jews, both inside the borders of the Papal States, and across Italy was

[109] This conclusion is based upon the ideas presented in Joshua Trachtenberg's *The Devil and the Jews: The medieval conception of the Jew and its relation to modern Anti-Semitism* (Philadelphia: The Jewish Publication Society of America, 1983). He argues that during the Medieval period 'there were two Churches… [which] were not always in agreement' p. 7. I have expanded upon this idea to include the sovereign Christian princes as their actions also impacted the lived and experiential realities of the Jews living in their domains.

more immediate and direct due to the close proximity of the seat of temporal power for the Church.[110]

During the first few centuries of the Common Era, the process of group identification was determined by the struggle to identify doctrinal differences between the various sects of Jews – a process which ultimately resulted in the separation of Christianity and Judaism into distinctive religious systems. 'Authorities on both sides tried to establish a border, a line that, when crossed, meant someone had definitively left one group for another. They named such folk "Judaizers" or *minim*, respectively, and attempted to declare their beliefs and practices, their very identities, as out of bounds.'[111] Over the course of the intervening centuries, the borders between Christians and Jews became more clearly defined and stable; recognized and validated by practitioners on either side of the doctrinal wall. As Christianity grew, both in the number of adherents to the faith, and also in political power, Jews were relegated to a minority status and subject to the power wielded by

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[110] As a starting point for Church history, see Paolo Prodi, *Il Sovrano Pontefice: Un corpo e due anime: la monarchia papale nella prima età moderna* (Bologna: Società editrice il Mulino, 1982), and in English consult, R. Po-Chia Hsia, *The world of Catholic renewal 1540-1770* (Cambridge: Cambridge University Press, 1998). See also Nicholas Akin and Frank Tallett, *Priests, prelates and people: A history of European Catholicism since 1750* (London: I.B. Tauris, 2003) and Daniel Boyarin, *Border Lines: The partition of Judaeo-Christianity* (Philadelphia: University of Pennsylvania Press, 2004). Also important in understanding the Church's response to non-Catholics in Italy is the comprehensive work of Adriano Prosperi, *Eresie e devozioni: La religione Italiana in età moderna, II Inquisitori, ebrei e streghe* (Roma: Edizioni di stori e letteratura, 2010).

[111] Daniel Boyarin, *Border Lines*, p. 2. See also Daniel Boyarin, 'The Christian invention of Judaism: The Theodosian Empire and the Rabbinic refusal of religion', *Representations*, Vol. 85, No. 1 (2004), pp. 21-57. Here, Boyarin illustrates how 'Judaism functioned for Christian orthodoxy as a guarantee of the Christian's own bounded and coherent identity', p. 27.

the dominant group. Jews were however, granted a level of protection for theological reasons, which first included the understanding that their existence proved the validity of the scriptures, for which they were to remain the guardians; secondly, that 'Jesus demanded that their conversion be awaited patiently;' and finally, that it was prophesised that 'a remnant of them [would] be saved', and this prophecy 'must be accepted as a command.' [112] This chapter provides a brief overview of the development of papal policy towards the Jews, with specific emphasis on those moments when the boundaries between these two confessional groups were defined, reinforced, or negated. Without an understanding of how the legal status of Jews developed over time, it would be difficult, if not impossible, to place later events and decisions within their proper context.

The social group possessing what is perceived and recognized as legitimate political power obviously dominates the historical record, and in this instance when the divisions between the Catholic majority and the Jewish minority were also vastly differentiated in relation to social status and population density, this pre-eminence is even more evident. As a super-sessionistic tradition, Christianity grappled with its Jewish roots, and developed beliefs and practices to distinguish itself from its predecessor.[113] Even reconciling the dates for the observation of Easter was done in

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[112] Solomon Grayzel, *The Church and the Jews in the XIIIth Century: A study of their relations during the years 1198-1254, based on the Papal letters and the conciliar decrees of the period*, Rev. ed. (New York: Hermon Press, 1966), p. 12.

[113] For this early period see, Rosemary Ruether, *Faith and Fratricide* (Eugene, OR: Wipf & Stock Publishers, 1997); John G. Gager, *The Origins of Anti-Semitism: Attitudes Toward Judaism in Pagan and Christian Antiquity* (Oxford: Oxford University Press, 1985); and, Peter Schäfer, *Judeophobia* (Cambridge: Harvard University Press, 1997).

a way to distance Christian worship from the Jewish observance of Passover.[114] Distinctions were drawn from within and without – inter-marriage, the sharing of meals, and other forms of social intercourse that could foster familiarity were prohibited within the Torah. These restrictions were aimed at preserving Jewish communities from external influence. This distinctiveness was allowed, and even fostered by Church doctrinal policies aimed at preventing Christian conversions. Yet, Jews were understood as the 'living, though unwitting, testimony to the truth of Christianity', and this theological interpretation allowed their continued existence within Christian dominated lands.[115]

Although Jews were at some level protected by this argument, it could not, and did not, fully mitigate an underlying antagonism between the two faith traditions due to the fact that Jews 'remained insistently loyal to their Jewish identity, [and] Jews were [therefore] a source of enormous social anxiety.'[116] The Church responded to this anxiety in a variety of ways, but primarily through regulation of Jewish-Christian interactions. In recognition of this dichotomy between preservation and subjugation, a complex web of legal and political interactions between the Church and the Jews developed.

The review of these decrees necessarily provides a rather one-sided perspective of Jewish-Christian relations in Italy. This approach, however, may

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[114] Solomon Grayzel, 'The beginnings of exclusion', *The Jewish Quarterly Review*, Vol. 61, No. 1 (1970), pp. 18-19.
[115] Rebecca Rist, 'Papal Protection and the Jews in the Context of Crusading, 1198-1245', *Medieval Encounters*, Vol. 13 (2007), p. 284.
[116] Kenneth R. Stow, *Alienated Minority: The Jews of Medieval Latin Europe* (Cambridge: Harvard University Press, 1992), p. 7.

actually present an accurate reflection of the disproportionate power held by the Catholic Church over the Jews in Christian dominated Europe. This legal power was expressed through the written directives and letters of the popes, collectively known as papal bulls. The word 'bull' derives from the seal used to close the letter, which was called a *bullum*. Papal bulls can be subdivided into several categories, with Decretals comprising the foundational body of Canon Law. Decretals were most commonly formulated in response to a specific set of circumstances, and were written to be applicable to the church in its entirety. The remainder of the correspondence consisted of: Responsa, which typically clarified the application of Decretal policies in line with local conditions; Constitutions, which outline matters of belief and conduct; and Encyclicals, which were distributed across either the whole of Christendom, or to the bishops of specific regions, and consisted of orders and directives for implementation of papal policy.[117]

Early Pronouncements – Fourth to Fifteenth Century

Beginning in 313, with the Edict of Milan, Constantine I and Licinius ended the persecution of Christians in the Roman Empire and ordered 'that no one whatsoever should be denied the opportunity to give his heart to the observance of the Christian religion, or that religion which he should think best for himself, so that the Supreme Deity, to whose worship we freely yield our hearts, may show in all things His usual favor and benevolence,' and further 'conceded to other religions the right of open and

[117] Grayzel, *The Church and the Jews*, pp. 4-6. See also, Peter Partner, *The Pope's Men: The Papal Civil Service in the Renaissance* (Oxford: Clarendon Press, 1990).

free observance of their worship for the sake of the peace of our times, that each one may have the free opportunity to worship as he pleases; this regulation is made so that we may not seem to detract from any dignity or any religion.'[118] This statement does grant primacy to Christianity, yet it also recognizes and defends religious plurality. Unfortunately, toleration of the multitude of religious faiths worshiped within the Roman Empire did not last. Following the Edict of Thessalonica by Theodosius I in 380, all forms of Christian worship other than those established by the Council of Nicea were outlawed. Judaism was still recognized as a legitimate religion, and remained such, even after Theodosius proceeded to ban all pagan religions in 391. With the Theodosian Code, Jews retained legal status and remained a legitimate and recognized religion – synagogues were protected and Jewish communities retained authority over internal religious issues. They were however subjected to restrictions in regards to interactions with Christians; Jews were not permitted to own Christian slaves, and intermarriage was also strictly forbidden.[119]

During the reign of Theodoric, the tradition previous emperors employed of applying Roman law to Jews continued, 'and he recognized them as having the inherent right of Roman citizens.'[120] Pope Gregory I continued this practice, and 'although [he] would not sanction any persecution of the Jews or encroachment on

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[118] Galerius and Constantine: Edicts of Toleration 311-313, https://sourcebooks.fordham.edu/source/edict-milan.asp accessed 1 February 2017. The preservation of Jewish rights a *cives* is crucial as it provides the foundation for policies that develop in later centuries.

[119] Fergus Millar, 'Christian Emperors, Christian Church and the Jews of the Diaspora in the Greek East, CE 379–450' *Journal of Jewish Studies*, Vol. IV, No. 1 (2004), p. 4

[120] Solomon Katz, 'Pope Gregory the Great and the Jews', *The Jewish Quarterly Review*, Vol. 24, No. 2 (1933), p. 126.

their legal position, he was equally resolved to prevent the Jews from exceeding the rights guaranteed them by Roman law.'[121] A moderate pope, Gregory sought to 'avoid, not exacerbate confrontation…. He avoided hostile epithets toward the Jews, as his objective was to bring about concord', and moreover, when a Jew committed a crime, even one against the Church, Gregory dealt with the responsible party and did not place blame upon the Jewish people as a collective group.[122] He opposed the seizure of synagogues, and was adamantly opposed to forced conversion. In 591, in a letter to the Bishop of Terracina, Gregory stated:

> Those who differ from the Christian religion must be won to the unity of the faith by gentleness, by kindness, by admonition, by exhortation, lest we repel by threats and ill-treatment those who might have been allured to the faith by the charm of instruction and the anticipated fear of the coming Judge. It is more desirable that they should assemble with kindly feelings to hear from you the Word of God, than that they should tremble at the immoderate exercise of your severity.[123]

The principles in this letter surfaced repeatedly from the late-sixth through the early-thirteenth century. In the tenth century Pope Leo VII cited Gregory's letters and policies as justification for opposing forced baptism during his tenure. This policy was continued during the rest of this century, embraced by Popes Alexander II and Alexander III of Pope Leo VII, and in the eleventh and twelfth centuries by Popes Alexander II and Alexander III, respectively. Moreover, in 598, Gregory I stated that

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[121] Katz, 'Pope Gregory', p. 126. See also Schlomo Simonsohn, *The Apostolic See and the Jews*, History (Toronto: Pontifical Institute of Mediaeval Studies, 1991), pp. 39-40.
[122] Rodrigo Laham Cohen, 'Theological Anti-Judaism in Gregory the Great', *Sefarad*, Vol. 75:2, Julio-dicembre 2015, pp. 225-252, doi: 10.3989/sefarad.015.008 Accessed: 31-01-2017, pp. 249-250.
[123] Katz, 'Pope Gregory', pp. 124-125, from Dudden.

'just as no freedom may be granted to the Jews in their communities to exceed the limits set for them, so they should not in any way suffer through a violation of their rights.'[124] This phrase, the *Sicut Judaeis*, became the standard introduction for papal bulls issued in regards to the Jews through the fifteenth century.[125] However, in the early thirteenth century, there was a move toward limiting the rights of the Jews with the election of Pope Innocent III, and the IV Lateran Council.

On 15 September 1199 Innocent III issued the *Constitutio pro Judeis*, and although it contained the *Sicut Judaeis*, the tenor of this decree was harsher than that of his predecessors. He stated that 'although the Jewish perfidy is in every way worthy of condemnation', the Jews are 'not to be severely oppressed by the faithful', nor were they to be completely destroyed as they served as protectors of the Old Testament.[126] Innocent further mandated:

> Without the judgment of the authority of the land, no Christian shall presume to wound their persons, or kill (them) or rob them of their money, or change the good customs which they have thus far enjoyed in the place where they live. Furthermore, while they celebrate their festivals, no one shall disturb them in any way by means of sticks or stones, nor exact from any of them forced service, except that which they have been accustomed to perform from ancient times. In opposition to the wickedness and avarice of evil men in these matters, we decree that no one shall presume to desecrate or reduce

[124] Katz, 'Pope Gregory', p. 121. See also Kenneth R. Stow, 'The "1007 Anonymous" and Papal Sovereignty: Jewish perceptions of the Papacy and Papal Policy in the High Middle Ages', in Kenneth R. Stow, *Popes, Church, and Jews in the middle ages: Confrontation and response* (Aldershot: Ashgate Publishing Limited, 2007).
[125] For a complete listing of dates and popes who used the *Sicut Judaeis* in their *Constitutio pro Judaeis* during the centuries in question, see Katz, 'Pope Gregory', pp. 134-136.
[126] Grazel, *Church and the Jews*, p. 93.

> the cemetery of the Jews, or, with the object of extorting money to exhume bodies there buried.[127]

These directives were largely consistent with those promulgated by Gregory, and served to protect many of the rights previously accorded to Jews. With his closing remarks, however, Innocent reserves these protections for 'only those (Jews) who have not presumed to plot against the Christian Faith', thereby indicating that these privileges were subject to scrutiny, qualification, and potentially revocation by ecclesiastic authorities.[128]

Following this, in 1205, Innocent declared to the Archbishop of Sens and the Bishop of Paris that 'Christian piety accepts the Jews who, by their own guilt, are consigned to perpetual servitude because they crucified the Lord, … [and] the Jews ought not be ungrateful to us, and not requite Christian favor with contumely and intimacy with contempt.'[129] The charge of deicide does not appear in the writings of Gregory.[130] A pronouncement of this nature was capable of becoming inflammatory, especially during the season of Easter. Although tempered by his immediate successors, this accusation resurfaced in later decrees and served as justification for placing more stringent restrictions placed upon the Jews.

The Fourth Lateran Council enacted additional proscriptions in 1215 on Jews in order to both limit their influence upon Christians, as well as to further demarcate boundaries between Christians and Jews. The council mandated that Jews should not charge 'heavy or immoderate usury', they were to remit to the local churches the

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[127] Grazel, *Church and the Jews*, p. 93.
[128] Grazel, *Church and the Jews*, p. 95.
[129] Grazel, *Church and the Jews*, p. 115.
[130] Cohen, 'Theological Anti-Judaism', p. 239.

tithes that would have been paid on any property they purchased from Christians, they were to ensure that they were 'distinguishable from the rest of the population by the quality of their clothes', they were prohibited from appearing in public during last three days of Holy Week and Easter Sunday, they were forbidden to hold public offices, and they were threatened with punishment should they blaspheme against or otherwise insult the Christian faith.[131] Local councils expanded upon some of these precepts, and further banned Jews from working or having markets on Sundays or Christian holidays, and even ordered that 'Jews were to abstain from meat whenever Christians were forbidden to eat it.'[132] Innocent further confirmed the decisions of the IV Lateran Council, and ordered that 'the Jews wear clothes by which they might be distinguished from Christians, but not to force them to wear such as would lay them open to the danger or loss of life.'[133]

Even with these restrictions, as well as with those that prohibited Jews from owning Christian slaves, Jews maintained certain rights. They were permitted to engage in trade, ranging from silk to meat and wine, to have commercial interests, to lend money, to own property, to engage in agriculture and manual labour, granted freedom of movement, allowed to interact socially with Christians (so long as they were not engaged with proselytizing), and they were still protected from forced

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[131] Grazel, *Church and the Jews*, pp. 307-313. See also H. J. Schroeder. *Disciplinary decrees of the general councils: Text, Translation and Commentary* (St. Louis: B. Herder, 1937), pp. 78-127.
[132] Grazel, *Church and the Jews*, p. 34. See also Giacomo Todeschini, *Visibilmente crudeli: Malviventi, persone sospette e gente qualunque dal Medioevo all' età moderna* (Mulino: Saggi, 2007), especially pp. 171-204.
[133] Grazel, *Church and the Jews*, p. 141.

baptisms.[134] Moreover, some Jews held positions as 'tax-farmers and managers of estates of kings and nobles', as evidenced by the number of injunctions issued against such practices.[135]

As this illustrates, both Church and secular leaders had pragmatic reasons for ensuring the position of Jews in Christian society remain reasonably tenable, for Jews provided goods obtained through their trade and business connections, wealth through taxes, and also fulfilled the much needed service of lending money, a practice which was forbidden to Christians. By the latter part of the Renaissance, as Michelangelo was commissioned to paint the Sistine Chapel by Pope Paul III, Roman Jews, and Jewish communities across the northern part of the peninsula, were flourishing. This was not to last, and within a few years of the death of Pope Paul III, the next pope to assume the name of Paul would dramatically alter the course of history for Jews in Rome and across all of Christendom.

Doctrinal Shifts – Sixteenth Century

Beginning in the early sixteenth century, the Church was challenged by Martin Luther and the rise of Protestantism, a process that had both religious and political implications. To combat heresy Pope Paul III established the Holy Office, also known as the Congregation of the Roman Inquisition, in 1542. Its early efforts were primarily

[134] There were debates about what counted as forced baptism, and it was determined by Innocent in 1201 that there existed a distinction between 'conditional willingness' determined as occurring when a Jew ceased to protest during performance of the baptism, and a baptism conducted when the Jew in question protested throughout. Grazel, *Church and the Jews*, p. 103. See also Haim Hillel Ben-Sasson, ed., *A History of the Jewish People* (Cambridge: Harvard University Press, 1976), p. 480.
[135] Grazel, *Church and the Jews*, p. 43.

focused on censorship.[136] 'Christian unity was under severe threat, and Europe appeared to be increasingly full of enemies of the Catholic faith. In this situation, Judaism, the oldest enemy of all, might well appear even more threatening than before.'[137] It was believed that the end of days was imminent, a perception which increased the emphasis on Jewish conversion, due in part to the biblical precepts illustrated by Romans 11:25-26, 'Israel has experienced a hardening in part until the full number of the Gentiles has come in, and in this way all Israel will be saved.'[138] To encourage conversion, Pope Paul III also established the *domus catechumenorum* in 1543. This Italian institution was conceived of by the Jesuits, and ultimately funded by the Jews.[139] This was followed in 1553 by burning the Talmud in order to eliminate elements of Jewish learning that were believed to prevent Jews from accepting Christianity. As dismal as these events appear, during the first half of the century

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[136] J.N.D Kelly and M. J. Walsh, *Oxford Dictionary of Popes* (Oxford: OUP, 1986), p. 265. For more on the Inquisition and the Jews see Adriano Prosperi, *Eresie e devozioni: La religione Italiana in età moderna, II Inquisitori, ebrei e streghe* (Roma: Edizioni di stori e letteratura, 2010); Franzisco Bethencourt, *The Inquisition: A global history, 1478-1834* (Cambridge: Cambridge University Press, 2009); Albano Bondi, 'Gli ebrei e l'Inquisizione negli stati estensi', pp. 265-285 in Luzzati, Michele, *L'Inquisizione e gli ebrei in Italia* (Roma-Bari: Gius. Laterza & Figli, 1994); Paul F. Grendler, *The Roman Inquisition and the Venetian Press, 1540-1605* (Princeton: Princeton University Press, 1977); Michele Luzzati, *L'Inquisizione e gli ebrei in Italia* (Roma-Bari: Gius. Laterza & Figli, 1994), and Peters, Edward, *Inquisition* (Berkeley: University of California Press, 1989).

[137] John Edwards, *The Jews in Christian Europe: 1400-1700* (London: Routledge, 1988), p. 72.

[138] Millenarian beliefs were not restricted to Christians but were also present among Jews at this time, and again resurfaced in the seventeenth century. Stephen Sharot, 'Jewish millennial-messianic movements: A comparison of medieval communities', in Todd M. Endelman, ed., *Comparing Jewish Societies* (Ann Arbor: University of Michigan Press, 1997), pp. 61-87.

[139] Stow, *Catholic Thought and Papal Jewry policy*, pp. 52-54.

official Church policy remained relatively tolerant of Jews and did not overturn the rights traditionally granted to them.

These developments do, however, illustrate the trials faced by the Church, and how Christian leadership responded when it encountered challenges to its authority. Under the leadership of Pope Paul IV, born Giampietro Carafa and former head of the Inquisition, Church policy regarding the Jews became more stringent. On 14 July 1555, he issued the bull, *Cum nimis absurdum*, which reaffirmed the position taken by Innocent III in 1205, yet lacked the more humane elements of that pontiff's decree. It opened with:

> Since it is absurd and improper that Jews – whose own guilt has consigned them to perpetual servitude – under the pretext that Christian piety receives them and tolerates their presence should be ingrates to Christians, so that they attempt to exchange the servitude they owe to Christians for dominion over them; we – to whose notice it has lately come that these Jews, in our dear city and in some other cities, holdings, and territories of the Holy Roman Church, have erupted in insolence: they presume not only to dwell side by side with Christians and near their churches, with no distinct habit to separate them, but even to erect homes in the more noble sections and streets of the cities, holdings, and territories where they dwell, and to buy and possess fixed property, and to have nurses, housemaids, and other hired Christian servants, and to perpetrate many other things in ignominy and contempt of the Christian name – considering that the Roman Catholic Church tolerates the Jews in testimony of the true Christian faith and to the end [*ad hoc, ut*] that they, led by the piety and kindness of the Apostolic See, should at length recognize their errors, and make all haste to arrive at the true light of the Catholic faith, and thereby [*propterea*] to agree that, as long as they persist in their errors, they should recognize through experience that they have been made slaves while Christians have been made free through Jesus Christ, God and our Lord, and that it is iniquitous

> that the child of the free woman should serve the children of the maid-servant.'[140]

Within a matter of weeks, the Jews of Rome were enclosed in an area adjacent to the Tiber which consisted of a few narrow, contiguous streets. 'At first it was called *vicus Judaeorum*; then the name ghetto came into use'.[141] The ghetto of Ancona, also part of the Papal States, was inaugurated soon thereafter, and the ghetto of Bologna was established in 1556. All Jews residing in the Papal States were ordered to relocate to one of these three ghettos or leave the region.

There are several possible motivations which could have, and likely did, contribute to the promulgation of this bull by Pope Paul IV with its restrictive policies and the increased divisions between Jews and Christians reflected within its dictates.[142] From the perspective of this study however, the most important elements of this bull are the mandates that Jews not only had to forfeit right to property, but that they were also forced to reside in 'the same location, … separated completely from the dwellings of Christians. … [and the location selected] should have one entry alone, and so too one exit.'[143] The restrictions which required Jews to wear distinctive

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[140] Stow, *Catholic Thought*, pp. 294-295.

[141] Gregorovius, Ferdinand, *The ghetto and the Jews of Rome* (New York: Schocken Books, Inc., 1948). pp. 68-69. Although Gregorovius considers that the term ghetto derives from the Jewish term '*get*' for bill of divorce, it is more likely the term is derived from the Venetian Ghetto Nuovo that was established in 1516, and may have been partial inspiration for *Cum nimis*.

[142] For a detailed discussion, see Salo Baron, *A social and religious history of the Jews: Late Middle Ages and the era of European expansion, Vol., XIV, 2nd ed.* (New York: Columbia University Press, 1969). See also, Ermanno Loevinson, 'Gli israeliti dello Stato Pontificio', *Rassegna Storica del Risorgimento*, Anno XVI – 1929 Ottobre-Dicembre (VIII) – Fasc. IV, p. 768-803, and Adriano Prosperi, *Eresie e devozioni: La religione Italiana in età moderna, II Inquisitori, ebrei e streghe* (Roma: Edizioni di stori e letteratura, 2010).

[143] Stow, *Catholic Thought and Papal Jewry policy*, p. 295.

dress, prevented employment of Christians by Jews, placed limitations upon usury, and appearing in public on Sundays or other Christian holidays were all reaffirmed. Further to these restrictions, Jews were ordered that all 'ledgers and account books' which dealt with Christians must be written in Italian. Moreover, they were forbidden to engage in social relations with Christians, ordered to trade only in second-hand clothing, and Jewish physicians were not to attend to Christians, even if called upon.[144]

Ecclesiastic prohibitions against Jews and Christians living together in close proximity were not innovative in and of themselves – the Third Lateran Council had forbidden Christian servants and slaves from living with Jewish employers or masters in 1179 – yet the requirement for Jews to be both segregated and physically confined was a significant change. Jews frequently lived in close proximity to one another out of necessity and convenience, although this tendency does not appear to have been as consistent in Italy as elsewhere in Europe.[145] Furthermore, the Venetian Ghetto pre-dates *Cum nimis absurdum* by nearly four decades, and was a compulsory, walled, gated and Jews residing within its confines were subjected to strict restrictions, however it was established based upon secular legal decrees. The issuance and

[144] Stow, *Catholic Thought and Papal Jewry policy*, p. 295.

[145] Although self-imposed congregation has been shown to be the case in Europe by Jacob Katz in 'Social and Religious Segregation', *Essential papers on Judaism and Christianity in conflict from late Antiquity to the Reformation*, Jeremy Cohen, ed., (New York: New York University, 1991) and in Benjamin Ravid, 'All Ghettos were Jewish quarters' pp. 5-24, this tendency does not appear to have been as consistent in Italy. A 1567 Florentine census shows that the Jewish residents were dispersed among the cities thirteen parishes. Stephanie B. Siegmund, *The Medici State and the ghetto of Florence*, p. 151. This is also apparent in Modena, see Katherine Aron-Bellar, 'Outside the Ghetto', pp. 245-271.

implementation of *Cum nimis absurdum* formally established within ecclesiastic law a new requirement for Jewish communites in Rome and the Papal States. Jews living in the Papal States were restricted to compulsory urban enclaves. But, Paul IV's *Cum nimis absurdum* did establish a community for the Jews, and did not call for their total expulsion from Christian lands. Moreover, with the promulgation of this bull, segregation was not only compulsory in the Papal States, it was also sanctioned and encouraged across Christendom. The rapidity with which the ideological and doctrinal changes were implemented highlights both the importance of a longue durèe approach to analysis of the ghettos and also how the confluence of religious and temporal power fostered the rapid implementation of these decisions.

Giovanni Angelo Medici, who assumed the name Pius IV, was elected after the death of Paul IV in 1559. Politically astute, he rescinded many of Paul IV's unpopular and divisive policies, including the requirement for Jews to wear the Jewish badge when traveling. He allowed Jews to trade in all types of goods, permitted the charging of interest, and further mandated 'that rents in the Ghetto should not be unreasonably increased… [and] the brutal repression of the previous reign was suspended.'[146] Further to these policies, Pius IV 'announced that the Talmud would be tolerated if it were censored, and if the name, Talmud, were removed from its title page.'[147]

This respite did not last, however, and following the death of Pius IV in 1566, Pius V returned to the policies and precedents established by Paul IV when he reissued *Cum nimis absurdum* in full, as the bull *Romanus Pontifex* on 19 April 1566.

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[146] Roth, *History of Jews of Italy*, p. 305.
[147] Kenneth R. Stow, 'The burning of the Talmud in 1553, in light of sixteenth-century Catholic attitudes toward the Talmud', in *Essential Papers*, Jeremy Cohen, ed., p. 406.

Romanus Pontifex went further than *Cum nimis abusrudum* however, as it 'explicitly extended the provisions of 1555 to all Jews, wherever they lived, and it concomitantly prescribed that all secular princes must act in enforcing its' regulations.'[148] Naturally, these restrictions were first implemented in the Papal States. Then, in 1569, Pius V issued the bull *Hebraeorum gens* and expelled the Jews from the Papal States, unless they relocated to either of the ghettos in Ancona or Rome. Although some Jews relocated to these ghettos, many more migrated north into Tuscany and the Este domains, whilst others ultimately moved to either Turkey or Palestine. Jews residing in the ghettos of Rome and Ancona, in addition to grappling with the challenge of an influx of new community members within a geographically bounded space, also faced an increased financial burden. Pius V demanded additional payments to support the *domus catechumenorum – casa dei catecumeni* – in the amount of ten *scudi* for each of the one hundred and fifteen synagogues closed in the Papal States as a result of his expulsion order. These payments were demanded in spite of the economic hardships these communities already faced.[149] This may have been intended to encourage conversion from Judaism to Christianity.

Within a decade of these actions, Pope Gregory XIII issued the first of two bulls specifically aimed at increasing conversion rates of Jews to Christianity. In *Vices eius nos* issued in 1577, Gregory XIII ordered that 100 men and 50 women attend weekly compulsory sermons preached in a church near the ghetto.[150] The second bull, *Sancta*

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[148] Stow, *Catholic Thought and Papal Jewry policy*, p. 17, and Roth, *History of Jews of Italy*, p. 309.
[149] Roth, *History of the Jews of Italy*, p. 307.
[150] For context, see Deeana Copeland Klepper. *The insight of unbelievers: Nicholas of Lyra and Christian reading of Jewish texts in the later middle ages* (Philadelphia:

mater ecclesia, issued in 1584, reinstated the requirement of Jewish attendance at weekly sermons, after Joseph Tzarphati, a converted rabbi, convinced Gregory XIII 'that more converts could be won by forcing the Jews to attend conversionary sermons.'[151] These sermons focused on the Christian perspective of the Torah passage read that day in the synagogue, and were delivered by a converted Jew whenever possible, preferably by one who was a member of the Dominican order due to both their zeal and scholarship.[152] Moreover, Gregory XIII confirmed previous edicts that prohibited Jewish physicians from treating Christian patients and expanded the authority of the Inquisition in cases concerning possible Jewish transgressions, and in the Office's ability to censor the Talmud and other Hebrew books. Upon the death of Gregory XIII, Sixtus V was elected as head of the Church and he reversed many of these repressive measures. His 1586 bull, *Christianas pietas*, allowed Jews to once more reside in the Papal States, rebuild their synagogues, and allowed possession of the Talmud.[153]

This respite was short-lived, and when Clement VIII came to power on 30 January 1592, he immediately hardened the divisions and renewed the emphasis on

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University of Pennsylvania Press, 2007), pp. 107-108. Moreover, as Ruderman argues, 'the period of the late sixteenth and seventeenth centuries was not only an age of the sermon for Catholics and Protestants but for Jews as well', and the evidence shows that 'besides that painful obligatory hour of Christian proselytizing to which the Jews of the Roman ghetto were subjects, they, too, willingly flocked to their own predicatori on Sabbaths and on special occasions.' David B. Ruderman, ed., *Preachers of the Italian ghetto* (Berkeley: University of California Press, 1992), pp. 1-3.

[151] Kertzer, *Popes against the Jews*, p. 63. See also, Sam Waagenaar, *The Pope's Jews*, (La Salle, IL: Open Court Publishers, 1974), pp. 194-198.

[152] Roth, *History of the Jews of Italy*, pp. 315-316.

[153] During the reign of Sixtus V, 'preparations were actually made for a new edition of the Talmud, which was to be published in accordance with the stipulations of Pius IV. This edition never appeared.' Stow, 'Burning of the Talmud', *Essential Papers*, p. 406.

the distinctions between Jews and Christians. Clement VIII issued *Cum saepe accidere* on 28 February 1592 and this bull again restricted the Jews of Avignon, a papal enclave, from trading in anything other than second-hand goods. He followed this in 1593 with *Caeca et obdurate* – with this edict, he expelled the Jews from the Papal States and used Pius V's expulsion of 1569 as the precedent for his action. Jews were required to sell off their property within three months, and once again, either emigrate from the lands held as the Patrimony of St. Peter or relocate to the ghettos in Rome or in Ancona. *Caeca et obdurata* reaffirmed the restrictions promulgated in Paul IV's *Cum nimis abusurdum*. Within a week of this bull, Clement VIII issued *Cum Hebraeorum malitia* which outlawed both possessing and reading the Talmud.

These policies remained in effect for nearly two centuries. Although there were intermittent episodes of leniency during the reigns of Popes Innocent X, Alexander VII, and Clement XI in the first half of the seventeenth century, the policies of Clement VIII were not substantively altered until the latter part of the eighteenth century.[154] It would take another pope named Clement to enact the first significant changes in Papal policy toward the Jews. Lorenzo Ganganelli, better known as Pope Clement XIV, in 1769, was the purveyor of such change.

Revolution and Retrenchment – Eighteenth and Nineteenth Centuries

Prior to being elected pope, Ganganelli served in the Holy Office of the Inquisition. When an accusation of blood libel was made against the Jews in Poland,

[154] For more on the policies of this period see Corrado Vivanti, *Gli ebrei in Italia, II, Dall'emancipazione a oggi* (Turin: Einaudi, 1997), especially, Mario Rosa, 'La Santa Sede e gli ebrei nel Settecento', pp. 1069-1087.

Pope Benedict XIV charged him with investigating the incident. Ganganelli's report, *Non solis accusatoribus credendum*, presented to the Inquisition on 21 March 1758, continued the papal tradition of refuting the charges of blood libel in what Roth referred to as 'one of the most remarkable, broad-minded, and humane documents in the history of the Catholic Church.'[155] Ganganelli stated in his report that 'among so many infanticides imputed by writers to the Jews in hatred of our Holy Faith, only two can be said to be true', and cited the cases of Simon of Trent and Andreas of Rinn, both of whom had been beatified by Benedict XIV three years previously.[156] Even with this concession, Ganganelli argued 'that a crime committed by one member of a family and of a nation, cannot and ought not be imputed to other relatives or fellow-citizens.'[157] Over a decade later, following a contentious election during which secular powers, especially the Bourbons, were involved in influencing the outcome, Ganganelli was elected and reigned as Pope Clement XIV from 19 May 1769 until 22 September 1774. Two and half months after he became pope, on 5 August 1769, he transferred authority over the Jews from the Inquisition to the Vicariate of Rome, and further granted them greater freedoms in the choice of occupation.[158] This was only a short reprieve however, and with the election of Giovanni Angelo Braschi, who took the

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[155] Cecil Roth, *The ritual murder libel and the Jew: The report by Cardinal Lorenzo Ganganelli (Pope Clement XIV)*, (London: The Woburn Press, 1935), p. 26.
[156] Roth, *Ritual murder libel*, p. 85. Naturally, Ganganelli could not refute these two cases due to the recent events surrounding their beatification. Beatification allows an individual, frequently a martyr, to be recognized as a saint within a specific location, and is considered more of an administrative measure, whereas canonization is a formal recognition that a person is a saint, due to miracles surrounding their life, as well as occurring after their death.
[157] Roth, *Ritual murder*, pp. 85-86.
[158] Mario Rosa, 'La Santa Sede e gli ebrei nel Settecento', *Storia d'Italia, Annali II, gli ebrei in Italia*, Corrado Vivanti (Torino, Giulio Einaudi, editore, 1997), p. 1083.

name of Pope Pius VI on 15 February 1775, the marginal position of Jews was harshly reinforced.

The influence of the Enlightenment and the increasing secularization of society, combined with conflicts with temporal rulers, placed the Church in a position that seemed increasingly untenable during the eighteenth century. This period bore a striking resemblance to the pressures of the Reformation era, and once again, when under attack on all fronts, the Church acted against the Jews. On 5 April 1775, Pius VI issued his *Editto sopra gli ebrei*, which returned jurisdiction over the Jews to the Inquisition, and further mandated that the harsh restrictions previously enacted under Paul IV, Pius V, and other pontiffs were enforced across the Papal States. With this edict, Pius VI renewed prohibitions on reading, possessing, printing, and selling the Talmud and any books in Hebrew that had previously been banned and were once again in circulation. He further prohibited Jews from performing any ceremonies when transporting their dead to the cemetery, as well as during the burial, especially if there were Christians in the area. A penalty of 50 *scudi* was charged if the yellow Jewish badge was not displayed on the outermost garment. This order applied both inside and outside of the walls of the ghetto, with an exception granted only when travelling. Prohibitions against dealing in foodstuffs were renewed, and possession of businesses or storehouses outside the ghetto was also forbidden.

Strict punishments for Jews who employed Christian servants were reinstated – the penalty for such an action was a fine of twenty-five *scudi* and other corporal

punishments to be arbitrarily determined by the local authorities.[159] Jews were required to be inside the ghetto and the gates secured during the night. Moreover, Jews were forced to attend mandatory sermons; the number of Jews required to attend was based upon a percentage of the community over the age of twelve. Fines and torture were also ordered if Jews attempted to prevent a fellow co-religionist from converting to Christianity. Jews were forbidden to engage in social relations with Christians, especially neophytes, although surprisingly Pius VI granted allowances made for immediate relatives.[160] These restrictions were enforced throughout the Papal States, and in 1793, Pius VI again renewed them in full, a point which suggests they were not consistently enforced even within the Papal domains. This renewal was rather short-lived, for when Napoleon conquered the peninsula he emancipated Jews and granted them the rights of citizenship.

On 15 February 1798, the French entered Rome and Pius VI was arrested and taken first to Siena, then to Florence, and ultimately to Valence, France where he died on 29 August 1799. His successor, Luigi Barnabà Chiaramonte, was elected during the Conclave held in Venice. On 4 March 1800, Chiaramonte became Pope Pius VII, and returned to Rome in July of that year. The Church and its leadership experienced

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[159] A common punishment was the *strappado*, during which a person had their arms tied behind their back, and was then suspended by the wrists using a rope and pulley. They would then be dropped nearly to the ground before the rope halted their fall, a process which resulted in dislocated shoulders, torn ligaments and tendons, long term nerve damage, potential paralysis, and/or loss of the use of one's arms and hands. The most frequent number of *strappados* given as punishment was three for men – women were almost always subjected to public whipping rather than the *strapaddo*.

[160] See Marina Caffiero, *Forced Baptisms: Histories of Jews, Christians and converts in Papal Rome*, (Berkeley: University of California Press, 2005), pp. 190-195.

several changes of fortune during the Napoleonic period, not the least of which was the arrest of Pius VII on 6 July 1809; he was imprisoned for nearly five years.[161]

Pius VII did not perish in exile as had his predecessor, and with the defeat of Napoleon, between his efforts and those of Cardinal Consalvi, the future of papal power was secured. Part of the reason the Church/Papal States fared as well as they did at the Congress of Vienna is due to the efforts of Cardinal Consalvi, however, it should also be remembered that 'Metternich also believed the Catholic Church to be the cement of society. Protestantism he identified with anarchy, Catholicism with order.'[162] As a result, Pius returned to the Patrimony of St. Peter as both temporal and spiritual leader. With the restoration of his temporal power, Pius reinstated many of the previous papal policies and institutions: the Holy Office of the Inquisition, the Index of Forbidden Books, the Congregation of the Council, and, Italy's Jews were once again subjected to pre-Napoleonic restrictions.

In Rome, the Jews were returned to the ghetto and the gates closed. Jews elsewhere in the Papal States, including Ferrara, pleaded with Pius VII for the continuation of the rights they had enjoyed as equal citizens under French rule. These petitions met with varying rates of success, as we will see in chapter seven.

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This chapter has focused on the development of ecclesiastic law and the enforcement and definition of boundaries between Jews and Christians from early

[161] Other challenges included the Concordats with the French under Napoleon's direction, as well as the issues surrounding crowning him as Emperor.
[162] Owen Chadwick, *The Popes and European Revolution*, (Oxford: Clarendon Press, 1981), p. 537.

papal pronouncements up until the Revolutionary era. The influence of secular political developments on ecclesiastic policy is clearly apparent. Both Cum Nimis Absurdum and the 1775 *Editto sopra gli ebrei* are examples of how the Church grappled with challenges to its authority and the changing relationship between the individual and traditional authority structures.

It is important, however, to acknowledge what did not transpire. The Jews were not expelled in their entirety from the Italian peninsula. Jewish expulsions from England occurred in the thirteenth century, from France and most of Germany in the fourteenth, from the Iberian Peninsula in late fifteenth century (and in regions of southern Italy under Spanish rule), and from Pressburg, in the sixteenth century. Nor were the Jews of Italy forcibly converted *en masse*, as had been the case in Portugal. However harsh and restrictive the ecclesiastic policies were in regard to the Jews, the theological precept that mandated their physical preservation resulted in the granting of legitimate physical space within Christendom. In Italy this was coupled with the continued recognition of certain civil rights based upon the ancient Roman legal codes.

Ultimately, what we have seen reflected in these decrees is how the interplay between ecclesiastic policies and political developments related to the rise of Protestantism impacted the Jews of Italy; foreshadowing what transpired during the Napoleonic conquest of the peninsula, and the restoration of the *Ancien Régime* following his defeat. Moreover, we have seen that even when papal pronouncements moved from one end of the spectrum to the other – from leniency to strident restriction – the basic right Jews possessed based upon Roman law and their status

as *cives* never fully eroded. I suggest that this is due, at least in part, to the institutional memory of the Church and hesitation to overturn previous papal decrees in a wholesale manner. The pendulum swing of papal policy also influenced Jewish response to these events. Experience had shown that the restrictive and repressive measures of one pope were often relaxed by one of the next to assume the mantle of the Bishop of Rome. Furthermore, the implementation of papal directives by the secular authorities was often a mitigating factor on their severity. As we move into the next chapter, we will see the extent which secular rulers complied with the papal pronouncements as these directives and initiatives were implemented within the Duchy of Modena and the Grand-Duchy of Tuscany, as well as in Ferrara after it devolved to papal control in the late sixteenth century.

Chapter Two – Creating Physical Divisions

Several centuries before Pope Paul IV issued *Cum nimis absurdum*, Datillo the Jew submitted a petition to the commune of Todi and requested 'citizenship and an extension of the company's money-lending charter, first signed on 7 January 1292 with Leone, son of Sabato, and the other Jewish bankers.'[217] In Italy, Jews were considered *cives* and subject to *ius commune*, or common law.[218] The rights of citizen were not restricted solely to the *Italiani* (Italian Jews), but were also applicable to immigrant Jews. When Jews from the Iberian Peninsula and Europe immigrated to Italy, it was their Jewishness which guaranteed their rights as *cives* across the regions of the peninsula.[219] The legal conception of Jewish citizenship and the civil rights connected to this status had been preserved by Gregory the Great in his pronouncements on the Jews, and was not overturned by later popes.

This chapter explores the development of the ghettos in Florence, Ferrara and Modena. The decrees which established these ghettos all contain a basic assumption of Jewish rights – both rights that were preserved within the theological concepts

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[217] Arial Toaff, *The Jews in Umbria, Volume One, 1245-1435* (Leiden: E.J. Brill, 1993), p. 34. This was not an isolated occurrence. Examples of Jewish collective action in defence of their legal rights are also found in France and Germany in the twelfth and thirteenth centuries. See Jacob Katz, *Exclusiveness & Tolerance: Jewish-Gentile relations in medieval and modern times* (New York: Schocken Books, 1961), p. 50.

[218] The legal conception of Jewish citizenship and the civil rights connected to this status were preserved, as we have already seen, by Gregory the Great in his pronouncements. Later popes did not overturn his decisions.

[219] On the distinctions between the many types of immigrant Jews in Italy – Sephardic, Ashkenazi, Levantine, and Oriental – see Renata Segre, 'Sephardic settlements in sixteenth-century Italy: A historical and geographic survey', pp. 113-114 in Alisa Meyuhas Ginio, ed., *Jews, Christians, and Muslims in the Mediterranean World after 1492* (London: Frank Cass and Company Limited, 1992).

which formed the basis for divisions between Christians and Jews, as well as rights traditionally granted through the secular legal system under Roman rule. A tradition which continued throughout the medieval and early-modern periods through to the modern era.[220] The ghettos were certainly restrictive and repressive; but it is important to remember that their institution established legitimate and uncontested space for Jews within the urban environment – an essential prerequisite for the process of embeddedment described in this thesis to develop. Moreover, these ghettos were established in response to specific regional factors. Since comparative analysis of the creation of the Italian ghettos is largely neglected, this element of historical inquiry has been overlooked.

The preceding chapter illustrated how papal edicts and decrees became increasingly harsh and debilitating through the medieval and early modern eras. Even so, the foundation of Jewish rights as *cives* under Roman law never completely eroded. These rights were part of the lasting and indelible mark the Roman Republic left on the legal processes and policies across the regions of Italy. It is only by addressing the rather nuanced idea of *cives* in connection with *caritas*, or Christian charity, that many of the interactions between the Catholic majority and the Jewish minority can fully be understood. As Amnon Linder argued:

> In so far as the status of the Jews was determined on religious grounds, the church was the foremost legal authority called upon to lay down the law and see to its enforcement; and in so far as that status was determined on public law grounds, with the Jews treated as citizens or as aliens, the same role reverted to the secular state

[220] Osavaldo Cavallar, and Julius Kirshner, 'Jews as citizens in late medieval and Renaissance Italy: the case of Isacco da Pisa', *Jewish History*, Vol. 25, (2011), pp. 269-318.

> authorities. In practice, however, Jewry law was defined in both spheres and by both authorities, the ecclesiastical as well as the secular.[221]

A legally recognized and legitimate minority, Jewish rights were governed by both common law and ecclesiastic policy. These policies simultaneously influenced how secular leaders governed the Jews that resided within their territories. This reality was reflected in many of the interactions between Jews and the secular authorities, such as the *condottas* and other invitations to take up residence, including the *Livorina* and the early decrees of the Este dukes.[222] Jewish residence was therefore based upon legal agreements. Though such agreements could, and were, revoked, this was not done without a semblance of legal justification.

Soon after the issuance of Pope Paul IV's bull *Cum nimis absurdum*, Marquardus de Susannis published the *De Iudaeis et Aliis Infidelibus* in 1558, a text dedicated to the Pope and reprinted multiple times: 1568, 1584, 1601, and 1613. The

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[221] Amnon Linder, *The Jews in the legal sources of the early Middle Ages* (Detroit: Wayne State University Press, 1997), p. 14. See also Kenneth R. Stow's discussion of common and canon law and the connection between *ius commune* and ecclesiastic legal policy. Lawyers had to train and be conversant with both legal systems in order to effectively practice. It was necessary to consult both legal codes and the delimitations between the two systems were not precise. Kenneth R. Stow, *Catholic thought and Papal Jewry policy*, pp. 68-69.

[222] Grand Duke Ferdinando I of Tuscany, issued the *Livornina*, which invited Levantines, Spaniards, Portuguese, Greeks, Germans, Italians, Hebrews, Turks, Moors, Armenians, Persians, and others to take up residence in Livorno. It granted the Jews of Livorno the rights of self-government, and exemption from regulations that applied to the Jews of Florence and Siena – including an exemption from living in a ghetto. While this document is clearly exceptional, it even more so than it first appears, due to the fact that it was enacted and remained in force throughout the period of ghettoization and was not rescinded by any successor to Grand Duchy, thereby allowing the Jews of Livorno to live freely within the city of Livorno. For a copy of this document, see Ferdinando I de Medici. Document inviting Jewish merchants to settle in Livorno and Pisa, in Italian, Manuscript on Vellum, Florence, Italy, 10 June 1593. (Facsimile accessed online at sceti.library.upenn.edu on 1 February 2015).

De Iudaeis was included in the 1584 *Tractus Universi Iuris*, and was intended to serve as 'a handbook for judges in cases involving Jewry law', and consisted of both legal statutes and a polemic intended to encourage Jews to convert to Christianity.[223] Within the exposition of the *de Iudaeis*, de Susannis asserted that the Jews were religious rather than civil enemies of Christianity, and that their preservation was necessary for both theological reasons and due to the dictates of Christian charity, or *caritas*, a position that echoed well-established sentiments within the ecclesiastic legal canon. He asserted that Jews 'may not be molested in their lives or in their property, and they may also have homes in Christian lands, unless they practice usury.[224] What is most pertinent to this study, however, is his analysis in regards the expulsion of Jews from Christian lands:

> As many legists assert, the laws and canons indicate that princes may not expel Jews who dwell peacefully in their lands and who threaten no danger or scandal. **For to expel Jews without cause violates the precept of *caritas*.** Rather, Christians should tolerate infidels and win them for God. If, however, the Jews threaten danger, scandal, machinations, or other enormous crimes, then they should under no circumstance be tolerated, but by the best law they should be expelled. Moreover, **Jews, by law, are *de Popolo Romano et de eodem corpore civitatis*. Therefore, one must have cause to expel them**.[225]

[223] As Stow demonstrates, the *de Iudaeis* was dedicated to the Pope, thereby implying his endorsement of the precepts it contained. Moreover, its importance is indicated by the numerous re-printings and external references to its use. Kenneth R. Stow, *Catholic thought and Papal Jewry policy*, pp. 63-64.
[224] Stow, *Catholic thought and Papal Jewry policy*, p. 81-82.
[225] Stow, *Catholic thought and Papal Jewry policy*, p. 84. De Susannis classified Jews, heretics, and pagans (including Muslims) as infidels. Emphasis is mine.

Ultimately, the *de Iudaeis* illustrated that although Jews were, and should remain, in a marginal and regulated position in relation to the Christians within whose lands they resided, at its foundation was the principle that Jews possessed legal rights under both *ius commune* and canon law, and that although they did 'not enjoy equal justice under the law, [they did] enjoy justice.'[226] Moreover, 'as a general rule, Jews should live by *ius commune Romanorum*. … [and] in matters outside the realm of their own rites and superstitions, they [were] subject to the *iuri communi*.'[227]

The influence of the *de Iudaeis* becomes clearly apparent when the secular authorities began to establish ghettos across the regions of Italy. Resolution of the tensions between common law practices outlined in the *de Iudaeis* and the dictates of Catholic ecclesiastic policies juxtaposed against their personal regional directives and decisions was not a simple task for the secular rulers. The process of ghettoization across the northern half of the Italian peninsula did not mirror either that of the Venetian ghetto, which preceded the issuance of *Cum nimis absurdum*, or the Roman ghetto, which was directly implemented by Papal authorities. Rather, as we shall see in the following sections, the process of ghettoization was negotiated in regionally specific ways, albeit with the same end result of Jews being segregated and subject to a variety of restrictions. The analysis of these differences demonstrates the critical importance of understanding the interplay between secular and religious legal codes, which allowed for the creation and maintenance of the Italian Jewish ghettos.[228]

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[226] Stow, *Catholic thought and Papal Jewry policy,* p. 98. See also Shlomo Simonsohn, The Apostolic See, pp. 95-115.
[227] Stow, *Catholic thought and Papal Jewry policy*, p. 102.
[228] The importance of evaluating secular legal justifications for establishing the ghettos covered in this survey is further supported by Kenneth Stow's observation in

Florence

1437 marks the beginning of the Jewish community in Florence. Cosimo, son of Giovanni de Medici issued a *condotta*, which is both a contract and an invitation, to a Jewish banker. The general language of this type of legal agreement usually included the requirement of either a large initial fee, or an annual tax, in return for the privilege of opening a bank in a city. Frequently incorporated into *condottas* were allowances for the bearer to transfer this right to another Jew, or to include it as part of the family inheritance. These agreements also guaranteed a peaceable existence and the right to continue to observe Jewish religious and dietary practices for the banker, his wife, family, and the necessary servants to maintain their household.[229] Granted for periods of three, five, or seven years, *condottas* sometimes permitted exemptions from the requirement of wearing a Jewish badge, although this was often subject to modification or reversal upon renewal of the agreement based on the current political/religious climate. Many Jewish communities across Italy as well as Europe can trace their origins to contracts of this nature. Other *condottas* were granted throughout Tuscany and as opportunities for Jews grew, the bankers were initially followed by wealthy Jewish merchants, and then by artisans, and smaller merchants.

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his review of *The Medici State and the Ghetto of Florence*. Stow criticizes Seigmund for neglecting to consider the influence of secular law in the process of ghettoization. He argues that legal determinations based upon *ius commune* 'were patently applied in the papal domains and no doubt present in Medici calculations'. This is an oversight I wish to avoid. See Kenneth Stow, 'The Medici state and the ghetto of Florence: The construction of an early modern Jewish community (book review)', *The American Historical Review*, Vol. 112, No. 1 (2007), pp. 302-303.

[229] Moses Avigdor Shulvass, *The Jews in the World of the Renaissance,* trans, Elvin I. Kose (Leiden: E. J. Brill, 1973), p. 123.

The Jews of Tuscany 'surprisingly managed to be accepted into the guilds dealing with wool, silk, and linen; there were also a number of doctors and pharmacists.'[230]

In 1537, another Cosimo, from a different branch of the Medici family, son of the Florentine general, Giovanni delle Bande Nere, was appointed Duke of Tuscany by the Holy Roman Emperor, Charles V. Cosimo I de Medici was strongly influenced by Machiavelli's *The Prince*, and was ruthless in supressing rebellion. He eventually added the town of Siena to the Duchy after quelling an uprising against the Imperial garrison. A move that was supported by the Emperor. The position of the Jews of Florence and Tuscany was fundamentally secure for the first thirty years of Cosimo I's reign. Not only were Jews tolerated and allowed relative freedom to practice their rites and maintain their religious customs, he actively encouraged several Jewish merchants to establish themselves in Tuscany. Moreover, he had close personal relationships with the Abravanel family, going so far as to grant Abravanel's widow, Benevegnita, banking charters in 1547.[231] Throughout most of his rule, Cosimo allowed Jews to move within Tuscany without setting firm legal guidelines regarding their presence, and as late as 1557, Cosimo I's prime auditor, Torelli, commented that 'it was not in the duke's manner… to compel his subjects to wear a specially coloured hat or any other Jewish mark.'[232]

Yet, in the decade which followed this observation, Cosimo and his son Francesco began to cooperate more closely with the papal authorities. By 1563

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[230] Sara Reguer, *The most tenacious of minorities: The Jews of Italy* (Boston: Academic Studies Press, 2013), p. 88.
[231] Seigmund, *The Medici State*, p. 51.
[232] Seigmund, *The Medici State,* p. 55.

relations between Cosimo and the Church had improved to such a degree that the archbishop of Florence, who had been essentially exiled to Rome, was allowed to return. The reinstatement of the archbishop to his Florentine residence in 1567 indicated that a new cooperative and reciprocal relationship between the Dukes of Tuscany and the Papacy was at hand. This shift was readily apparent to the Jews of Florence who once more had to don the despised Jewish badge, *il segno*, beginning just days before Archbishop Altovita arrived.

On 26 September 1570 Francesco, who acted as Regent from 1564 until Cosimo's death in 1574, signed the 'Decree and general edict concerning the Jews who live in the Florentine dominion' into law. This rather remarkable document began with the statement that the Grand-Duke and Regent had received numerous complaints that Jews within their domains had charged excessive rates of usury and failed to return pledges. Actions which violated the banking charters originally issued by Cosimo. They proceeded to accuse the Jews of having committed fraud against widows and the poor, and of other unidentified transgressions. In addition, they charged the Jews with housing Christian servants and wet-nurses, and of having overly familiar relationships with Christians – both forms of interaction which were believed could result in Christians being led away from the Church. The Grand-Duke and his Regent indicated that out of 'zeal for the Christian faith and in observation of the precepts of the Holy Mother Church', these practices must cease.[233] They cancelled the previously issued banking licenses, and declared that all Jews under

[233] ASF, Scrittoio delle Regie Possessioni, Edict of 26 Sep 1570, accessed through bia.medici.org.

their authority must relocate to Florence and reside in a location to be designated, or to permanently leave the region.[234] The charges levelled against the Jews do not identify specific individuals – they are focused on all Jews residing within the Florentine dominions.

Until this point Jews had lived interspersed amongst the Christian population. A census of Florentine Jews completed in 1567 clearly indicates that Jews did not voluntarily reside within a self-imposed, religiously concentrated community, as was the trend elsewhere in Europe in the medieval period. Rather they lived as family units, scattered across thirteen parishes in Florence. This same trend is found in the small towns across Tuscany in which Jews had settled. The requirements of *il segno*, combined with the distinctive religious practices of the Jews, would have made them readily identifiable, but there were many economic and social interactions between these two groups.[235] The mandates of this decree resulted in emphasising divisions and creating enhanced distinctions between Jews and Christians.

There are some similarities in the content of the Florentine decree and that of *Cum nimis absurdum*. Allegations that Jews were guilty of charging excessive rates of usury, and of cohabitating with servants and wet-nurses, with the potential for corruption of Christian souls, were combined with either the mandatory relocation of Jews to the designated future ghetto or expulsion from the duchy. However, the implementation of segregation in this instance does not appear focused on creating a

[234] ASF, Scrittoio delle Regie Possessioni, Edict of 26 Sep 1570, accessed through bia.medici.org.
[235] Seigmund, *The Medici State*, pp. 151-2.

situation which would result in mass conversions, which has been argued was a central concern in the papal bull.[236]

The ducal edict exhibits both secular and religious evidence of Jewish wrong-doing as justification for increased restrictions upon Jews, coupled with their segregation from the larger Catholic community. Yet, importantly, it does not repeal their rights as *cives*. Prohibitions against cohabitation with Christian servants, especially in regards to female servants, reflect concerns about the physical and spiritual contamination of the Christian population through familiarity with Jews and Jewish rites, in keeping with the tenor of *Cum nimis absurdum*. The charge that requirements for fair and legal practices within the Jewish banking charters (upon which rights of residence and commercial activity were based) were violated, provided the secular legal pretext for their revocation. This alleged failure served to justify and validate the right of the Grand-Duke to segregate the Jews of Tuscany from the Christian population, whilst the potential impropriety found in social relationships provided religious justification based upon ecclesiastic policies.

The creation of the ghetto appears to temper the harshness of this edict by offering an alternative to expulsion and performed a dual function of allowing Jews continued residence and commercial rights in Tuscany, as well as providing a semblance of fairness and legal justice toward the marginalised Jewish subjects in the eyes of the larger social group. As Seigmund suggests, the Christian subjects of the

[236] The *domus cachtecumenus* was not created in Florence until the end of the sixteenth century. It was founded by a group of wealthy Christian men – not by the ducal authorities, and as such, conversionary efforts do not appear to be a primary goal of ghettoization in Florence.

Duke might 'have wondered how secure they were in their own homes if their Jewish neighbors could so easily be expelled.'[237]

The area designated for the ghetto was in the centre of the city, near the Piazza del Duomo, and its boundaries were the Piazza del Mercato Vecchio to the south, Via del Succhiellinai to the east, Via dei Rigattieri to the west, and the Chiasso dell Malacucina to the north.[238] This area had once housed many prominent and noble families including the Medici, Tosa, and Tosinghi. However, by the mid-sixteenth century it had fallen into disrepair and was associated with low-level shopkeepers and tradesmen, as well as morally suspect boarding houses and prostitution.[239] The area was purchased by the Grand-Duke and underwent renovation and refurbishment, including modifications and improvements to the water supply and sewer system, and changes to the physical configuration of the buildings. As a result of these efforts, the ghetto was perhaps the most modern neighbourhood in Florence at the time of its completion.[240] It possessed three entrances, one opening onto the Piazza Mercato Vecchio, the others on the northern and eastern boundaries. Three

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[237] Siegmund, *The Medici State*, p. 173.

[238] The ghetto was razed in the 1880s and is now the site of the Piazza della Repubblica, and the triumphal arch bordering the centre of the piazza bears the inscription 'L'Antico centro della città da secolare squallore a vita nuova restituito', which is nearly the only reminder of the historical past of this space. For a more detailed analysis of the transformation of ghetto spaces during the late nineteenth and early twentieth centuries, see these articles by L. Scott Lerner, 'Narrating over the Ghetto of Rome', *Jewish Social Studies*, Vol. 8, No. 2/3 (2002), pp. 1-38, and also, 'The narrating architecture of emancipation', *Jewish Social Studies*, New Series, Vol. 6, No. 3, (2000), pp. 1-30.

[239] Marco Bini, *La citta degli ebrei*, pp. 14-15.

[240] Donatella Calabi and Marie-Pierre Gaviano, 'Le quartiers juifs in italie entre 15e et 17e siècle: Quelques hypotheses de travail', *Annales. Histore, Sciences Sociales, 52e Année*, No. 4 (1977), pp. 777-797.

piazzas were also created inside the ghetto - the Piazza della Fraternità being the largest, followed by the Piazza della Fonte, and the smallest was the Piazza del Ghetto.

An interesting feature of the Florentine Ghetto was that rather than boarding over the external walls and doors, which was common practice in other ghettos, the exterior buildings of the ghetto contained shops and homes that opened onto the street. The segregation of the Jews was accomplished through solid walls between the external buildings and the internal buildings of the ghetto. This mode of construction made the Florentine ghetto even more invisible, as it was hidden behind a façade of normalcy. As construction of the ghetto neared completion, the Jewish residents bid for the properties they wished to rent through a lottery type system. Wealthier Jews were therefore able to lease the larger and more desirable locations, an indication that social distinctions related to wealth and status were preserved within the ghetto.[241] The conclusion that ghettos were not fully harmonious, homogenous Jewish communities is further supported by the fact that as they were instituted across the Italian peninsula the synagogues were internally subdivided to allow for the observation of different Jewish rites.[242]

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[241] A detailed description of this process is found in Seigmund, *The Medici State*, pp. 201-222. The rents were established and collected by the office of the *Nove Conservatori*, in some respects making it an early example of municipally managed community housing. The ghetto also ended up being a financially beneficial decision, for although the rents were below the average rents charged elsewhere in the city (p. 216), the cost to purchase and renovate the property was repaid after a decade, and for the remainder of nearly the next two centuries, the rents, minus cost of repairs and maintenance was nearly pure profit (p.220).

[242] Many synagogues were subdivided into separate sections for the worship of distinctive rites, including Italian, German, Spanish, and Levantine, which allowed the continuation of ethnic and cultural distinctions amongst the inhabitants of the ghettos. See Bernard D. Cooperman, 'Ethnicity and Institution Building among Jews in Early Modern Rome', *AJS Review*, Vol. 30, No. 1 (2006), pp. 119-145. See also, Anna

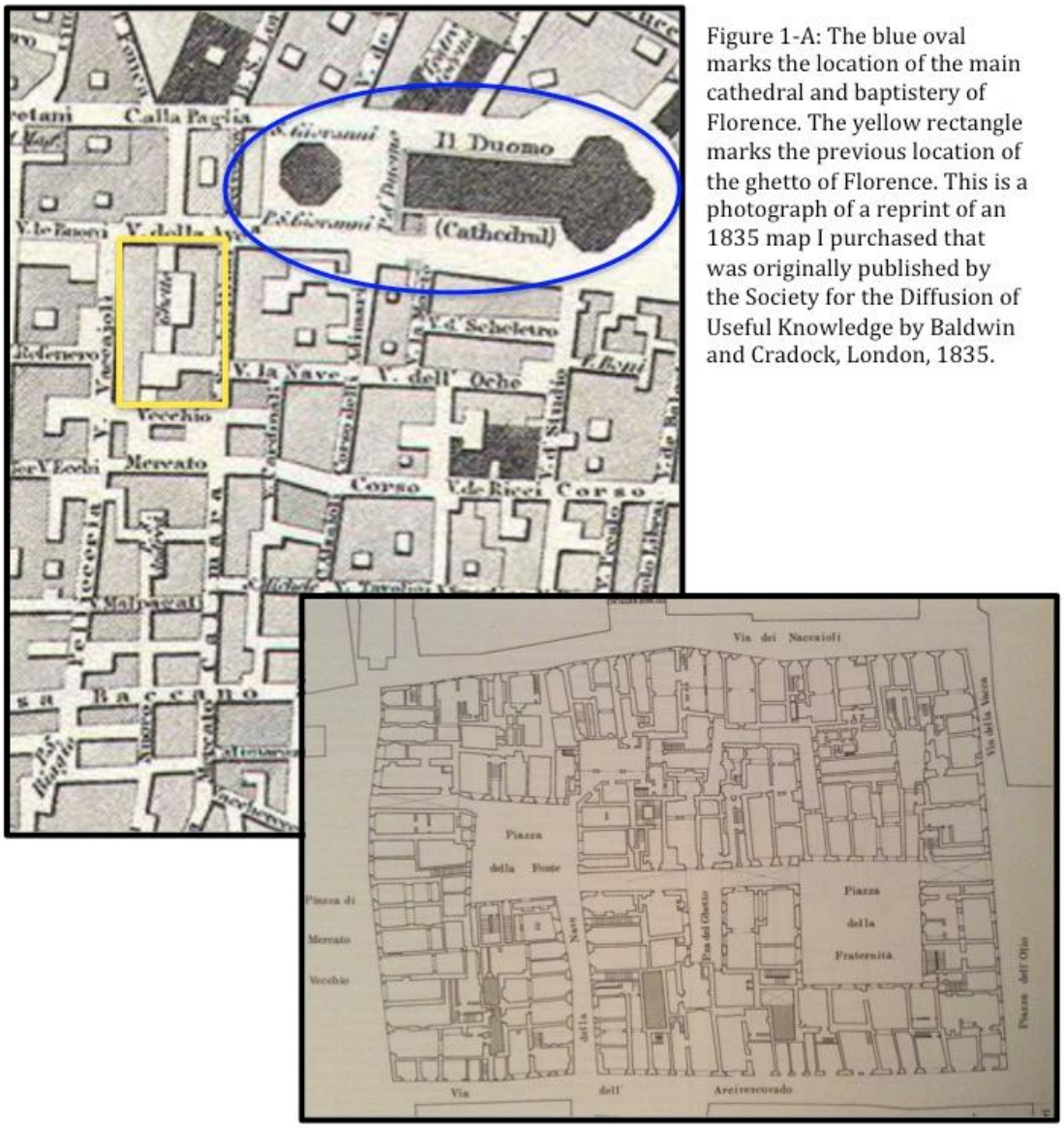


Figure 1-A: The blue oval marks the location of the main cathedral and baptistery of Florence. The yellow rectangle marks the previous location of the ghetto of Florence. This is a photograph of a reprint of an 1835 map I purchased that was originally published by the Society for the Diffusion of Useful Knowledge by Baldwin and Cradock, London, 1835.

Figure 1-B: This inset of the ghetto of Florence is my own photograph of the original reproduced in Marco Bini, *La città degli ebrei: Firenze dal ghetto alla edificazaione del gran tempio* (Firenze: ALINEA Editrice, 1995), p. 21.

Esposito, *Un'altra Roma: Minoranze nazionali e comunità ebraiche tra Medioevo e Rinascimento* (Rome: Il Calamo, 1995).

Ferrara

The first record of Jews living in Ferrara dates to 1227, and by the latter part of the thirteenth century the government of Ferrara executed a resolution, included in the city statutes, to scrupulously observe the immunities granted to the Jews by the vicar and the city's general council.[243] Over the course of the next century, Ferrara became home to both Ashkenazi and Sephardic Jews, who immigrated to Ferrara joining the native Italian Jews. This resulted in a dynamic, multi-cultural community; one that celebrated a variety of Jewish rites. Immigrant Jews were granted the same rights as the Italian Jews and were allowed to engage in a variety of business activities, including trade and artisanal crafts, as well as the traditional banking and lending activities frequently associated with Jews. As we have seen, it was their Jewishness that was the prerequisite that established their rights as *cives* rather than their country of origination. They were permitted to own property, to bear arms for self-defence, and were not required to wear any type of identifying mark or Jewish badge. When Frederick III, Holy Roman Emperor, elevated the Este family from the rank of Lord to Duke in 1452, the Duchies of Ferrara, and Modena were established, and the existing policies toward the Jews remained in effect.

The Este dukes offered refuge to Jewish immigrants from Spain and Portugal in 1492, and again to Eastern European Jews in 1532. In 1538 Duke Ercole II of Ferrara further solidified the position of the Jews in his domain with the issue of two *lettere patente*. On May 30 he ordered that 'all Spaniards and Portuguese and likewise

[243] Secchieri, *Ebrei a Ferrara*, p. 5.

all who speak Spanish or Portuguese who will come to live or trade in our dominion, state and lands' could continue to live as either Christians or Jews.[244] Ten weeks later, on 13 August, the second notice granted to all 'Spaniards and Portuguese, Levantines, Slavs, Dalmations, Greeks, Turks, and [people] of every nation, whether Christians or infidels, who will come to live or trade in our lands, cities and any place of our state and dominion,' the right to live in the manner to which they were accustomed.[245] These concessions were beneficial to the duchy, for the Jews that immigrated to the region maintained their family, trade, and other business connections throughout the Mediterranean, thereby both enhancing and expanding the local economy.[246]

It is important to note that things were not always favourable to Jews who resided in the duchy – there were times when *il segno* was required in alignment with Papal decrees, and in 1553 there were episodes when the Talmud was burned. Yet these events do not appear to have created a lasting negative impact the Jews in Ferrara; for, in the same year in which the Talmud was burned, Samuel Usque, a Portuguese Marrano who lived in Ferrara, wrote that he considered Ferrara the safest refuge for a Jew in Italy.[247] Ercole II also welcomed Jews from Bologna in 1556 when the ghetto was initiated in that city. The policy of granting safe haven to Jews was maintained by his successor, Alfonso II d'Este, and Ferrara again welcomed Jewish

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[244] Alisa Meyuhas Ginio, ed., *Jews, Christians, and Muslims in the Mediterranean world after 1492* (London: Frank Cass and Company, Limited, 1992), p. 141. For a detailed examination of these events see Aron di Leone Leoni, *La nazione ebraica spagnola e portoghese negli stati estensi: per servire a una storia dell'ebraismo sefardita* (Rimini: Luise Editore, 1992).
[245] Cooperman, 'Venetian Policy', p. 72.
[246] Secchieri, *Ebrei a Ferrara*, p. 6.
[247] Secchieri, *Ebrei a Ferrara*, p. 6.

refugees who fled the Papal States in 1593 after Pope Clement VIII issued an edict which mandated Jews living in his domain must reside only in either of the two ghettos located in Rome and Ancona.

Alfonso II was the last Duke of Ferrara. He died in 1597 without a legitimate heir. Pope Clement VIII refused to recognise Alfonso's illegitimate uncle, Cesare d'Este as Duke of Ferrara, in spite of the fact that the Holy Roman Emperor, Rudolf II, did recognise this member of the Este family as a suitable successor. Clement VIII seized both the city and the lands of the Duchy of Ferrara, annexing them to Papal States. Cesare and his court moved to Modena and established it as the new seat of Este power. Many of the Jews of Ferrara opted to move to Modena with the Este court, leading to a distinct decline in Jewish life and community in the city of Ferrara.[248] Oddly, it was not until 1624, more than a quarter of a century after the papacy had taken control of the area that orders were given for the creation of ghetto.

Even before the construction of the ghetto of Ferrara was ordered, the local ecclesiastic authorities mandated limits on social intercourse between Jews and Christians. On 29 January 1598, Cardinal Pietro Aldobrandini arrived in Ferrara to govern the city as Cardinal Legate. Nephew to Pope Clement VIII, Aldobrandini was greeted by crowds chanting *'Via la Chiesa, Viva la Papa, e fuori li Giudei'*.[249] Aldobrandini introduced many of the same repressive policies already in place

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[248] Matteo Provasi, *Ferrara Ebraica (una città nella città)* (Ferrara: 2 G Editrice, 2010), p. 53. Provasi suggests that there may have been upwards of 10,000 Jews living within the Este domains, and over 2,000 within the city of Ferrara prior to the demise of Alfonso II. The official census of 1604 recorded a total of 1530 Jews residing in Ferrara, an estimated loss of approximately one quarter of Ferrara's Jewish population, pp. 48-49 and 58-59.

[249] Provasi, *Ferrara Ebraica,* p. 54.

throughout the Papal States. This was, however, accomplished in stages rather than implemented in a single sweeping action. The 'Aldobrandini Constitution' confirmed certain rights, such as the right to reside within the city, and prohibited harassment of Jews by Christians. However, it also introduced several restrictions – Jews were obliged to wear distinguishing articles of clothing, prohibited from purchasing property, and required to dispose of all other real property within five years.[250]

Following these pronouncements, Cardinal Camillo Loccatello issued an edict on 20 July 1616, denouncing the practice of the Jews and Christians of Ferrara engaging in conversation, or otherwise associating with each other, under the pretext of conducting business. He noted that these transactions occurred between both men and women. He specifically prohibited Jews from entering the homes of married Christian women, and mandated that all business be conducted on the doorsteps, in clear view of everyone. Failure to comply would result in a fine of 100 *scudi*, or other arbitrary punishments. This edict was posted on the doors of the synagogues, and of the cathedral, and served as public notice for all of the cities residents. Loccatello, moreover, cited the bulls of Paul IV, Pius V, and Gregory XIII as justification for his pronouncement.[251]

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[250] Provasi, *Ferrara Ebraica,* pp. 57-58.

[251] ASDFe, Busta Circa Ebreos, fascc. II. 'È stato proibito à gli ebrei la conversazione, e pratica con Cristiani, tuttavia perché nella Città di Ferrara detti ebrei, sotto pretesto di vendere, comprare, & altro, praticano indifferentemente con uomini, & donne Cristiani, & in particolare con donne meretrici, & sospette, da che facilmente può nascere qualche inconveniente, come ne siamo avvertiti da persone di molta bontà, e pietà; onde per rimediare à questo, col presente nostro pubblico Editto, inerendo alli predetti, espressamente proibiamo à tutti gli ebrei, che non possano in modo alcuno praticare, e contrattare con donne meretrici dentro la case loro, ma avendo da trattare con quelle di qual si voglia cosa, lo facciano alle porte delle case in modo, che da tutti siano veduti, sotto pena di scudi cento per ciascuno, & ciascheduna volta

On 13 August 1624, Francesco, Cardinal of San Marcello, Legate of Ferrara issued the *Editto Sopra il Ghetto da Ferrara*, and called for the construction of a ghetto for the Jews of Ferrara. In the opening lines of this edict, the Cardinal indicated that the bulls and constitutions issued by Popes Paul IV, Pius V, Gregory XIII, and Clement VIII together with the recent command of Pope Urban VIII provided justification for the construction of a ghetto, and further, that this decision was approved by the city officials – the *Guidice* and the *Magistrato de Savii*. These officials decided that the Jews of Ferrara would be confined to the area of the city identified by the architect, Hercole Morandi. This location consisted of part of *Via de Sabbioni* (now *Via Mazzini*), along with *Via de Vigna Tagliata*, *Viccolo Gatta Marza*, and the contiguous areas. Any Jew who opposed this order would be convicted of the crime of rebellion and subjected to the confiscation of all property. Any Christian who contravened the order would be penalised with a fine of five hundred scudi, as well as suffer corporal punishment. All Jews were to move into the designated area by 29 September 1624. All Christians living in the area were ordered to relocate to another area of the city. This fact again demonstrates that Italian Jews did not follow the residential patterns toward self-congregation found elsewhere in Europe. Anyone who failed to comply would be subject to confiscation of all property if they were Jewish, or fines and other punishments if they were Christian. The Cardinal mandated some limitations on rents; these were to be fair and affordable for the Jews, and the cost of covering over

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d'applicarsi à luoghi pii, della carcere, & altre pene ad arbitrio, etc. Volendo, che il presente Editto affisso alla porta delle Sinagoghe, & al Palazzo Episcopale, abbia forza, come se à ciascheduno fosse stato personalmente intimato'. Loccatello reissued this edict again on 31 May 1622.

the exterior doors and windows was the responsibility of the owners of the properties, or paid for from the first months rent.[252] He concluded by stating that the edict applied to all the residents of Ferrara; that anyone who did not comply could be referred to the Inquisition, and that if a Jew was guilty of transgression, they would again be subjected to the forfeiture of all property and goods.[253]

Yet, in spite of these threatened penalties, the movement of businesses and households into the ghetto by Jewish residents, and out of this same area by Christians, did not occur as rapidly as the Cardinal had ordered. Rents, in particular, proved difficult to resolve and contributed to the delay in implementing the ghetto. On 10 October 1624 the Cardinal issued a decree which called for the adjudication of the rents by the head magistrate, and further identified Marchese Enzo Bentivogli, D. Ascanio Pio, Alberto Bonacossi, and Dr. Carpi as the officials designated to determine the fair rental rates of the properties. The Cardinal ordered that the rents were not to be increased by more than one-third of the current established rate. In the opening

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[252] This policy is likely connected to the practice of *jus gazaga*, which had been legitimated by Pope Pius IV in 1562 and again by Pope Clement VIII in 1604. Based on the Jewish law of *Hazakah*, this practice 'established, under the most severe social and religious sanctions, a sort of tenant-proprietorship which secured the occupant against overbidding by his neighbor and thereby against exploitation by the landlord'. Roth, *History of the Jews of Italy*, p. 357. Moreover, a tenancy of this nature became a type of 'property' within the ghetto that could be sold, mortgaged, or passed as an inheritance from one generation to the next. Foa, Anna, *The Jews of Europe after the Black Death*, trans. Andrea Grover (Berkeley: University of California Press, 2000), p. 147.

[253] ASDFe, Busta Circa Ebreos, fascc. II. 'E vogliamo, che il presente Editto affisso, e pubblicato in Ferrara oblighi, & astringhi ogniuno all' osservanza, come se fusse a ciascheduno personalmente intimato, e che contro li trasgressori si possi procedere per inquisizione, accusazione, e denuntia, & in ogni altro miglior modo; e se saranno stati più ebrei ad opporsi, o biasimare detta opera si perdonerà a quello, che denuntiarà gli altri pubblicamente, o secretamente, e se gli darà il quarto della robba, che si confiscarà in virtù di detta denuntia, o accusa.'

lines of this decree, he expressed the goal of moving Jews into the ghetto as rapidly as possible, but that in order to do so, it was necessary to overcome the difficulties with the rental rates – exorbitant rates appear to have been charged – to the satisfaction of the two congregations.[254]

On 29 October 1624, the Cardinal issued another edict, in which he indicated that some, but not all, of the agreements regarding rental rates had been determined, and that many Jews had taken up residence in the ghetto. The remaining rates, although set by the municipal leaders, were not yet accepted by the Jews, illustrating the Jews were still able to exercise their rights as *cives* even as the ghetto was being established within a city under direct control of the Church. The Cardinal mandated that these rental rates would prevail and the Jews still residing outside the confines of the ghetto were to move within the week, or suffer the previously published punishments for non-compliance.[255]

Thus, the ghetto of Ferrara was inaugurated in 1627, near the *Basilica Cattedrale di San Giorgio Martire*. Exterior walls were sealed off, and five gates were erected that would control the movement of both Jews and Christians in the area of the new ghetto – for it was as much a crime for Christian to be found in the ghetto

[254] ASDFe, Busta Circa Ebreos, fascc. II. 'Desiderando, che quanto prima gli ebrei di questa Città si riduchino dentro al circondario del ghetto, da Noi (per la Dio gratia) già fatto fabbricare, per torre tutte le difficoltà, che per occasione delle pigioni, che dove ranno pagare a' Patroni delle case di detto ghetto, massime di quelle, che non sono state per sin qui affittate, dopò d' avere a questo effetto tenuto due Congregazioni avanti di Noi, con le intervento del Signor Giudice, e Magistrato de' Savi, e di più Cavalieri, e Dottori di questa città.'
[255] ASDFe, Busta Circa Ebreos, fascc. II.

after the gates were closed, as it was for a Jew to be found outside the confines of this designated area.[256]

Historically, Jews who resided in Ferrara possessed rights of residence and of physical safety, rights which are aligned with the legal tenets outlined by de Susannis in the *de Iudaeis*. These rights remained intact even after Ferrara devolved to the Papal States. Although the Cardinal introduced measures that indicated the toleration exhibited by the Este Dukes, such as allowing Jews to own property, was at an end, these restrictions were implemented gradually, which may have created a sense of security among the Jews who elected to remain in Ferrara rather than follow the Este court to Modena. However, the edict of 1616 issued by Cardinal Locatello served to reinforce group boundary distinctions through the restrictions on Jews entering Christian homes in the normal course of economic exchanges: a decision justified by ecclesiastic legal precedents found in the papal bulls of the previous decades. When the Cardinal issued the 1624 edict for construction of the ghetto, he cited not only the current orders of Pope Urban VIII, but also traced the validity of the order back through the popes who had called for physical segregation of the Jews to the bull *Cum Nimis Absurdum* issued by Pope Paul IV. Moreover, the emphasis placed upon fair adjudication of the rents harkens to the precedent established regarding proprietorship within the rental schemes of the Italian ghettos as practiced in both Venice and Rome, commonly referred to as the *jus gazaka*.[257] Thereby demonstrating

[256] Roth, *Jews of Italy*, p. 354. We will see confirmation of this in chapter seven.
[257] It should be noted that *jus gazaka* does not appear to be officially implemented in Florence, where the Grand-Duke owned the ghetto. However, rents were not arbitrarily raised, perhaps in recognition of the legal adaptation of what had been a traditional Jewish practice.

a level of uniformity in policy across the peninsula, as well as the durability of institutionalized policies and procedures.



Figure 2-A. The blue oval marks the location of the main cathedral and piazza of Ferrara. This is my own photograph of the original housed in the Biblioteca Ariostea: Raccolta Crispi, Serie XV – 16815. Francesco Pampani, 1834. Published in 1836.

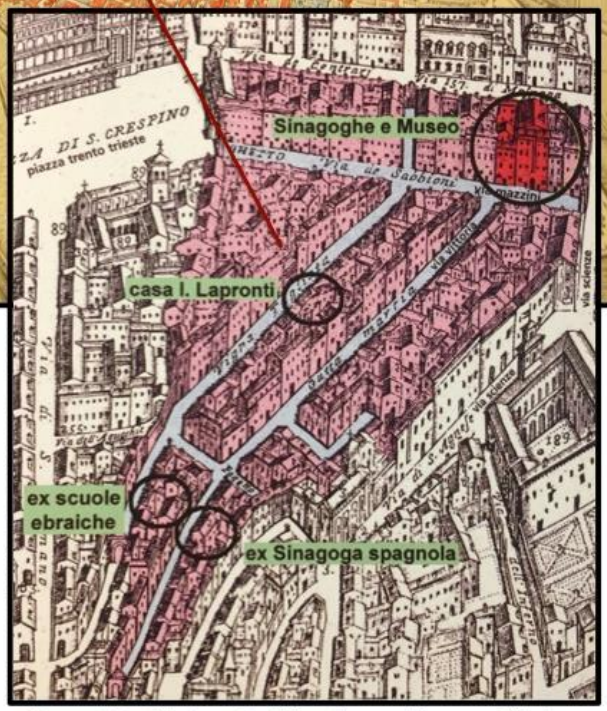


Figure 2-B: This inset is of the ghetto of Ferrara. This is my own photograph of cover of Laura Graziani Secchieri, *Ebrei a Ferrara (XII – XX sec.) Vita quotidiana, socialità, cultura* (Ferrara: Soprintendenza Archivistica per l'Emilia-Romagna, 2012).

Modena

Jews may have lived in and around the vicinity of Modena before the fourteenth century, but it is not until this time that surviving documentary evidence confirms their presence. The 1366 concession granted by Niccolò II d'Este, Marquis of Ferrara to the Jew, Mosè, to engage in trade and have a private Jewish cemetery within the city walls of Modena provides the earliest textual proof of Jewish residence.[258]

Since the Duchy of Modena was part of the Este lands, both the political history of this community and its treatment of the Jewish population is quite similar to Ferrara until the late sixteenth century. There is a striking example in Modena, moreover, of the extent to which the Este rulers encouraged and supported at least some of their Jewish subjects. From the second half of the fifteenth century Este lords had granted both protection and friendship to a family of Italian Jewish bankers, the Norsa family. Members of this rich and powerful family were allowed to move freely within Este territory, and could settle in Modena as well as Ferrara. Noè da Emanuele Norsa received a *lettere patente* of citizenship from Borso d'Este in 1471, the same year Borso was elevated to rank of Duke. This was a continuation of rights and privileges granted by the Holy Roman Emperor, Frederick II in 1469. Norsa was also granted the right to bear arms and was exempted from wearing an identifying badge. These concessions, however, were a double-edged sword, for although they granted

[258]Fulvio Diego Papouchado, *Viaggio in un ghetto emiliano: Storis degli ebrei a Modena dal Medioevo al secondo doppguerra*. 2 ed. (Modena: Grafiche Garattoni, 2010), pp. 9-15.

many freedoms and greater opportunities, they also placed the Norsa family on the fringes of the local Jewish community.[259]

Unlike Ferrara, the Duchies of Modena and Reggio Emilia remained under Este rule, held, with permission of the emperor, as imperial fiefs. With the loss of Ferrara, Rudolf II approved the move of Cesare and his court to Modena, a transition which distinctly altered the existing political administration of this city.[260] The move of Cesare's court occurred in the same year that the 'Papal Inquisition in Modena was elevated from vicariate to full Inquisitorial status'.[261] This change in status expanded the reach of papal authority within the duchy, and was likely an unsettling development for the entire population.

Cesare did, however, continue to honour many of the policies of relative toleration of Jews that this family had historically granted, such as the right for Jews to engage in a variety of professions. His decision may have stemmed from a desire to assert his independence from Papal authority, or was perhaps a form of rebellion due to the loss of the Duchy of Ferrara and his excommunication by Pope Clement VIII. As previously stated, many Jews elected to follow the Este court from Ferrara to Modena in anticipation that these and other policies to which they were accustomed, would remain in effect. Yet, as the papacy continued its efforts to counter the impact of the

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[259] The close connections between this family and the Christian leaders of Modena were, surprisingly, frowned upon by the local Jewish community. For more on this, see Fulvio Diego Papouchado, *Viaggio in un ghetto Emiliano*, p. 17.
[260] Michelle M. Fontaine, 'Back to the future: Remaking the Commune in Ducal Modena', in Paula Findlen, Michelle M. Fontaine, and Duane J. Osheim, eds., *Beyond Florence: The contours of medieval and early modern Italy* (Stanford: Stanford University Press, 2003), p. 205.
[261] Katherine Aron-Beller, *Jews on Trial*, p. 17.

Protestant Reformation Jewish communities in Italy were subjected to closer scrutiny, and the Duchy of Modena was no exception.

In 1618, Cesare d'Este issued an edict that called for the creation of a ghetto in Modena. There are several reasons suggested for this: it may have been a show of newfound religious piety, or a response to pressure from his own citizens, or in response to demands from the papal authorities.[262] These conclusions are supported by a memorandum drafted by the *podestà*, Andrea Codebò, on 7 May 1618, presumably on the Duke's orders, as well as at the urging of the *Nove li Conserversi*, which stated that Jews and Christians were, by both nature and profession, express enemies, and because of this, the Jews were to be restricted to one area of the city for all time. The reason given for this action was both the Duke's love and honour for the Bishop (and in turn, for the Church, and God), the demands of the people, and also out of respect for the precedent established by the 'good governments' across Italy who had already adopted this same practice.[263] This initial decree was more overtly religious and condemnatory of the Jews than those we have seen in Florence and Ferrara, moreover, it cites these, and other cities had previously established ghettos across the peninsula as part of the justification for the segregation of Modenese Jews behind high walls and locked gates.

[262] Aron-Beller, *Jews on Trial*, p. 23.
[263] Archivio di Stato Modena – Archivi per materie – Ebrei, Busta 15, f.4. 'Che gli Ebrei del Cristianismo e per natura, e per professione espressamente nemici siano ridotti in una sola parte della Città, et astretti ad abitare ivi, et no in altro luogo separatamente per tutto il tempo' and further, 'e regola di buon governo approvata da tutte quelle Città d' Italia che l' hanno accettata, e ridotta alla pratica'.

The Modenese ghetto was not inaugurated for another two decades. The delay stemmed partly from disagreement regarding the size and location, as well as from financial concerns surrounding the cost of construction. The episode of plague in 1630 further delayed the project. When, however, Francesco I succeeded Cesare in 1630, the construction of the ghetto moved forward more rapidly.

In response to this, the Jews of Modena petitioned Duke Francesco I, in the '*Ragione della Natione Hebrea per mostrare concludente mento chi non si suo fare il Ghetto loro nella Città di Modena data sotto li 8 gennaio 1635*'. In this petition, the Jews expressed multiple concerns regarding the implementation of a ghetto in Modena. First, they expressed concerns that the size of the ghetto must be proportionate to the number of inhabitants as well as 'large, spacious, and bright, in the centre of the city, and with all of the convenience of piazzas, butchers and fishmongers, water and other earthly comforts.'[264] This request challenges the perception that the ghettos were always overcrowded, dark, miserable places. They may have certainly become that way over the ensuing centuries, but, as we have seen, the area selected for the ghetto of Florence underwent massive renovation and restoration prior to the Jews taking up residence. A similar situation may have occurred in Modena.

The Jews then appealed to the Duke for mercy, and recounted their loyalty and service to the Duchy of Modena, stating that it was against the law that they should be placed in such a low position, and stressing that they had faithfully lived within the

[264] ASM, Archivi per materie – Ebrei, Busta 15, f.4. 'Prima – per fabbricare un Ghetto è necessario il sito molto proporzionata a tanta impresa, cioè grande, spazioso, illuminoso nel centro delle Città e con tutte le comodità di Piazze, Becarie, Pescarie, Acque, e simili chi si ricuscano in una ben comoda Terra'.

limits of the law and under the Church's tolerance.[265] The emphasis on being faithful to the law is most certainly connected to the rights they possessed as *cives* under *ius commune*. They argued that it was against the Duke's interest to establish a ghetto due to the negative impact it would have on Jewish commerce, and in turn, on the fortunes of both the city and Duchy of Modena. Moreover, they drew attention the actions of Cesare de Este from 1602-1618, who had not established a ghetto even whilst they were initiated elsewhere across the peninsula. Finally, they recounted that when the ghetto was first called for in 1618, the deliberations were suspended by the Duke.[266]

This petition did not achieve its aims. In 1638, the Duke published directions to establish the rental rates for the ghetto based upon the current valuation of the properties in question. The rents were determined based upon a sliding scale: homes valued up to three thousand Modenese lira were charged rental rates of five per cent of the value; homes between five thousand and ten thousand were charged at three per cent; the most expensive properties, those valued at over twenty thousand were charged at a two per cent rental rate. Shops and warehouses were to be assessed as

[265] ASM, Archivi per materie – Ebrei, Busta 15, f.4. 'È contro à tute le legge che esse per so venire à ramengi per il Mondo,' and further, 'è sempre sie vissuto conforme alle legge alla tolleranza della chiesa'.

[266] ASM, Archivi per materie – Ebrei, Busta 15, f.4. 'Ne senza ragione il Servissimo Duca Cesare de Este a memoria Ano di VA Servissimo li Anno 1602 -1618 – eccitato che fu la fabbrica del nuovo ghetto dopo l' informazione avuta in voce, e in iscrito resto in sospesa la deliberazione'. Unfortunately, I have found nothing further regarding this suggestive phrase – it may imply that when the 1618 edict was published, that the Jews spoke out, as they were doing in this application, and that their efforts had met with success in 1618. Although there is not documentary evidence to support this conclusion, it would help explain, at least in part, the extended delay in constructing the ghetto of Modena.

separate rental units when possible and charged at a rate of six per cent. Rents would be paid in advance on a biannual basis. Importantly, Jews were responsible for maintenance and repair of the properties, except in the event of damage resulting due to the age of the building or natural disasters, in which case the cost for repairs was the responsibility of the landlord. Any improvements made to the properties would result in an increase of 5 per cent of the value of the improvements in the rental rate, if they were commissioned and paid for by the landlord. If, however, the Jew who occupied the property made and paid for any improvements, there would not be an increase in the rental amount.[267]

The area selected for the ghetto was roughly rectangular, and consisted of two internal streets – Contrade Blasia e Cotellini, with gates situated at the end of each street exiting onto the via Maestra (now via Emilia) and via Taglio for a total of four gates. As elsewhere, windows and doors which overlooked Christian areas were covered and Christian guards were responsible for closing the gates at sunset.[268] A total of 336 Christians were relocated from 35 residences within the quarter designated for the Jewish ghetto, spaces which were then allocated to the 256 Jews

[267] ASM, Archivi per materie – Ebrei, Busta 15, f.4. Of additional note is that the Duke exempted 'foreign' Jews from moving into the ghetto in Modena. Papouchado*, Viaggio in un ghetto Emiliano*, p. 84. This statement is further supported by the work of Katherine Aron-Bellar in 'Outside the Ghetto: Jews and Christians in the Duchy of Modena', *Journal of Modern History*, Vol. 17, No. 3 (2013), pp. 245-27, in which she examines the presence in Jews within the duchy of Modena that continued to live in many of the smaller cities and towns after the Modense ghetto was established in 1638. However, the three largest of these towns did eventually establish ghettos at the direction of the Duke – 1719 in Finale Emilia, and 1736 in Carpi and Correggio.
[268] Papouchado*, Viaggio in un ghetto Emiliano*, pp. 84-85. The ghetto was later expanded in 1702 and 1738 to include via Squallore and via Torre.

moving into this area – notable decrease in population density for these residences.[269] After the ghetto was inaugurated the interactions between Jews and Catholics in Modena did not cease in their entirety. Yet, the sharp decline in Inquisitorial actions against the Modenese Jews suggests that the walls of the ghetto did act as an effective barrier to most forms of intercourse for the next century and a half.[270]

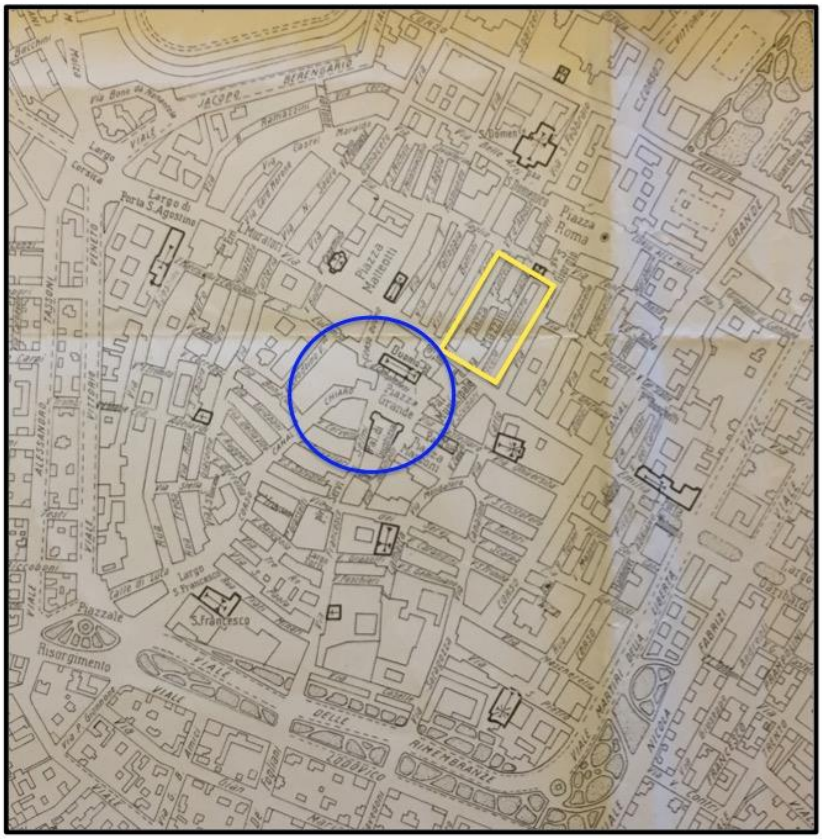


Figure 3-A: The blue circle marks the location of the main cathedral and piazza of Modena. The yellow rectangle marks the approximate previous location of the ghetto of Modena. This is my own photograph of the original map housed in the Bodleian Library, Drawer Number: M-3-B-11-18, Shelfmark: C25:50 Modena (2).

[269] ASM, Archivi per materie – Ebrei, Busta 15, f.4.
[270] Aron-Beller, *Jews on Trial*, p. 244.

During this time, the Este dukes maintained a relatively consistent alignment with papal policy in regards to their Jewish subjects, albeit again, with less rapidity than the papacy may have desired. And yet, in a manner similar to what we saw in the process of ghettoization in Florence and Ferrara, there is evidence of the tension between the negotiations of the secular authority possessed by the Duke, and the rights that had traditionally been granted to the Jews. One the one hand, the Jews of Modena were both aware of these rights and confident of their ability to petition the Duke, as demonstrated by the initial suspension of the ghettoization order. Furthermore, the adjudication of the rents by the Duke on a sliding scale suggests that the principles of *jus gazaka* were employed even though the practice is not specifically identified. One the other hand, there was greater emphasis on the religious aspects of canon law within these sources than upon secular legal justifications which appeared in Florence and Ferrara.

Importantly, the relatively late construction of this ghetto created a different legal context. Ghettos were already well established across the peninsula by this time, reducing the need legal justification. This, too, is reflected on both sides of the religious divide. The Ducal authority did not cite the same level of secular legal justification as we have seen in the other cities, while the Jewish petition of 1635, did not question the legality of the ghetto – only the requirements surrounding its implementation. When the Jews of Modena did try to convince the Duke to forego the establishment of the ghetto, they did so with reference to past experience: stating that the establishment of ghettos in other cities across the peninsula had negatively impacted the commercial interests of these areas, and reminding him of their ongoing

loyalty and economic contributions to the city, as well as the Este tradition of clemency.[271]

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Benjamin Ravid has argued that for an area of Jewish residence to be a true ghetto and not simply a Jewish quarter it must meet three criteria – it must be compulsory, segregated, and closed.[272] His definition clearly applies to the ghettos Florence, Ferrara, and Modena. The compulsory segregation of Jews in these cities did not result from the codification of a previously established practice of self-congregation, as evidenced by the movement of members of both religious groups either out of (in the case of Christian residents), or into the area designated for Jewish habitation. The complex process of ghettoization was accomplished through the application of both canon and civil law, and in recognition of the Jews rights as *cives*, or perhaps, more appropriately, as *cittadine*. I have used the term *cives* until this point due to its application within the historical understanding of the law and legal sources. For the remainder of this study, however, I will use the Italian *cittadine*, with its dual connotation of citizenship and city rights, since the rights of the Jews residing within these ghettos were increasingly connected to the city, due to their recognized and legitimate residential status within these urban environments.[273] Indeed, Jewish

[271] ASM, Archivi per materie – Ebrei, Busta 15, f.4.
[272] Ravid, 'All Ghettos were Jewish Quarters', pp. 5-24.
[273] I am not the first to do so, see Ulrich Wyrwa, *Juden in der Toskana und in Preußen Im Vergleich. Aufklärung und Emanzipation in Florenz, Livorno, Berlin und Königsberg i.Pr.* (London: Mohr Siebeck, 2003), and also in English, Wyrwa, Ulrich, 'Berlin and Florence in the age of Enlightenment: Jewish experience in comparative perspective', *German History*, Vol. 21, No. 1, (2003), pp. 1-28. I must thank Abigail Green for sharing her notes on his German work with me.

participation in the life of the city was considered commonplace enough that it is casually mentioned by Antonio Pirazzini in his work on Jewish cemeteries, when he notes that the Jews 'were imprisoned in the quarter of the ghetto, but equally involved in city life – not only for the shops they kept outside of the walls'.[274] The walls and gates of the ghetto were permeable, and, as we shall see, not only for economic transactions.

In these cities, and across much of the northern Italian peninsula, the Jewish residents of the ghettos maintained rights for continuous physical residence and were not subjected to later orders of expulsion.[275] Yes, the implementation of the ghetto system formalized legal marginalization and degradation of the Jewish population. Yet, importantly, it also preserved, and even mandated, Jewish legal rights of residence within the communities where they were established and supported their right to continue to practice the faith of their fathers. In short, allocating protected residential space for Jewish habitation within these cities provided the means for Jews to become embedded within the urban landscape. But it is only through the on-going negotiation of spatial, religious, and cultural boundaries conducted through the

[274] 'Reclusi nel quartiere del ghetto, ma ugualmente partecipi della vita cittadina - non solo per le botteghe che conservarono fuori dal recinto', in Antonio Pirazzini, 'Il cimitero ebraico di Lugo e le sue vicende' in Mauro Perani, Antonio Pirazzini, and Giacomo Corazzol eds., *Il cimitero ebraico di Lugo* (Firenze: Casa Editrice Giuntina, 2011), p. 4. On this topic see also Wyrwa, Ulrich, 'Berlin and Florence in the age of Enlightenment'.

[275] Bologna is exceptional in this regard. The ghetto was instituted in 1566 in accordance with *Cum nimis*, however in 1569 the Jews were forced to relocate either to Rome or Ancona, or leave the Papal States. Jews were readmitted in 1586 and then expelled in 1593. Maria Giuseppina Muzzarelli, 'Gli ebrei a bologna dall'insediamento al XVI secolo', pp. 82-83, in Franco Bonilauri and Vincenza Maugeri, eds., *Museo ebraico di Bologna: Guide ai percorsi storici* (Bologna: De Luca Editori d'Arte, 2002), pp. 78-89.

bureaucratic structures, both inside and outside the walls and gates of the ghettos, that the process of active embeddedment becomes apparent.

Chapter Three – Urban Institutions

Municipal authorities in the pre-modern era had to contend with many of the same issues with which modern city officials must also grapple: insurance of safe and consistent water and food supplies; sanitation in regards to refuse, waste, and sewage; fire prevention, control, and suppression; crime prevention and public safety. These necessities fostered the creation of centralised bureaucratic institutions across the Italian peninsula. As Jewish ghettos were established in the city centres, the realities of urban management resulted in their incorporation into established administrative protocols and structures.

Stephanie Siegmund has argued that the process of ghettoization in Florence should be understood 'not in the context of medieval segregation (which had been largely limited to a Jewish badge of one type or another), but in the context of the sixteenth-century enclosure of monasteries and the creation of a strictly defined grid of parish-communities that was part of the program of the Council of Trent.' [335] Her assertion fits into the larger debate of Confessionalisation, and how it influenced social and bureaucratic organisation of society. Confessionalization has been used to describe the process of organizing society through a combination of both religious and political actions in the sixteenth and seventeenth centuries with the rise of

[335] Siegmund, *The Medici State*, p. 411. Counter to Siegmund's argument is Ruderman's assertion that 'the assumption that Jewish communities were only invented through the intervention of early modern sates … ignores a vast body of evidence of complex Jewish communal structures in the Islamic and Christian worlds for centuries.' David B. Ruderman, *Early Modern Jewry: A new cultural history* (Princeton: Princeton University Press, 2010) p. 64.

Protestantism and the Reformation, coupled with the Catholic Counter-Reformation or renewal. Primarily the work of German theorists and historians, this paradigm has found applications in other communities.[336] Siegmund is correct that increased pastoral control over, and service to, the lay population called for by the Council of Trent aligned with the needs of the emerging modern state system and increasing levels of societal bureaucratisation. Yet, I would argue that she neglects to consider the fact that administrative divisions within urban environments were based upon historical precedents, and furthermore, that the process of ghettoization in Florence, Ferrara, and Modena, as demonstrated in the preceding chapter, was a complex blending of secular legal justifications and compliance with ecclesiastic law and papal mandates.

Prior to the confessional age, during the mid-fourteenth century, Florence had undergone an administrative restructuring during which the city was divided into four quarters, each of which was sub-divided into four *gonfaloni*. The G*onfaloni* provided the basis for the citizen militias organised for both defence and the maintenance of civil order. They were 'formed around pre-existing parishes', and

[336] John M. Headley, Hans J. Hillerbrand, and Anthony J. Papalas, eds., *Confessionalization in Europe 1555-1700: Essays in honor and memory of Bodo Nischan* (London: Routledge, 2016), especially the essays by Thomas A. Brady, Jr., and Heinz Schilling. For the application of confessionalization to other communities, see Kaplan, Debra, 'Confessionalization and the Jews: Impacts and parallels in the city of Strasbourg', pp. 137-152, in Howard Louthan, Gary B. Cohen, and Franz A. J. Szabo, eds., *Diversity and dissent: Negotiating religious difference in Central Europe, 1500-1800* (New York: Berghahn Books, 2011). See also, Marc Forster, Bruce Gordon, Joel Harrington, Thomas Kaufmann, and Ute Lotz-Heumann, 'Forum: Religious history beyond confessionalization', *German History*, Vol., 32, No. 4 (2014), pp. 579-598.

further served as administrative and governing bodies for the collection of taxes and the exercise of political rights.[337] Moreover, the *gonfaloni* served as essential units of social identity, a requisite element of 'civilized life'.[338]

The implementation of ghettos across the Italian peninsula should be understood in the context of this historic, urban reality: it was not solely due to the efforts of the Tridentine Church toward increased control over the lay population. The legacy of the Italian City-State system was nearly as durable as that of the Roman Empire. Administrative subdivisions within cities that developed during the era of the City-State were aligned with the logistical and administrative demands of urban bureaucratic management practices, and these too shaped the ghettos. When ecclesiastic and secular legal authorities sought to enhance the distinctiveness of Jews who resided in Christian lands through enforced segregation within walled and gated ghettos, it was logical to treat these enclaves in a similar manner to the existing parishes.

Parishes as administrative units have a long history, and 'date back to the High Middle Ages, when the Church developed a local network for the administration of

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[337] Males between the ages of fifteen and seventy were members of the *gonfalone*. Kent, D.V. and F.W., *Neighbours and neighbourhood in Renaissance Florence: The District of the Red Lion in the fifteenth century* (New York: J.J. Augustin, 1982), p. 13. Moreover, as Catherine E. Boyd recounts in *Tithes and parishes in Medieval Italy: The historical roots of a modern problem* (Ithaca: Cornell University Press, 1952), 'the organization of rural parishes with permanent rectors at their heads appears to have begun in the first half of the fifth century…. the parishes tended to conform to the outlines of Roman civil administration … a fact of primary importance for the later history of the Italian parish'. pp. 49-50.

[338] Kent, *Neighbours*, p. 2. According to the Kents, the phrase *parenti, vicini e amici* is utilized consistently in the documentation from this period, from the writings of Boccaccio to private letters and bureaucratic records.

the cure of souls, and [they] remain the basic unit of many Christian denominations.'[339] These organized and regulated communal groups formed the basis of many interactions and interdependencies amongst their members, ranging from charity and funeral provisions to professional and guild associations. 'The emergence of voluntary associations with members from within and without the parish was somewhat at odds with the established ecclesiastic framework.'[340] In many areas, strong links existed between the parish leadership, which was typically elected by the laity, and the local authorities. Indeed, 'the parochial network followed the outlines of the older court districts'.[341] The connection of the parish to secular organizational structures may have undercut the authority of the Church, thereby explaining some of the changes that were implemented.

Following the Council of Trent, parish priests were responsible for performing an increased 'variety of administrative functions (largely comprised of keeping records of births, deaths, and the sacraments administered in between) along with the tasks of preaching and teaching.'[342] The expansion of the duties of the parish priest following the advent of the confessional age reflects the Church's desire to exert

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[339] Beat Kümin, *The communal age in Western Europe 1500-1800* (London: Palgrave Macmillan, 2013), p. 40.

[340] Beat A. Kümin, 'The English parish in a European Perspective', pp. 15-32, in Katherine French, Gary G. Gibbs, and Beat A. Kümin, eds., *The parish in English life, 1400-1600* (Manchester: Manchester University Press, 1997), p. 19. For Italy, see Convegno di storia della Chiesa in Italia, *Pievi e parrocchie in Italia nell basso medioevo* (Sec. XIII–XV) (Roma: Herder Editrice e Libreria, 1984).

[341] Kümin, 'The English parish', p. 23. For Italy, and for other urban areas, it is unclear if the parish was restricted to a single church. Based upon the outlines of the municipal districts established on the earlier parish boundaries, it appears unlikely, as there are frequently several churches located within each district.

[342] Kathleen M. Comerford, *Reforming priests and parishes: Tuscan dioceses in the first century of seminary education* (Leiden: Brill, 2006), p. 27.

more influence over the lay population in a consistent and regulated manner. Some of these activities – such as the requirement to maintain accurate accounts of births and deaths soon found application by the secular authorities. Just as ecclesiastic laws were interwoven with the civil laws into a relatively unified system across the peninsula, so too the parish system, with its religious bureaucratic systems and division of society into manageable units, was integrated into secular administrative protocols for urban management.

Crucially, I argue that as governments segregated Jews into urban ghettos, these neighbourhoods functioned in a similar manner to the Christian parishes. In the previous chapters, I have shown that the process of ghettoization in Florence, Ferrara, and Modena by the political authorities was based upon secular legal justifications and in compliance with religious mandates and ecclesiastic precedents. This compliance reflects the pervasive influence of the papacy across the Italian peninsula, and illustrates that ghettoization was not, as Seigmund has suggested, simply the result of pre-modern state building. It was a complex negotiation of theological, ecclesiastic, legal, and pragmatic issues. The presence of several hundred to over two thousand people living in the centre of densely populated medieval and early-modern cities demanded their inclusion within municipal regulatory practices. As a legal and legitimate space of Jewish residence, the ghetto was essentially a Jewish parish for bureaucratic purposes. The built environment had long been divided into administrative units based upon older church boundaries. Paradoxically, it was this ecclesiastic tradition that provided an established framework which allowed for the creation of a segregated Jewish residential district within the city centres. As I will

demonstrate, the decision to segregate Jews in one area led to the ghetto being treated in a similar manner to the Christian parishes for municipal administrative purposes. In short, municipal bureaucracy was a key factor in the on-going process of boundary negotiation, thereby fostering the process of embeddedment.

Max Weber famously argued that 'once fully established, bureaucracy is among those social structures which are the hardest to destroy. Bureaucracy is the means of transforming social action into rationally organized action.'[343] Unlike the modernization theorists of a later generation, he did not associate bureaucracy exclusively with modernity. More recently, institutionalist scholars have emphasized that 'the elements of rationalized formal structure are deeply ingrained in, and reflect, widespread understandings of social reality.'[344] This was certainly the case in Italy. Yet, rational formal structures that organise social realities are not always easy to see beyond.

The path to the modern Italian state is frequently presented as having proceeded from foundations established in antiquity, which then developed into the communes, which later gave way to the signorial system, which were followed by the principalities and regions.[345] This narrative of progression toward modernity is

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[343] Max Weber, *Economy and Society: An outline of interpretive sociology, Volume 2*, Guenther Roth and Claus Wittich, eds., (Berkeley: University of California Press, 2013), p. 987.

[344] John W. Meyer and Brian Rowan, 'Institutionalized organizations: Formal structure as myth and culture', in Walter W. Powell and Paul J. DiMaggio, eds., The new institutionalism in organizational analysis (Chicago: The University of Chicago Press, 1991), p. 44. Although this statement was made in connection to modern societies, I would argue that this is also applicable to pre-modern societies, especially in the highly bureaucratized Italian context.

[345] Indeed, this is the very progression that forms the structure of Philip Jones' classic monograph, *The Italian City-State: From commune to signoria* (Oxford: Clarendon

helpful in evaluating the dynamics of each of these experiments in governing – which did indeed broadly follow this progression. But, crucially, this form of periodization also serves to camouflage the enduring existence of bureaucratic institutions. In particular, we are left with the impression that as the commune gave way to the *signoria*, the divisions characterising the communes were also superseded, and the majority of governing institutions were subsumed by the changes in the legitimate power and authority structures. This was simply not the case. Several Italian bureaucratic institutions, such as police departments and local municipal governing bodies, withstood the changes in political governmental authority over the course of these centuries, thereby demonstrating Weber's assertion of institutional durability. Of specific importance for this study are the Italian Health Boards and the Roman Inquisition, as well as the Jewish leadership within the ghettos.

Italian Health Boards

Beginning with the initial experiences of plague, regional Italian governments established agencies to help contain, and ameliorate the impact of the disease. As Boccaccio related in *Decameron*, the plague, or Black Death as it would later be known, was viewed as a 'death dealing pestilence, which through the operation of the heavenly bodies or of our own iniquitous dealings, [was] sent down upon mankind for our correction by the just wrath of God.'[346] A disaster of this magnitude demanded

Press, 1997), as well as the Lauro Martines, *Power and imagination: City-States in Renaissance Italy* (London: Allen Lane, 1979), and also Daniel Waley and Trevor Dean, *The Italian City-Republics*, Fourth Edition ((Harlow: Pearson Education Ltd., 2010).

[346] Giovanni Boccaccio, *Decameron*, Kindle Edition (Start Publishing) ASIN B00AWJMS36, p. 12.

a response from the governmental authorities, and Boccaccio later described the activities of the Florentine city officials: 'whereby the city was purged of many impurities by officers deputed to that end and it was forbidden unto any sick person to enter therein and many were the counsels given for the preservation of health.'[347] In this passage he identifies two of the main strategies employed by the health boards in regards to the plague – sanitization of the urban environment and quarantine – protocols that would remain central tenets for dealing with all forms of disease for the next several centuries.

The first agencies created to help combat epidemic plague in the early fourteenth-century were disbanded once the threat subsided. This however changed, once it became apparent that plague was an enduring threat to society, both because it was 'increasingly understood as a contagion', and because of the 'nature and frequency of the epidemics.' [348] The combination of recurring plague epidemics coupled with the urban nature of the peninsula provided the necessary foundation for increased levels of bureaucratization of Italian cities and their governing institutions. As a result, health boards became permanent fixtures of Italian regional governments and were established in all major northern cities – a trend which soon expanded to include smaller towns and even villages. 'All Boards, whether permanent or provisional, whether located in a major city or in a small community, acted under the orders and strict control of – and were directly answerable to – the central Boards

[347] Boccaccio, *Decameron*, p. 12.
[348] Richard J. Palmer, *The Control of Plague in Venice and Northern Italy 1348-1600*. Unpublished Doctoral Thesis, EThOS ID 319779, pp. 48-49.

of the capitals.[349] The reason for this structure was twofold, for it served to legitimize local boards as well as 'parry the opposition and … protect [them] from obstructive interferences.'[350]

By the sixteenth century health boards were an established fixture of Italian governments, and their statutes stated:

> that the following matters fell under [their] control and jurisdiction: the **marketing of meat**, fish, shellfish, game, fruit, grain, sausages, oil, wine, and water; **the sewage system**; the **activity of the hospitals**; beggars and prostitutes; **burial, cemeteries and pesthouses**; the professional activity of physicians, surgeons and apothecaries; the preparation and sale of drugs; the activity of hostelries and **the Jewish community**.[351]

The authority of these health boards expanded and increased to such an extent that in the sixteenth and seventeenth centuries they were able to 'prohibit processions and other kinds of religious assemblies – quite a delicate step in a society which was very religious and in which the Church held a most powerful position.'[352] Due to their influence over so many issues directly related to basic and essential human needs, as well as the Jewish community, the health boards are an important, yet largely neglected source for understanding the urban environment and its inhabitants.

The longevity of the health boards in Italy is impressive. Archival sources in each of the three cities covered in this study span centuries, and although the names

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[349] Carlo M. Cipolla, *Public health & the medical profession in the Renaissance*. (Cambridge: Cambridge University Press, 1976), p. 18. This is from the *Capitolare* of Venice, which was held as a model for many of the Health Boards across the peninsula.
[350] Cipolla, *Public health*, p. 37.
[351] Cipolla, *Public health*, p. 32. Emphasis added, for we shall see these topics are of central interest for this thesis.
[352] Cipolla, *Public health*, p. 29.

of the boards may change, their purpose, procedures, and authority remained remarkably consistent across the peninsula – rivalled in many respects only by the Church. Even in the late 1800s, the central protocols of sanitation and quarantine identified by Boccaccio continued to be employed in combatting cholera. An article in *The Lancet* on 9 August 1890 stated 'among the nations of the Continent, Italy has hitherto been conspicuous for her belief in quarantine and sanitary cordons as the most effective means of averting cholera… and even now, when their efficacy has been shown… to be more than doubtful, she continues to favour them if only for the "sense of security" they give to her uninstructed populace.'[353] The article further elaborates that public health officials across the peninsula were policing the food-supply to ensure that it was free of contamination and fit for human consumption.[354] The continuity of these practices underscores the institutional durability of the health boards. A durability perhaps only rivalled by the Church and its institutions.

The Roman Inquisition

In Italy, 'the Roman Inquisition was not so much refounded as reorganized, on 21 July 1542', when Pope Paul III issued the bull *Licet ab initio*.[355] The origins of the

[353] 'Cholera prophylaxis in Italy' *The Lancet*, 9 August 1890, p. 292.
[354] 'Cholera prophylaxis in Italy' *The Lancet*, 9 August 1890, p. 292. For more on sanitation efforts in Italy related to cholera epidemics in the late nineteenth century, see Frank M. Snowden, *Naples in the time of cholera, 1884-1911* (Cambridge: Cambridge University Press, 1995), especially chapter one for an in-depth look as risks, and their management in urban environments.
[355] Franzisco Bethencourt, *The Inquisition: A global history, 1478-1834* (Cambridge: Cambridge University Press, 2009), p. 47. Inquisitorial offices were established in 1575 in Florence, 1599 in Modena, and in 1632 in Ferrara. For other cities and regions see Andrea del Col, *L'Inquisizione in Italia dal XII al XXI secolo* (Milano: Oscar

Inquisition were based in the legal investigations referred to as *inquistio*, the Latin word for enquiry, and the early attempts of the medieval Inquisition to eradicate the Cathars' and their beliefs, deemed heretical by the Church.[356] The authority of the medieval Inquisition was based upon Pope Innocent III's bull *Vergentis*, issued 25 March 1199, which declared heresy was an act of 'high treason against God.'[357] The Dominicans, recognised in 1217, became the primary source of Inquisitors to persecute suspected heretics.[358] These early Inquisitors, although authorized by papal decrees, were overseen by the Dominican order and not organized into a formal branch of the Church government. Through their efforts, the Cathars were largely supressed by the end of the thirteenth century. Nearly two centuries later, in 1498, the Spanish Inquisition was inaugurated, and 'although sanctioned by the Papacy, [it was] essentially a state institution responsible to the king of Spain.'[359] Cardinal Carafa (later Pope Paul IV) served as a papal nuncio in Spain during this period. He was the driving force behind convincing Paul III to reinstate the Inquisition in Italy, and served as one of the first Inquisitor Generals.

Mondadori, 2006), p. 743. See also Romeo, Giovanni, *L'Inquisizione nell'Italia moderna* (Roma: Gius-Laterza & Figli, Spa., 2002) for a general history of the Inquisition in Italy.

[356] *Inquisitio*, as well as *investigatio*, were not mutually exclusive, yet under Roman law the term *inquisitio* became linked to formal legal procedure. 'Moreover, whether in civil or criminal cases, the evidence sought by an *inquisitor* during an *inquisitio* was always for acts committed or omitted, or for the existence of a right, status, or obligation, and never for beliefs or opinions.' Edward Peters, *Inquisition* (Berkeley: University of California Press, 1989), p. 12.

[357] Kelly, *Oxford Popes*, p. 189.

[358] Christopher F. Black, *Church, religion and society in Early Modern Italy* (Houndsmills: Palgrave Macmillan, 2004), pp. 1-3.

[359] Christopher F. Black, *The Italian Inquisition* (New Haven: Yale University Press, 2009), p. viii.

The Spanish Inquisition's primary focus was investigating Jews and *conversos*.[360] The Roman Inquisition however, was not so single-minded.[361] Across the Italian peninsula, the Inquisition focused first and foremost on Protestant heretics. Inquisitors also engaged in correcting misunderstandings and erroneous applications of Church doctrine, as well as investigated misappropriation of Church ceremonial procedures and artefacts for non-approved uses – such as love spells – due to the belief that such practices led to the corruption of the souls of the faithful. Finally, the Inquisition conducted investigations of Jews who were in social contact with Christians on a regular basis, such as moneylenders and especially those who were suspected Judaizers.[362] The Spanish Inquisition's notoriety for harshness and violence has, in some ways, been conflated with that of the Roman Inquisition. Yet, in the treatment of the Jews, the Italian/Roman Inquisition was less severe. The Italian Inquisition was primarily focused on stamping out Protestant heresy, and the Church did not consider Jews heretics.

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[360] In regards to the influence of the Spanish Inquisition on Carafa, who, as the author of *Cum nimis absurdum* clearly altered the fate of Italy Jewry, see Edward Peters, *Inquisition*.

[361] For more on the Italian Inquisition see Paolo Sarpi, *The history of the Inquisition*, Robert Gentilis, trans. (London: Humphrey Mosley, 1655), Michele Luzzati, *L'Inquisizione e gli ebrei in Italia* (Roma-Bari: Gius. Laterza & Figli, 1994), Franzisco Bethencourt, *The Inquisition: A global history, 1478-1834* (Cambridge: Cambridge University Press, 2009), and Adriano Prosperi, *Eresie e devozioni: La religione Italiana in età moderna, II Inquisitori, ebrei e streghe* (Roma: Edizioni di stori e letteratura, 2010).

[362] As Davidson has pointed out, Italian Jews were not considered heretics. He notes the Commissary-General of the Roman Inquisition, Umberto Locato 'observed in 1570, "heresy is a kind of infidelity belonging to those who profess the faith of Christ, but who corrupt his doctrine." Only the baptized could become heretics: "the Church does not judge those who are without, as the Apostle says"'. Nicolas Davidson, 'The Inquisition and the Italian Jews' pp. 19-46 in Stephen Haliczer, ed. & trans., *Inquisition and society in Early Modern Europe* (Totowa: Barnes & Noble Books, 1987), p. 21.

Unlike the Spanish Inquisitors, Roman Inquisitors did not act as sole judge and jury. Beyond seeking direction from the central office in Rome, Italian Inquisitors worked with a tribunal composed of four theologian and eight lawyers – four ecclesiastic and four civil. In Italy, those appointed to the tribunals were approved by the *Sacra Congregazione*, and were usually members of the aristocracy or the urban oligarchy.[363] Moreover, the connection between the Inquisition and secular society did not end with these appointments. Canon and civil lawyers debated whether the religious or secular authorities had jurisdiction over the cases tried by Inquisitors. Indeed, 'jurisdictional squabbles were a permanent feature of relations between the papacy, the Inquisition, and Italian states.[364] The Church, through the Inquisitors, sought to retain the authority to prosecute heretics and other violations of church doctrine, however, it 'washed its hands' in regards to implementation of the death penalty when it ordered such punishment, and expected secular rulers to enforce this penalty. This policy was not entirely unproblematic, for although 'the secular arm of princes and city councils [were] to implement death sentences for the Church… [this policy] generated jurisdictional conflicts between Church and State' that continued throughout the sixteenth century.[365] This practice illustrates the difficulties related to negotiation of the jurisdictional boundaries between ecclesiastic and secular

[363] For details on how this differs in the Spanish and Portuguese Inquisitions, see Bethencourt, *The Inquisition*, Chapter Four. In Italian, see Andrea del Col, *L'Inquisizione in Italia dal XII al XXI secolo* (Milano: Oscar Mondadori, 2006), especially part two.
[364] Thomas F. Mayer, *The Roman Inquisition on the stage of Italy, c. 1590-1640* (Philadelphia: University of Pennsylvania Press, 2014), p. 3.
[365] Black, *Church, religion and society in Early Modern Italy*, p. 3.

legal/bureaucratic authorities, as well as reconciling the rights individuals possessed as *cittadine* versus ecclesiastic law.

Beyond, or perhaps because of, the issues surrounding the responsibility for administering penalties and punishments determined by the tribunals, in many Italian regions the secular authorities demanded the right to approve the wording of the edicts published by the local office of the Inquisition. Venice was at the forefront in demanding oversight of Inquisitorial edicts, and by the early eighteenth century Florence and Modena had followed the Venetian lead.[366] In Ferrara however, the congruent nature of church and state meant that Inquisitors posted to that city inevitably had far more latitude than those in other regions.[367] In light of the secular limitations placed upon ecclesiastic authority, it has been suggested that in Italy, 'the Roman Inquisition never played a structuring role, socially or politically, outside the papal states.'[368] This may be true if we focus solely on the push-pull dynamic between the Holy Office and the secular rulers. Nevertheless, this assertion overlooks the structuring role played by the Inquisition in shaping the distinctions and interactions between Jews and Christians as it sought to regulate the intercourse between members of these two faiths.

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[366] Bethencourt, *The Inquisition*, p. 176.
[367] The Holy Office was still a significant element within Church bureaucracy, however its influence outside of the Papal States by the eighteenth century was primarily limited to investigations of clerical misconduct and censuring printed materials. Peters, *Inquisition*, p. 119.
[368] Bethencourt, *The Inquisition*, p. 360-361.

In *Eresie e Devozioni* Adriano Prosperi claims that the Roman Inquisition is at the heart of Catholic anti-Judaism.[369] This is part of a much larger debate which is beyond the scope of this study, yet it is crucial to note the role of the Inquisition's influence in the definition and enforcement of identity boundaries. Although the number of trial proceedings against Jews dropped after the implementation of the ghetto system, the continued, or at least the perceived, threat the Inquisition posed to the Jews remained. The edicts promulgated by Inquisition officials reinforced the notion that Jewish contact with Christians posed a danger to the Christian population. These pronouncements fomented new, as well as reinforced existing, prejudices and biases. Papal policy could, and did, move from relative toleration to harsher persecution of the Jews depending on which pope was in power and the vagaries of the political and religious climate. This bureaucratic instability likely increased Jewish insecurity, especially in in the cities where Inquisition officials were present.

During the eighteenth century, Italian secular authorities increasingly viewed the activities of the Inquisitorial office and its tribunals as both infringing upon, and in some instances, superseding their power and sovereignty. Therefore, they unsurprisingly sought to limit Inquisitorial power. In Tuscany, in 1737, activities of the Inquisition carried out 'without the permission of the archduke were deemed an abuse of power, as was the secrecy of their procedures.'[370] In 1754, the Grand Duke enacted limitations on the power of the Inquisitors and their tribunals. He restricted their right to bear arms, denounced the conduct of secret proceedings, prevented the

[369] Adriano Propseri, *Eresie e devozioni: la religione italiana in età moderna* (Roma: Edizioni di storia e letteratura, 2010), p. 119.
[370] Bethencourt, *The Inquisition*, p. 430.

censorship efforts of the Holy Congregation, and mandated the inclusion of lay assistants to supervise the trials conducted by the tribunals.[371] Peter Leopold ultimately abolished the Inquisition in Tuscany on 5 July 1782. In a similar manner to events in Tuscany, Duke Francesco III had limited the power of the Modena Inquisition in 1758, when he appointed 'a secular magistrate [to] the Inquisitorial court, charged with ensuring that Inquisitorial prosecution firmly respected sovereign law.'[372] Ercole III waited until the death of the Inquisitor Giuseppe Maria Orlandi in 1785 to abolish the Modena Inquisition.[373]

In Ferrara, which lay within the Papal States, the Inquisition remained one of the primary bureaucratic arms of the ecclesiastic government and did not experience the same degradation of its powers as had occurred in the Duchies of Tuscany and Modena. The Inquisition only lost its authority after Napoleon conquered the peninsula and overthrew the temporal authority of the pope. Upon Napoleon's defeat and restoration of the traditional political authority of the *Ancien Régime*, the Vatican's response was to return to the policies of the pre-revolutionary period. Reinstatement of its traditional policies and practices was an attempt to reinforce its position, as well as from a desire to reassert control over what was an increasingly

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[371] Bethencourt, *The Inquisition*, p. 431. The inclusion of civil oversight beyond the civil lawyers was not without precedent. In 1551, the Venetian government mandated the presence of a civil representative at all Inquisition trials. This mandate was frequently violated, with Rome's support. In Verona, at least 460 examinations were conducted between 1575 and 1593 without secular representation. Paul F. Grendler, *The Roman Inquisition and the Venetian Press, 1540-1605* (Princeton: Princeton University Press, 1977), p. 215.

[372] Aron-Bellar, *Jews on Trial*, p. 245.

[373] For a complete accounting of the abolition of the Inquisition tribunals, see Giovanni Romeo, *L'Inquisizione nell'Italia moderna* (Roma: Gius-Laterza & Figli, Spa., 2002), pp. 105-119.

liberal and revolutionary world. The Inquisition was reinstated in 1814. This occurred even before the Congress of Vienna fully restored the temporal power of the papacy. The Austrians opposed this decision and Consalvi also tried to block this development, however the influence of the *zelanti* was too powerful in this instance.

Following the death of Pius VII, Leo XII further reinforced the Holy Office and the Index.[374] The Inquisition did not return to its former prominence, but the bishops and Inquisitors posted across the Papal States were urged by the Papacy to closely oversee the Jews within their jurisdiction.[375] One significant change to Inquisitorial proceedings at this time was the Vatican's creation of an 'environment that empowered and legitimated Inquisition law, one that was enforced through the language of the Inquisition tribunal and the legal power the Vatican wielded over its subjects and, to a certain degree, over Catholic citizens of neighboring territories as well.'[376]

Jews converting to Christianity had, naturally, historically encountered Inquisition officials.[377] In 1858, however, the Inquisition came under more severe

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[374] Kelly, *Oxford Popes*, p. 309.

[375] Andrea del Col, *L'Inquisizione in Italia dal XII al XXI secolo* (Milano: Oscar Mondadori, 2006), p. 788.

[376] Ariella Lang, *Converting a nation: A modern Inquisition and the unification of Italy* (New York: Palgrave Macmillian, 2008), p. 33. Although it does not appear based upon the sources that there was a full inquisitorial board in Ferrara after the Restoration, the archbishop was in consistent communication with the Holy Office in Rome – asking for guidance on the many issues that would have been addressed to a board had there been one in the city during this time.

[377] Marina Caffiero, *Forced Baptisms: Histories of Jews, Christian, and converts in Papal Rome*, trans., Lydia G. Cochrane (Berkeley: University of California Press, 2005, see also, David I. Kertzer, *The Popes against the Jews: The Vatican's role in the rise of modern Anti-Semitism* (New York: Vintage Books, 2001), and Kenneth R. Stow, *Anna and Tranquillo: Catholic anxiety and Jewish protest in the age of revolutions* (New Haven: Yale University Press, 2016).

censorship following the events surrounding the Mortara case. The Inquisitor in Bologna, Father Feletti, ordered the arrest of a young Jewish boy after a former servant disclosed that she had baptised him as baby when he had been taken ill. The case was internationally protested, but Pope Pius IX refused to return the boy to his parents. A year later, Risorgimento forces drove Papal soldiers from Bologna, and charged and arrested Feletti for kidnapping.[378] By 1861, the only areas still under Papal control were Rome and the immediately surrounding area. By this time, the few remaining Inquisitors knew the demise of their once-powerful institution was near. The temporal power of the Papacy and the Inquisition essentially ended with Italian unification in 1871.

Jewish Community Organizations

The increase in secular and ecclesiastic bureaucratic institutions during this time was mirrored in the Jewish communities across the peninsula. Jewish institutions developed in response to both internal and external influences. The destabilizing influence of the Western Schism upon papal policy during the fifteenth century was believed to be a significant threat to the Jews across Christendom.[379] In response to this perceived danger, Italian Jewish communities consolidated their resources and influence, and 'however paradoxical it may seem… attempts to build

[378] David I. Kertzer, *The Kidnapping of Edgardo Mortara* (London: Picador, 1997).
[379] Alexis P. Rubin, ed., *Scattered among the nations: Documents affecting Jewish history 49 to 1975* (Toronto: Wall & Emerson, 1993), pp. 58-59. It should be noted that Benedict XIII is considered an antipope, and these laws were not implemented on a wide scale. However, there are clear parallels with the tenor of Paul IVs 1555 bull, *Cum Nimis Absurdum*.

organizations on a regional scale preceded efforts to create associations within the cities.'[380] This fact appears to counter the prevalent belief that Jewish community organizations existed from time immemorial. In 1416 representatives of Jewish communities from 'Rome, Padua, Ferrara, and Bologna as well as the districts of the Romagna and Tuscana[sic]' gathered in Bologna to determine an appropriate course of action.[381] A 'Vigilance Committee' comprised of two men from each community was formed and these men had 'the power to levy taxes, and to expend the funds raised in gifts as might become necessary for the common defense.'[382]

Many of the decisions reached in 1416 were reaffirmed in 1418, including the provision that 'every community shall have a local commission, who will look after the needs of that community, and such a commission shall have the authority to make ordinances and regulations for its community.'[383] This decision was potentially based on a pre-existing practice. The initial charters issued to Jewish bankers authorizing settlement in a town or city made these individuals the *de facto* leaders of their communities, and the logical person to negotiate with the local authorities. As communities grew in size, it was sensible to increase the number of individuals assigned as representatives. Jews who interacted with the Christian authorities were men typically with a certain level of prestige, both inside the Jewish community as well as among the Christian population, due to their financial status and education

[380] Robert Bonfil, *Jewish life in Renaissance Italy*, trans., Anthony Oldcorn, (Berkeley: University of California Press, 1994), p. 188.
[381] Louis Finkelstein, *Jewish self-government in the Middle Ages* (New York: The Jewish Theological Seminary of America, 1924), p. 86.
[382] Finkelstein, *Jewish self-government*, p. 87.
[383] Finkelstein, *Jewish self-government*, p. 291.

level. Larger communities generally elected three Massari and established additional committees to address communal needs and regulations.[384] Whereas 'smaller communities limited themselves to nominating a couple of *parnassim* (plural of *parnas*) that is, leaders, who performed the necessary administrative functions and to represent the community before the local authorities.'[385]

The Jewish institutions created to interact with the municipal authorities were patterned upon the governmental structures of the Christian community which surrounded them. Moreover, 'the influence of city organizations upon Jewish communal structures is obvious: general assemblies of Jewish citizens, smaller assemblies, and parnassim appear to mimic the structures of municipal assemblies and *procuratori*.'[386] In Florence, in 1571, the Jews set forth their first set of rules governing communal existence within the confines of the ghetto. The Grand Duke approved their first attempt at creating a charter for the *Università Ebraica* focused on regulating behaviour in the synagogue and of enforcing the penalties for non-

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[384] Scholmo Simonsohn, *History of the Jews in the Duchy of Mantua* (Jersualem: Kiryath Sepher Ltd., 1977) pp. 320-348.
[385] Bonfil, *Jewish life*, pp. 190-191.
[386] David B. Ruderman, *Early Modern Jewry: A new cultural history* (Princeton: Princeton University Press, 2010) p. 61. Also, Bernard D. Cooperman, 'Ethnicity and institution building among Jews in Early Modern Rome', *AJS Review*, Vol. 30, No. 1 (April 2006), pp. 119-145, p. 120. This mirroring aspect may be a result of the replicative and isomorphic nature of formal organizational structures. For more on organizational structures, see Walter W. Powell and Paul J. DiMaggio, eds., *The new institutionalism in organizational analysis* (Chicago: The University of Chicago Press, 1991). For a more in-depth discussion of the issues surrounding Jewish communal authority in relation to the secular and ecclesiastic authority structures in Italy, see Bonfil, *Jewish life*, pp. 204-212 and also Robert Bonfil, 'Judeo-Christian cultural relations in Cinquecento Ferrara', p. 312, in Dennis Looney and Deanna Shemek, eds., *Phaethon's Children: The Este court and its culture in Early Modern Ferrara* (Tempe: Arizona Center for Medieval and Renaissance Studies, 2005).

compliance through the collection of fines. Through this initial step on the road to self-governance, Florentine Jews sought to impose social order and thus created the beginnings for political organisation within the ghetto. The *capitoli* approved by the grand duke called for 'self-governance by "two overseers" and "three other men or more"… considered "elders and most respected."' [387] Qualifications of this sort resulted in an oligarchic leadership qualification similar to the process for filling municipal, governmental, and inquisitorial tribunal positions. These requirements mirrored the Christian society surrounding the ghetto and remained consistent with the practices established during the preceding century. The number of *Massari* changed when both jurisdictional authority as well as responsibility for managing the physical property of the ghetto was consolidated under the *Nove Conservatori del Domino e della Iurisditione*.[388]

The impact of self-governance should not be underestimated, both upon the residents of the ghetto and in the interactions with external authorities. Beyond interacting with the Christian authorities, it was necessary for the Jews to regulate and manage the community internally. Moreover, those Jews who held positions of authority within the ghetto not only found an improvement in their social standing amongst the Jewish community, these positions could also lend them increased status in Christian circles, although not to the same level that bureaucratic careers could increase the prosperity and standing of a Christian.[389]

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[387] Siegmund, *The Medici State*, p. 248.
[388] According to Siegmund, the number of *massari* in the Florentine ghetto was raised to ten by the *Nove* in 1572 but was later reduced to four in 1579 or 1580. Siegmund, *The Medici State*, pp. 249-255.
[389] Siegmund, *The Medici State*, p. 258-259.

A similar transition occurred in Modena. 'From 1631, the position of Modenese bankers as the most influential Jews came to an end, the banks were sold, and communal authority was passed to the *massari* (lay leaders) and the *Università* itself.'[390] It appears that the number of *massari* in Modena was consistently kept at three men. The status and power of the *massari* is illustrated in their ability to negotiate with the local inquisitor. As Aron-Bellar has shown, on multiple occasions the *massari*, with their authority backed as it was by ducal authority, were able to counter, or ameliorate the punishments and verdicts of the Inquisition. For example, 'when Rabbi Isaaco Sacerdote was prosecuted in 1631 for using the *harem* (excommunication) in his synagogue in Finale, he argued with the support of the *massari* in Modena that the ban had the authority of the Duke but did not need the authority of the Inquisition. The charges against him were dropped.'[391] This example illustrates the necessity of the Jewish community, and its leaders, maintaining a connection with the legitimate secular political authority.

Essentially, the creation of ghettos in Florence and Modena required the Jewish community to function as a corporate entity rather than as individuals. This resulted in the identification of leaders who interacted with the municipal authorities on behalf of their communities, and also led to the creation of internal bureaucratic institutions. In contrast, the organizational leadership of the Jewish community of Ferrara predated the creation of the ghetto by nearly two centuries. The earliest

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[390] Aron-Bellar, *Jews on Trial*, pg. 24. Originally cited from Federica Francesconi, *Jewish Families in Modena from the Renaissance to the Napoleonic Emancipation (1600-1810)*, a PhD thesis presented to the University of Haifa, May 2006.
[391] Aron-Bellar, *Jews on Trial*, p. 70

mention of formal Jewish leadership is recounted in Silvio Magrini's *Storia degli ebrei di Ferrara dalle origini al 1943*. On 19 September 1524, the deputies of the Jewish community of Ferrara, both those of Italian and German origin, gathered together in the *Synagoga Maggiore* and elected Laudadio of Val Montone, Samuel del Vecchio, and Cesare Finzi, and determined their authority would last for nineteen years. Magrini indicated that this request was approved on 11 October 1524, and it is possible that the ducal authority granted the approval, although it is equally possible that the Jewish community at large provided ratification.[392] This early evidence for Jewish community organization is not surprising given the history of Ferrara as a refuge and haven for Jews fleeing persecution in other regions of Italy, as well as Europe and the Iberian Peninsula. The on-going influx of immigrants created a larger Jewish population than would otherwise be expected based upon natural settlement and migration patterns, or the normal limitations related to the issuance of *condottas*.

As Bonfil suggests, 'there is nothing surprising about the fact that Jews, living in a period like the Renaissance in which the civic values of government were idealized, formed within their own communities systems of institutional organization in keeping with the principles of Talmudic tradition and at the same time similar to those of the Italian cities' within which they resided.[393] The organizations that developed in the fifteenth and sixteenth centuries remained active throughout the seventeenth and eighteenth. Beyond this, the *Università degli Ebrei* continued to

[392] Silvio Magrini, *Storia degli ebrei di Ferrara dalle origini al 1943*, Andrea Pesaro, ed. (Roma: Salomone Belforte & C, 2015), p. 57.
[393] Robert Bonfil, *Jewish life in Renaissance Italy*, Anthony Oldcorn, trans., (Berkeley: University of California Press, 1994), p. 185.

function as a bureaucratic institution – and not simply as a religious community – during the Napoleonic era, although in a reduced manner in some regions. Following the Congress of Vienna, it returned to a position of prominence as the ghettos were reinstated in several cities across the peninsula.

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The endurance of these institutional organisations lends support to Weber's argument – even within the early modern context – that bureaucracies are difficult to destroy. Moreover, the durability of these bureaucratic structures allowed both policies and patterns of action to develop related to the basic necessities of life. Actions which, I would argue, are a central prerequisite for the development of socio-spatial dialectic that I have termed embeddedment.

Familiarity does not always breed contempt. The *Massari*, as the designated representatives of the ghettos in matters related to urban management, were just as permanent a position as any other form of bureaucratic official. Jewish community leadership in all three ghettos remained relatively consistent over the course of the intervening centuries, as did the structure of the Health Boards and the Inquisition. Bureaucracies are notable for their adherence to regulations, procedures, and protocols. These are both their strength and their weakness. The continuity of practice in urban cities allowed the daily life of its residents to proceed in an orderly manner. Residents of Florence, Ferrara, and Modena, and elsewhere across the peninsula, knew which official, or office, to approach when confronted with a problem related to the urban environment.

Jews and Christians alike within these cities also understood the role and function of the Inquisition. They knew that changes in the personnel assigned to their location could alter the degree of severity in enforcing both Papal and Inquisitorial decrees. The converse however, is also true. When officials remain in power, a degree of normalcy develops. Whether within the Holy Office, or the health boards and its sub-committees, or within the ghetto itself, patterns of interaction were established based upon current regulations as well as historic and legal precedents. It is through analysing these on-going patterns and interactions that lived experiences of the Italian ghettos which were bounded by space and place become apparent.

Italian urban management policies and bureaucratic institutions as a whole proved resilient in the face of governmental changes and shifting political alliances. This is demonstrated during Napoleon's invasion of the peninsula, for although regional changes were instituted, the local offices simply added the words *Libertà* and *Egualiganza* to the upper left and right sides of their records, directives, and publications. Judging from the records I have seen the same officials remained in office, and the majority of the everyday needs of the city continued to be managed the way they had been before the arrival of the French.[394] Following the defeat of Napoleon and the return the *Ancien Régime*, the most notable change in bureaucratic

[394] I found this to be overwhelmingly true in both Ferrara and Modena. In Florence there was less evidence of the hasty addition of *Libertà* and *Egualiganza* in the archival sources. In all three cities, the signatures did not change beyond what would be expected in the normal course of events. Based upon this, I have concluded that for the purposes of this study, the Napoleonic Era, although notable in many respects, did not exert the type of influence I had expected to find. This is an area that is certainly worthy of more in-depth exploration, however, a detailed analysis of how Napoleonic practices influenced local Italian urban management is beyond the scope of this inquiry.

sources was again the change in the letterhead – the individuals holding bureaucratic positions remained largely in their posts.[395]

The continuity of bureaucratic organizational structure and practice makes the changes that occurred more readily apparent. If an entire system is overturned, then everything which later transpires appears anomalous, and it becomes necessary to identify continuities as well as ruptures. When the foundation remains unchanged, it is far easier to recognize the way in which societal and institutional transformations occur, analyse how they develop, and identify which factors exert the most notable influence in the transitions from one form of organization and set of practices to the next. The durability of these institutions stands as a counterpoint to the dramatic ruptures of the revolutionary period and to the transformation of social structures based upon Enlightenment ideals and to the imposition of Napoleonic hegemony throughout Italy, which had far-reaching social and political implication. Yet, it is precisely this durability provides an essential framework for contextualizing and understanding Jewish-Christian relations in this period, drawing attention to both limitations and possibilities for boundary negotiations during times of political upheaval.

[395] Michael Broers argued that 'In Italy, the first, fundamental step to a new era in policing and social control was taken simply by the establishment of Napoleonic hegemony over the entire peninsula'. Broers, Michael, *The Napoleonic Empire in Italy, 1796-1814: Cultural Imperialism in a European context?* (Houndmills: Palgrave Macmillan, 2005), p. 125. Broers tends to focus on the military aspects, and this may well be true for the military/police force, but again, this is not evident in the sources for the bureaucratic offices on which I rely.

Chapter Four – On Life and Death

Our understanding of life in the Italian Jewish ghettos has, as Ariel Toaff asserts, become distorted due to the events of the intervening centuries, especially following the Shoah. Much as he strives to return 'authenticity' and 'simple humanity' to the historical record, I aim to do the same.[457] In this chapter I explore pragmatic issues related to two fundamental human needs; the conditions governing ritual slaughter of animals for food; and how appropriate respect for, and care of, the deceased was accomplished. These issues are essential and universal elements of being human: so fundamental, the secondary literature has largely taken them for granted.

There is minimal work on European slaughter practices prior to the mid-nineteenth century, and virtually no literature in Italian on Jewish ritual slaughter.[458] On the subject of municipal management of burial practices and cemeteries in regards to the Jews there is even less.[459] The work that has been done on death since Philippe

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[457] Toaff, Ariel. *Storie fiorentine: Alba e tramonto dell'ebreo del ghetto* (Italian Edition) (Kindle Locations 90-108), Società editrice il Mulino, Spa. Kindle Edition.

[458] The work of Ariel Toaff in the medieval period is a notable exception to the dearth of sources in Italian that address municipal management of Italian Jewish ritual slaughter practices. See also, *Kehillat Ha-Kodesh creating the sacred community: The roles of the Rabbi, Cantor, Mohel, and Shohet in Jewish Communal Life* (New York: The Library of the Jewish Theological Seminary of America, 1997).

[459] The work of Bracha (Ardos) Rivlin, *Mutual responsibility in the Italian ghetto holy societies 1516-1789* (Hebrew), (Jerusalem, The Magnes Press, 1991 addresses some aspects of municipal interaction surrounding Jewish burials in Italy, however her study is predominately focused on the creation and maintenance of the internal Jewish aid society of the Bikur Cholim, and not on larger issues related to cemetery management within the urban context. I must thank Boaz Brosh for his assistance with translation of this book.

Ariès' seminal study has centred on sociological issues, or on the changing locations and physical construction of cemeteries, as death was moved further from human experience.[460] Even before the creation of the ghettos, provisions for ritual slaughter and burial of the dead were of central importance for all Jewish communities. As Attilio Milano has indicated, establishing space to slaughter/butcher animals and purchasing land for a cemetery were critical elements of creating a new Jewish community.[461] In fact, along with creating the *mikvah*, these requirements were a higher priority than establishing a synagogue, since prayer meetings could be conducted in private homes. Had provisions not been made for slaughter and burial in accordance with Jewish practice, the inauguration of the ghetto would have resulted in a mass exodus of the Jewish population from the peninsula due to the centrality of these practices to Jewish life. A fact which again points to the importance of analysing Jewish experience within the full context of the urban environment, and not solely from an internalist perspective.

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[460] Philippe Airès, *Western attitudes toward death: From the Middle Ages to the present*, trans. Patricia M. Ranum (Baltimore: The John Hopkins University Press, 1974). See also, Glenn M. Vernon, *Sociology of Death: An analysis of death-related behavior* (New York: The Ronald Press Company, 1970).

[461] Attilio Milano, 'Primo era quello in cui degli ebrei, arrivati in un luogo, trovavano modo di riunirsi in una piccola casa di preghiera, e a mano a mano di provvedere al funzionamento di un bagno e di una macelleria rituali, di chiamare un precettore per i bambini e di ottenere un piccolo appezzamento di terreno da adibire a cimitero', in *Storia degli ebrei in Italia* (Einaudi tascabili Vol. 79) (Italian Edition) (Kindle Locations 9169-9171). Kindle Edition. The importance of a cemetery as a characteristic marker of Jewish settlement is also noted in Kenneth Marks, *The archeology of Anglo-Jewry in England and Wales 1656-c.1880* (Oxford: Archaeopress, 2014), p.11, and Joachim Jacobs, *Houses of Life: Jewish cemeteries of Europe* (London: Frances Lincoln Limited, 2007), pp. 10-12.

Historically, human rituals surrounding burial varied based upon religious, or cultural practices, or due to physical constraints. In spite of these differences, 'the purposes of burial were threefold: to remove the corpse from society; to protect it from the elements and from animals; and to prepare it… for a future life.'[462] The requirements for burial in accordance with Jewish religious ritual practices were recognized as so central to life, that all *condottas*, which allowed Jews to take up residence in Italy included provisions for a cemetery – whether it was the use of one previously allocated to the Jews or an entirely new land grant for this specific purpose.[463] Although these were sacred spaces, they were necessarily integrated into secular regulatory management practices and procedures. For, as Guy Ben-Porat notes, death and burial in increasingly urban areas shifted over the centuries from 'a private matter handled by local parishes to a social and sanitary issue in the growing and crowded cities. The small, and at times improvised, cemeteries run by churches and communities were insufficient for the growing needs and turned into a health hazard'.[464]

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[462] Jennifer Green and Michael Green, *Dealing with death: A handbook of practices, procedures and law, 2nd edition,* (London: Jessica Kingsley Publishers, 2006), p. 25.
[463] Ariel Toaff, *Love, work, and death: Jewish life in Medieval Umbria*, trans., Judith Landry (London: The Littman Library of Jewish Civilization, 1996), p. 36, and also his The Jews in Medieval Assisi 1305-1487: A social and economic history of a small Jewish community in Italy (Firenze: Leo S. Olschki, 1979), p. 28. This reality was not limited to Europe, 'In 1656 the Jews of Curacao, in the Antilles, … established a cemetery [and] in North America, Congregation Yeshuat Israel in Newport, Rhode Island, purchased land for a cemetery in 1677'. David Mayer Gradwohl and Hanna Rosenberg Gradwohl, 'This is the pillar of Rachel's grave unto this day: An ethnographical comparison of two Jewish cemeteries in Lincoln, Nebraska', in Walter P. Zenner, ed., *Persistence and Flexibility: Anthropological perspectives on the American Jewish Experience* (New York: State University Press of New York, 1988), p. 228.
[464] Guy Ben-Porat, *Between state and synagogue: The secularization of Contemporary Israel* (Cambridge: Cambridge University Press, 2013), p. 103.

Here we can see common ground with the considerations that led to the creation of municipally supervised slaughter locations. While the archival sources are not able to present a comprehensive understanding of religious boundaries related to slaughter, they do illustrate several key elements. First, that Jews possessed a recognized right to conduct ritual slaughter, and this right was not denied. Second, slaughter was regulated by municipal authorities, and typically conducted in centralized locations in order to foster more hygienic conditions within these cities. This practice would have increased the visibility of Jewish rituals, rather than hiding them from public view – contrary to the majority of policies enacted by both ecclesiastic and secular authorities. And finally, slaughter management practices demonstrate interdependence between Jews and Christians.

The accommodation of Jewish practices for burial and slaughter should not be accepted as foregone conclusion. If, as Stow and others have argued, the fundamental goal of *Cum nimis absurdum* was to make Jewish life exceeding difficult in order to encourage conversion, simple ways to accomplish this would have been to deny the right to conduct ritual slaughter or possess a cemetery within reasonable proximity to the city.

As we have seen, construction of the ghettos was primarily intended to enforce religious boundaries and prevent 'contamination' of the Christian population as a result of social contact with Jews and exposure to their religious rites and rituals. Religious boundaries do not, however, eliminate the physical needs of a group of people. The continued recognition of Jewish legal rights as *cittadine* and the

establishment of legitimate, if restricted, residence for Jews within the cities across Italy meant that their needs for food and for burial of their dead had to be addressed.

Ritual Slaughter

In Modena, in 1618, two decades before the ghetto system was implemented, the Christian butchers of the city approached the municipal authorities and argued that the Jewish method of animal slaughter, consistent with their 'pernicious' customs, created dangerous conditions that could result in broken legs and even death. The butchers urged the authorities to use their power to make the Jews purchase their meat from them, rather than slaughter it themselves, as an act of Christian charity. [465] This petition was likely based upon economic concerns expressed through religious prejudice. Remember, this was the same year the decision was made to establish the ghetto – a decision made in response to pressure from the local guilds (and this may well be such an example), the influence of Capuchin preachers and the papacy, as well as the Duke's personal piety.[466]

The archival sources are silent on exactly how this request was handled. It does appear that the authorities responded to the petition by imposing restrictions, and that ritual slaughter continued as a source of conflict. In 1645, seven years after

[465] ASCM - Ex Actis 1618: 'et ancora pericoli di morte et altre cose molto ai loro perniciose tanto nella vita quanto nelle facoltà come le SS. VV. debbono benissimo essere informate, per ciò umilissimamente ricorono alle SS. VV Illma come padri amorevoli di tutti supplicando i voler riconcedere alle poveri oratori il già levato uso di potere al' uso solito Pezzo rendere le carni alle di Ebrei, che ciò facendo sarà atto di carità'. Slaughter in this context, generally refers to large animals and not to poultry.
[466] Aron-Bellar, *Jews on Trial*, p. 23.

the ghetto was established, the Jews petitioned the Duke of Modena for relief from the rigid impositions of the city statutes and requested permission to establish their own *beccaria,* or slaughterhouse.[467] The Duke granted this request in return for an annual payment of fifty silver ducats. These funds subsidized expenses related to weekly hygiene inspections and the removal of the animal carcasses, both of which were necessary to preserve public health.[468]

The decision in 1645 to establish a Jewish slaughterhouse may have simply been a pragmatic one, since the ghetto housed nearly ten per cent of the population. Or, it may demonstrate the belief that separation between Christian and Jewish animal slaughter would prevent conflict. Certainly, it does not appear to reflect common practice in the seventeenth century, because in the preceding centuries slaughter was most often conducted in central locations or Jews purchased their meat from Christian butchers trained to perform ritual slaughter. Whatever the underlying motivation was, this episode provides a striking example of the way that Jews, even after the ghetto was inaugurated, were confident in their right to petition the governmental authorities on issues related to fundamental needs. Moreover, the emphasis placed upon removing animal carcasses and weekly inspections of the site by city officials illustrates municipal commitment to maintenance of hygienic integrity of the city – including the spaces reserved for Jewish use.[469] Allocating

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[467] Fulvio Diego Papouchado, *Viaggio in un Ghetto Emiliano*, p. 87-88. This indicates that the 1618 request may have met with at least some level of success. There are various terms used to indicate slaughterhouse in these three cities, including *beccaria*, *ammazzataio*, and *macelleria*.

[468] Papouchado, *Viaggio in un ghetto Emiliano*, pp. 87-88.

[469] The sources do not indicate the location of the slaughterhouse, but it is doubtful that it was within the ghetto due to physical constraints.

separate spaces for slaughter for Jews and Christians does, however, raise the question of what happened to animals that could not be deemed kosher following their slaughter? Were Christians allowed to frequent the Jewish *beccaria* to purchase meat that failed to meet kosher standards?

Jewish ritual slaughter, or *shechita*, is inherently wasteful and means that a Jewish community will slaughter many more animals than it will consume.[470] *Shechita*, was, and remains, governed by strict guidelines closely regulated by the Jewish community leadership.[471] The *shohet* (slaughterer/butcher), is required to ensure the animal to be slaughtered is conscious and free from any discernable injury prior to slitting its throat in such a way that the trachea, oesophagus, carotid and jugular arteries are fully severed in a single motion which results in immediate exsanguination and death. The animal is then examined for internal injuries that would make it unsuitable for Jewish consumption under these same rules. If the animal is free from defects it can then be butchered and designated as kosher. Some parts of the animal are prohibited for Jewish consumption, most frequently the hindquarters, unless a *shohet* of considerable skill performs the process of *porging*, which involves removal of certain sinews.[472] If this could not be accomplished, the hindquarters were generally sold to Christian consumers.

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[470] Toaff, *Love, work, and death*, p. 61.
[471] Qualification as a *shohet* was not restricted to Jewish men – women could also be licensed. For a brief introduction to this, see Robert Bonfil, 'The historian's perception of the Italian Renaissance', pp. 71-75, *Cultural change among the Jews of Early Modern Italy* (Farnham: Ashgate Publishing Limited, 2010).
[472] Joan Lawrence, *Some Aspects of Shechita (The Jewish method of slaughtering animals for food)* (London: Council of Christians and Jews, 1987), un-paginated.

It was this practice of selling unused portions of ritually slaughtered animals that was most frequently called into question, and was subjected to regulation and restriction by church authorities. In *Cum nimis abusurdum*, Pope Paul IV ordered that Jews were 'not to entertain or dine with Christians, nor were they permitted to conduct business as purveyors of grain, barley, or other items necessary for human sustenance'.[473] This ruling led to complex legal debates regarding how and when excess meat from Jewish slaughter could be sold to, and consumed by, Christians.

In the first part of the early fifteenth century, Angelo di Castro, a legal scholar, argued that if a Jew purchased, slaughtered, and butchered an animal and then sold or gave the portions forbidden under kosher guidelines to a Christian, that the Christian would be guilty of a mortal sin through accepting and consuming the meat. If however, a Jew slaughtered an animal owned by a Christian and then purchased only the forequarters, the remaining parts of the animal could be butchered by the Christian and sold to Christians without creating sin. John Capistran, a Franciscan, countered that this was unacceptable and that any animal slaughtered by a Jew regardless of ownership of the animal, was impure and not suitable for Christian consumption.[474] These debates obscured the fact that Christian consumption of slaughtered livestock deemed unacceptable by kosher standards was of great practical significance in the food supply of urban populations in the medieval and

[473] Stow, *Catholic Thought*, p. 296.
[474] For a more detailed discussion on these debates, see David M. Freidenreich, *Foreigners and their food: Constructing otherness in Jewish, Christian, and Islamic law* (Berkeley: University of California Press, 2011), p. 191-196.

early modern period.[475] And this would have certainly been true in Modena in the seventeenth century.

Restrictions on the sale of non-kosher meat were further expanded in the 1775 edict issued by Pius VI. In this, he ordered that Jews were not to sell meat to Christians under penalty of a one hundred *scudi* fine or imprisonment, nor were they allowed to sell unleavened bread, or milk to Christians.[476] As these maxims issued by the popes illustrate, the perceived danger of increased familiarity and communal connection that would likely be facilitated by the sharing of meals was rigorously guarded against. Moreover, the reiteration of this restriction suggests that previously issued prohibitions were, in common practice, being ignored.

Unfortunately, much of the logistical manoeuvring surrounding meat production and the negotiation and reinforcement of the socio-religious boundaries between Jews and Christians prior to the nineteenth century is not evident in the surviving sources. In a focused study of slaughter in the city of Prato in the late fourteenth century, *Gli Uomini dell'Irco: Indagine sui consumi di carne nel basso Medioevo Prato alla fine del '300* by Giampiero Nigro, there is no mention of Jewish ritual slaughter, or kosher butchering in the municipal records. There is, however,

[475] This was not the only time this type of debate surfaced. As Toaff demonstrates, throughout the fifteenth century the Franciscan position surfaced repeatedly as 'part of an ambitious and much broader design to reinforce the natural barriers supposedly separating Christians from Jews in urban society, and to create yet further artificial barriers to replace the former where these had proved insufficient'. Toaff, *Love, work and death*, p. 66.

[476] Christians who purchased meat from Jews would be fined twenty *scudi*, face imprisonment or 'other arbitrary punishments'. The same penalties were indicated for the selling or purchasing of milk or milk products, and the fine for the sale or purchase of bread was fifty *scudi*. Robinson, *Edict*, p. 211.

evidence of Jewish presence in this city from the late twelfth century, and the Jews of Prato are amongst those who were forced to relocate to the ghetto of Florence in the sixteenth century.[477] Nigro demonstrates that municipal authorities implemented regulatory practices aimed at preserving the public good: slaughter was conducted in a central location and regulated to facilitate tax collection and enforce hygienic compliance. From 1 March 1389 to 15 February 1390, which was the beginning of Lent, fifty-seven butchers slaughtered 4,755 animals to feed a population of roughly 15,000 individuals.[478] Although there is no mention of Jews, Nigro notes that the Pratesi authorities were 'more elastic' in the enforcement of moral and religious norms, as there is no mention of these types of requirements within the city statutes.[479]

We do not know the number of Jews who resided in Prato during this time, and it is possible this was a period when their *condotta* had not been renewed. Yet, the failure to mention them does not mean that they were not living in the city or that they were unable to conduct ritual slaughter if they were present. The absence of specific information regarding slaughter practices does not imply that Jews consumed non-kosher meat or went without, as it was common practice for a *shohet* to work in the municipal butchery or that 'a Christian butcher was trained in the

[477] Beit Hatfutsot. https://dbs.bh.org.il/place/prato, accessed 11.6.18
[478] Giampiero Nigro, *Gli Uomini dell'Irco: Indagine sui consumi di carne nel basso Medioevo Prato alla fine del '300* (Firenze: Le Monnier Università, 1983), p. 25. These records only reflect the slaughter of larger animals – cows, steers, oxen, goats, and sheep. The slaughter of poultry and other birds is not recorded in the records and must have been either done at home, or was recorded elsewhere.
[479] Nigro, *Gli Uomini dell'Irco*, pp. 7-10.

method of kosher slaughter and that Jews bought their meat from him'.[480] Moreover, many individuals, including women, were licensed to slaughter poultry, which would also provide a source of meat for Jewish consumption.[481] What Nigro's study does provide, is an understanding of the number of animals slaughtered on a per capita basis as well as an indication of the demand placed upon municipal authorities. Put simply, slaughtering nearly one hundred animals each week would have created a tremendous amount of blood, entrails, and other remains that required disposal and could not be allowed to rot and decay within the town proper. The task of ensuring that such matter was properly disposed of and that overall hygienic practices of the time were enforced fell under the purview of the municipal authorities and inspectors.

Moving from the fourteenth century and toward the modern period meat consumption declined across Europe in the sixteenth and seventeenth centuries, then increased over the course of the eighteenth century. By the second half of the

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[480] Seigmund, *The Medici State*, p. 160-161. Toaff as well asserts that in Umbria in the late middle ages that ritual slaughter of poultry was performed by a family member. Ariel Toaff, *Love, work, and death: Jewish life in Medieval Umbria* (London: The Littman Library of Jewish Civilization, 1996), p. 68.

[481] As Sharon Liberman Minz and Elka Deitsch illustrate, once written licensing of local *shohets* by the local rabbis became a more common practice in the sixteenth century, and both men and women were licensed as ritual slaughterers, although women were apparently restricted to the slaughter of birds and small animals. *Kehillat Ha-Kodesh Creating the sacred community: The roles of the rabbi, cantor, mohel, and shohet in Jewish communal life* (New York: The library of the Jewish Theological Seminary of America, 1997), pp. 54-70. Indeed, Joseph Montefiore, father of Moses Montefiore, was licensed to ritually slaughter poultry. He may have 'found this necessary in order to keep kosher while traveling on business.' Abigail Green, *Moses Montefiore: Jewish liberator, imperial hero* (Cambridge: The Belknap Press of Harvard University Press, 2010), p. 18.

nineteenth century, it was once more a prominent part of the diet.[482] As such, the virulent outbreaks of cowpox that plagued Europe and Italy were of great concern. During the early years of the Napoleonic era there were numerous outbreaks of cowpox, some of which were highly destructive and costly – both in the loss of animal life as well as monetarily. On 19 November 1796, the municipal authorities in Ferrara enacted a special tax in order to raise the funds to dispose of the beasts that had perished in the surrounding areas. They stated this was necessary for the public good, and further indicated that the preservation of the bovine population, as the primary source of public wealth, impacted all citizens indiscriminately.[483]

Issues related to food supplies, and especially logistics regarding the provision of meat continued, which resulted in a rationing plan in 1803.[484] At this time the *Beccaria grande* and the *Beccaria nuova,* the two public slaughter facilities, were identified as the only locations in which slaughter was allowed. Butchering and selling meat was permitted in both these locations and also within the ghetto. This

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[482] David Gentilcore, *Food and health in early modern Europe: Diet, medicine and society, 1450-1800* (London: Bloomsbury, 2016), pp. 57-58. It should be noted however, that in Casale Monferrato in 1596, the small Jewish community residing there requested permission to slaughter a dozen calves per week, and to sell the excess meat to the Christians of the city. Stefano Patuzzi, *Una Tavola apparcchiata: Il "mangiare degli ebrei" e il caso di Mantova* (Mantova: Publi Paolini, 2013), p. 93. This is one of the few mentions of slaughter practices, and may stand in contradiction to Gentilcore's argument, at least in the Italian case.

[483] ASCFe, Stampe Comunali, Busta 12, Fasc. 4: 'La preservazione della specie Bovina principale sorgente della ricchezza pubblica interessa tutti indistintamente i Cittadini'.

[484] Unfortunately this is only referenced in the sources I have so it is not possible to relate further details around this program. This could be an interesting follow-on project, related to how the presence of the French military and conscription of the local male population impacted the normal modes of provisioning of the urban cities in Italy. ASCFe – Secolo XIX – Patrimonio Conciera 94.

centralization may have resulted from a need to regulate the health of the animals that were butchered to help ensure quality for human public health reasons, and to prevent conflict that might arise due to rationing. Moreover, the centralization of the slaughter location may have facilitated the transfer of slaughtered animals determined as unfit for kosher consumption to Christian consumers. Beyond these considerations is the possibility that since the French were the legal authority and the principles of *libertà* and *uguaglianza* were in effect, this may have been a period when there was minimal debate around religious restrictions on Christian consumption of ritually slaughtered meat.

In 1815, Papal authorities returned to power in Ferrara following the defeat of Napoleon, and Cardinal Tommaso Arezzo issued a notice in which he called for the overturn of the monopolies that had developed amongst the butchers of Ferrara. He indicated that there were many instances of fraud and abuse, including the substitution of lower quality meat and of inflated prices that demanded rectification. He ordered all butchers to notify the municipal authorities of the quality and price of the meat they intended to sell twenty-four hours in advance. Butchers were allowed to sell a variety of meats, but consistency in regard to quality within each category of meat product was required. Arezzo further mandated that all butchers were required to slaughter their animals in the public slaughterhouse, even if it was to be sold elsewhere.[485]

A few years later, from 1822 to 1825, there was an on-going investigation, adjudicated by Arezzo, into the practices, management, and rental rates related to the

[485] ASCFe, Secolo XIX – Patrimonio Conciera 94.

Beccaria grande. The company owned by Salomon Moisè Pesaro and *Compagni* was one of the primary parties to the proceedings.[486] Beginning in June 1822, Pesaro and *Compagni* made an appeal to the authorities regarding the amount of rent paid to use the municipal slaughterhouse and coterminous shops. The civil magistrate argued that the rental amount was not excessive and countered with the accusation that Pesaro was selling meat in locations other than the shops connected to the *Beccaria*.[487] He further commented when he submitted the case to Cardinal Arezzo for a ruling, that when the rents had been established in 1819 Pesaro and *Compagni* had accepted them without discussion or conflict, and that based upon these facts their claim should be suspended.

Two months later, in August 1822, Cardinal Arezzo stated that upon reviewing the case it was apparent that the number of locations from which meat was sold had not increased in a proportionate manner to that of the local population, which in turn place difficulty upon both the residents of Ferrara and the health inspectors. The Cardinal further determined that it was unfair for the cost of maintaining the public slaughterhouse to be borne by nine individuals (apparently there were nine businesses that rented the sixteen stalls attached to the *Beccaria grande*) when it had been established for the public benefit and should therefore be subsidized through

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[486] The documentation includes references to 'Proprietario della Ditta Salomon Moisè Pesaro, e Compagni'. The Università Israeltica, or Compagni di Ebrei is not identified, however, as Compagni is used in other sources to refer to the Jewish Community as a whole, this is how I have read the documents. Moreover, the sources simply do not make sense without translating this recurring phrase in this manner.

[487] In 1817 Cardinal Arezzo had mandated that anyone who wished to sell meat must do so from the shops attached to the *Beccaria grande*, and must also be registered with the municipal authorities and subject to inspection by the public health officials. ASCFe, Secolo XIX – Patrimonio Conciera 94.

the use of municipal taxes. Arezzo mandated that once all sixteen shops connected to the *Beccaria grande* were occupied, it would then be permissible to open butcher shops in the rest of the city. These additional shops were also required to pay taxes to support the cost of maintaining the slaughterhouse and were subject to the same inspections and regulations as those located within the *Beccaria*. Moreover, Arezzo determined that the rents paid by Pesaro and *Compagni* were excessive and granted them free rent and use of the *Beccaria* for the next six months – through Passover/Easter as compensation.[488] By October 1823 the issue of having an inadequate number of meat vendors within the city appears to have been rectified: the sixteen main shops were rented, and an additional twenty locations and their proprietors were registered across the city including one in the ghetto on *Strada de Sabbioni* (now *Via Mazzini*) operated by Daniele Veneziani.[489]

Of further note is it appears Pesaro rented nine of the sixteen shops attached to the *Beccaria grande*, and many of these were then sub-let to Christians. This was likely due to the large number of animals that would be deemed as unfit by kosher standards following slaughter, combined with the fact that the hindquarters were typically prohibited for Jewish consumption and could then be sold to Christians through a Christian vendor. Another possibility is that the practice of subletting was simply another source of income for Pesaro. The sources are unclear on this point.

What this series of events does illustrate is the prominence of Jewish slaughter in Ferrara. There were fewer than sixteen hundred Jews living in a city of 66,000

[488] ASCFe, Secolo XIX – Patrimonio Conciera 94.
[489] ASCFe, Secolo XIX – Patrimonio Conciera 94.

people. Their needs alone, even granted the higher number animals slaughtered in the practice of *shechita*, would not have required such a dominant presence in the *beccaria*. Moreover, the fact that the cardinal did not reduce their holdings illustrates that the harsher papal restrictions governing Jewish commercial activity related to foodstuffs were not being enforced during this time. I do not consider this to reflect either inclusion or assimilation. Rather, this demonstrates the function of embeddedment. Jews had recognized commercial interests, and in this instance, their right to conduct their business affairs was not only upheld, they were upheld in an area that was often a source of conflict between them and the larger Christian population.

By 1838 Florence also inaugurated a new public slaughterhouse. It is unclear if this was created to replace an older slaughterhouse, or if it was part of a larger effort aimed at disease prevention through improving the hygienic conditions within the city. The municipal authorities granted the Jewish community a concession which allowed them access to the facility on Saturday evenings until ten o'clock during the months of March through September.[490] This may have been suspended in 1840 due to complaints from Christian butchers that they were not afforded the same opportunity of access, but the final response to this petition is not found in the sources. Nonetheless, the Jewish community continued to use the municipal slaughterhouse, even if the after hours access ceased. Moreover, they relied upon the civil authorities to assist with the enforcement of a ban against a former *shohet* in March of 1844. That month, the leadership of the *Università Israelitica* informed the

[490] ASCF, CA 502.

commission in charge of the slaughterhouse that the license of Daniele Terni to act as *sciattino* (*shohet*) was revoked and requested that this prohibition be supported by the municipal authorities. This was agreed to and Terni's right to use the public slaughterhouse was revoked.[491]

The fact that the Jewish community of Florence felt it was necessary to inform the municipal authorities of the revocation of Terni's license and seek their enforcement of this religious ban may indicate a lack of community cohesion. It may, conversely, have simply been standard practice. Unfortunately, the municipal sources are do not contain any references to the series of events which led to Terni's termination as *shohet*.[492]

Dorothee Branz has correctly argued that 'the history of European slaughterhouses has received relatively little attention', and that 'their role in the process of European urbanization has hardly been analysed in its own right'.[493] Even less attention has been paid to the history of Jewish slaughter within urban settings

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[491] ASCF, CA 517.

[492] Due to a flood in 1966, many of the internal community records for the Jewish community of Florence have been lost. I was unable to gain access to the few surviving records to try to discover more details around this case.

[493] Dorothee Branz, 'Slaughter in the city: The establishment of public abattoirs in Paris and Berlin, 1780-1914', Dissertation, University of Chicago, December 2003, p.4. Branz implies that it was only in the nineteenth century that 'centralized, municipally-run, and state regulated slaughterhouses', were established in Europe. Branz, *Slaughter in the city*, p. 5. Although this may be true in the modern form of the public abattoirs, in Italy, centralized, and municipally regulated slaughter sites were not uncommon, as the work of Nigro and Toaff has demonstrated, as well as the sources for Modena in the seventeenth century within this study. The slaughter sites mentioned in the sources related to Ferrara and Florence in the early 1800s may have been more closely associated with the modern abattoir, but without sources indicating their specific design and structure, this is not possible to determine.

prior to the late nineteenth century.[494] The work that has been done on slaughter practices primarily consists of tracts defending the method used by Jews against charges that it causes excessive suffering.[495] Ariel Toaff focuses on the medieval period, and is the only assessment of slaughter as an element of social intercourse from this early period.[496] Beyond Toaff's work, until the end of the nineteenth century, the topic of ritual slaughter rarely appears – beyond a cursory mention – in Italy or elsewhere in Europe.[497]

It is toward the end of the 19th century that slaughter practices began to garner public interest. Robin Judd has demonstrated that the practice of *shechita* became a significant social issue in the late 1880s in Germany. Judd argues that the rise of

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[494] Toaff's, *Love, work, and death*, is one exception to this. Branz mentions Jews only a dozen times, and only in connection with the events in Germany that are also the subject of Robin Judd's work *Contested Rituals: Circumcision, kosher butchering, and Jewish political life in Germany, 1843-1933* (Ithaca: Cornell University Press, 2007). Attilio Milano's *Storia degli ebrei in Italia* only mentions slaughter twice, even though he identifies it as one of the central concerns when a Jewish community moves into a new area.

[495] The most comprehensive of these is J. A. Dembo, *The Jewish method of slaughter compared with other methods from the humanitarian, hygienic, and economic point of view* (London: Kegan Paul, Trench, Trübner & Co., Ltd, 1894). It is followed in later decades by works such as Solomon David Sassoon, *A critical study of electrical stunning and the Jewish method of slaughter (Shechita)*, 2nd ed. (Letchworth, Herts: Letchworth Printers, 1955), and Joan Lawrence, *Some Aspects of Shechita (The Jewish method of slaughtering animals for food)* (London: Council of Christians and Jews, 1987).

[496] Ariel Toaff, *The Jews in Umbria, Volume One, 1245-1435* (Leiden: E.J. Brill, 1993). See also Ariel Toaff, *Mangiare alla giudia: La cucina ebraica in Italia dal Rinascimento all'età moderna* (Bologna: Società editrice il Mulino, 2000).

[497] Shechita is sometimes mentioned in work done on kosher eating, such as in John Cooper, *Eat and be satisfied: A social history of Jewish food* (London: Jason Aronson, Inc., 1993), and Marlena Spieler, *The complete guide to traditional cooking* (London: Hermes House, 2005). However, it is also notably absent in many works, including Stefano Patuzzi, *Una tavola apparecchiata: Il "mangiare degli eberi" e il caso di Mantova* (Mantova: Distretto culturale le regge dei Gonzaga, 2013).

animal protection societies, coupled with the political debates focused upon Jewish emancipation, as well as religious reform more generally; brought the subject of both ritual slaughter, and the entire slaughter industry, to the attention of municipal officials and politicians. Much of the discussion of this era regarding slaughter focused as much upon issues of morality as it did on public health and sanitation. The notion that the violence inherent in slaughter could contribute to moral decay, and a corresponding increase in dangerous and aggressive behaviours in those who participated or witnessed such actions, led to an increase in regulatory practices.

These reforms did not initially impact Jewish ritual slaughter methods. When, however, protectionist groups called for mandatory stunning of animals prior to their slaughter, the Jewish requirement that the animal was fully conscious before it was killed created a conflict based upon ritual practices.[498] Judd demonstrates how the implementation of laws that required mandatory stunning of animals prior to their slaughter as part of developing more humane practices (although the 'humaneness' of stunning was contested in the 1800s and throughout the next century), was used as further evidence of the barbarity of the Jews and of their religious rituals, and subsequently connected to modern anti-Semitic sentiments and political/administrative policies.[499]

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[498] For a more detailed exploration of this issue, see Robin Judd, *Contested Rituals*, pp. 63-67.

[499] The method of stunning most frequently utilized in the nineteenth century was poleaxing. This involved immobilization of the animal and then delivery a blow to its forehead with the narrow side of the poleaxe in order to fracture and puncture the skull. Once this was accomplished, a rod was used to agitate and destroy the animal's brain in order to render it senseless. After this, the animal would be hoisted, its neck slit by knife to sever the carotid and jugular veins to drain the blood from the carcass. More often than not, multiple blows with the poleaxe were required before the animal

In Italy, by contrast, *shechita* was protected into the first decades of the twentieth century, testifying to the durability of municipal practices underpinned by years of coexistence within the urban community. Tellingly, Royal Decree 3298 issued 20 December 1928 made allowances 'for slaughtering done in observance of religious precepts', and this remained in effect until 19 October 1938 when *shechita* was outlawed as part of the racial laws.[500] Here then, we can see that toleration of ritual slaughter practices should not be viewed as an automatic right. Rather, the policies and actions of both municipal and ecclesiastic authorities demonstrate the importance of the legal rights Jews possessed as *cittadine*, both before and after the Revolutionary era. These rights, combined with the theological understanding that Jews were to be preserved created modes of accommodation of their religious practices insofar as they did not adversely impact Christian society, allowed the Jews

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was rendered unconscious, a fact that resulted in many animal protectionists being opposed to this method of slaughter. A second method was the nape-stab. This process is accomplished by thrusting a short, double-edged dagger into the space between the base of the skull and the first vertebrae in order to several the spinal cord. This results in collapse and paralysis of the animal, after which it would be hoisted and have its throat slit in the same manner as after poleaxing. However, exsanguination was not as rapid following a nape-stab and this practice was largely discontinued by the early 1900s. As stated, not all animal protectionists believed that these methods were more humane than *shechita*, and many advocated that the Jewish method of slaughter was preferable. Paula Young Lee, ed., *Meat, modernity, and the rise of the slaughterhouse (Becoming modern: New nineteenth-century studies)* (Lebanon: University of New Hampshire Press, 2008), pp. 112-116. For more on modern debates surrounding *shechita* see: Sassoon, Solomon David, *A critical study of electrical stunning and the Jewish method of slaughter (Shechita)*, 2nd ed. (Letchworth, Herts: Letchworth Printers, 1955), *Shechita: A humane method* (London: The Board of Deputies of British Jews, 1990), and the previously cited work of Branz and Freidenreich.

[500] Isaac Lewin, Michael L. Munk, and Jeremiah J. Berman, *Religious freedom: The right to practice shehitah (kosher slaughtering)* (New York: Research Institute for post-war problems of religious Jewry, 1946).

to consistently engage in religiously based ritual slaughter. Moreover, as Toaff has shown, 'the cost of a pound of kosher meant would have been prohibitive if the relevant butcher had not been able to see the rejected parts to Christian customers', due to the amount of waste that is created in adherence to the rules of ritual slaughter.[501] Coupled with the fact that Jews were embedded within the urban environment as legal residents, this created a symbiotic aspect of *shechita* that should not be discounted when evaluating Jewish-Christian intercourse prior to full emancipation. Municipal management practices created and reinforced the function of embeddedment regarding a minority group residing within the urban landscape in this instance, and also in relationship to the management of the dead.

Burial of the Dead

On 14 October 1743 Cardinal D'Elci, the papal legate in Ferrara ordered that due to negligent burial practices among Christians and Jews in Ferrara and the surrounding areas, new laws to protect the public good were needed. The Cardinal ordered that within the next three days anyone connected with undertaking/grave-digging must register for a license; failure to comply would result in a penalty of ten *scudi* and other arbitrary punishments as deemed necessary. All burials were to be reported the same day if possible, or not later than the following day: Christians were identified by name, surname, age, cause of death, parish, country, and the exact day, month, year and place of burial; Jews were similarly identified, but the household indicated rather than the parish. Failure of the undertaker to provide this report to

[501] Toaff, *Love, work, and death*, p. 61.

an appropriate notary resulted in a penalty of ten *scudi* and other arbitrary penalties. All burials, whether in the parishes of the city, or in the villages and countryside, as well as burials in the Jewish cemetery, were subject to these universal requirements. The Cardinal further indicated that failure to comply with this mandate would result in rigorous enforcement of the penalties outlined and potentially even referral to the Inquisition for investigation and punishment.[502]

The practice of maintaining a record of deaths was not a novel invention, indeed, there is evidence of this practice far earlier. The Council of Trent had mandated that parish priests maintain records of births, marriages, and deaths in the mid-fifteenth century. 'At the same time, the Jewish communities of Italy started to write minutes of the council assemblies and to compile registers of dead Jews'.[503] This was done even before the ghettos were established, and may have served as a form of census record upon which taxes could be based, as well as helped ensure the overall hygienic conditions of towns and cities.

In Modena, the municipal authorities mandated in 1712 that in order to prevent future conflicts which might occur upon the death of an individual, accurate records must be kept, as had previously been the case. It was ordered that records regarding births would be kept; fathers (or mothers if the father was unable to

[502] ASCF, Bandi – Tomo 15.

[503] Mauro Perani, 'The Corpus Epitaphiorum Hebraicorum Italiae (CEHI): A project to publish a complete corpus of the epitaphs preserved in Italian Jewish cemeteries of the sixteenth-nineteenth centuries', p. 243, *Death in Jewish Life: Burial and Mourning customs among Jews of Europe and nearby communities*, Stefan C. Reif, Andreas Lehnardt and Avriel Bar-Levav, eds., (Berlin: Walter de Gruyter, 2014), pp. 239-290. In contrast, record keeping of this nature was not implemented in Russia until 1826-1835. Ellie R. Schainker, *Confessions of the Shtetl: Converts from Judaism in Imperial Russia, 1817-1906* (Stanford: Stanford University Press, 2017), p. 27.

perform this duty) were to report the birth of their children within eight days, and declare their name, surname, and the name of the nearest relative. Upon death, a similar declaration was required within eight days, to include identification of the person's heir(s). A penalty of 25 gold *scudi* would be imposed on anyone who failed to comply with this directive, with the funds split – the *Casa de Catecumini* receiving two-thirds, and the remaining third would be paid to the prosecutor, even if said prosecutor was Jewish.[504]

What should be noted from these examples is that there is not significant differentiation between reporting requirements for Jews compared to the Christian population. This policy appears to be consistent in application regardless of religious affiliation. Burial practices of Christians and Jews were largely similar through the mid-nineteenth century. Indeed, from the ninth through eleventh centuries, Jews and Christians had often shared burial sites. However, by the twelfth century Christians were predominately buried in and around churches and cathedrals.[505] The new trend for intramural burial was unacceptable within Jewish burial rites and led to the creation of separate Jewish cemeteries.

The fact that as a human corpse decomposes it rapidly becomes a source of contamination likely contributed to both the consistency and the strict management and enforcement of burials and these reporting requirements regardless of religious affiliation. When a person dies their blood begins to pool in the lowest parts of the

[504] ASM, Soppressioni, Busta 2023. A similar requirement for the registration of Jewish births was mandated in 1706 in the duchy of Modena. The responsibility for performing this task was placed upon the *Massari*, and the records were to be maintained in the synagogue of each city, or other locations where Jews resided.
[505] Joachim Jacobs, *Houses of Life,* pp. 33.

body. This process, *livor mortis* begins with the discoloration of the skin, and then the body begins to cool. Soon thereafter, *rigor mortis* starts; the muscle tissues stiffen and remain this way for twenty-four to seventy-two hours, after which these fibres begin to decompose. Following these events, the body begins to putrefy and swell, and a foul odour develops. Bacterial growth within the decomposing tissues causes gases to build within the corpse resulting in bloating which ultimately ruptures the skin and/or forces fluid and gases from any openings in the body. This allows infectious fluids and decomposing organs into the open, resulting in both emotionally distressing and physically hazardous conditions for those who encounter a corpse at this stage.[506] Even before physical decomposition of a body occurs, with the resultant potential for both emotional distress and physical contamination, a corpse poses the problem of ritual contamination in Jewish communities. Jews were, and are, not buried inside or near synagogues due to the problem of ritual contamination. As a result, Jewish cemeteries were kept 'far away from the populated areas, so as to separate in the most concrete possible way the purity of life from the impurity of death.'[507]

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[506] Kenneth Iserson, *Death to Dust: What happens to dead bodies* (Tucson, Galen Press, Ltd., 1994) p. 41-43. If death occurs during an episode of bacterial infection, putrefaction develops more rapidly, and decomposition to this stage is often reached within 12 hours after death. Ambient air temperature and humidity levels are also factors in how quickly the process of decomposition progresses through each of the stages, a significant factor during the larger part of the year in Italy.

[507] Robert Bonfil, *Jewish life in Renaissance Italy*, trans., Anthony Oldcorn (Berkeley: University of California Press, 1994), pg. 281. Bonfil also noted that the location of cemetery should not be so distant to create hardship in burying the dead, and that the distance may have helped mitigate Christian disruption of Jewish funerals.

Jews are buried as soon as possible after death – preferably the same day, or within twenty-four hours – in order to both honour the person who has died, and to mitigate the suffering of the living. It is believed that the soul is not able to transition from the body to the heavens until the body is buried: because of this, it is necessary to perform the ritual prayers, washing, and preparation of the corpse for burial as quickly as possible.[508] Burial was conducted the same day whenever possible, and no later than the following day.[509] Beyond the desire to preserve the dignity and ease the transition of the departed, there was, and still remains, the issue of 'tent pollution' due to the ritual contamination created by the presence of a corpse.

In the late seventeenth and early eighteenth centuries the concept of tent pollution was of increasing importance in the Italian ghettos, due to the interconnectedness of the buildings, which were understood to function in the same manner as a tent. The *Pahad Yizak* published by Isaac Lampronti of Ferrara (1679-

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[508] Burial societies were created to fulfill the function of preparing a corpse, although confraternities will be discussed in more fully in chapter six, for more information see, Avigdor Farine, 'Charity and study societies in Europe of the sixteenth-eighteenth centuries', *The Jewish Quarterly Review*, Vol. 64, No. 1 (July 1973), pp. 16-47. See also, Elliot Horowitz, 'Membership and its rewards: The emergence and decline of Ferrara's Gemilut Hasadim society (1515-1603)', pp. 27-66 in Elliot Horowitz, and Moises Orfali, eds., *The Mediterranean and the Jews: Society, culture and economy in early modern times, II* (Jerusalem: Bar-Ilan Univeristy, 2002). Horowitz notes that communal obligations to bury fellow coreligionists developed 'precisely at the time that the first burial societies were emerging among Spanish Jewry', and that their spread to Italy may reflect 'deeper structural affinities' than migration (pp. 30-31).

[509] In many Jewish communities waiting overnight to bury the deceased is now common practice, however, during the periods covered by this study, the deceased was 'buried on the same or the next day, unless it was the *Shabbat* or a holiday'. Joachim Jacobs, *Houses of Life*, p. 16. See also Maurice Lamm, *The Jewish way in death and mourning* (New York: Jonathan David Publishers, 1969), pp. 18-19; also Guy Ben-Porat, *Between state and synagogue*, p. 107; and Ron Wolfson, *A time to mourn, a time to comfort* (Woodstock, VT: Jewish Lights Publishing, 1996), p. 53.

1756) in the mid-eighteenth century explored this issue in depth, and 'betrays the concern that ghetto conditions [made] it impossible for *kokanim*, Jews of Aronite or priestly descent, to escape the ritual pollution incurred through proximity to a corpse'.[510] Of primary concern was 'the rabbinic principle that "pollution will exit", or "seek to escape confinement"', which could result in contamination spreading throughout the ghetto.[511] Although Jews did not link ritual pollution connected to death with miasmas (which were believed to be a source of disease), both are carried upon the air, and the inescapable similarities between the two produced a sense of anxiety among the residents of the ghettos.

The polluting effect a corpse could have upon the living was not a concern restricted solely to the Jews. On 25 March 1773, Peter Leopold, Grand-Duke of Tuscany ordered several changes in how the dead were managed within the Duchy, and indicated that since the law of 10 October 1748 was being ignored and abused it was necessary to establish more rigorous guidelines.[512] Famine and pestilence often resulted in crises around sanitation and burial, and the need to address corpse management may have arisen due to the years of famine which had plagued Tuscany, and much of Italy, during the previous decade.[513] The Grand-Duke indicated that not

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[510] David Malkiel, 'Law and architecture: The pollution crisis in the Italian ghetto', *European Journal of Jewish Studies*, Vol. 4, No. 2 (2010), p. 257. This article is an in-depth look at Lampronti's work which covers many locations and communities across the Italian peninsula.

[511] Malkeil, 'Law and architecture', p. 259.

[512] Unfortunately, I was unable to locate the 1748 regulation.

[513] Famine had struck Tuscany in the years of 1763-1766. Gabriele Turi, *Viva Maria: Riforme, rivoluzione e insorgenze in Toscana (1790-1799)* (Bologna: Il Mulino, 1999). In an interesting note, Cecil Roth indicated that 'Moses Vita Coen, a wholesale merchant of Ferrara, saved the Papal States from famine in 1764 at a grave financial loss by large-scale importation of corn', an action that led the cardinal legate to refer

all burial practices were changed, and that internment within parish owned and managed locations was still permitted, as well as in privately owned burial plots. Religious observances performed before burials were still permitted, however restrictions on transporting corpses to the cemetery were implemented. Funeral processions were, however, outlawed, and the dead were to be moved only under the cover of darkness, without lights, and only accompanied by the parish priest.[514]

Moreover, all those involved in the process of disposal – from the time of death through the burial or internment of the corpse – were forbidden from seeking or receiving financial compensation beyond the usual expenses related to a funeral and the transportation of the corpse to the burial site. Any violations were subject to a fine of three hundred *scudi*, to be divided between all involved parties. If any of the transgressors were members of the Church, they would be referred to an ecclesiastic tribunal. Jews are not mentioned within this declaration, but there is no reason to believe that they were not subject to similar restrictions. Of additional note is that the Grand-Duke mentioned the construction of new public cemeteries – burial in accordance with the existing legal code was permitted in locations where there was not yet a public cemetery, or one planned for the future.[515] The Grand-Duke's concerns surrounding burial practices eventually impacted the Jews in a significant manner, although this was not initially apparent.

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to him as 'illustrious sir' in a letter. Referring to a Jew by any title was strictly forbidden under ecclesiastic law. Roth, *Jews of Italy*, p. 422.

[514] ASF, Ufficiali di Sanità, Pezzo 458.

[515] ASF, Ufficiali di Sanità, Pezzo 458. 'Dove non è attualmente, o non sarà in avvenire costruito Cimitero Pubblico, con obbligo d'interrarvi i Cadaveri, abbia ciascheduno il Diritto di eleggersi la Sepoltura per Atti tra i Vivi, e di ultima Volontà, autorizzati dalle Nostre Leggi.'

The same day that the Grand-Duke ordered these changes, the Secretary of State, Carlo Bonsi, wrote to the Medical College of Florence and charged them with preparing a report on corpse management and potential burial/cemetery locations for the Grand-Duke and the Magistracy to review. The College was asked specifically to consider how and where to construct a public cemetery as well as to outline a list of 'best practices' that should be considered regarding the disposal of the dead – from collection of the corpse, to placement in a coffin, through transportation to the cemetery and burial. The Medical College responded on 15 April 1773, in a twenty-two-page document that comprehensively detailed the medical communities views on the proper disposal of the dead. This rather extraordinary document provides a deeper understanding of the process that occurred surrounding burial, and provides a window through which we can gain critical insights into the way municipal authorities maintained the spatial boundaries between the living and the dead within the urban environment.[516]

In reference to the best practices in handling corpses, the College first addressed the collection of the corpse from the location where death had occurred. Rather than the current practice of placing the deceased in a wooden box, which was then lifted onto the shoulder of four men and transported to the funeral location, it was suggested that construction of a lidded box with handles to the front and rear, similar to a stretcher would be preferable. Not only would this help minimize the risk of the corpse falling out – an event that caused unnecessary stress on everyone involved – it would also only require two men to transport the corpse rather than

[516] ASF, Ufficiali di Sanità, Pezzo 458.

four. The box was also to be lined with metal or multiple coasts of heavy oil paint, and equipped with drainage holes for easy cleaning between uses.[517]

Once the corpse was transferred to the church to await the funeral, the College proposed that corpses should not be covered or clothed in such a manner that might prevent spontaneous recovery. Nothing should be placed in such a way to create an obstruction of the airways, and the mouth should be left slightly open. Neither should anything impede the circulatory system, so the arms should not be placed upon the chest, nor should there be anything constricting placed around the neck. Moreover, the possibility of spontaneous reanimation required a delay between the pronouncement of death and burial.[518]

The College proposed a waiting period of at least twenty-four hours and up to seventy-two hours should be established to ensure that the soul was fully separated from the body and there was no hope that they would be reunited.[519] Once the body began to visibly decompose, internment could take place immediately, even if the time period had not elapsed. The twenty-four hour time limit did not apply to those who had died from fevers, malignant diseases, gangrene, or long-term illness, and was also shortened if it was determined that the corpse posed a health risk to those

[517] ASF, Ufficiali di Sanità, Pezzo 458.
[518] ASF, Ufficiali di Sanità, Pezzo 458. Fear of being buried alive increased across many sectors of the population of Europe during the eighteenth century. These guidelines likely reflect these concerns. Being buried alive was increasingly a concern expressed in the eighteenth and nineteenth centuries. Jacobs, *Houses of life*, p. 16.
[519] ASF, Ufficiali di Sanità, Pezzo 458. 'Il vero tempo di seppellire i Cadaveri è quando essi sono veramente Ridotti tali, cioè subito che l'anima è onninamente separata dal Corpo, e per ciò non vi è più speranza alcuna che vi si possa fisicamente riunire'.

required to engage with its disposal.[520] The Medical College further suggested extending the waiting period in instances where there was no apparent reason for death to have occurred, in order to ensure a person was not buried alive.[521] In regards to burial practices, the Medical College commented on those employed by the Jewish community. They applauded the fact that the community leader oversaw the conduct Jewish burials, and that the burial pit was filled in with the utmost exactness and in scrupulous observance of their prescribed rituals.[522]

The Medical College also outlined suggestions for constructing public cemeteries. Location was a primary consideration. First, they suggested cemeteries should be located near the city gates since corpses were carried by men, and the men who performed this task were not to be unduly taxed by the transportation of the bodies. In connection to this, locations near several city gates were preferable to a single site to prevent the need to transport corpses across the entire city. Second, they recommended that locations selected were free from the effects of flooding and sufficiently high enough to prevent rainwater from stagnating. Moreover, cemeteries should not be located where any odours that might arise from the decay of corpses could harm neighbouring residents or people passing through the vicinity. Finally,

[520] ASF, Ufficiali di Sanità, Pezzo 458. It was common practice for civil authorities to intervene in burial practices when there was concern about plague or other disease potentially cause by a miasma. Rivlin, Bracha (Ardos), *Mutual responsibility in the Italian ghetto holy societies*, p. 47.
[521] ASF, Ufficiali di Sanità, Pezzo 458.
[522] ASF, Ufficiali di Sanità, Pezzo 458. 'delle esempio del Cimitero degli Ebrei, si per che di questi se ne sotterrano pochi in Capo all' anno, si ancora per che fanno, e riempiono le loro fosse con somma esattezza, con scrupolosa osservanza delle loro prescrizioni rituali, e con la assistenza sempre di Persone destinate dal Corpo della Nazione'.

they suggested stricter regulation of the methods for filling in the area around cadavers, and promoted the use of limestone and sand to prevent miasmas and 'cadaveric fever'.[523] Furthermore, the Medical College cited the historical precedents of the Etruscans and the Romans who buried their dead outside the city and indicated this was preferred over the horror of walking upon or beside the cemeteries of the city's many churches, or past the Jewish cemetery, as was currently the case in Florence.[524]

On 7 May 1773 Lorenzo Prossi distributed these deliberations to the Magistracy and indicated that the Grand-Duke was inclined to adopt the suggestions of the medical board including constructing of one or more public cemeteries outside the city walls. In 1775 the Florentine authorities wrote to the Modenese authorities and inquired about the construction and management of the public cemetery which had been established. This sharing of information and inquiry into practices in another region is consistent with the regional communications conducted through the health boards.

From the response provided by the Modenese officials, we learn that in Modena there was one public cemetery located approximately two-thirds of a mile away from the city that was enclosed by stone walls. The cemetery possessed a chapel and a marble column in the middle of the cemetery had a cross installed on top of it. The sepulchres were divided for use based upon social rank and constructed of stone

[523] ASF, Ufficiali di Sanità, Pezzo 458. 'per ultimo rintasare tutti gli interstizi delle zolle superiori con rena asciutta affinché non vi restino fessure per donde esali il febbre Cadaverico'.
[524] ASF, Ufficiali di Sanità, Pezzo 458.

and of marble. The cemetery was paved in pebbles mixed with limestone and equipped with a drainage system to prevent standing or stagnate water within the cemetery, and the overall cost of construction was approximately 6,000 lira.[525]

Burial regulations in Modena called for the corpse to remain either in the home, the church, or the hospital for twenty-four hours following death, after which it was transported in a two-wheeled card pulled by a single horse, and led by a man using only one light to the cemetery. The waiting period could be waived if there was no hope of life returning to the body due to the circumstances surrounding the death. The annual maintenance costs of two horses, the carts, their handlers, and five burial departments was approximately 300 per annum, an expense that covered in two-thirds part through public taxes and the remaining third from the operating budgets of the Hospitals of Cadavers.[526] Jews and their burial practices, or the location of their cemetery, are not addressed anywhere within the questions posed by the Florentine authorities or the responses received from the Modenese officials. Yet, as we have seen in regards to the mandatory waiting period, Jews were impacted by decisions made by the ducal and municipal authorities, even when these decisions were not directly connected to 'Jewish policies'. Nevertheless, the decision to construct public cemeteries outside the walls of the city did not impact Jewish practices, for it was consistent with their preference for extramural burial.

[525] ASF, Ufficiali di Sanità, Pezzo 458. The information in the Archivio di Stato di Firenze on the cemeteries in Modena for this period was very helpful.
[526] ASF, Ufficiali di Sanità, Pezzo 458. The source does not indicate if this expense was in *lira* or *scudi*.

In January 1777 the Grand-Duke issued an edict which included a mandatory twenty-four hour waiting period from the time of death to internment of the body. This requirement prompted an immediate response from the Jewish community for it conflicted with Jewish religious mandates for burial to occur on the same day. The *Massari* argued that the Jewish practice of washing the corpse and sprinkling it with hot water ensured that the individual was truly dead and beyond all hope of resuscitation. They offered to have all deaths verified by a doctor and supported with death certificates in order to not keep the corpse in the home or in the confines of the ghetto any longer than necessary. They further argued that within the narrow confines of the ghetto, requiring a corpse to remain in the house for an extended period of time would create severe hardship upon the inhabitants, and also posed an increased risk of contamination, especially during periods of epidemic disease.[527]

It is unclear whether or not concessions were granted which allowed Jewish burials to occur in accordance with their traditions. However, by 1780 it was necessary for armed civic guards to protect Jewish funerals and the transportation of their deceased from the ghetto to the cemetery.[528] This may indicate increased tensions between Jews and Christians within Florence. Several of the changes implemented by the Grand-Duke, although inconvenient – such as the requirement to wait until the evening hours to transport a corpse for burial – did not severely infringe upon Jewish practices. The twenty-four waiting period did, and was protested. Yet, this policy was not specifically directed at the Jews. In fact, the Jews do not feature at

[527] ASF, Ufficiali di Sanità, Pezzo 458.
[528] Lionella Viterbo, *Spigolando nell'archivio della comunità ebraica di Firenze*. (Firenze: Editrice la Guintina, 1987), p. 31.

all in the main policy. This may reflect the simple fact that they were such a small minority of the overall population (less than one per cent), and since they already buried their dead outside of the city walls, it was unnecessary to address their burial practices and cemetery locations as a potential source of urban contamination.

In Florence, within just a few months of the 1777 pronouncement on the mandatory waiting period, the Jews were able to purchase additional land to expand their cemetery located outside the walls of San Frediano, with the approval of the Grand-Duke, as this request complied with his goal to improve the overall hygienic conditions within the city.[529] Similar changes in municipal regulations were occurring elsewhere in Italy and in Europe. Beginning in the mid-eighteenth century and continuing throughout the nineteenth century, burial practices were significantly transformed in all parts of Europe. [530] Urban environments were becoming increasingly populated, and the dead had to make way for the living. The demands on the secular authorities to ensure a safe and hygienic environment began to trump the religious beliefs and practices that had, until then, dominated. Concessions, as we have seen, were sometimes granted for Jewish religious practices insomuch as they did not undermine governmental polices aimed at protecting the hygienic condition of the urban environment.

In Ferrara, there was a similar trend toward municipal management of burial and cemeteries. During the Napoleonic period, on 1 August 1812, the Podestà issued

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[529] Giampaolo Trotta, 'Cimiteri ebraici a Firenze. Per un itinerario attraverso I luoghi storici ed urbani della memoria', *Storia Urbana*, N. 59 (1992) pp. 127-151.
[530] Harold Mytum, 'The social history of the European Cemetery', *Handbook of death and dying, Vol. II*, Clifton D. Bryant, ed., (Thousand Oaks: Sage Publications, 2003), pp. 801-809.

a set of governing directives regarding the implementation of the new cemetery, as well as new burial guidelines. After a significant amount of flowery language about the impact of death on the living, plans for creating a new cemetery designed to inspire 'quiet and devout remembrance' are outlined.[531] Administration of the cemetery was placed upon the Podestà, the Medical Counsellor of Health, and three other men. A chaplain, an inspector, and their necessary attendants would all live on site, and the commission would meet on Sundays. Families could purchase a section in the cemetery for an investment of 322 lira to 1,719 lira depending on the size and location of the selected. Discounts of twenty per cent, along with the option to pay in three instalments were offered if the section was purchased before the end of 1812. After that time, no discounts would be made, nor would the option to pay in instalments be available.[532]

In regard to the transportation of corpses to the cemetery and their burial, the dead were collected from the location where they had perished and taken directly to the cemetery in covered boxes. Corpses were not to be transported any earlier than an hour before sunset under penalty of six days to two months imprisonment, except in cases of contagious disease. Upon arrival at the Church of the Cemetery, last rites

[531] ASCFe, Stampe Comunali – Busta 15. 'I Cimiteri nel ricordare all' Uomo il più luttuoso di tutti i momenti, e richiamare alla triste idea del fin della vita debbono lenire, per quanto è possibile, quel ribrezzo, che ne cagiona il pensiero, e quanto minore sarà la ripugnanza verso questa profonda meditazione, tanto meno d'amarezza opprimerà il cuore di chi il pietoso ufficio vorrà esercitare vivente di visitar la sua tomba, o di esalare fra le preci un sospiro su quella de' suoi più cari. Ma siccome la sola via dei sensi e quella che all'animo porta le impressioni; cosi e d'uopo, che l'aspetto delle cose visibili serva al sussidio dell'immaginazione, e però sarà ogni cura rivolta, affinché il nostro Cenotafio Ferrarese ornato di tutto la più maestosa semplicità, conciliar possa un tranquillo silenzio un soave, devoto raccoglimento'.
[532] ASCFe, Stampe Comunali – Busta 15.

would be performed, and the corpse then moved to the adjacent mortuary to await burial. The corpse would then be inspected, the death recorded, and a metal tag placed around the neck identified where the corpse should be buried. If a family section had not been purchased, the body would be interred in one of eight sections: girls, boys, women, men, priests, convicts, military, stillborn babies, and finally, other religious groups.[533] Burial pits would be dug to a depth of one metre and eight hands, separated by a minimum of a hands-breadth, and a single body buried in each pit. Burial pits were to be dug in sequence, parallel to the wall, with no gaps beyond what was indicted, and, they could be reused after ten years if the cemetery had reached capacity at that time. An interesting note is that grave robbers would be subject to fines ranging from sixteen to two hundred lira, and imprisoned for three to twelve months if caught.[534] As Jewish gravesites were frequently subject to violation, the Jews must have welcomed the inclusion of this penalty within the city statutes.

Specific Jewish burial plots are not indicated within the plans for the cemetery nor in the burial protocols, which are clearly aligned with Christian rites. This is not surprising for two reasons; first, Napoleon had recognized Catholicism as the State religion in Italy; and second, the cemetery the Jews had used since the seventeenth century was still in operation.[535] The *Cimitero Monumentale della Certosa di Ferrara* was established by the municipal authorities in 1813. Napoleon was defeated the following year.

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[533] ASCFe, Stampe Comunali – Busta 15. There is not an indication of which other religious groups were included – perhaps Protestants and/or Muslims.
[534] ASCFe, Stampe Comunali – Busta 15.
[535] Andrea Morpurgo, *Il cimitero ebraico in Italia: Storia e architettura di uno spazio identitario* (Macerata: Quodlibet, 2012), p. 97.

On 25 July 1815, the Municipal Secretary, on behalf of the Podestà of Ferrara, published a notice, which stated that although the Civil Code (Napoleonic Code) was abolished along with the Civil Registry Office, it was deemed convenient to maintain a record of births and death, and therefore this practice would continue. Information regarding births and deaths was to be reported to the same offices (presumably to many of the same officials) as before. Failure to follow the previously established procedures would result in fines.[536] The continuation of this policy is reminiscent of the papal policies of the preceding century, which, as we have seen, applied to both Christian and Jews. This policy, therefore, should not be considered a novelty.

Although there is a significant amount of scholarship focused on Italian Jewish cemeteries, it is largely restricted to the transcription, translation, and analysis of the surviving headstones.[537] Works of this nature help reconstruct information about the individuals of these Jewish communities and provide an important aspect of social and cultural history. Yet they do not tell the whole story, because they do not explore the negotiations that occurred between Jews and the municipal authorities around death, burial, and cemetery management. Even Andrea Morpurgo's *Il cimitero ebraico*

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[536] ASCFe, Stampe Comunali – Busta 15. 'Trovandosi però conveniente che si mantenga in attività un Registro per tutti i nati, e morti, che sarà tenuto qui in Ferrara nello stesso locale di detto soppresso Ufficio, e nei Comuni aggregati presso gli istessi Agenti Comunali, cosi si previene che ciascuno resta obbligato di seguitare a denunziare le morti… come pure di denunziare le nascite'.

[537] Mauro Perani, Antonio Pirazzini, and Giacomo Corazzol, *Il cimitero ebraico di Lugo* (Firenze: Casa Editrice Giuntina, 2011). Annamaria Mortari, Claudia Bonora Previdi, *Il 'giardino' degli ebrei: Cimiteri ebraici del Mantovano* (Firenze: Editrice La Giuntina, 2008). Maria Pia Balboni, Mauro Perani, Alessio Creatura, and Giacomo Corazzol, *Sigilli di eternità: Il cimitero ebraico di Finale Emilia* (Firenze: Casa Editrice Giuntina, 2011). David Malkiel, *Stones speak: Hebrew tombstones from Padua*, 1529-1862 (Leiden: Brill, 2014).

in Italia: Storia e architettura di uno spazio identitaro, fails to address the negotiations between the municipal authorities as the Jews regarding cemetery management and burial practices.[538] Indeed, beyond recounting the standard practice that the land for the cemetery was purchased by the wealthiest Jew in connection with a *condotta* in the thirteenth- through fifteenth-centuries, he primarily focuses on the post-Risorgimento period of the late nineteenth century.

There were several points when Jewish life could have been rendered increasingly difficult, if not untenable, during the period of ghettoization. If the Grand-Duke had refused the expansion of the Jewish cemetery in the late eighteenth century, the Jewish community of Florence would have faced both a physical and a religious crisis. The same holds true for other ghettos. Moreover, if the cemeteries owned by the Jewish communities had been made public property by Napoleon, this may have created similar problems for Italian Jews as it did for French Jews.[539] In France, 'the Paris consistory agreed to discard Jewish burial procedures in the Parisian Jewish cemetery', in order to not draw attention to themselves, since the cemetery had passed to public control.[540] Events such as this highlight the importance of situating individual Jewish history within the larger historical context.

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[538] Andrea Morpurgo, *Il cimitero ebraico in Italia: Storia e architettura di uno spazion identitaro* (Macerata: Quodlibet Studio, 2012).
[539] Standard practice before the ghettos were inaugurated was to transfer ownership of the cemetery granted through the *condottas* to the community at large. Bracha (Ardos) Rivlin, *Mutual responsibility in the Italian ghetto holy societies,* p. 40.
[540] Phyllis Cohen Albert. *The modernization of French Jewry: Consistory and community in the nineteenth century* (Hanover: Brandeis University Press, 1977), p. 53.

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The negotiation of basic human needs related to slaughter and burial brings to light the intersection of religious and secular boundaries between Jews and Christians. Ritual slaughter and burial practices are both activities which possess the potential to highlight shared aspects of human experience regardless of religious belief. Jews and Christians alike required land for burial of the dead, and the symbiotic relationship in regards to ritual slaughter is amply demonstrated. When ghettos were established within the centres of these cities, both their location, and the number of Jews forced to reside within their walls and behind their gates, meant they had to be included in overall administrative plans.

The regulation of slaughter and burial procedures further illustrates how deeply Jews were embedded within the urban environment of these cities. The fact that Jewish ritual slaughter was conducted in the municipally regulated slaughter locations in Ferrara and Florence brought *shechita* into clear view of the Christian population. The granting of after-hours access may have been intended to help mitigate this, but such a motive is not indicated in the sources. The situation in Modena may have been different, as the creation of a separate slaughter area for the Jews was allowed. However, this was not an enclosed facility, nor was it managed exclusively by the Jews, for as we have seen, it was subject to inspection and regulation by the municipal authorities.

Similarly, burial practices could not be completely hidden from view. Even the Florentine requirement to transport corpses to the cemetery only at night allowed Jewish burial processions to remain visible to the Christian population since the

ghetto was located in the city centre and the cemetery was situated outside the walls and across the river Arno. Moreover, the fact that civic guards had to accompany Jewish funerals illustrates that the municipal authorities recognized both the right and the necessity of ensuring proper burial of the dead, even during times of social tension or unrest. Although the sources do not explicitly indicate if this was also the case in Modena and Ferrara, it is a probable explanation for this provision.

We have also seen how regulatory practices surrounding slaughter and burial fostered municipal integration of the ghetto within the urban environment. This trend is demonstrated in strikingly similar ways in all three cities, in spite of their different overarching political structures, lending support to the theory of embeddedment. Municipal authorities made allowances for Jewish religious rites. Without these concessions, and the incorporation of the ghetto into the urban fabric of these cities, these two foundational aspects of Jewish life would have been impossible to manage. The cost of kosher slaughter would have been prohibitively high both financially and hygienically, and intermural burial in the ghetto would have created a physical and religious pollution crisis. These are not issues that could be solved internally by the Jewish communities. Rather than being taken for granted, exploring interactions related to basic human needs greatly enhances our understanding of how urban life, both Jewish and Christian, was managed and experienced.

Chapter Five – Enlightened Reform and Madness in Florence

In *Madness and Civilization*, Foucault suggested that across Europe during the medieval and early modern eras individuals suffering from madness 'led an easy wandering existence. The towns drove them outside their limits; they were allowed to wander in the open countryside, when not entrusted to a group of merchants and pilgrims', and that the lazar houses which had previously sheltered lepers eventually were converted into madhouses a few centuries later.[620] However, in this assertion, Foucault 'deliberately disregarded the way in which madhouses developed from medieval hospitals, and especially from monasteries', and many of his arguments do not hold up in light of empirical evidence.[621] Some individuals suffering from madness were housed with lepers, but more often they were imprisoned – either in the local jail, or in specially constructed cages – although this was not considered a permanent solution, and those suffering from lunacy were typically released after a limited stay.[622]

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[620] Michel Foucault, *Madness and civilization: A history of insanity in the age of reason*, trans., Richard Howard (New York: Vintage Books, 1965), p. 8.

[621] H. C. Erik Midelfort, *Witchcraft, madness, society and religion in Early Modern Germany: A ship of fools* (Farnham: Ashgate Publishing Limited, 2013), pp. 252-253. Originally published as 'Madness and civilization in Early Modern Europe: A reappraisal of Michel Foucault' in *After the Reformation. Essays in honor of J. H. Hexter*, ed., B.C. Malament (Philadelphia: University of Philadelphia Press, 1980), pp. 247-265.

[622] For more on this see, Lisa Roscioni, *Il governo della follia: Ospedali, medici e pazzi nell'età moderna* (Milano: Pearson Italia, 2003). Also, Guy Geltner, 'A cell of their own: The incarceration of women in late medieval Italy', *Signs*, Vol. 39, No. 1, Women, gender, and prison: National and Global perspectives (Autumn 2013), pp. 27-51. And the classic study by George Rosen, *Madness in society: Chapters in the historical sociology of mental illness* (Chicago: University of Chicago Press, 1968).

As early as the eighth century in Baghdad there were institutions designated for dealing with those members of the city who were afflicted with madness, and by the late Middle Ages similar organizations and precedures spread to Spain and Western Europe.[623] Bethlem Hospital in London, or Bedlam, the most famous insane asylum, was originally founded as a religious order to provide care for those in need. When it was rebuilt in the seventeenth century, it had already attained reputation as a hospital for the mad and insane of London and the surrounding areas.[624] By the late eighteenth century and into the nineteenth century care of the insane fell increasingly under the purview of governmental and hospital authorities rather than religious orders.

Contrary to Foucault's argument, in Italy we find organizations to care for the insane that are similar to those in England. Abramo Finzi was admitted to the hospital of San Bonifazio in Florence - he was not set loose outside the ghetto or city walls to live 'an easy wandering existence'. On 20 July 1796, three years before Napoleon invaded Tuscany, Finzi was identified as *cogitabondo* (pensive), an affliction contained within the larger diagnostic category of mania.[625] He remained in San

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[623] Sander L. Gilman, 'Madness as disability', *History of Psychiatry*, Vol. 25, No. 4 (2014), p. 443. Also, Anna Lia Bonella, *L'ospedale dei pazzi di Roma dai papi al '900: Lineamenti di assistenza e cura a poveri e dementi, Vol I* (Roma: Casa Editrice de della Provincia di Roma, 1994).

[624] Michael MacDonald, *Mystical Bedlam: Madness, anxiety, and healing in seventeenth-century England* (Cambridge: Cambridge University Press, 1981). For France see Robert Castel, *The regulation of madness: The origins of incarceration in France*, W. D. Halls, trans., (Cambridge: Polity Press, 1988). For Germany see Ann Goldberg, *Sex, religion, and the making of modern madness: The Eberbach Asylum and German society 1815-1849* (Oxford: Oxford University Press, 1999). Also for an overview, see David Lederer, *Madness, religion and the state in early modern Europe* (Cambridge: Cambridge University Press, 2006).

[625] ASCF, Deliberazioni, CA 196.

Bonifazio for many years, possibly until the end of his life, for he was diagnosed as *incurabile*. Finzi was not the only Jew to be housed in San Bonifazio. By this time ownership of the ghetto had, as we will see, transferred to the Jews and expanded the legal rights as *cittadine*. However, residential segregation between Jews and Christians remained in effect in Florence. Which clearly raises the question – why would an insane Jew be admitted to a Christian hospital?

Beyond the issue of secular enforcement of residential segregation, Jewish law and the precepts of *Bikur Holim* were, and remain, applicable to those suffering from insanity as well as those experiencing physical illness or injury. Visiting the sick to offer comfort, care, and support is a central *mitzvah* in Judaism. Throughout history, Jewish communities have recognized the necessity of caring for the ill. Records of communal organizations charged with this specific duty are found as early as 1336 in Saragossa, Spain, and following their exile in 1492 'Spanish Jews introduced *bikur cholim* societies to Italy. The idea was so popular that it spread to such places as Prague and then to Central and Eastern Europe.'[626]

As Ruderman indicates, however, these societies were not all encompassing or inclusive, for 'the charter itself referred to the existence of Jews in Ferrara who not

[626] Sharon Selib Epstein, *Visiting the sick: The mitzvah of Bikur Cholim* (Northvale, NJ: Jason Aronson, Inc., 1999), p. 14. Two of the earliest documented instances of this are found in Ferrara in 1515, and Modena in 1516. These *Gemilut Hasidim* Societies handled burial, care of the sick, and assistance for the poor. For more on this, see David B. Ruderman, 'The Founding of a Gemilut Hasidim Society in Ferrara in 1515', *AJS Review*, Vol. 1(1976), pp. 233-267. See also Marc Saperstein, *Exile in Amsterdam: Saul Levi Mortiera's sermons to a congregation of "New Jews"* (Cincinnati: Hebrew Union College Press, 2005), pp. 172-180.

only failed to join the society, but chose to ridicule its existence'.[627] The creation of Bikur Holim societies within Italian Jewish communities,[628] 'in many ways, was no different from Catholic charitable institutions infused with Counter-Reformation religious caritas', and further demonstrated the influence of 'post-Tridentine Catholic values on Jewish communities in Italy.'[629]

Insanity is not however, the same as physical illness, and 'there is a great deal of responsa literature dealing with the status of mental illness in regard to halakhic questions, especially medical *halakhah* and ethics.'[630] Maimonides had ruled that 'even the most obstreperous maniac must not be left without due care and that, when children are no longer capable of giving the necessary attention to their parents, they must find and provide others – presumably trained experts – to do so on their

[627] David B. Ruderman, 'The Founding of a Gemilut Hasidim Society in Ferrara in 1515', p. 240. Indeed, Ruderman notes that some of the most prominent Jews, including the Emanuel Norzi family, were not members.

[628] During this period, many of these duties of visiting the sick, were provided through the Jewish confraternity of *Chevrat Nizharim*. For more on this, see, Mauro Perani, and Bracha Rivlin, *Vita religiosa ebraica a Bologna nel Cinquecento: Gli statute della Confraternita dei solerti* (Firenze: Editrice La Giuntina, 2000). Contained within this is a transcription of the regulations for the community of Bologna, and the authors indicate that similar regulations from the 'sixteenth century have been found in Rome, Ferrara, Verona, Mantua, Modena, Cremona, Ancona, etc.', p. 78. See also Bracha (Ardos) Rivlin, *Mutual responsibility in the Italian ghetto holy societies 1516-1789* (Hebrew), (Jerusalem, The Magnes Press, 1991). The term *Bikkur Holim* comes into greater use in the following centuries, as evidenced by the work of Roberta Tonnarelli. 'Le confraternite ebraiche anconetane: un inedito caso di filantropia italiana' pp. 211-220, in Mauro Perani, ed., *Materia guidaica: Rivista dell'associazione italiana per lo studio del giudaismo XII/1-2* (Firenze: Tipografia Giuntina, 2007). There is no mention of madness or caring for the mentally ill in these sources.

[629] Francesca Bregoli, *Mediterranean Enlightenment*, p. 134.

[630] Joseph S. Ozarowski. *To walk in God's ways: Jewish pastoral perspectives on illness and bereavement* (Lanham: Rowman & Littlefield Publishers, Inc., 2004), Note 1., p. 140.

behalf.'[631] This may be a partial explanation for how Finzi, and the other Jews ended up in San Bonifazio. There are however, other factors that may have influenced this outcome. Municipal management in densely populated urban areas had, necessarily, influenced the lived experience of both Jewish and Christian *cittadine*. As we have seen with slaughterhouses and cemeteries, increasing levels of urbanization contributed to physical changes in urban environments as well as their management by the local officials.

Pre-Revolutionary Florence

The French Revolution is considered the historic marker for addressing emancipation and the development of the modern nation-state, as well as the *prima facie* event which initiated polices that ultimately led to Jewish emancipation and equality. However, there were indications of change in this direction prior to the overthrow of the French monarchy. These changes originated in the ideals of the Enlightenment, which, in fact, emanated not from France, Berlin, or Vienna, but rather from Italy itself, and were not just from the transformative impact of the French revolution. As noted by Cohen, et al., 'various cultural, intellectual, and social developments arguably make the eighteenth century the key period for the emergence of modern European social and political conditions, including the rise of

[631] Immanuel Jakobovits, *Jewish medical ethics: A comparative and historical study of the Jewish religious attitude to medicine and its practice* (New York: Bloch Publishing Company, 1975), p. 118.

secularization'.[632] Exploring the larger European context highlights the significance of the events in Italy.

In the Holy Roman Empire, significant changes in Jewish policy did not occur until the final two decades of the eighteenth century. Joseph II was not able to implement religious reforms he had argued for during the co-regency with Maria Theresa due to her staunch belief that as a Catholic monarch it was her duty to pursue the conversion and subsequent salvation of all her subjects. Under Maria Teresa, the government continued to regard the Jews as 'a necessary evil' and the number of Jews allowed to reside in Vienna was likely less than 550 during her reign.[633] After her death in 1780, Joseph II enacted the *Toleranzpatent* in October 1781 followed by the Secularization Edict of 1782. 'With the Toleranzpatent… Joseph II was willing to grant the status of citizenship to selected groups of non-Catholics in order [that they] to be free to engage in agriculture or in a craft to the greater benefit of the state'; however, this did not include the Jews and applied only to Lutherans, Calvinists, and the Greek Orthodox.[634] Yet, the status of the Jews of Vienna and Lower Austria did gradually

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[632] Richard I. Cohen, Natalie B. Dohrmann, Adam Shear, and Elchanan Reiner, eds., *Jewish culture in early modern Europe: Essays in honor of David B Ruderman* (Pittsburg: University of Pittsburg Press, 2014), p. xix. Victor Karady argues that Jewish emancipation began in Vienna, however, there are decrees moving toward Jewish civil equality found in Tuscany under Grand-Duke Leopold earlier than those of Joseph II. Victor Karady, *The Jews of Europe in the modern era: A socio-historical outline* (Budapest: Central European University Press, 2004), pp. 155-157.

[633] Paul B. Bernard, 'Joseph II and the Jews: the origins of the Toleration Patent of 1782', p. 104. See also, Michael A. Meyer, ed., *German-Jewish history in modern times: Volume 2, Emancipation and acculturation 1780-1871* (New York: Columbia University Press, 1996), pp. 16-17.

[634] Rudolph C. Blitz, 'The religious reforms of Joseph II (1780-1790) and their economic significance', *Journal of European Economic History*, Vol. 18, No. 3 (1989), p. 584-585.

improve following the Toleration Edict of January 1782. This trend continued through 1789, as several additional decrees were issued by Joseph II which granted the Jews permission to reside in Vienna, learn skilled crafts, attend university, and employ Christians as servants; however, these privileges were only obtained through the payment of a 'tolerance tax'.[635]

Between Bohemia and the Czech lands, the total Jewish population at the end Maria Theresa's reign was approximately 60,000, and the annexation of Galicia added nearly a quarter of a million more Jews to the Hapsburg lands, a number that could not be ignored by Joseph II.[636] Beyond his recognition that Jews were materially contributing to the Austrian economy, it is likely that he was influenced by the appeals 'beginning to emanate from the more enlightened *philosophes* for a more humane treatment of the Jews'.[637] One such example is the essay, *Über die bürgerliche Verbesserung der Juden* (On the Civil Improvement of the Jews) was published in 1781. Written by 'the high-ranking Prussian official Christian Wilhelm Dohm', the intended audience went beyond the circle of scholars and the educated elite and was aimed at 'decision makers in the Prussian state and in the governments of other German territories.'[638] Dohm argued that Jews should be granted the same civil rights as other subjects – that the 'depravity' which they exhibited was a result of the

[635] Blitz, 'The religious reforms of Joseph II', p. 586.
[636] Bernard, 'Joseph II and the Jews', p. 106.
[637] These include Gotthold Ephraim Lessing's *Die Juden* and *Nathan the Wise*, along with the influence of Moses Mendelssohn. Bernard, 'Joseph II and the Jews', p. 108.
[638] Michael A. Meyer, ed., *German-Jewish history in modern times* (New York: Columbia University Press, 1996), p. 12.

conditions under which they had been forced to live since antiquity, and that once removed they would naturally become 'more useful members of society'.[639]

In the pre-Revolutionary period, there were three basic schools of thought on Jewish emancipation and citizenship. Dohm's position fell into the conditional position which was predicated on the belief that persecution of the Jews 'should end and Jewish political status should be improved, but with conditions that would aim to strip Jews of their particularity.'[640] This is essentially the same position taken by the Abbé Grégoire in his essay of 1778 on the physical, moral, and political regeneration of the Jews, although it should be noted that Grégoire's position was not as tolerant as that of Dohm, for he believed 'Jews would need to undergo a long process of correction before they could become fully regenerated'.[641] Beyond the conditional approach, the other positions on Jewish emancipation are classified either as unconditional, wherein Jews should granted citizenship without any religious qualifications in the same manner as all other subjects, or as the 'impossibilist' position which promoted the belief 'that Jews were inherently corrupt, could not be reformed, and would wreak havoc on society if incorporated into it.'[642] The influence

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[639] Michael A. Meyer, ed., *German-Jewish history in modern times*, p. 12. Originally cited in Christian Wilhelm Dohm, *Über die bürgerliche Verbesserung der Juden, Part I* (Berlin and Stettin, 1781), p. 130.

[640] Alyssa Goldstein Sepinwall, *The Abbé Grégoire and the French Revolution: The making of modern universalism* (Berkeley: University of California Press, 2005), p. 62.

[641] Sepinwall, *Abbé Grégoire and the French Revolution*, p. 68.

[642] Sepinwall, *Abbé Grégoire and the French Revolution*, p. 62. John Toland promoted the unconditional approach in his 1714 essay on *Reasons for Naturalizing the Jews in Great Britain and Ireland*, and this position was also advocated by Pierre-Louis Lacretelle. The impossibilist position was embraced by Johann David Michelis, François-Antoine-Joseph Hell, and the Abbé Maury. For a more detailed discussion of these positions, see Chapter 3 of Sepinwall.

of the conditionalist approach to Jewish civil equality is apparent in the Edict of Toleration for Galicia issued by Joseph II on 7 May 1789. This decree

> was the most far-reaching to date and was also intended for the rest of the Empire. While it denied the Jews the right to exist as a separate corporate identity, it granted them equal civil rights in their places of residence along with passive and active voting rights in municipal elections. By granting the Jews the right to own land, the possibility opened up that Jews could become serfs, but also owners of noble estates…. The 1789 Galician Edict of Toleration was the most influential piece of Jewish legislation in central and Eastern Europe, since, in a truncated fashion, it became the model for legislation in other countries.[643]

How do the events in Italy relate to the larger European context? At first glance, it would be tempting to conclude that the familial and political connections between the Grand-Dukes of Tuscany and the Habsburg monarchs influenced both the formulation and administration of policies towards the Jews of Tuscany. However, as Marcello Verga and Francesca Bregoli have shown, the 'Jewish Question' in Tuscany, if it can even be referred to as such, was distinctive from the concerns expressed elsewhere in Europe.[644]

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[643] Michael K. Silber, 'The making of Habsburg Jewry in the long eighteenth century' p. 792, *Cambridge History of Judaism Volume VII, The early modern world, 1500-1815*, Jonathan Karp and Adam Sutcliffe, eds. (Cambridge: Cambridge University Press, 2018).

[644] Marcello Verga, 'Proprietà e cittadinanza. Ebrei e riforme delle comunità nella Toscana di Pietro Leopoldo', in Henry Méchoulan, Richard H. Popkin, Giuseppe Ricuperati, Luisa Simonutti, eds., *La formazione storica della alterità. Studi sulla storia della tolleranza nell'età moderna offerti a Antonio Rotondò,* (Florence: Olschki, 2001), vol. 3, pp. 1047-1067. Francesca Bregoli, *The Port of Livorno and its Nazione Ebrea in the Eighteenth Century: Economic Utility and Political Reforms*, in 'Quest. Issues in Contemporary Jewish History. Journal of Fondazione CDEC', N. 2 October 2011, and also by the same author, '"Two Jews walk into a Coffeehoues": the "Jewish Question," utility, and political participation in late eighteenth-century Livorno', *Jewish History* (2010) 24: 309-329. DOI: 10.1007/s10835-010-9116-9.

As we have seen, one of the primary functions of the ghetto was to limit the amount of contact between Jews and Christians, especially during the evening hours through the mandatory closing of the gates. In Florence however, with the rise of the House of Lorraine in 1755, the importance of this enforced segregation diminished.[645] The requirement was not formally abolished, but inspection by the authorities ceased, thereby tacitly ending the period of ghettoization. The Jews elected to continue closing the gates on their own accord for the following eighty years.[646] Peter Leopold, who became Grand-Duke in 1765, did not alter this practice. He ruled Tuscany for twenty-five years, until he ascended to the position of Holy Roman Emperor for the years 1790-1792 following the death of Joseph II.

During the quarter century in which he ruled Tuscany (1765-1790), Peter Leopold implemented reforms across the duchy (with assistance from several competent advisors), in the form of political, economic, administrative, judicial, religious, and scientific/medical changes. As a result of these changes, many of which occurred even earlier than Joseph II's *Toleranzpatent*, Peter Leopold is frequently celebrated as a premier example of an enlightened absolutist ruler.[647]

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[645] It should be noted that during the reign of Francis I from 1737-1765, beginning in 1739, and continuing throughout the remaining period of his rule, 'Tuscany was ruled by a board of regents, composed of honest and capable men, who prepared the ground for liberal and progressive reforms'. George Mora, 'Vincenzo Chiarugi (1759-1820) and his psychiatric reform in Florence in the late 18th century', *Journal of the History of Medicine and Allied Sciences*, Vol.14, No. 10 (1959), p. 425.

[646] Salvatori, *Gli ebrei di Firenze*, 41-42.

[647] Davide Mano, 'Towards Jewish emancipation in the Grand-Duchy of Tuscany: The case of Pitigliano through the emblematic figure of David Consiglio', Shlomo Simonsohn and Joseph Shatzmiller, eds., *The Italia Judaica Jubilee Conference*, No. 48, BRILL, 2013, European History and Culture E-Books Online 978-90-04-24331-6., pp. 107-108.

One such reform, whose principal architect was Francesco Maria Gianni, was the General Regulation of the Municipalities implemented on 23 May 1774.[648] This regulation established new municipal boundaries, offices and functions, taxation and census changes, and the implementation of the *Borsa:*

> which was an election mechanism and the title of register containing the names of person eligible to occupy administrative offices of the municipality, at both strategic and operational levels. The names of eligible people were put into the *Borsa* according to criteria based on census data, where only those people who had the requisite demesne (ownership of land and buildings) were eligible for public office and recorded in the *Borsa*. Each time a re-election was required to fill a public office, names were extracted from the *Borsa*.[649]

The taxation system was further restructured in support of the *Borsa* and the new Redemption Tax replaced the 'intensely fragmented' taxation policies developed during the previous centuries.

This tax was used to fund military expenses, public security, judicial and administrative officials, charitable services, and maintenance of property. The tax was levied in such a manner that approximately forty-six per cent was paid by craftsmen and peasants and the remaining fifty-four per cent was born by landed property owners. Under the General Regulation, only property owners were granted the right of political participation, as had previously been the case.[650] The *Decimino*,

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[648] For more on this reform, and Francesco Maria Gianni, see Marcello Verga, 'Proprietà e cittadinanza. Ebrei e riforme delle comunità nella Toscana di Pietro Leopoldo', pp. 1047-1067.
[649] Laura Maran, Monia Castellini, and Jayne Bisman, 'Peter Leopold's Reform of Tuscany (1774): management, organization and regulation at the local level', *Management & Organizational History*, Vol. 9, No. 1 (2014), pp. 31-32.
[650] Maran, et al., 'Reform of Tuscany', pp. 35-38.

or Book of Estimates, was a census which formed the basis for inclusion in the *Borsa*. Within the General Regulation, article seven 'suggested that the link between (land) property and taxation passed through the identification of "rent"', and as such, rent could be a determining factor for political inclusion, and applied not only to landed property, but eventually to buildings as well.[651]

The logical result of Gianni's emphasis on property ownership as the necessary qualification for political participation led to Peter Leopold's decision of 7 July 1778, which indicated that if Jewish property owners were elected in Florence or Pisa, they could be active members of their municipal councils, although there is no evidence that this occurred.[652] Leopold enacted this unprecedented policy more than a year before Joseph II issued the Edict of Toleration for Galicia, which, as we have seen, only opened up the opportunity for Jews to purchase land, and did not allow for active political participation.

The Jews of Livorno argued that the 1778 decision should also apply to their home city. The municipality decreed however, that if a Jew were elected, he would have to designate a Christian to perform the task. During the negotiations between the Jewish community and the Livornese authorites, it was suggested that the Jews could hire three Catholics to represent their interests, one in the Magistracy and the remaining two in the General Council – a suggestion the Jews refused, stating they

[651] Maran, et al., 'Reform of Tuscany', pp. 38-39.
[652] Bregoli, 'Two Jews walk into a coffeehouse", p. 320. Bregoli further notes that this decision reversed the previous one made 26 December 1774 which prevented Jews from sitting on their local councils if elected. Bregoli later indicates that the Jews of Livorno demanded that this decision also apply to them due to size and importance of this Jewish community to the Grand-Duchy.

deserved equal individual rights. The final decision issued on 20 March 1780, granted the Jews of Livorno a permanent seat on the General Council, and indicated that the Grand-Duke would appoint the representative from a list submitted by the *Massari* of the community.[653]

Less than a year later, within a *motupropio* dated 20 April 1789, Peter Leopold provided further clarification and indicated that the current Redemption Tax superseded all previous acts, and that communities did not possess the right of modification. He ordered that Jews and all others, including Protestants, would comply with this mandate, with the exception that they could refuse to take office is selected for the General Council. Further noted is that the same policies were in force in Livorno.[654]

As part of his progressive reforms, Peter Leopold granted the Jews of Tuscany religious freedom and further allowed the 'exercise of the right of *patria potestas*… in cases of kidnapped children and forced baptisms'; a significant development that possessed the potential to counter papal policy.[655] Moreover, Jews were allowed to

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[653] Francesca Bregoli, '"Two Jews walk into a Coffeehouse": the "Jewish question," utility, and political participation in late eighteenth-century Livorno', pp. 320-321.
[654] ASCM – Deliberazioni – CA 197. In this *motupropio* it is further indicated that in Florence the repair of the pavements, street, sewers, and other public works were a priority, and that the city of Siena could direct its funds where deemed appropriate. And, as Verga argues, it is exactly these directives that opened the possibility for Jews to participate in the government. 'Avevano di fatto aperta la possibilità per gli ebrei possidenti di accedere alle cariche di governo delle comunità', Verga, 'Proprietà e cittadinanza', p. 1048.
[655] Davide Mano, 'Tuscany: The Case of Pitigliano through the Emblematic Figure of David Consiglio', in Shlomo Simonsohn, Joseph Shatzmiller. *The Italia Judaica Jubilee Conference*, 48, BRILL, 2013, European History and Culture E- Books Online 978-90-04-24331-6, p. 111. This is quite progressive as illicit baptisms were not uncommon. See Caffiero, *Forced Baptisms*, and Kertzer, *The Kidnapping of Edgardo Mortara*, for more on this subject.

trade freely, purchase and own property, which allowed them, as taxed residents, to participate in local government administration.

Liberal though the new policies appear, 'the process of social emancipation and cultural enlightenment still involved a small minority of Tuscan Jews' for in most areas, and especially Florence, 'a prevailing sense of fear of getting *out of the ghetto* still persisted in the psychological attitude' of the majority of the Jewish population.[656] These changes also met with resistance from the Christian population living outside the ghetto. For although these rights were granted,

> the remarkable advancement of their civil status came up against deep-rooted discriminatory attitudes, whose purpose was that of limiting emancipatory prerogatives. This was particularly evident on the occasions in which Jewish eligibility became relevant. In principle, access to citizenship was extended to Tuscan Jewish possessors, whose qualification for office was based, like that of Christian citizens, on their status as local owners; yet, even though Jews were included by law in the electoral bags [the *Borsa*], if their names were drawn for office, they were still subject to discriminatory treatment.[657]

Moreover, as Bregoli correctly demonstrates, the tensions between maintaining the rights and privileges of Jewish corporate identification were seen to conflict with the

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[656] Mano, 'Tuscany: The Case of Pitigliano through the Emblematic Figure of David Consiglio', pp. 112-113.

[657] Mano, 'Tuscany: The Case of Pitigliano through the Emblematic Figure of David Consiglio', 114. Mano shows that in Pitigliano, had been allowed property rights from the sixteenth century, even after the ghetto was implemented in 1622. Their longstanding property rights had already established the Jews of Pitigliano in the 'property networks', and therefore Jews could serve on the General Council (the lower council), and indeed, 'in the late 18th century, there was a Jewish councilor on the General Council of Pitigliano almost every year – and not a single case of Jewish refusal is registered'. (p. 116 and 121).

individual rights of political participation and civil equality in a manner similar to that expressed nearly a decade later in the French National Assembly.[658]

The same can be said of the administrative reforms of Leopold. His advisor, Francesco Maria Gianni, had crafted these polices based on the premise that personal property ownership would create a vested interest in the well-being of the duchy. Indeed, on 20 December 1788, Peter Leopold decided to sell the ghetto at auction to the highest bidder. During the first auction, there were no takers.[659] However, a the second auction, four Jews, Jacob Bassano of Livorno and Angelo di Vita Finzi, and the brothers David Solomone and Moise Vita Rimini of Florence agreed to purchase the ghetto for 34,584 Lira.[660] The purchase contract was drawn up by the notary Marco Gaetano Tosi on 9 June 1779, and was finalized in January 1800.[661]

As Marcello Verga has argued, Jews were entitled to political participation since they were subject to the same taxation as their Christian counterparts. The policies around representation were not founded on the same debates which occured in France and Prussia regarding Jewish degeneration and regeneration from the late eighteenth through the nineteenth centuries, and even into the twentieth century.[662] Many of the restrictions placed upon Italian Jews were either repealed or were no

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[658] Bregoli, 'Two Jews walk into a coffeehouse', p. 321. See also, David Sorkin, 'Beyond the east-west divide: Rethinking the narrative of the Jews' political status in Europe, 1600-1750', *Jewish History*, Vol. 24, No. 3/4 (2010), pp. 247-256.
[659] Peter Leopold's decision to sell, and the fact that no-one wanted to buy the ghetto, may be due to the increasingly high costs for maintaining the ghetto.
[660] The original assessed value of the ghetto done by Giuseppe Salvetti on 27 March 1777 was 44,793 Lira. ASCF, CA 119, Filza 1 and CA 206.
[661] ASCF, CA 119, Filza 1 and CA 206. For more on this see Roberto G. Salvadori, *Gli Ebrei di Firenze: Dalle origini ai giorni*, pp. 42-55.
[662] Marcello Verga, 'Proprietà e cittadinanza', p. 1048 and pp. 1054-1056.

longer enforced, in a manner similar to how inspections of closing the ghettos gates had fallen to the wayside. In summary, these changes impacted Tuscan society as a whole, but the influence upon the Jewish population foreshadowed rights that would be granted under Napoleon.

Hospital Reforms

Leopold's reforms did not stop with changes to land and political participation, which, as we have seen, directly and indirectly impacted his Jewish subjects. Another, lesser-known, aspect of Tuscan civic management Leopold reformed was the hospital system, and more specifically, the manner in which those individuals deemed mad or insane were treated and cared for within the duchy. Whether these reforms were motivated by Leopold's own health problems, or they simply developed from a general desire to modernize the health care system is subject to speculation.[663] But, unlike the abolition of the death penalty, which was too drastic a change and met with such fierce opposition from his subjects that Leopold reinstated it, the reforms introduced in the hospital system far outlasted his reign as Grand-Duke of Tuscany.[664]

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[663] Pier Franceso Listri, *Pietro Leopoldo: Granduca di Toscana un riformatore del settecento* (Firenze: Edizioni Clichy, 2016), p. 93. Peter Leopold he is believed to have suffered from neurasthenia, which is characterized by general fatigue, poor memory, headaches, and other body aches, coupled with general anxiety and depression. He also lost his son Albert to smallpox, which is likely the impetus behind his attention to implementing vaccination protocols on a widespread basis.

[664] Another reform that Leopold had desired to implement was a political constitution 'which anticipated by many years the promulgation of the French constitution' and was quite similar to the Virginia Bill of Rights of 1778 – this was not placed into effect for it 'aroused more opposition than support even in those who would benefit from it', in, Mora, 'Vincenzo Chiarugi (1759-1820) and his psychiatric reform in Florence

Aided by Count Marco Covini Girolami who oversaw the reorganization of the hospital system, Leopold closed the hospitals of San Matteo, Sant' Eusebio, and Santa Dorotea and relocated their patients to the Hospital of Santa Maria Nuova, which underwent extensive and costly renovation and modernization. On 23 January 1774, the *legge sui pazzi*, or law on the insane, was implemented. It is hallmarked as the first legal reform regarding the treatment of the insane in Europe. In 1785, construction/renovation of San Bonifazio began, and it opened three years later under the direction of Vincenzo Chiarugi.[665]

As ground-breaking as this legislation was, San Bonifazio was not the first madhouse in Tuscany, or indeed in Florence. In the mid-seventeenth century, Alberto Leoni a chaplain in Florence had 'conceived of a place "to be erected in our city of Florence where the mad (*pazzarelli*) could be cared for"'.[666] 1n 1647, due to the efforts of a group of men who agreed with the principle of Leoni's statement, the hospital Santa Dorotea admitted its first patient, and had rooms to house a total of sixty individuals.[667] The administration policy of the hospital:

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in the late 18th century (on the occaision of the bi-centenary of his birth)', *Journal of the History of Medicine and Allied Sciences*, Vol.XIV, No. 10 (1959), pp. 426-427.

[665] Listri, *Pietro Leopoldo*, pg. 96. Chiarugi is considered the founder of modern psychiatry. After witnessing the conditions that the insane had been subjected to in Santa Dorotea, he developed protocols for their care that included access to outdoor gardens, more spacious and comfortable rooms, better quality meals, and further abolished the beating of patients and the use of iron chains as restraints.

[666] Elizabeth W. Mellyn, *Mad Tuscans and their families: A history of mental disorder in Early Modern Italy* (Philadelphia: University of Pennsylvania Press, 2014), p. 195. A hospital for the insane had been instituted in Rome in the 1540s. For more on this, see Anna Lia Bonella. *L'ospedale dei pazzi di Roma dai papi al '900: Lineamenti di assistenza e cura a poveri e dementi.* Vol I. (Roma: Casa Editrice de della Provincia di Roma, 1994).

[667] The number of beds ranked this hospital among the largest in the city. During the medieval and into the early modern era most hospitals were run by charitable

> tended toward inclusiveness and its founders were explicit on this point. Santa Dorotea was a place devoted to the care of "*pazzi* [insane] of whatever sort, men as well as women, of every country, nation, people, state, social class and condition." To cover the hospital's overhead and allow the poorest of its patients to stay for free, the cost of admission was assessed for each patient according to what he or she could afford to pay. Careful attention was paid to diet – the most important preventative and therapeutic health strategy among the six non-naturals. On a daily basis, the patients were given good wine, but only a little of it with specific amounts of bread, meat, salad, and vegetable soup (*minestra*) in accord with the season and the principles of Greek medicine. The hope was that this regimen would if not alleviate at least not exacerbate patients' symptoms, most of whom suffered the most severe mental illness.[668]

As we will see, many of these same principles were implemented into the management of San Bonifazio a century and a half later.

The hospital of San Bonifazio was incorporated under the umbrella of the redesigned Santa Maria Nuova Hospital system to care for those individuals diagnosed as incurable and bedridden; for those who were unable to financially support their care, or without others to support them; for the demented; and for the cutaneous sick – those whose suffered from skin conditions, boils, lesions, syphilis, and leprosy.

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organizations, and generally only possessed fewer than a dozen beds. Santa Maria Nuova could house between two and three hundred people, with separate wards for men and women, and the three other larger hospitals in the city had space for between fifty to seventy patients. For more details on this see, Katharine Park, 'Healing the poor: Hospitals and medical assistance in Renaissance Florence', in Jonathan Barry and Colin Jones, eds., *Medicine and charity before the welfare state* (London: Routledge, 1991), pp. 30-32.

[668] Mellyn, *Mad Tuscans*, 195.

According to the regulations dated 17 April 1788, all patients were to be divided according to their condition/ailment, as well as by gender. There is no mention of religious segregation, likely due to the fact that this Catholic population formed such an overwhelming majority. When an individual identified as demented was admitted they were required to have an admission certificate from their community chancellor and be identified by Name, Surname, Fatherland, *Popolo*, and Jurisdiction, as well as their parents, and whoever was financially responsible for their care and maintenance. In addition to this, they were required to have a certificate from their local physician which indicated when their condition began, whether it was at birth, or at a later age, how the disease had progressed, what steps had been taken, and any other pertinent details. If the patient was incapable of paying for their support, the cost was to be covered by the Redemption Tax.[669]

Patients admitted to San Bonifazio were divided into four categories based upon the amount they paid for their maintenance. The first three classes of payers received more food, with greater variety, dependant upon the amount that was paid each month. The fourth class received four ounces of soup, twice daily; sixteen ounces of bread; fruit and or vegetables as seasonally available; and wine or broth as designated by the physician. Breakfast was the same across all classes. These standards were employed for all patients, those that were identified as psychiatric patients, as well as those that were suffering from other illnesses.[670]

[669] ASCF, Deliberazioni, CA 196.
[670] ASCF, Deliberazioni, CA 196.

According to the census of 1816 of the patients at San Bonifazio, there were thirty men and thirty-three women. The men were diagnosed as twenty-two who suffered from mania, four from melancholy, and four from mental deficiency. A similar distribution was found amongst the women for whom the diagnoses were twenty-eight who suffered from mania, three from melancholy, and two from mental deficiency. Of the sixty-three individuals, no less than five were Jewish – three men and two women, all of whom were diagnosed as *incurabile*.[671]

Abramo Finzi had been admitted on 20 July 1796. He was diagnosed as being *cogitabondo*, or pensive, was also listed under the larger diagnostic category of mania. Rosa Papilli admitted on 29 April 1800, was violent and suffering from mania. Jacob Noci was admitted for mania on 15 July 1806, and Jacob Cassuto was admitted on 15 December 1807 for mania coupled with epilepsy. Perla Blanes was admitted on 20 April 1811 for mania as well. The women were identified as *ebrea* in the census, perhaps due to difficulty in identifying their *popolo* or religious group based solely upon their name.[672]

These five people were not the only Jews who had been admitted to San Bonifazio, but this census does show that Jews – at least Finzi – were admitted and cared for in the same hospital as Christians, even before Napoleon invaded. Attempting to reconstruct how these individuals were admitted is not possible, as I was unable to locate documentation. However, an example of how the Christian Ferdinando Kindt was admitted does provide potential insight.

[671] ASCF, Deliberazioni, CA 196.
[672] ASCF, Deliberazioni, CA 147.

On 20 July 1811 Doctor Antonio Targioni visited the home of Cosimo Kindt and examined his fifteen-year old son Ferdinando. Targioni determined that the boy suffered from mania, possibly imbecility, and also insanity. The doctor further determined that Ferdinando was a danger to his family and to himself and needed care to be cured of his infirmity. Three days later, the Prior of San Remigio stated that he believed the boy was in a miserable state and that his level of madness warranted admission to San Bonifazio. Apparently, the boy's uncle Luigi Kindt had tried to care for Ferdianando to prevent him from being sent to San Bonifazio, but by 31 August 1811 the police commissioner, Galassi, reported that Ferdianando had committed, and continued to commit, intolerable actions that supported him being 'locked up and treated as a maniac'.[673] Galassi indicated that Ferdinando had hurt his cousin and thrown him on the fire, attempted to throw himself off a balcony, that he spoke to the shadows and paintings, that he destroyed things and was a danger to himself, to his family, and to his neighbours. This determination was further supported by Luigi Kindt's attached statement which stated that after showing signs of madness for several years, Ferdinando's mania was now beyond Luigi's ability to care for him. Ferdinando had nearly set the house on fire and was a danger not only to himself, but also to his brothers and cousins, and that for the safety of the family and the community it was necessary for him to be admitted to San Bonifazio.[674]

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[673] ASF, Giudicature di Pace e Ufficio di Pace e Conciliazione 1808-1814, Pezzo 19: 'Per cui merita d' essere rinchiuso, e curato come maniaco'.

[674] ASF, Giudicature di Pace e Ufficio di Pace e Conciliazione 1808-1814, Pezzo 19. A letter from the police commissioner on another case indicates a similar process was followed to determine if Pietro Interi should be admitted to San Bonifazio. It was also determined that Interi posed a danger to his family, including his small children, as well as the community at large. In reviewing the records of the Jewish community

This account, which included multiple sources indicating the progression of Ferdinando's disease and identification of the threat he posed to both his family and larger community aligns with the requirements dictated in the regulations for admission to San Bonifazio. Although Kindt was not Jewish, there is no reason to assume that the procedure for admission would have been significantly different for Jewish *cittadine*. Having an individual admitted to the hospital was one issue. A interrelated issue was providing for their support after admission.

On 6 July 1806, the local authorities notified the Jewish community that they must cover the cost of supporting Finzi, as they had not made a previous application regarding his debt.[675] On 17 July, Cesare Lampronti, a representative of the Jewish community wrote to the municipal authorities that Finzi's father had died several years ago and that since the Jewish community paid taxes as did the rest of city, that Finzi support should now be covered the same as the other (Christian) subjects. Lampronti further indicated that payment for the Jews from Livorno housed in Bonifazio had been submitted. A second letter from the Livorno magistrate of the Jewish community (perhaps the member of the General Council) requested that payment of forty lira to cover the expenses of two Livornese women, Sara Vedova and Ricca Sanarei, both of whom suffered from violent mania and were maintained/treated in Bonifazio, be covered by the Redemption Tax. The deliberation of the council concluded that the community must continue to support these two

housed in the ASF, I was not able to locate any mention of the events leading to the admission of the Jews in San Bonifazio, but there is no reason to think the process was inherently or dramatically different.

[675] ASCF, Deliberazioni, CA 23.

women. Another Jew, Solomone di Elia Castelli was also housed in San Bonifazio, and it was determined on 1 August 1806 by order of the tribunal, and that his maintenance would be covered in the same manner as that of indigent Christians.[676]

What is most notable in these exchanges and determinations is, that at first glance, they are rather unexceptional. In the case of the women, both of whom were married, public assistance was denied based upon the premise that their husbands should/could support them. Whether this was an accurate assessment of the situation cannot be determined as the sources are silent on this account. It may also be reflective of the difference in the political position of the Jews resident in Livorno as compared to those in the rest of Tuscany. In the instance of Finzi however, a change in his status brought about by the death of his father, who presumably had provided his financial support, illustrates how representatives of the Jewish community negotiated with, and presented evidence to, the municipal authorities. The argument presented was that the Jews, who paid the Redemption Tax along with the other residents of Tuscany, were entitled to have their less financially solvent community members expenses covered in the same manner as their Christian counterparts. This was indeed, the decision reached in the case of Solomone di Elia Castelli.

What is striking about this sequence of events is that elsewhere in Europe Jews were excluded from public assistance, and even when it was authorised, they frequently refused to accept it and instead elected to rely on internal community assistance.[677] These applications for assistance illustrate three points. First, the Jews

[676] ASCF, Deliberazioni**,** CA 212: 'modo che li pratica coi miserabili cristiani'.
[677] Rainer Liedtke, *Jewish Welfare in Hamburg and Manchester c. 1850-1914* (Oxford, 1998).

of Italy were included in the Florentine healthcare system, up to and including admission to local hospitals – and this occurred even before the Napoleonic invasion and the first emancipation. Second, these deliberations illustrate that even during French rule, local municipal government continued functioning, complete with the ability to collect taxes based upon the system developed during Leopold's reign as Grand-Duke. Finally, Italian Jews did not hesitate to request inclusion in public assistance programs. This, I would argue, is based upon their previous rights as *cittadine*, and, in Florence, on the earlier reforms and granting of civil rights under Leopold.

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Madness is frequently hidden. Grappling with reconstructing the historical response to insanity is challenging, for the traditional sources for information on family dynamics, such as journals, diaries, and account books, are almost entirely silent when it comes to the subject of madness.[678] From the cases discussed here, it is apparent just how hidden it can be. There is not a single mention in the Jewish community records house in the Archivio di Stato di Firenze during this time period for any of the individuals housed in San Bonifazio. In the more than three-hundred page *Regolamento dei Regi Spedali di Santa Maria Nuova di Bonifazio* authorized by Peter Leopold on 1 September 1789, there is not a single mention of Jews.

[678] Mellyn, *Mad Tuscans and their families*, pp. 9-13. Mellyn's study uses three hundred cases of insanity that were addressed in the civil and criminal courts of Tuscany from the mid-fourteenth through the mid-seventeenth centuries to explore the impact of madness on families and governing authorities. Her study ends with the initial transition to creating hospitals for the insane.

Accordingly, there is no indication of whether any concessions were granted for the observance of Jewish religious practices or for the consumption of kosher meals by the Jewish residents.

The absence of any mention of the Jews is striking, for most reform and regulatory changes implemented in Tuscany (and elsewhere in Italy) during this period mention the Jews, however briefly, and indicated how and when the regulations applied to this religious community. As a result of this omission, there is no reason to search for information on Jews suffering from insanity during this period. If it were not for the patient census report maintained in the municipal archive, we would likely remain unaware that Jewish lunatics were housed in the same asylum as the Christians in Florence.[679] Moreover, we might not even know there were any Jews suffering from mental illness in the Florence ghetto.

What these records ultimately help illuminate is that even without being specifically identified within municipal and ducal polices, Jews were still included in the administration of these policies due to the embedded nature of the ghetto within the urban fabric of the city – and not in strictly punitive ways. Insanity was not simply a personal or familial issue. It had implication for the community at large. As we shall

[679] There may well be other sources available that a more strictly focused exploration of the issue of lunacy in Florence might uncover. However, Jews do not feature in the work of Elizabeth W. Mellyn, nor are they present in either of the scholarly articles focused directly on San Bonifazio, see Marco Geddes da Filicaia, 'Pietro Leopoldo, Santa Maria Nuova e la nascita dell'ospedale moderno' and Esther Diana, 'La trasformazioni edilizie nel Santa Maria Nuova del Settecento' both included their work in the *Regolamento dei Regi Spedali di Santa Maria Nuova e di Bonifazio* (Firenze: Edizioni Polistampa, 2010).

see in the final chapter, issues related to physical security and community health and welfare could, and most often did, supersede the enforcement of religious boundaries.

These findings contrast strikingly with what we thought we knew about Jewish social welfare in the early modern and modern periods. Even when scholars address boundary crossing outside of conversion accounts – focusing above all on economic interactions upon economic interactions – there is general agreement that this did not extend to the social and religious aspects of the community, of which healthcare was a central element part.

The level of social and communal insularity of Italian Jewish communities across Europe is thus distinctive from what we have seen here. Jews not only used public assistance in Tuscany by sending the insane members of their community to San Bonifazio, they actively sought the allocation of public funds (to which they contributed through their tax payments) to support indigent Jews such as Finzi.[680] The issue of insanity and the care of madmen and madwomen was one that cut across the socially constructed boundaries of religion, class, and even the walls of the ghetto. The often violent or unpredictable behaviour of those suffering from madness was especially problematic in densely populated urban environments, which led to the development of governmental policies and municipal intervention in increasing levels. The eighteenth-century policies of Peter Leopold foreshadow what occurred across Europe during the nineteenth century. As both Goldberg and Smith have

[680] For more on when Jews could and did use public funds, see Rainer Liedtke, *Jewish Welfare in Hamburg and Manchester c. 1850-1914*. As specifically relates to the insane, see Leonard D. Smith, 'Insanity and ethnicity: Jews in the mid-Victorian lunatic asylum', *Jewish Culture and History*, Vol. 1, No. 1 (1998), pp. 27-40.

shown, Jewish lunatics were frequently housed with the Christian mad. Jews may have been the resident other, but the insane, regardless of religious affiliation, were truly the societal other. The Jews and Christians residing in San Bonifazio were consolidated into the shared space of the hospital; a place that established their unity through shared lunacy.

Chapter Six – Emancipation, Civil Marriage, and Conversion in Napoleonic Modena

On 16 January 1783 Joseph II issued the *Ehepatent*, or Marriage Patent, and 'defined marriage as a "civil contract" (bürgerlicher Vertrag, Contratto civile) and asserted the exclusive jurisdiction of state courts for resolving marital issues' within the Habsburg lands.[742] With the French Revolution, civil marriage became a reality in France in 1792. Following the revolutionary ideals of Liberty, Equality, and Fraternity, in conjunction with the Declaration of the Rights of Man and its emphasis on individual rights, this policy applied to all citizens. Beyond profoundly altering the relationship between traditional absolutist ruling structures, their governing and bureaucratic institutions, and the people of Europe which they ruled over, the French Revolution changed the relationship between Jews and Christians, as well as between Jews and the emerging states. Not all of these changes were welcomed, for they weakened religiously-based communal institutions and threatened traditional

[742] Lois Dubin 'Jewish Women, Marriage Law, and Emancipation: A Civil Divorce in Late-Eighteenth-Century Trieste', *Jewish Social Studies: History, Culture, Society* Vol. 13, No. 2 (2007), p. 66. Originally found in *Costituzione sopra li Matrimonj per tutto cio che riguarda il contratto civile, e li suoi effetti: La quale dovra osservarsi da tutti li sudditi cristiani* (Vienna, 1783); also in *Codice ossia Collezione sistematica Di tutte le Leggi*, *ed Ordinanze ema- nate sotto il Regno di Sua Maestd Giuseppe II*, trans. Bartolommeo Borroni, vol. 3 (Milan, 1787), pp. 98-119. For more on conversion, marriage, and issues related to civil marriage in earlier periods see Marina Caffiero, *Religione e modernità in Italia* (secoli XVII-XIX) (Pisa: Istituti Editoriali Poligrafici Inernazionali, 2000), pp. 201-213.

corporate identities and organisations. In 1802, Napoleon demanded that the rules of civil marriage applied to Jews as well as Christians.[743]

Ten years later, on 25 September 1812, Signor Leon Teglio, a 37 year-old Jewish shopkeeper in Modena, submitted a petition to the civil authorities requesting the preparation of the necessary documents required for him to marry Signorina Maria Antonia Barbieri, daughter of Ercole Barbieri of Nonontola, who also resided in the city. Within his petition, Teglio declared he was certain there should not be any legitimate legal obstacles to the marriage, and with 'courageous respect' implored the authorities to proceed without delay.[744] What came of this petition? How was the issue of civil marriage addressed in Italy during the first Jewish emancipation under French rule? What happened to the Jews of Italy under Napoleon's influence? Were Italian bureaucratic structures and officials able to adapt to the changes wrought by the implementation of the Napoleonic Code?

As Napoleon's armies swept through the Italian peninsula, in addition to overthrowing the traditional ruling elites and dismantling the power of the Catholic Church, the soldiers, in compliance with their orders, tore down the gates of the ghettos, granting Italian Jews their first experience with emancipation. The gates of the ghetto in Ferrara were removed and burned on 30 April 1797, the ghetto gates of

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[743] Kenneth Stow, 'Jewish pre-emancipation: *Ius Commune*, the Roman *Comunità*, and marriage in the early modern Papal State, in Stow, Kenneth, *Jewish life in early modern Rome: Challenge, conversion, and private life (*Aldershot: Ashgate Publishing, 2007), Section VXIII, p. 22.

[744] ASCM, Miscellanea di Ragioneria, Busta 288: 'si fa quindi il rispettoso coraggio d'implorare dalla di lei autorità, e ben nota rettitudine che si degni di dare le più pronte di posizioni onde non vengano ritardati gli atti preliminari del riferito maritaggio'.

Modena followed on 14 July 1797, and nearly two years later, on 25 March 1799, the French authorities proclaimed the Jews of Florence were citizens of equal status with their Christian counterparts.[745] The previously imposed restrictions regarding occupation, residence, movement, and owning property were all removed and the legal status of equal citizen was conferred upon the (male) Jewish population.

In conjunction with the emancipation from the ghettos and the granting of citizenship to the Jews of Italy during the Napoleonic era, a significant Catholic institutional change occurred. The *Casi dei Catachumeni*, Houses of the Catechumens, were disbanded as part of the overall efforts to limit the reach and power of the Catholic Church. This institution had served as the liminal and transformational space

[745] According to Cecil Roth, in June 1796 when the French forces arrived in Ferrara, the ghetto was opened and the Jews were instructed to stop 'wearing their badge of shame forthwith'. *History of the Jews of Italy*, p. 430. For information on Modena, see, Matteo Al Kalak-Ilaria Pavan, *Un' altra fede: Le case dei catecumeni nei territory estensi (1583-1938)*, (Firenze: Leo S. Olschki, Editore, 2013), p. 103. For Florence, see Roberto G. Salvadori, *Gli Ebrei di Firenze: Dalle origini ai giorni nostri* (Firenze: Giuntina, 2000), p. 55. This transition met with resistance in several ways. Although the Italian revolutions were not as intensely anti-clerical as the revolutionary uprisings in France, there were still religiously motivated uprisings in Italy, which frequently became violent. One of the best-known examples of these types of uprisings were the Viva Maria revolts. 'The clergy often took the lead in these local movements, encouraging the crowds, for example, to cut down and burn liberty trees. Although many of the uprisings petered out after a few days of violence, some grew into armed mobs – such as the peasant army that captured Arezzo and then plundered its way across the Val di Chiana to Siena, burning several Jacobins and many members of the Jewish community in the Campo, Siena's central square'. Raymond Grew, 'Finding Social Capital: The French Revolution in Italy', *The Journal of Interdisciplinary History*, Vol. 29, No. 3, Patterns of Social Capital: Stability and Change in Comparative Perspective: Part I (1999), pp. 420-421. The Viva Maria rioters murdered nineteen members of the Jewish community of Siena in 1799, an event from which the community never recovered. Annie Sacerdoti, *The Guide to Jewish Italy*, trans., David Kerr (Venice: Marsilio Editore, 2003), p. 152.

in which an individual's identity changed from Jew to Christian, whether voluntarily or as a result of illicit baptism.[746]

Institutions intended to support conversion to Christianity had been founded as early as the third century, but the House of Catechumens was not formally developed in Rome until 1540 under the direction of Ignazio of Loyola, founder of the Jesuits. These Houses were legitimized in 1542-1543 when Pope Paul III issued the *Cupientes Judaeos* and guaranteed Jewish (and other) converts to Christianity both property rights and fiscal privileges to encourage conversion. The policies promulgated in this papal bull required that converts were instructed both before and after baptism in Christian precepts, articles of faith, and Church rituals and rites. The 1543 *Illius*, further elucidated these policies and expanded upon them through the formal establishment of the House of the Catechumens, where adults who sought baptism and conversion would reside while they received instruction about the foundational aspects of the Christian faith.[747] These Houses soon spread across the peninsula, and although the motivations behind their founding varied, they were not always immediately linked with the establishment of ghettos or the other restrictions placed upon Jewish populations. The Houses of the Catechumens, although not solely focused on Jewish converts, also harboured Muslims and other 'infidels' who sought

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[746] For more information on conversions in Italy, both licit and illicit, see Kenneth Stow, *Anna and Tranquillo: Catholic Anxiety and Jewish protest in the age of revolutions* (New Haven: Yale University Press, 2016), Marina Caffiero, *Forced baptisms: Histories of Jews, Christians, and converts in Papal Rome* (Berkeley: University of California Press, 2005), and David I. Kertzer, *The kidnapping of Edgardo Mortara* (London: Picador, 1997).

[747] Peter A. Mazur, *Converts to Catholicism in Early Modern Italy* (London: Routledge, 2016) electronic resource, accessed 20 Mar 18, ISBN: 9781317265672.

conversions, as well as those who had embraced the protestant heresies and wished to rejoin the 'true' Catholic faith.

In 1583, the municipal authorities in Modena inaugurated the first establishment charged with assisting and guiding those who converted to Christianity. Although the ghetto was fully established in 1638, a formal House of Catechumens was not created until 1700. Except for a brief hiatus during the Napoleonic period, it remained active until the fall of the House of Este in 1859. In Ferrara, the House of Catechumens was established in 1584, over four decades before the ghetto was inaugurated. In Florence, a conversionary house was not implemented for sixty-five years following the enclosure of the Jews into the ghetto. Even then, its primary motivation was not to encourage conversion. Founded by a group of Jesuits, the principal aim of the Casa Pia of Florence was to prevent Jewish converts to Catholicism from returning to the faith and religious practices of their fathers. Founded by the Carmelite priest, Alberto Leoni, 'the proemium gives evidence that the proposed institution is new to Florence: "considerato che trà molti buone opere che sono in questa Città, ci manca una casa per li Catecumeni à comod[ità] di coloro, i quali desiderano di lasciare l'infedeltà , e venire alla fede del Redentore del Venere Umano Giesù Cristo".'[748] Moreover, it is important to note, that in three locations,

[748] Stephanie B. Siegmund, *The Medici State and the Ghetto of Florence*, pp. 65 and 436. This is not to imply that conversions did not occur before this period, for indeed, during my work in the same archive in which Siegmund was able to uncover this document quoted above, I reviewed conversion records from the previous century. Unfortunately, I was unable to locate the document she cited.

Rome, Florence, and Livorno, conversionary houses continued to operate uninterrupted during the Napoleonic period.[749]

When the gates of the ghetto of Modena were demolished by the order of General Chabot in July 1797, the 1300 Jews who resided in the city at that time watched with a mix of distrust, fear, and elation. The disparity between these emotions is not perhaps as surprising as it might first appear, for although life in the ghetto was restricted and marginalized, it was legitimate and guaranteed. The French, perhaps in alignment with the promotion of religious equality, disbanded the House of the Catechumens when they also overthrew the ruling elite and co-opted the existing municipal institutions.

With this change however, the spectre of forced baptism did not diminish. In some respects, when the physical barriers of the ghetto gates were removed, and the wearing of the Jewish badge was abrogated, the threat of illicit baptism increased, along with fears associated with this possibility. We can see this reflected in the actions of the *Massari* of the Jewish communities in Modena and Reggio. On 17 October 1796, they submitted a draft regulation and called for the continuation of Jewish communal governance and the free practice of Judaism. The municipal

[749] See Matteo Al-Kalak, *Un' Altra Fede: Le Case dei catecumeni nei territori estensi (1583-1938)* (Firenze: Leo S. Olschki, Editore, 2013), p. 113-144. Also, according to Salvadori, there is evidence that a conversionary house continued to operate in Florence up through 1867. Salvadori, *Gli Ebrei di Firenze*, 47-49. I am deeply indebted to Matteo Al-Kalak who generously shared his book *Un' Altra Fede: Le Case dei catecumeni nei territori estensi (1583-1938)*, with me. As head archivist of the Archivio Storico Diocesano di Modena-Nonatola, he has much greater access to the archival sources than I did during my more limited visit. I have relied heavily on his work to develop a deeper understanding of the House of the Catechumens and its history in Modena.

authorities reviewed and approved the petition without substantial changes a few days later. Moreover, this occurred before the gates of the ghetto had been removed. This initiative was likely taken by the Jewish leadership to ensure their communities place within their respective cities.[750] Nearly one-third of this regulation focused on the rules governing baptism and conversion. It reaffirmed the prohibition against illegally baptising children under the age of seven, mandated children were not to be baptised when offered by their parent(s) until after their parent(s) had undergone their own examination of the articles of faith and conversionary baptism. Furthermore, Jews suffering from insanity or other forms of mental deficiency were not to be baptised, even if they willingly approached the House of the Catechumens.[751] The inclusion of prohibitions on baptizing Jews suffering from insanity supports the conclusion that such individuals were present in the city and that insanity was not only an issue for the Florentine Jewish community.

On 27 March 1797, the final version of the Constitution of the Cispadane Republic stated that the rights of Roman Catholic Church were preserved, and that no other religion was permitted rights to public expression, with the exception of the Jews, who were also granted the right of free and public worship.[752] Four months later, the Cispadane Republic together with the Transpadane Republic were unified to create the Cisalpine Republic, and the constitution of this combined republic again asserted the freedom of public worship to all citizens. These legal freedoms could not,

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[750] Al-Kalak, *Un' Altra Fede: Le Case dei catecumeni nei territori estensi (1583-1938)*, Chapter Four for more details on the Napoleonic Period.
[751] Al-Kalak, *Un' Altra Fede*, p. 106.
[752] Al-Kalak, Un' Altra Fede, p. 107. Cited from L. Amorth, *Modena capital: Storia di Modena e dei suoi duchi dal 1598 al 1860* (Milano: Martello, 1967), 260.

however, overturn centuries of deeply ingrained religious division, nor did they eliminate the decision of some Italian Jews to convert to Christianity. By 1800 the House of Catechumens in Modena was reinstated, albeit unofficially, to address the needs of those who sought conversion. Between 1800 to 1814 there were at least thirty-three cases of conversion, twenty-two of which took place in Reggio, and seven (possibly more) occurred in Modena.[753]

Disputes surrounding the validity of conversions arose on both sides of the confessional divide and led to increased tensions between Jews and Christians. These complaints were so numerous that in January 1803, Giovanni Bovara, the Minister of Religion wrote to the prefects of several departments, and to the Bishops of Modena, Reggio-Emilia, Ferrara, and Verona ordering strict regulation of conversions to prevent excess or abuse on either side. First, Bovara proposed that baptism should not be performed until four months after the initial declaration of intent was made. Second, that during this interval the sincerity of the applicant should be assessed, and written records maintained. Third, support for anyone who approached the House of the Catechumens would be provided by both the House of the Catecumens and Catholic authorities, as well as by the family, to include ensuring that Jewish dietary restrictions were observed until the baptism was performed, and moreover, that Jewish relatives, friends, and their rabbi, would be granted access to the petitioner. If

[753] Al-Kalak, *Un' Altra Fede*, pp. 113-116. Al-Kalak implies that the remaining eleven happened in Modena, however in the Registri nel Neofiti, I, housed in the ACAMo, which I reviewed, seven conversions were recorded that occurred between 1804 and June 1814, and there were none listed as having been administered from November 1796 until February 1804. There may be more that are recorded elsewhere. Of additional note, the number of conversions recorded during previous the fifteen years is forty-one, a number which does not reflect a large statistical significance.

access to the petitioner was denied, the local police would enforce compliance. Fourth, once it was determined that the desire for conversion was sincere, the examination would be conducted in the presence of church officials, parents or relatives of the proposed Jewish convert, the rabbi, and a delegate of the municipal government. And finally, all witnesses would have to attest to the validity of the conversion.[754]

This directive, known as the Bovara regulation, was enforced throughout the kingdom of Italy, and demonstrated the changing nature of the relationship between church and state. Beyond complying with the dictates contained within the regulation in regards to their functions, civil authorities frequently investigated the moral and political conduct of the individual seeking conversion to determine if there were other influencing factors beyond spiritual motivation. Based upon the precepts contained within the Bovara regulation, and assessments made by both civil and Catholic authorities, eight Jews from Modena and Reggio were turned away from the House of Catechumens between 1800-1814.[755]

Petition for a Civil Marriage

It is within this context that we need to situate the request made by Leon Teglio. As previously stated, on 25 September 1812, Signor Leon Teglio, a 37 year-old Jewish shopkeeper in Modena, submitted a petition to the civil authorities requesting the preparation of the necessary documents required for him to marry Signorina

[754] Al-Kalak, *Un' Altra Fede*, pp. 116-118.
[755] Al-Kalak, *Un' Altra Fede*, pp. 118-120.

Maria Antonia Barbieri, daughter of Ercole Barbieri of Nonontola, who also resided in Modena. G. Valentini, the official who received Teglio's petition, decided to seek guidance from the Podestà and the state authorities. In his letter to his superiors, Valentini expressed that although he recognized that the law did not make any distinction between people based upon their religion, he believed this case was nonetheless extraordinary, and wanted assistance in making a decision. The case was extraordinary since Signor Teglio was requesting a civil marriage rather than a religious one due to the fact that Signorina Barbieri was Catholic. Valentini indicated that in compliance with the rulings of legal and civil equality enjoyed by all citizens under the laws of the current political authorities, he would proceed with the preliminary actions required before a civil marriage could be performed. Beyond this, however, he would await further instructions based upon the directions of the Podestà and the state officials.[756] He passed the petition the following day to the Prefect of Modena who indicated that any further actions on the petition were suspended until further deliberation by higher ranking authorities were obtained. Teglio's petition was then sent on 27 September 2812 from the Court of Justice, which was responsible for overseeing both civil and criminal cases.[757]

[756] ASCM, Atti di Amministrazione Generale, Busta 193: 'Quantunque sia mi noto che la legge non fa in proposito di Matrimonio alcuna distinzione fra le Persone di religione affatto disparata, ciò nonostante trattandosi di caso nuovo, ed a mio credere affatto straordinario, ho ritenuto di proceder agli atti preliminari di detto matrimonio, avere il tempo opportuno per informarne le Autorità Superiori, e riportare in proposito la loro Sanzione, per la qual cosa a Lei mi rivolgo Signore Podestà pregandola a compiacersi di appoggiare il presente rapporto presso il Signore Prefetto, acciò per di Lui mezzo per venga a notizia del Governo'.
[757] ASCM, Atti di Amministrazione Generale, Busta 193.

Two days later, notes from an unidentified official (potentially the Podestà) were addressed to the Prefect of the Department of Panaro. Within these notes, dated 29 September 1812, this official indicated that no civil marriages had previously occurred in Modena, and furthermore, although he was uncertain if such ceremonies had been performed in other communities. He indicated that although the law did not specifically address marriage between citizens who profess different faiths, according to the Constitution of the Italian Republic and the Concordat with the Holy See, the Catholic religion was the official religion of the state. Then he argued that the administration of the sacrament of marriage between members of different confessional groups was forbidden by canon law, especially when it would be with a member of a group that 'tends to despise the Catholic religion, which was how this case should be considered.'[758] Moreover, he argued that the Concordat maintained that marriages were to be performed by a priest, and that the parties involved would be bound by the faith of the sacrament, and that the ecclesiastic authorities would not grant dispensation when there was a difference of religious affiliation between the couple being married.[759]

On 1 October 1812, the Podestà of Modena received a response from the office of the Prefect of the Department of Panaro. This notice was not signed by the Prefect, rather, it was issued on his behalf, and indicated that he had ordered a suspension of the marriage petition until a decision from a competent authority could be obtained.

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[758] ASCM, Atti di Amministrazione Generale, Busta 193: 'proibito tutto ciò, che tende al disprezza della Religione Cattolica, furo il quale aspetto sembra che debba considerati questa matrimonio'.
[759] ASCM, Atti di Amministrazione Generale, Busta 193: 'La dispensa dal Superiore ecclesiastico cio che non accado quanto alle disparita di Religione'.

The matter was forwarded to the Officers of the Civil Sate for a determination. It was not received in that office until 4 October 1812. At which point the Grand Justice, Secretary General Bialla, expressed his 'sentiment' on the aspirations of Signor Teglio to marry Signorina Barbieri. Bialla stated that the law made no distinctions between individuals based upon religious affiliation. He indicated that religious affiliation was based upon personal consciousness, which was not subject to the Napoleonic Code. Furthermore Bialla argued that this principle had been proclaimed as well by the Sanhedrin of the Israelites in Paris in 1807, and cited page ninety-six of the published proceedings in support of this statement. He concluded by stating he always held this norm when he responded to previous interpellations that involved similar cases previously reviewed by the judicial authorities. Bialla cited his decision of 9 October, No. 4381, and indicated that he was returning all the documents to the local authorities.[760]

The archival record remains silent until 13 July 1813. On this day, a letter was written to the Procuratore Generale of the Court of Justice. The author of this unsigned document indicated that the marriage petition was published on Sunday 22 November 1812 and again the following Sunday 29 November 1812, after which the parents of Signorina Barbieri announced their opposition to the marriage. As a result of their opposition, the petition had been suspended. Soon after this, Teglio

[760] ASCM, Miscellanea di Ragioneria, Busta 288, I was unfortunately unable to locate the decisions Bialla indicates are found in document number 4381. Bialla may mean cases between members of the same or at least similar faiths, i.e. Catholic and Protestant, although he could also be indicating that the question marriage between a Jew and a Christian had already be brought forward to the Court from another city or locale. At this point, I am unable to assess his statement more fully without the identified document.

apparently expressed willingness to covert to Catholicism, presumably in order to appease his future in-laws and be allowed to marry their daughter. The author then indicated that once Teglio was baptized the process would have to begin again, as Teglio would assume a new Christian name following his conversion from Judaism to Catholicism. The reason provided for requiring the process to begin anew was that it was necessary for the paperwork to maintain consistency in the identification of the individuals involved from the initial petition through to the final marriage contract.[761]

The Procuratore Generale responded on 16 July 1813 to the Officers of the Civil State in Modena and stated that since the intention was to perform the marriage within twelve months of the original petition's suspension, the marriage could occur without the publication of a new petition. This decision was based on the fact that although Teglio was born a Jew, after embracing Catholicism and assuming a new name following his baptism, his person remained the same, and therefore the originally published petition remained valid.[762] The Procuratore then ordered that Teglio must identify himself in the marriage certificate by his Christian name, and following that name he must indicate that he was previously known as Leon Teglio,

[761] Bureaucracy at its finest! It is equally possible that the delay and imposition of bureaucratic obstacles was rooted in religious prejudice.

[762] ASCM, Miscellanea di Ragioneria, Busta 288: 'Perché il matrimonio della Maria Antonia Barbieri con Leone Vita Teglio segua entro l'anno da computarsi dalla scadenza del termine della pubblicazioni seguite nel Novembre 1812, potrà tale matrimonio aver luogo senza nuove pubblicazioni, poi che sebbene il Teglio nato ebreo, e che sta per abbracciare il Cattolicismo sia per assumere nel Battesimo un nuovo nome, e cognome, la di lui persona pero è quella identica, per la quale furono fatte le regolari pubblicazioni suddetta in novembre ultimo passato'. This debate is interesting because it touches upon several key factors that relate to the issues surrounding the debates on degeneration/regeneration which faced Jewish communities across Europe as the century progressed.

Ebreo, at the time the original marriage petition was published. The inclusion of Teglio's previous religious affiliation was deemed necessary, since his father's name and religious identity were also required for the marriage certificate.[763] One month later, on 16 August 1813, in the Chiesa della Madonna del Paradiso in the parish of San Domenico, the Jew, Leon Vita Teglio, son of Abram, was baptised and assumed the name Pietro Francesco Baldassare Cesari.[764]

This sequence of events illustrates that although emancipation altered the status of Jews from that of embedded minority to civic equal, the bureaucratic/legal system was not prepared to adjudicate requests that fell outside of cultural and religious norms for Jewish/Catholic interaction; especially when connected to intimate interaction in the form of marriage.[765] Civil marriage was a right, but there were no established procedures for conducting a marriage outside of the traditional religious ceremonies, highlighting the tension between religious/cultural traditions and the rising influence of secularism.

In this period, marriage remained closely connected to family and community needs, which were often prioritized over the desires of the individuals being married. Both Christians and Jews had long traditions rooted in medieval and early modern patterns of parental involvement in, and control over, the marriage of their

[763] ASCM, Miscellanea di Ragioneria, Busta 288.
[764] ACAMo, Registri nel Neofiti, I, entry number 292.
[765] This reality is similar to what occurred in the Habsburg lands following Joseph II's Marriage Patent of 1783, which created new legal norms, but did not indicate how they were to be implemented. Dubin 'Jewish Women, Marriage Law, and Emancipation', p. 67.

children.[766] Indeed, 'the Jews of Italy approached matters of law and love from the vantage point of their Catholic neighbours as well as from their own legal system' – just as the Church had adopted and expanded upon some Jewish marriage customs during the transition of marriage from a contractual agreement into one of a sacramental nature.[767]

Historically, Jewish marriages served to reinforce the community structure. Marriage was, and remains, a central element within Jewish life – ranking with birth, death, and burial.[768] Moving into the modern era, the need for support from one's family, along with the social customs surrounding marriage and the role of a couple within the communal environment, whether Jewish or Christian, did not alter at the same pace as legal changes occurred. The connections – economic, emotional, and pragmatic – that existed between families to varying degrees, were not transformed as rapidly as emancipation proclamations were made. Indeed, traditional modes of

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[766] Kenneth R. Stow 'Marriages are made in heaven: Marriage and the individual in the Roman Jewish ghetto', *Renaissance Quarterly*, Vol. 48, No. 3, (1995), pp. 445-491. See also, Roni Weinstein, *Marriage rituals Italian style: A historical anthropological perspective on Early Modern Italian Jews* (Leiden: Brill, 2004). For a discussion of similarities and differences between Jewish and Christian marriage ceremonies in the medieval period see Esther Cohen and Elliott Horowitz, 'In search of the sacred: Jews, Christians, and rituals of marriage in the later Middle Ages', *The Journal of Medieval and Renaissance Studies*, Vol. 2, No. 2 (Fall 1990), pp. 225-249, and for variations on marriage ceremonies between Ashkenaz and Sephard customs see, Ephraim Kanarfogel, 'Rabbinic conceptions of marriage and matchmaking in Christian Europe', pp. 23-58 in Baumgarten, Elisheva, Karras, Ruth Mazo, and Mesler, Katelyn, eds., *Entangled Histories: Knowledge, Authority, and Jewish Culture in the Thirteenth Century* (Philadelphia: University of Pennsylvania Press, 2017).
[767] Howard Tzvi Adelman, 'Law and love: The Jewish family in early modern Italy', *Continuity and Change*, Vol. 16, No. 2 (2001), p. 291.
[768] Joseph Gutmann, *The Jewish Life Cycle* (Leiden: Brill, 1987). His work is primarily focused on the *mitzvot* of Jewish males, and includes an interesting discussion of the material aspects of the Jewish wedding.

familial interactions may have felt increasingly important in light of the rapidly changing political and legal policies that governed urban cities.

Conversion for marriage had, of course, occurred prior to the Napoleonic era.[769] These instances were, however, infrequent, perhaps due to the enforced restrictions on social intercourse during the previous centuries that were part of the overall policy of ghettoization. When they did occur, conversion preceded marriage petitions, after which, marriage ceremonies were performed by the Church. This, at least in part, is why Teglio's petition is strikingly distinctive.

This account illustrates that during the first emancipatory period under Napoleonic rule, the legal foundation of civil equality was integrated into the social and political fabric of the community to such a degree that Teglio believed there was a distinct possibility that his request would be honoured. It further suggests that he thought that conversion – either his or Signorina Barbieri's – would not be necessary in order for them to be married. This may indicate a desire to maintain connections with both of their immediate and extended families for these relationships might have been severed, or at least diminished, if either of them left the faith tradition of their birth. It also indicates that Teglio may not have anticipated community opposition to their union, thereby illustrating an increased level of social mobility and integration during this period.

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[769] Tullia Catalan, *La comunità ebraica di Trieste (1781-1914): Politica, società e cultura* (Trieste: Lint, 2000), pp. 209-216. For Germany see, Deborah Hertz, 'Seductive conversion in Berlin, 1770-1809', pp. 48-82, in Todd M. Endelman, ed., *Jewish apostasy in the modern world* (New York: Holmes & Meier, 1987). For demographic information on Jewish marriages in Italy see Roberto Bachi, 'La demographia dell'ebraismo italiano prima della emancipazione', *La Rassegna Mensile di Israel*, XII (1938), pp. 256-320.

Moreover, conclusions along these lines are supported by Valentini's stated recognition of the legal status of Jews as equal citizens, and reflect that the legal-political changes implemented during the Napoleonic era had collapsed some, perhaps many, of the barriers related to social intercourse between the two religious groups. Teglio had not only met Barbieri, but also had the opportunity to engage in social interactions with her to the point of desiring to marry her. A proposal it appears she also desired, even without her future husband converting to Catholicism.

Teglio's optimism surrounding the level of civil equality achieved within Modenese society was unfounded, or at least overestimated. As we have seen, in spite of Valentini's apparent willingness to proceed with the petition, he was concerned about the prospect of a civil marriage. The notes from the unidentified official, illustrate opposition to the marriage between Teglio and Barbieri based upon the legal precept that Catholicism was the official religion of Italy may also suggest the presence of a deeper religious prejudice.

The Napoleonic Code did change some aspects of the political/legal system across the Italian peninsula, including the rather obvious one of granting Jewish emancipation. Yet, as many pre-existing bureaucratic structures remained intact, down to the men who were in office, pre-Napoleonic legal practices and implementation of the law based upon the historical blending of ecclesiastic and secular mandates did not entirely disappear – as this example clearly indicates.[770]

[770] This does raise the question of how can there be true civic equality when the state officially recognizes only one religion – especially if this religion is one which for centuries had held tremendous influence over a geographic region and was simultaneously entrenched within the legal system. The difference between a governmental system based upon religious ideals versus a system containing laws

Tensions between navigating the disparity between the current legal codes and the traditional ordering of society were not easily reconciled. For although Bialla's judgment provided the legal foundation for the publication of the marriage petition to proceed between Teglio and Barbieri without a legal requirement for conversion of either individual, the disapproval of Barbieri's parents was enough to obstruct any further action on the marriage. Their concerns were probably connected to issues about how their daughter would fit in socially if her husband was Jewish, what faith would any grandchildren be raised in, and other questions of this nature. Teglio's parents likely had similar concerns. The fact that Barbieri's parents opposition was primarily based upon Teglio's religious affiliation and not upon a general disapproval of his person as a whole is supported by their apparent willingness to allow the union under the condition of Teglio's conversion.[771] This willingness can be surmised based upon the bureaucratic deliberations about whether or not a new marriage petition was necessary following upon Teglio's conversion, and his subsequent conversion. Moreover, since Teglio's baptism occurred a month after the authorities determined the marriage could proceed without the need for a new petition, either he had approached the House of the Catechumens and started the process for converting before this determination was finalised, or he was able to convince everyone involved that his motivation for

interwoven with both ecclesiastic and secular policies and principles is a topic worth further exploration (although this is perhaps more in the realm of Political Science).

[771] There is no way to know if there was additional motivation based upon either emotional appeals or financial demonstrations, or other extenuating factors due to the nature of the available archival sources.

conversion was based upon a sincere faith and not solely on the desire to marry Barbieri.[772]

The Bovara regulation was effective in navigating the shifting boundaries between the two confessional groups during the Napoleonic era – during this period there are not documented instances of forced conversion in Modena or Reggio. Yet, when the power of the French forces diminished and the Kingdom of Italy began to devolve into its previous configuration, the precepts embodied in this regulation were an early casualty. Even before the House of Este was returned to power in the Duchy of Modena under the rule of Francesco IV, the secretariat of the Provisional Regency declared on 22 May 1814 that in regard to the position of the Jewish population of the region, the regulations in force before 1796 were reinstated.[773] This was not the only policy change enacted by the duke when he gained control over the duchy. On 28 August 1814, just six weeks after reinstatement of his title, Francesco IV repealed the Napoleonic Code, stripped the Jews of the civil rights granted to them during the previous decade and half, and mandated that by the end of the calendar year that the Jews must return to the Ghetto.[774]

The Bovara regulation was fully rescinded a few months later, on 5 January 1815, and the House of the Catechumens returned to its previous policies regarding

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[772] Of course, another possibility is that the requirements of the Bovara regulation were simply ignored in this instance, and perhaps others as well.
[773] Al-Kalak, *Un' Altra Fede*, p. 122.
[774] ASCM, Leggi, Stampe, Tomo 24. The order to return to the ghetto did make allowances for property that was legally purchased during the Napoleonic era, as long as it was not in close proximity to Christian residences, in order to prevent instances of *promiscuità* between Jews and their Christian neighbours. See also, Fulvio Deigo Papouchado, *Viaggio in un ghetto Emiliano*, p. 160.

the conversion of Jews. Family members were no longer granted access, communication with those outside the House was not allowed, and examinations were no longer conducted in the presence of family members.[775] Although the overall total number of conversions did not significantly alter throughout the decades before, during, and after Napoleonic rule of Modena, it is notable that in the immediate nine months following the restoration of Este power in the person of Francesco IV, there are eleven recorded conversions.[776] This may indicated that some Jews were not willing to give up the freedoms and gains they had achieved under French rule.

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With the changes in political rights and shifts around legal status due to the rise of secular practices, religion began to be seen less as an irrefutable and irreversible aspect of identity and more as an issue of personal choice and conviction. Todd Endelman has suggested that with the increased secularization of European society conversion from Judaism to Christianity should have decreased, but, he has also illustrated that this was simply not the case.[777] Indeed, without the restrictions and disabilities regarding profession and legal status, which reinforced the importance of community structures and support, the desire or necessity of remaining Jewish decreased for some members of the community.

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[775] Al-Kalak, *Un' Altra Fede*, pp. 122-127.
[776] ACAMo, Registri nel Neofiti, I.
[777] Todd M. Endelman, *Leaving the Jewish fold: Conversion and radical assimilation in Modern Jewish History* (Princeton: Princeton University Press, 2015), pp. 50-51. This is further supported by the work of Michael Anthony Riff, 'Assimilation and conversion in Bohemia: Secession from the Jewish community in Prague 1868-1917', Publications of the Leo Baeck Institute, Year Book XXVI, (1981).

Ultimately, as we have seen, Teglio's petition for a civil marriage failed in light of familial pressure, and therefore this story is in reality a story of conversion rather than an example of civil marriage. However, since it began as a civil petition, it provides a window through which the challenges and opportunities surrounding civil emancipation can be viewed. Unlike the Jewish woman, Rachele Morschene of Trieste, who was able – with the assistance of her family, the rabbinic leadership, and the civil authorities – to negotiate the complex legal landscape created by the Josephinian Marriage Patent of 1783 in order to obtain a civil divorce from her husband, Teglio was ultimately unsuccessful in his petition for civil action.[778] His experience highlights the complexity of the process of moving toward civil equality. Indeed, even though legal barriers were removed that would prevent a Jewish man from marrying a Catholic woman, centuries of division and marginalization could not be as easily overcome.

This case is the exception that proves the rule. Prior to the first emancipation Jews were deeply embedded within the urban environment. The creation of the ghettos established the Jews as residents within these respective cities, and confirmed a level of rights to them as *cittadine* and as a recognised corporate body. As we have seen, Jews petitioned both ducal and municipal authorities on issues related to slaughter, burial, and care of the insane – often with success. They did this

[778] For more on this extraordinary case, see Lois Dubin 'Jewish Women, Marriage Law, and Emancipation', *Jewish Social Studies: History, Culture, Society* Vol. 13, No. 2 (Winter 2007): 65-92.

based upon the foundation provided by the weaving together of secular and ecclesiastic legal policies grounded in centuries of use.

With emancipation we would expect to see greater incorporation of Jews within the political and social structures of Italian cities. And this case does illustrate increased levels of social intercourse. Yet, when Teglio sought to apply the new legal system to accomplish his desires, the government in Napoleonic Modena was not equipped to fulfil the promises of civil equality. This sequence of events therefore illustrates the durability of social divisions, historical precedents, and bureaucratic institutional memory even when legal barriers were removed.

Chapter Seven – Restoration and Re-ghettoization in Ferrara

In 1814, as the Napoleonic Empire collapsed and the process of restoring the governmental structures of the *Ancien Régime* began, the situation for Jews across Europe and in Italy deteriorated. During the Napoleonic years many Christians, both in Italy and elsewhere in Europe, believed that the Jews had excessively profited from French rule. As a result, Jews were frequently targeted by both the ruling elite and the general population, as both potential revolutionaries and traitors to the traditional ordering of society and government embodied in the memories of the *Ancien Régime*.[816] In France, the influence of Viscount Louis de Bonald, Félicité de Lamennais, Joseph de Maistre, and others contributed to this perception by promoting the notion that Jews, who were 'the old enemies of Christianity had become equal to all other citizens and in fact constituted a hostile power' within Christian lands.[817] In Italy, Gioacchino Ventura championed the idea that the union of 'Altar and Throne' was the necessary foundation for stable political order, asserted in 1825 that 'everything that is not Catholic is completely void'.[818] However, as J. Salwyn Schapiro, Anna Foa, and

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[816] Sam Waagenaar argues 'it was not that [the Jews] were pro-French or pro-Napoleon; they were just partisans of their own rights and liberties.' *The Pope's Jews* (La Salle, IL: Library Press Book, 1974), p. 248. It is also true that not all Jews welcomed emancipation as they were concerned, and rightly so, that it would undermine Jewish communal structures.

[817] Michele Battini, *Socialism of Fools: Capitalism and modern anti-Semi*tism, trans., Noor Mazhar and Isabella Vergnano (New York: Columbia University Press, 2016), p. 20.

[818] Nicola Del Corno, 'Chiesa, Religione e Monarchia negli Stati italiani preunitari. Intransigenti e reazionari fra Trono e Altare (1820-1830) *Pasado y Memoria. Revista de Historia Contemporánea*, 14, 2015, pp. 15-36 DOI: 10.14198/PASADO 2015.14.01, p. 18. See also, Cosimo Semeraro*, Restaurazioe Chiesa e società: La <<seconda ricupera>> e la rinascita degli ordini religiosi nello Stato Pontificio (Marche e*

Anna Maria Battista have demonstrated, this rhetoric was much less well developed in Italy than elsewhere, and therefore did not significantly impact Italian political culture, except, as we shall see, within the confines of papal politics.[819]

With the end of the Napoleonic experiment of Italian unification, the political regions of Italy returned to their previous borders. One of the consequences of the French Revolution and Napoleonic rule with which Restoration rulers across Europe had to contend was the issue of legitimacy. The revolutionary period had shown 'that legitimate authority could be constructed out of many different elements, sustained by different symbols and legends, and based upon different ideologies' than those embodied in the *Ancien Régime*.[820] Needless to say, this new state of affairs impacted the Bourbon monarchy of France more severely than it did other countries, yet 'the changes that occurred there may be perceived elsewhere, albeit in a less pronounced fashion.'[821]

In Italy however, although the international debates surrounding ultramontism and liberalism were of deep concern to the Church, they did not have a

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Lagazioni 1815-1823) (Roma: Libreria Ateneo Salesiano, 1982). Del Corno's work appears to be some of the only recent Italian research into this subject.

[819] J. Salwyn Schapiro, Anticlericalism: Conflict between Church and state in France, Italy, and Spain (Princeton: D. Van Nostrand Company, Inc., 1967), p. 72-80. Anna Foa, *Gli intransigenti, la Riforma e la Rivoluzione francese. Un dibattito nella pubblicistica italiana dell'età della Restaurazione*, (L'Aquila: Japadre, 1975), p. 11. Anna Maria Battista, *Aspetti del tradizionalismo italiano nell'età della Restaurazione*, in *La Restaurazione in Italia. Strutture e ideologie. Atti del XLVII Congresso di storia del Risorgi- mento italiano* (Roma, Istituto per la storia del Risorgimento, 1975), pp. 223-249. Lamennais, however, was a favourite of Pope Leo XII, which may have influenced his policies, which will be discussed in this chapter.

[820] Sheryl Kroen, *Politics and theater: The crisis of legitimacy in Restoration France, 1815-1830* (Berkeley: University of California Press, 2000), p. 7.

[821] Nicholas Atkin and Frank Tallett, *Priests, prelates and people: A history of European Catholicism since 1750* (London: I.B Taurus, 2003), p. 83.

significant impact on the internal policy of the Papal States until the mid-nineteenth century.[822] As both head of the Church, and as the temporal ruler of the Papal States, which remained an overwhelming Catholic country, Pope Pius VII did not encounter the same questions of legitimacy about his right to rule when he was restored to the Patrimony of St. Peter as French monarchs grappled with in France. What did this mean for the Jews who lived directly under his rule?

In Ferrara, which reverted to Papal control following Napoleon's defeat, many of the pre-revolutionary restrictions upon Jews were reinstated and the ghetto gates were reinstalled – although they were not ordered closed until January 1826. According to Vital, Italian rulers were determined 'restore the status quo ante' after the departure of the French. When the Papal States were returned to Pius VII, 'the gates of the Roman ghetto were firmly shut', and in Ferrara, 'the ghetto chains were put back; but left unlocked and unused, on display, so to speak, perhaps as some kind of ill-defined warning. In Ancona the chains were not restored at all.'[823] This cursory description of the reinstatement of the ghetto system does not address the deeply nuanced political and religious challenges of this period. To truly explore both the delay in the reimplementation of the ghetto in Ferrara, and the status of the Jews in the Papal States during this period, we must look at the larger issues facing the Papacy during the encounter with French rule and the Restoration.

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[822] Nicola Del Corno, 'Chiesa, Religione e Monarchia negli Stati italiani preunitari', pp. 15-36.
[823] David Vital, *A people apart: The Jews in Europe 1789-1939* (Oxford: Oxford University Press, 1999), pp. 61-62.

Napoleon, the Papacy, and the Restoration

On 10 February 1798, French forces had entered Rome and General Louis Alexandre Berthier proclaimed it as a Republic five days later. Pope Pius was, therefore, deposed on 15 February 1798. He was sent first to Siena for several months before being transferred to Valence where he died on 29 August 1799. This might have been the end of the papacy had Pius not left instructions and ordered that if it became necessary to elect the next pope the senior cardinal was to convene an emergency conclave. This conclave, summoned by Cardinal Gianfrancesco Albani and organised by Cardinal Ercole Consalvi, was conducted in Venice, under the protection of Austria.[824] After three and half months of debate and negotiations, on 14 March 1800, Luigi Barnabà Chiaramonte was elected pope, and he assumed the name Pius VII. He returned to Rome just weeks later, even though the city remained under French occupation.

Pius VII and Napoleon had a turbulent relationship, for although the Concordat of 1803 established Catholicism as the state religion in Italy, and Pius attended Napoleon's coronation in 1804, the two leaders were frequently opposed on both political and religious grounds.[825] Napoleon had Pius VII arrested in 1808 and held

[824] Robin Anderson, *Papa Pio VII (Barnaba Chiaramonti): La vita, il regno e il conflitto con Napoleone nel period sequente alla rivoluzione Francese (1742-1823)*, (Roma: Benedictina Editrice, 2000), p. 49. The Austrian government provided the majority of the funds necessary for the Conclave as well as the security of the Benedictine monastery on the island of San Giorgio in Venezia, which allowed 'absolute separation from the external world'. The Spanish also sent a substantial contribution. See also, John Martin Robinson, *Cardinal Consalvi, 1757-1824* (London: The Bodley Head, 1987), p. 49.

[825] As a starting point on Pius VII and Napoleon, in Italian see, Anderson, *Papa Pio VII (Barnaba Chiaramonti): La vita, il regno e conflitto con Napoleone nel period sequente alla rivoluzione Francese (1742-1823)*, and in English see, Margaret M.

captive in the Quirinal Palace, and then exiled him from Rome in July of 1809. Pius was taken first to Savona, and then ultimately to Fontainebleau where he was imprisoned until 1814. Upon restoration to the Patrimony of St. Peter, Pius VII sought to re-establish the primacy of both the papacy and the Church. Rather than sccomplishing this through moderation and modernisation as was encouraged by Secretary of State, Ercole Consalvi, Pius VII sought refuge in the historical policies and pronouncements of the medieval and early modern popes. He once again closed the gates of the ghetto in Rome and reinstated the Office of the Inquisition. When the Legations, including Ferrara, were returned to the Papal States as part of the settlement of Congress of Vienna, Austria urged leniency towards the Jews residing there. Pius did not comply. Perhaps because, as David Kertzer has argued, Pius was unable to forego the belief that it was 'the pope's duty to treat the Jews as forever degraded, [and] perpetually condemned for the killing of Christ.'[826]

Pius did, however, hold his Secretary of State, Ercole Consalvi in high esteem, and Consalvi consistently urged moderation regarding the treatment of the Jews residing in the Papal States.[827] In 1814, Giuseppe Sala submitted a plan to Pius VII

O'Dwyer, *The papacy in the age of Napoleon and the Restoration: Pius VII, 1800-1823* (Lanham, MD: University Press of America, 1985).

[826] David I. Kertzer, *The Popes against the Jews: The Vatican's role in the rise of modern anti-Semitism* (New York: Vintage Books, 2002), p. 37. I am aware of the challenge to Kertzer's scholarship presented by Justus G. Lawler. Lawler does however concede that the first three chapters of Kertzer's work focused on the period covered by this study are accurate. Justus G. Lawler, *Were the Popes against the Jews? Tracking the myths, confronting the ideologues* (Grand Rapids: William B. Eerdmans Publishing Company, 2012), p. 3.

[827] Ercole Consalvi is considered one of the most capable and effective statesmen of the post-Napoleonic era. At the Congress of Vienna, 'he captivated Castlereagh and Talleyrand, outmanœuvred Metternich, and recovered the full extent of the Papal territories right up the River Po', leaving Lord Castlereagh to declare that 'he was the

which called for the Jews to be subject to their previous restrictions. He argued that 'in many places, having become rich and powerful, [the Jews] live promiscuously among the Catholics, hiring them as servants, [and] living together with them'; practices that Sala and the conservative faction of the church leadership, the *zelanti*, found intolerable.[828] Consalvi disagreed and convinced the pope not to pursue such a severe course of action. Consalvi was repeatedly approached on this 'Jewish question' – the Austrians, the church leadership, and the Jews all sought his support and influence. From his correspondence with Tommaso Bernetti, the papal delegate in Ferrara, we gain insight into Consalvi's personal beliefs.[829] Bernetti requested instruction regarding the Jews and the ghetto of Ferrara; Consalvi replied:

> Putting the Jews back in their old state of servitude after having tasted freedom and the prerogatives of citizenship, and putting them back there at a time when the Powers are restoring its states to the Holy See expecting that things would be left as they had been under the former governments, would produce the most disgusting political and, indeed, economic consequences, for seeing themselves treated thusly, they Jews might choose to emigrate. In light of this, I urge that steps are not to be taken against the Jews, and suffer with

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master of us all'. E.E.Y. Hales 'Cardinal Consalvi: The tragedy of success', *History Today*, 1 Sep 1960 (Vol. 10: No. 9), p. 616. See also Robinson, *Cardinal Consalvi*, chapter five, for more on Consalvi and the Congress of Viena. For a comprehensive review of the much of Consalvi's life and work, see Alessandro Roveri, *La santa sede tra rivoluzione francese e restaurazione: Il cardinale Consalvi 1813-1815* (Firenze: La Nuova Italia, 1974). Roveri, however, rarely comments on the issues of Jews or Judaism.

[828] Kertzer, *Popes*, 32. See also Alessandro Roveri, *La santa sede tra rivoluzione francese e restaurazione: Il cardinale Consalvi 1813-1815* (Firenze: La nuova Italia, 1974), pp. 142-143. Although conflicts between Sala and Consalvi are discussed in Semeraro's and Del Corno's work, they do not address questions on the Jews and remain focused on issues related to the Christian laity.

[829] Tommaso Bernetti was later in Consalvi's position. He served as pro-Secretary of State for Pope Leo XII.

> prudence the continuation of things as they are, in the absence of any other maxim.[830]

However, in spite of Consalvi's views – both personal and political, which were quite pragmatic, and the respect that existed between him and the pope, Pius refused to clearly state that Jews were not subject to the restrictions that had governed their residence in Italy for the centuries. Consalvi continued his efforts to modernize and liberalize the Papal States but experienced constant challenges from the *zelanti*. The conservative faction of the cardinals believed that Consalvi 'was sacrificing important principles in order to secure a modus vivendi with the modern world, and Consalvi ignored their criticisms and pushed ahead with polices of centralization and secularization'.[831]

It is interesting to consider, that the restoration of the pope's temporal authority through the preservation of the Papal States (which Consalvi had fought to have restored at the Congress of Vienna), was the very thing that prevented Pius from taking a more moderate approach to the Jews of Italy. As Hales suggests, after Consalvi secured the Papal States in 1815, 'it was not possible for any Popes to favour the liberals because, being always committed to spiritual absolutism, and being unable to separate clearly their spiritual from their temporal power, they could not favour liberalism in their own States without committing spiritual suicide'.[832] The

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[830] Roveri, *La santa sede*, 144. See also, Ermanno Loevinson, 'Gli israeliti dello Stato Pontificio', *Rassegna Storica del Risorgimento* (Anno XVI – 1929 Ottobre-Dicembre (VIII) – Fasc. IV, p. 779.

[831] Robinson, *Cardinal Consalvi*, p. 131.

[832] Hales, *'Cardinal Consalvi'*, p. 622. And, as Robinson argues, Consalvi was more a product of the Enlightenment than he was a nineteenth century liberal – he 'was an eighteenth-century rationalist… [a] modern statesman striving to preserve a balance between revolution and reaction'. Robinson, *Cardinal Consalvi*, pp. 189-190. This

death of Pius VII on 20 August 1823 also heralded the end of Consalvi's career, and even his life. The new pope relieved him as Secretary of State, and Consalvi, who had been having health issues of his own, died just months later, on 24 January 1824.[833]

On 28 September 1823, Annibale Sermattei della Genga was elected pope following a highly contentious conclave in which Austria exercised its power of veto to block the election of Antonio Cardinal Severoli, who was highly favoured by the *zelanti*. After having his own change at becoming pope blocked by the veto, Severoli encouraged the *zelanti* to support della Genga, the bedridden Cardinal Vicar of Rome, who, upon his election assumed the name Leo XII. Owen Chadwick has argued, 'Leo XII was the Pope of the Restoration; elected in the high age of the Holy Alliance, when governments of Europe were determined against revolution.'[834] He returned to many of the policies of the eighteenth century, and Jews were a central concern for Leo XII. The fact that the Jews had benefitted from French rule, including being emancipated

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issue was not solely connected to the Jews of Italy. Indeed, the question of whether the temporal sovereignty was necessary for the papacy to be able to lead the Catholic Church continued throughout the Risorgimento. See Chapter 6 of Carol E. Harrison, *Romantic Catholics: France's postrevolutionary generation in search of a modern faith* (Ithaca: Cornell University Press, 2014).

[833] Della Genga and Consalvi had once been friends. They had fallen out over Della Genga's ineptitude during the Paris Peace Conference of 1814. Della Genga had arrived late to the negotiations, and Consalvi criticized him for this, and for his failure to secure Avignon. For more on this see, Roberto Regoli, *Ercole Consalvi, Le Scelte per la Chiesa* (Roma: Editrice Pontificia Università Gregoriana, 2006), specifically pages 339-346. In a move which shocked many, on 14 January 1824, following discussions between Consalvi and Leo XII held on Christmas Eve, the new pope named Consalvi as Prefect of the Propaganda Fidei – the office responsible for missionary work. On 15 January they met again discussing politics and it is rumoured that had Consalvi lived, Leo XII may have restored him to the position of Secretary of State. Robison, *Cardinal Consalvi*, pp. 182-183.

[834] Owen Chadwick, *The Popes and European revolution* (Oxford: Clarendon Press, 1981), p. 567.

Jews and granted rights of citizenship, linked them irrevocably with the forces of liberalism and revolution in the eyes many Church leaders, including della Genga and the *zelanti*.

As a Cardinal, prior to his election, della Genga had worked to return the Jews to the ghetto in Rome. Following his election to Pope in 1823, he implemented similar measures across the Papal States. He reinstated Pius VI's 1775 *Editto sopra gli ebrei* – a highly restrictive and punitive edict that sought to assert papal authority over Jews and their interactions with Christians. In Ferrara, on 13 January 1826, the gates of the ghetto were once again ordered closed overnight. Yet, as we will see, re-closing the gates did not severe all links between Jews and Christians, just as they never had before.

Ferrara had been under French rule since 1791 and formally incorporated into the Cispadane Republic in 1796 under Napoleonic rule, and merged with the Cisalpine Republic in 1797. After experiencing over twenty-three years of civil equality between Christian and Jews, including the dismantling of the ghetto system, the urban landscape and residential patterns in Ferrara were altered.[835] A significant percentage of Ferrarese Jews had moved out of the ghetto in other areas of the city, and many Christians had moved into the neighbourhood in their stead.[836]

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[835] It should be noted that throughout this period, and even after the Risorgimento and Italian unification, the area that had been the ghetto was still identified as such, even when non-Jews relocated these neighbourhoods.

[836] Since I do not have archival evidence that supports the cost of the dwellings and how they were transferred, I believe it is therefore inappropriate to comment on class or financial status of either group. I do recognize that most Jews that opted to move out of the ghetto likely possessed greater financial resources, but without evidence, I think it is best not to reinforce stereotypes. Moreover, it is a possibility

Beyond this, economic interactions had increased between Jews and Christians once religiously-based restrictions were rescinded during the initial emancipatory experience. Moreover, we find that these business connections remained intact following the restoration of the ghetto gates. Other economic interactions, such as Jews hiring Christians as servants, had also increased after the prohibitions were removed. These connections were, however, especially abhorrent to Leo XII and the *zelanti*, because they placed Jews in a position of superiority over Christians. Hiring Christians as servants created a potential risk for Jewish families – mainly in the form of illicit baptisms – and this has been much studied.[837] In contrast, the risks incurred by the Christians who elected to work with, and for, Jews have been neglected.

Re-enclosing the Ghetto

Beginning in March of 1826, there was a flurry of correspondence between Cardinal Odescalchi Archbishop of Ferrara, Domenico Genovesi, the Monsignor Vicar of Ferrara, and the Holy Office of the Inquisition in Rome.[838] On 9 March 1826, Monsignor Vicar Genovesi, wrote that the forty Jewish families still domiciled outside of the ghetto were apparently not making preparations to move or giving any indications that they would comply with the order of 8 January 1826 – which was to return to the confines of the ghetto. He asked what the Office of the Inquisition

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that the Christians owners of the houses in the ghetto may have evicted the Jewish tenants and reclaimed their historic residences.

[837] For more on the issue of conversion, refer back to Chapter Six.

[838] I only found the letters that were preserved in the ACDF, I was unable to locate the letters sent back to Ferrara in the ADFe.

intended to do in the face of this example of Jewish obstinacy, and if the Jews should be forcibly relocated.[839]

The fact that forty Jewish families had relocated to areas outside the ghetto indicates a high level of social mobility had occurred during the preceding quarter century. This number suggests that between twenty and thirty five per cent of the Jewish population of Ferrara was living outside of the ghetto walls by the end of the first emancipation.[840] Moreover, it does not appear that the Jews who elected to live outside of the ghetto chose to self-congregate in another location in the city. Jews living scattered throughout the city would have certainly made any surveillance of their social interactions with Christians more challenging.

On 13 and again on 16 March, Cardinal Odescalchi, expressed his 'painful torment' on discovering both this correspondence, and the fact that the vicar seemed to believe that 20 March 1826 was the deadline for the Jews to relocate. Odescalchi asserted that his recollection was that force was not to be used against the Jews, and he therefore awaited further instruction. Genovesi wrote to the Office of the Inquisition on 21 March, and informed them that the forty families previously domiciled outside of the ghetto had, in the preceding week, under his order, relinquished their 'obstinate stance' and sought asylum in the ghetto. Moreover, as part of this transition of people and belongings, the Christians who had taken up residence in the ghetto during the first emancipation were also forced to relocate, thereby restoring the residential divisions between the two religious groups.

[839] ACDF, Fondo Stanza Storica, Busta CC 2-i
[840] Without knowing the exact configuration of these families, it is not possible to determine the percentage with greater accuracy.

Genovesi complained that although segregation was indeed accomplished – but only at the last moment – the affair had cost him 'agitation and bitterness', for he had not received the approval to use force as he had requested.[841]

A week later, on 28 March 1826, another Cardinal reported to the Holy Office that thanks to the efforts of the Monsignor Vicar the order of Leo XII to re-ghettoize the Jews was complete.[842] He added that the main reason for the 'hesitation of some families' had resulted from difficulties related to obtaining adequate housing within the ghetto.[843] To resolve this problem the Vicar had arranged to buy houses that were coterminous with the alleys of the ghetto, but owned by Christians. This second cardinal commended the zeal of the vicar to the Inquisition, and noted that Genovesi's actions were 'particularly distinguished' on this occasion. His letter was followed a week later on 8 April with one from Cardinal Odescalchi, which provided additional proof that the Jews had been relocated to the ghetto. He indicated that the property still owned by Jews outside the ghetto was for only for business and commercial purposes and he reasserted his belief that this practice should be allowed to continue.[844]

The Ferrarese authorities continued to assess physical and religious boundaries, as well as the social interactions between Jews and Christians over the

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[841] ACDF, Fondo Stanza Storica, Busta CC 2-i. Whether Genovesi was personally anti-Jewish, which the tenor of his correspondence suggests, or simply trying to curry favour within the existing political climate, cannot be conclusively determined.
[842] The Cardinal's name was illegible, but it was not Cardinal Odescalchi. It might be Cardinal Arezzo who appears later in the records.
[843] ACDF, Fondo Stanza Storica, Busta CC 2-I, 'E siccome il principale motivo dell' esitanza di alcune famiglie nell' ubbidire derivava dalla difficolta di situarsi con una certa comodita, e decenza, in causa della ristrettezza delle abitazioni'.
[844] ACDF, Fondo Stanza Storica, Busta CC 2-i.

months that followed. Jews were subjected to further monitoring and restrictions as the year progressed. On 5 August 1826, Cardinal Odescalchi informed the Holy Office of the Inquisition in Rome of the details of the number of Christians who had previously been granted licenses to work in the ghetto of Ferrara; 118 Christians in total, identified by both name and age. There were 39 males and 79 females who ranged in age from seventeen to fifty-nine, although the vast majority were in their late thirties to late fifties, there were two aged seventeen year olds – a young man, Giuseppe Poggi, and a young woman, Chiara Rolfi, identified as *nubile*. There were two other young women, age nineteen, Luiga Jacci and Teresa Muratori, who were not identified as *nubile*, and must, therefore, have been married.[845]

Odescalchi provided this information in response to a request from the offices of Leo XII, apparently issued as part of a larger effort to limit Jewish-Christian intercourse. Contextualizing his answers, Cardinal Odescalchi noted that in the ghetto, there were not many, if any, poor Jews, which resulted in the high number of Christian servants working in the ghetto. He specifically identified that lighting fires and lights on the Sabbath was an important element of the services provided, but made clear that this was not the only form of work done. Odescalchi warned, moreover, that serious disorder would result if employment of Christians by the Ferrarase Jews was immediately outlawed. Consequently, he respectfully requested delaying of implementation of prohibitions against these contractual relationships until after the first of the following year. This delay would allow the Christians

[845] ACDF, Fund Historical Room, CC envelope 3C (Hebrews - Famulato de 'Christians - 1826).

opportunity to seek other employment, and the Jews to locate Jewish or non-Christian labourers and bring them to Ferrara. He closed by reiterating that rapid implementation of this decree would create great unrest among the people of Ferrara.[846]

Cardinal Odescalchi's unease about curtailing the ability of Christians to work for Jews in Ferrara suggests his awareness of both Jewish and Christian needs and reflects a greater awareness of the potential political ramifications such a ruling could create. His position, which contradicts that of Genovesi, may reflect a deeper understanding of the inner workings of the city and its inhabitants, and also highlights the opposing positions toward the Jews held by members of the Church.[847] Many of these Christians had likely begun their employment before the ghetto was fully reinstated, and had perhaps worked for their Jewish employers when they lived outside the borders of the ghetto walls. They depended on this income, and doing without it would have certainly resulted in financial strain for both the workers and their families, as well as on community/Church resources. Odescalchi defended the practice of Jews hiring Christian servants as a necessary consequence of Jewish wealth, even though this practice ran counter to the papal policies from the preceding centuries which called for the total subjugation of Jews to Christians regardless of wealth or status. While we cannot confirm the accuracy of his assessment of the wealth of the Jews in the ghetto, it is worth noting that he used class distinctions to

[846] ACDF, Fondo Stanza Storica, Busta CC 2-f
[847] Oldescachi had been posted in Ferrara while Pius VII and Consalvi were still alive, whereas Genovesi appears to be a newcomer as he did not previously appear in the archival sources.

indicate hierarchy, not only among Jews, but also between Jews and Christians. Of further importance is Odescalchi would have known that Austria continued to support a more lenient policy toward the Jews of Ferrara than was being mandated by Leo XII, and this knowledge may have influenced his report.

The requested delay appears to have been granted. Or, perhaps Cardinal Odescalchi was reluctant to implement the restrictions – as the sources are silent until almost four months later. At this point, Archbishop Fillipo Filonardi, Cardinal Odescalchi's successor, wrote to the Inquisition on 3 December 1826 and declared that with the ghetto under his jurisdiction, he would not hesitate to implement the instructions issued by Leo XII on 8 November 1826 in regards to the interactions between the Jews and Christians in Ferrara. Filonardi's language suggests that he had a strong dislike of Jews, as he referred to them and their religious practices as 'vile and cruel.'[848]

Filonardi soon posted notices in the city and the surrounding villages, as well as inside the ghetto, which detailed the specific restrictions on the Jewish employment of Christians by Jews, based upon the *Editto sopra gli ebrei*, originally promulgated by Pius VI in 1775, and reinstated by Leo XII in 1826. In these notices, the Archbishop warned that anyone who dared to contravene this decree would be reported to the Inquisition. In short, he barred Jews from receiving any domestic service provided by Christians whatever their age, gender, or condition. Women had one month to secure new employment, and men two months. But, the practice of

[848] ACDF, Fondo Stanza Storica, Busta CC 2-f, 'trovato molta disposzione a questo vilissimo, e crudele servigio e dalle Sinagoghe rispettive per quello riguarda gli Ebrei'.

lighting of fires and/or lights by Christians for Jews on the Sabbath was outlawed forthwith. Any transgressions would result in stiff fines, or other arbitrary punishments as determined by the Inquisition – which commonly included the *strappado* for men and public whipping for women.[849]

Rather than simply accept this new state of affairs, the Jews of Ferrara applied to Pope Leo for leniency. In particular, they urged him to grant them relief from the prohibitions that prevented Christians from entering the ghetto to light fires on the Sabbath because both light and fire were necessary to sustain life – especially the lives of children and the elderly in a climate like Ferrara, with its cold winters. Previous popes had been lenient toward Jewish communities on this matter, and they pleaded that he would follow these precedents. Stressing their longstanding obedience to both the Church and civil law, they suggested that the Archbishop might designate an adequate number of men to light the fires, and cited biblical precepts contained in Exodus as justification which prevented them from performing this task for themselves.[850]

These letters suggest that Filonardi believed zealous enforcement of Leo XII's restrictions on the Jews would be viewed favourably, as demonstrated by his rapid and aggressive implementation of these papal decrees. Yet, we also see that the Jewish community and its leaders did not feel completely powerless in the face of these

[849] ACDF, Fondo Stanza Storica, Busta CC 2-f. A copy of the printed notification can be found in the ASDF in Busta – Ghetto atti della chiusura avvenuta nel 1825.
[850] ACDF, Fund Historical Room, CC envelope 3 C (Hebrews - Famulato de 'Christians - 1826).

restrictions since there were multiple historical precedents of Jews appealing to papal authority for mercy – many of which had been successful.

This plea from the Jews of Ferrara appears to have gone unanswered. Quite possibly, in fact, their request was counter-productive, for on 16 and 17 February 1827 the Papal police arrested five Christian men who entered the ghetto, presumably to light fires on the Sabbath.[851] We know quite a lot about this intriguing incident thanks to a detailed report provided by Archbishop Filonardi for the Holy Office of the Inquisition. This missive provides details of the men in question, and the particular economic circumstances that led them to go into the ghetto. The first man, Luigi Bonfà had been arrested when he walked away from the home of Salvatore Finzi. Bonfà claimed that he had been there because he worked as a driver– of a horse and cart – for Finzi, in return for a one-third share in the profits, and that he had just returned from Bologna. There was nothing, according to Filonardi, to suggest that this story was inaccurate. Although Jews were prohibited from hiring Christian servants, the 'shared ownership' of the horse and cart between Luigi Bonfà and Salvatore Finzi did not create a problem in the Archbishop's view; it was accepted and reported as a legitimate reason for interaction between a Jew and Christian. The Christian however, only received a one-third profit, an arrangement which technically placed the Jew in a superior position – an outcome that contravened the orders of the Pope. This suggests that economic interests were possibly of greater concern than maintaining

[851] I do not know what the weather was for the Sabbath evening in question, however, temperatures in Ferrara in the winter do fall below zero, and although the records do not indicate the conditions, I suspect based upon the events recounted in the archival sources that it was an exceptionally cold night.

strict segregation between these groups. The second man arrested, Gaetano Lombardi, asserted that he had gone to the house of Felice Minerbi to purchase a pair of boots, but under further questioning, he admitted that he had gone to Minerbi's home in order to light a fire for them. As the family, however, had not been home, Lombardi did not lit the fire. Also arrested was thirteen year-old Luigi Buttieri (a second youth had been with him, fled, and was able to avoid capture), who stated that a Jew had found them in the street and induced them to go into his home and light the fire and the lights. These three cases were reported and essentially dismissed by the Archbishop, perhaps due to the fact that even if the Christians had been motivated to light fires for the Jews, the action had not taken place.[852] The arrest of Gaetano Lombardi was considered relatively unimportant by Filonardi as Lombardi had not performed this action since the family was absent. In this case at least, intention was less important than action. Similarly, the Archbishop apparently dismissed the arrest of Luigi Buttieri as unimportant, since the boy had been apprehended before the fire was lit. Of additional note in this arrest is Buttieri's assertion that the unidentified Jew – who also apparently fled the scene and could not be identified – had induced him and his companion to perform this action. The invocation of the supposed stereotypical Jewish tendency to prey upon Christians we find reflected in the child's assertion that the Jew manipulated or bribed him, resulted in the transference of culpability from the boy to the Jew.

Filonardi considered the cases against the other two men substantive, and provided more detail about the events surrounding these arrests. One of the men,

[852] ACDF, Fondo Stanza Storica, Busta CC 3 C (Ebrei – Famulato de' Cristiani – 1826).

Francesco Bonfà insisted he had gone to the home of Lazarus Minerbi on Saturday afternoon, because Minerbi demanded that Bonfà light fires in both his home, and that of his brother. When Bonfà arrived and knocked on the door, someone called out from the balcony and asked who was there, to which he replied that he was there to light the fire. This conversation was overhead by the Papal police patrolling the ghetto who then arrested Bonfà. Although Bonfà denied knowing Minerbi, it was discovered that he had previously worked as a porter for Minerbi. A fact which indicates that relationships formerly in place did not cease when papal prohibitions were issued. The fifth man arrested was Luigi Nigrisoli, who confessed that when women were forbidden from working in the ghetto, he began to work for Graziando Calabresi as a domestic servant – especially for lighting the fire and the lights on the Sabbath and Jewish festivals. On the evening of 16 February, after attending mass, he had gone to the home of Calabresi specifically for this purpose, and two unidentified witnesses denounced him to the police. The police went to the Calabresi home and found Nigrisoli there with the Jewish family – no denial could be made, for both the fire and lights were lit inside the home.

The Archbishop closed his letter of 18 February 1827 to the Pope with two final notes. He first requested a determination regarding punishments for the transgressions, and secondly related that the arrests had caused great distress to the Jews and the wealthy among them had threatened to leave the city in the near future.[853] This possibility was identified by Consalvi a decade earlier, and is precisely what Cardinal Odescalchi had warned his superiors of six months earlier when the

[853] ACDF, Fondo Stanza Storica, Busta CC, 3C (Ebrei – Famulato de' Cristiani – 1826).

initial order to reintroduce these restrictions on the Jews of Ferrara. As we have seen, Filonardi considered the transgression of these last two men more important than those of the first three, since in both cases the intention and the performance of the action were combined with an apparent on-going relationship between the Jews and Christians involved. The hiring of Christians by Jews was always contentious, yet this practice was one the Church had never managed to fully eradicate. On one level, the Jewish requirement to hire non-Jews to perform the tasks of lighting the fires on the Sabbath functioned to prevent Jewish communities from becoming fully isolated for it fostered communication and interaction across religious boundaries. Indeed, inviting non-Jews into Jewish homes on the Sabbath likely lessened the mystery surrounding Jewish religious observance for those who performed this task – which is perhaps the motivating factor behind the Church attempting to supress such encounters. In short, these incidents demonstrate that established ties between Jews and Christians remained intact, in spite of Church prohibitions on such relationships.

Needless to say, this whole episode was of great concern to all the Jews of Ferrara. Isach Pesaro, who identified himself as *Deputato=Compagni*, petitioned Leo XII and requested that this prohibition be rescinded. Pesaro began his letter by recounting that the Jewish community of Ferrara had always been a loyal subject of the Holy See. Pesaro recalled that Jews had lived in Papal lands for over six centuries; protected by the popes from forced conversions, and from having their festivals disrupted. The munificence and charity shown by the papacy (based upon the precepts of neighbourly love and charity), had, over the course of centuries,

established the Jews as zealous and affectionate supporters of the previous popes.[854] Pesaro also cited several papal bulls which allowed the Jews to remain in the Papal States and protected them from Christian persecution.[855] Moreover, Pesaro identified the passage from *Judeis ut ad – Sei es Apostolica pietatis* issued by Martin V in 1425 which ordered that Christians show meekness and mercy to the Jews; to light fires, to bake bread, and perform other acts of charity out of Christian piety. He further indicated that he was simply reiterating arguments previously addressed to Cardinal Consalvi on 22 March 1817.[856] Pesaro concluded by imploring Leo XII to demonstrate tolerance and leniency on this issue, citing historical papal precepts in support of this request. He proposed such a course of action would validate the greatness of the Pope's 'Throne of Piety', foster coexistence between Jews and Christians, and increase the zealous affections of the Israelites for the pope.[857]

This letter angered Leo XII and Pesaro was arrested on 28 March 1827. Pesaro was forced to recant his position the next day, sending a second letter in which he begged for mercy. Here, Pesaro presented himself as a most unhappy supplicant; now that he was aware that his audacity had offended the pope, he could barely express

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[854] Fondo Stanza Storica, Busta CC, 3C (Ebrei – Famulato de' Cristiani – 1826), 'Tanta munificenza, e carità del soglio verso questa in felice Nazione, che invita l'umanità de Governi, ma sopra tutti quello Pontificio, casato sull' amore del prossimo e della carità, ed ha in se stesso un sublime aspetto do costituzioni, e di ordine, animo talmente i Cuori delle Generazioni tutte Israeliti che succedute si l'une all' altre sotto si Paterno Regime dolce, e benefico, che ammolliti anco i più indurati, divennero i più Zelanti, ed affettuosi Sudditi a Predecessori della Santità Vostra'.

[855] Pesaro also cited Pope Paul IV's bull *Cum Nimis*.

[856] That letter was likely similar to the petition submitted to Consalvi in 1815 when the Jews had first petitioned for leniency and the continuation of the rights they had enjoyed during the Napoleonic era; a petition that had been supported by Austria.

[857] Fondo Stanza Storica, Busta CC, 3C (Ebrei – Famulato de' Cristiani – 1826).

his great surprise and sorrow. His intention had been founded upon the greatest possible reverence for the pope, and he disavowed the interpretation of the Papal bulls and decrees he had provided in his previous missive, proclaiming himself ignorant of their true and literal intent.[858] Pesaro's letter was forwarded to Rome with a note from Cardinal Arezzo who explained that Pesaro had willingly submitted to arrest, that his apology appeared sincere to the Cardinal, and that Pesaro had prayed to be released; a request that Arezzo planned to honour.[859]

Beyond the risk of illicit or forced baptism, the subject of Christian servants is rarely addressed in Jewish scholarship, except within *halakhic* debates.[860] These debates illustrate, once again how the physical demands of life could trump or at least mitigate religious concerns, a phenomenon we shall return to in the final chapter. Prohibitions against work on the Sabbath based upon Genesis 2:2-4 and Exodus 20:8-11 were expanded through rabbinic and halakhic interpretations into a variety of regulations and practices for Jews and their communities, which ultimately led to various forms of boundary crossing.[861] Within the context of the events in Ferrara, we

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[858] Fondo Stanza Storica, Busta CC, 3C (Ebrei – Famulato de' Cristiani – 1826).

[859] Fondo Stanza Storica, Busta CC, 3C (Ebrei – Famulato de' Cristiani – 1826): 'mi lusingo che l'arresto, al quale l Ebreo Pesaro si è spontaneamente sottoposto, servirà a convincere, che la riconvenzione fatta agli sia stata conforme alle intenzioni della Santità Sua giustamente irritata contro la temerità ed impostura usate nella Supplica promossa a nome di questa Comunità degli Ebrei. Il Pesaro oggi mi ha avanzato preghiera per essere liberato, e stimo bene di farne'.

[860] Katz discusses how rabbinic authorities were often 'caught out' in failing to comply with their own rulings regarding taking advantage of the warmth provided by fires lit by Christian servants. Jacob Katz, *The "Shabbas Goy" A study in Halakhic flexibility*, Yoel Lerner, trans. (Philadelphia: The Jewish Publication Society, 1989), pp. 55-58.

[861] For a more detailed discussion of the biblical precepts, see Deborah Weiser, Fire and the Sabbath: A look at Exodus 35:3 and the Jewish exegetical history of the

can witness the symbiotic element to these interactions. The necessity of fire and light on the Sabbath, especially during the winter months, and the financial remuneration received by Christians employed to perform these tasks was an important element of social intercourse, as alluded to by the Cardinal's concern that wealthier Jews might leave the city.

In colder areas, including France and Germany, there was often a level of leniency granted regarding the prohibitions on 'telling a servant' to light a fire, or benefiting from a fire lit by a servant based upon an agreement reached before the Sabbath. The commandant to preserve life was considered of greater importance, and 'with regard to cold, everyone is considered unwell, [and] it should be permissible to tell a Gentile to light a fire with no hesitation'.[862] As such, during the early modern period, and into the modern era, the *Shabbas Goy* was recognized as an accepted, if not openly discussed, fixture of life. This form of boundary crossing was deemed essential, and indeed, as the assertions made by Pesaro illustrate, fostered a durable form of interdependent interactions between Italian Jews and their Christian neighbours.

The exchange between Rome and Isach Pesaro, the 'audacious Jew who possessed the temerity' to address the Pope is fascinating. Jewish communities and their representatives had a long history of writing to the popes to request assistance and amelioration of their situations, and these requests had frequently been supported. Indeed, the Papacy had a surprisingly good record of defending Jews

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biblical prohibition against using fire on the Sabbath day. (Thesis: McGill University, 2002). See also Jacob Katz, *The "Shabbas Goy" A study in Halakhic flexibility*.

[862] Katz, *The "Shabbas goy"*, p. 59.

against violence, even during times of severe repression of their rights.[863] However, in this moment in time, the petition submitted by Pesaro appears to have aroused a great deal of agitation. This may reflect the fact that the issue of Christians going into Jewish homes to light fires was not limited to the city of Ferrara. The archbishop of Jesi, Cardinal Leoni, had written to the Holy Office in January of 1827 about this same subject. Affirming that this was a long-standing practice, the archbishop noted that it benefited both Jews and the Christians who lit their fires; the payment rendered for this service was much-needed by the Christians who performed the task. Cardinal Olivieri, in his response to the archbishop replied that 'Jews were forbidden from employing Christians in their homes. No exceptions could be made.'[864] Either this was simply a sore spot for Leo XII and the Holy Office, or it reflected the anxiety of the age. The desire to control the Jews was a symptom of the larger issue of negotiating the changing dynamics of the relationship between the Church, the powers of the *Ancien Régime*, and the increased secularization of society through the transformation into the modern nation-state.

[863] Popes had defended Jews against accusations of spreading the plague in the fourteenth century. The papacy also staunchly defended the Jews against charges of ritual murder and blood libel. One example of this is found in the report of Cardinal Lorenzo Gaganelli (later Pope Clement XIV); prepared for Pope Benedict XIV in response to a petition from the Jews of Poland in 1758, which is detailed in Cecil Roth, Ed., *The ritual murder libel and the Jew: The report by Cardinal Lorenzo Ganganelli (Pope Clement XIV)* (London: The Woburn Press, 1935).
[864] Ketzer, *Popes against the Jews*, p. 69.

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The ghetto of Ferrara, as elsewhere in Italy, was located in the very centre of the city. This geographic reality, combined with the fact that Jews had long been resident within the city, and were embedded into the economic and administrative fabric of the community, directly contributed to permeability of the borders of the ghetto, as illustrated by these arrests. Connections that developed during the decades of Napoleonic rule, and during the reign of Pius VII and his Secretary of State, Ercole Consalvi, were not destroyed by the simple reinstatement of the policies of the *Ancien Régime*. The Legations, in which the city of Ferrara was located, had experienced two decades of French rule, and Robinson tells us that 'as well as being more prosperous and populated and developed than the rest of the states, they had grown accustomed to liberal secular government and did not relish the prospect of a return to clerical autocracy.' [865] This was something that Cardinal Odescalchi appears to have recognised, but the leadership in Rome seems to have been both incapable of understanding these sensitivities, and unwilling to placate them.

The Jews of Ferrara were recognized as legitimate residents, both inside and outside the community. With the restoration of papal authority, they were once more subjected to onerous disabilities, but their right to be there was not questioned based both upon centuries of legal precedent, as well as the current political climate. Moreover, they formed an integral part of the community, as illustrated by Filonardi's concerned comment that the wealthier Jews were threatening to leave Ferrara in the

[865] Robinson, *Cardinal Consalvi*, 125.

near future, and also by Odescachi's assertion that prohibiting Jews from employing Christians would be distressing to the people of Ferrara.

Jewish employment of Christian servants was potentially problematic for both religious groups. Jews had to consider the potential risk that a Christian servant might secretly baptise a child or an infant while inside their home (although the concern over the conduct illicit baptism was not strictly limited to household servants).[866] Whereas Christian servants had to consider how such employment might impact their status, as these types of activities were, as we have seen, forbidden by the church and subject to varying levels of enforcement and/or punishment.

There is, however, a predominantly one-sided approach to this issue. Scant attention has been given to the challenges and repercussions that Christians faced when they elected to work with or be employed by Jews. The letters from Filonardi do not indicate what punishment, if any, was meted out to the Christians who were arrested. Based upon the evidence, the first three do appear to have not suffered any form of punishment, but it is not clear what happened to the other two men – the men that had been 'caught in the act'. It is tempting to think that they did not suffer any punishment, but that may or may not be accurate. Just as Pesaro's treatment illustrates what happened when an individual challenged papal authority, the Christians arrested may also have been punished by fines or 'other arbitrary

[866] Marina Caffiero, *Forced baptisms*, pp. 51-56. Children on their own, seemingly or actually abandoned by their parents, were potential targets for illicit baptism. Kidnapping by the church following the allegation that a baptism had occurred was also a cause for concern, with the most famous case being that of Edgardo Mortara in 1858.

punishments' in order to act as a deterrent for other Christians who might be tempted to flout the papal prohibitions for lighting fires for Jews.

In the correspondence from March 1826, the disparity in the positions taken by Genovesi, the Monsignor Vicar, and Cardinal Odescalchi reflect a conflict similar to the position of Cardinal Consalvi and Pius VII from that of the *zelanti*. The reactionary position taken by Leo XII following his election and the death of Consalvi exemplifies the tensions between the principles of civil equality amongst citizens introduced by the French and the traditions of Jewish marginalization based upon centuries of papal and secular legislation. The destruction of the ghetto gates and the first emancipation of Italian Jewry under Napoleon could not erase centuries of ingrained social habits that were predicated on the assumption of a fundamental differences between Jews and Christians that were rooted in religious beliefs. Nor could the policies supporting these distinctions simply be reinstated. Consequently, Leo XII struggled to reverse the new pattern of Jewish-Christian interactions which developed during French rule, relations which posited a new understanding of the rights of the individual and the political nation, one that was founded in the philosophy of the Enlightenment and embodied in the revolutionary ideals of liberty, equality, and fraternity. The first emancipation of the Jews of Italy was reversed and is therefore rarely addressed. But, as this example illustrates, the restoration of the authority of *Ancien Régime* was not absolute, neither was it accomplished uniformly across the Papal States nor the peninsula.

As we have seen elsewhere, even before full restoration of his title, Francesco IV of Modena rescinded many of the rights granted to the Jews under French rule.

Upon his return to the duchy, the repression of Jewish rights increased. The harsh edicts of the 1770s were once again enforced, including prohibitions on the hiring of Christian servants, restrictions on place of residence and property rights, and the assessment of heavy taxes upon the community at large.

In Tuscany, the situation was not nearly as desolate. Ferdinand III, who had fled the duchy in 1799 as the French advanced, returned to his position as Grand Duke on 30 May 1814. The Duke's policies, following on the precedents established by his father Peter Leopold I, were substantially less restrictive than those imposed by other rulers across Italy prior to the Napoleonic invasions. Upon Ferdinand's return to Tuscany, the Jewish community of Florence donated 4000 lira as part of the celebrations – this money was intended for division among 'poor Christian girls'.[867] This donation was likely a combination of a strategic move, and one of genuine sentiment by the Jewish community, and motivated by a desire to ensure the more equitable policies in effect before the Napoleonic conquest would be reinstated with the Duke's return. As well as to help remove any insinuations that they were less than faithful subjects.

In a similar manner, Pesaro's assertion that the Jews of Ferrara were loyal and faithful subjects, intended to recall not the civil equality of the Napoleonic era, but

[867] Roberto G. Salvadori, *Gli ebrei di Firenze*, p. 42. 'Eppure la Nazione Ebrea non aveva mancato di manifestare il suo perduto memoria del compiacimento espresso da Ferdinando III, padre del Granduca regnante, per la decisione della comunità stessa di stanziare la somma di quattromila lire, da dividere tra le ragazze cristiane povere, in occasione del suo felice ritorno al trono nel 1814'. It should be noted that there is no indication of what the funds were to be used for, but perhaps it was to provide dowries, or to assist young women who were unmarried and without prospects for marriage due to the number of men conscripted to fight in the French armies.

rather, what seems in retrospect, a protected situation when Jewish communities had not been tainted with the charge of revolution and papal authorities had been more lenient in policing practices of this nature. Ironically, after the first emancipation, such lenience was deemed more problematic, and Leo XII felt it necessary to clearly redefine the boundaries between Jews and Christians. This highlights the fact that issues of inclusion and exclusion are not specifically tied to civil rights. Before the first emancipation, as *cittadine*, Italian Jews were marginal yet legitimate residents with specific rights, and the ghetto was included in the management of the built environment. With the Restoration of the Ancien Régime, the revocation of the Napoleonic Code, and the shifting political boundaries across the continent, the position that the Jews had possessed as citizens was now in question. This shift must have increased the attractiveness of possessing the rights of *cittadine* - rights which may have appeared more stable during these times of political upheaval.

Yet, in Italy, although the return to the ghettos can certainly be viewed as a reversal of the move toward modernity, it also may have eased the transition in some respects. With the return of the rulers of the *Ancien Régime* repressive restrictions were reinstated in many areas, but so too were the rights Jews possessed as *cittadine*. They were not expelled and forced to migrate to foreign lands. The Jews were marginalised, segregated, and perhaps religiously despised, but, they still granted the rights of legal and legitimate residence. As we will see, the ghettos themselves continued to function as an administrative unit in such a manner that the Jews remained embedded within the urban landscape.

Chapter Eight – Health and Safety

Defence of an urban environment can take many forms: from military defence during armed conflict, to defence of life and property from the dangers of natural disasters, and protecting citizens from crime. One common development of the medieval period was the creation of walls around cities designed to protect inhabitants and property from the dangers of military invasion. These medieval walls acted as military defensive structures during wartime and provided a customs border during peacetime. They created a barrier between the inhabitants of the city and the surrounding areas and peoples, much like the walls of the ghetto separated the Jewish inhabitants of the city from their neighbours. In this chapter, however, defence is not linked to preventing incursion from a military force, but is focused on the internal hazard of fire and the external threat of cholera. Risk management and response are critical to sustaining urban areas, and 'the actor with the single greatest potential to contribute to urban disaster risk reduction is the local or municipal government.'[920] This chapter reviews the regulations and prevention measures initiated in regards to both fire and cholera by the governing authorities within the cities of Ferrara, Florence, and Modena, and assesses how these protocols influenced the process of embeddedment in relation to the ghetto and its Jewish inhabitants. [921]

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[920] Mark Pelling and Ben Wisner, eds., *Disaster Risk Reduction: Cases from Urban Africa* (London: Earthscan, 2009), p. 43.

[921] There is virtually no extant scholarship on the ghettos and their connection to fire regulations, and the minimal work on fire management in Italian is based on the late nineteenth and twentieth centuries. A similar situation exists for the second pandemic of cholera, which falls within the period covered by this study. The work in Italian on cholera by Eugenia Tognotti, *Il Mostro Asiatico: Storia del cholera in Italia*

The creation of ghettos in the centre of their respective cities led directly to on-going interactions between Jews and the Catholic majority. The physical presence of 900-2100 people living in immediate proximity to the rest of the population, albeit in a segregated and marginalized position, demanded, as we have seen, inclusion in regards to policies related to slaughter and burial practices. This trend continued, and is even more striking in relation to risk management. Had the ghettos been situated outside the walls of the city, the situation might have been different. The physical division, however, between the land and the city, defined by the medieval walls, not only effectively concentrated incidents of fire and disease within their boundaries, but also contained the potential to magnify their impact on all people who resided within their protective presence.

The similarity of the nature of these threats is reflected in how they are described – uncontrolled fire consumes all in its path and epidemic disease spreads like wildfire through a population. Our constant companion, fire is not considered a threat unless it escapes its assigned boundaries. Likewise, disease is an ever-present reality, but epidemic disease escapes acceptable boundaries by attacking indiscriminately across entire populations. Both urban conflagration and epidemic disease are crisis events capable of revealing underlying social dynamics within their communities.[922] Moreover, by the nineteenth century, the responsibilities of the

(Rome: Gius. Laterza & Figli, 2000), although quite comprehensive, does not address either Jews or the ghettos. Neither is there a significant body of scholarship in English for the Jewish experience of cholera during this early period.

[922] This argument has been made regarding cholera, see, Louis Chevalier, ed., Le cholera: La première épidémie du XIXe siècle (La Rochesure-Yon: Imprimerie Centrale de l'Ouest, 1958), also, Charles E. Rosenberg, Explaining epidemics and other

health boards extended to most aspects of public safety and urban security, including fire management and prevention.

As discrete, irregular events, urban fire is often relegated to the realm of natural disaster, for 'like all social phenomena, fire-events do not "speak for themselves", that is, the fact of their occurrence does not yield ready-made understanding of how and why they happened and what they mean.'[923] This does not suggest that they are unworthy of analysis, for often within the policies surrounding prevention, suppression, and recovery are embedded 'hidden structure[s] of urban marginality and social insecurity that constitutes a permanent condition of everyday life.'[924] Interestingly, unlike accusations related to blood libel, profanation of the host, disease propagation, and usury, there are not consistent traditions linking Jews to accusations of arson. This may be due to the longstanding, and deeply integrated, communal relationship between humanity and fire that predates the socio-religious boundaries between Jews and Christians by millennia. Moreover, as we have seen in the previous chapter, lighting fires on the Sabbath led to on-going interactions between Jews and non-Jews. Fire management in all its forms – prevention, protection, and fire-fighting efforts – had the potential to act as unifying elements both within the confines of the medieval walls, and between these two religious communities.

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studies in the history of medicine (Cambridge: Cambridge University Press, 1992). I believe this assertion can also be applied to fire events.

[923] Martin J. Murray, 'Fire and Ice: Unnatural disasters and the disposable poor in post-Apartheid Johannesburg,' *International Journal of Urban and Regional Research* (V. 33.1 March 2009, 165-92), p.167.

[924] Murray, 'Fire and Ice', p. 169.

Unlike Janus-faced fire, which is both friend and foe, cholera posed a truly terrifying threat. Its appearance as an outside invader imported from Asia coupled with the swiftness and manner in which it struck its victims, made it psychologically unmanageable. [925] Endemic to the Indian subcontinent, British soldiers first encountered cholera in Allahabad in 1817, where it rapidly claimed their lives, often within a matter of hours following the onset of symptoms. Travelling with both merchants and the military, cholera soon gained a foothold on the European continent. Reports of the new type of cholera [926] and its extreme mortality rate circulated across Europe before the second pandemic of 1829-1849. [927] Italian governments and their health boards were certainly aware of this new threat to the health and safety of their citizens since established protocols called for boards 'to obtain information about health conditions abroad in order to prevent the spread of epidemic disease.' [928] As we shall soon see, the threat and accompanying fear of

[925] Richard J. Evans, *Death in Hamburg: Society and politics in the cholera years* (London: Penguin Books, 2005), p. 228.

[926] Although it is considered a modern disease, cholera has inherited a great deal of historical baggage for centuries the word was linked with gastro-intestinal upset of various types, especially those accompanied by vomiting or diarrhoea. There can be confusion when sources contain the terms cholera, *cholera morbus*, and *cholera nostras*, to describe this milder, non-fatal form of gastrointestinal distress. By the early nineteenth-century however, the majority of accounts are focused on the epidemic form of cholera, although it is referred to as cholera, *cholera morbus*, and Asiatic cholera, depending on the location of the source. Within the Italian archives, the measures taken toward establishing protocols to protect the population indicate they are concerned with epidemic cholera, although it is frequently referred to as *cholera morbus*.

[927] The seven pandemic episodes of cholera are generally considered to be (1) 1817-1823, (2)1829-1849, (3)1853-1859, (4)1863-1879, (5)1881-1896, (6)1899-1923, and (7)1961-present.

[928] Cipolla, *Public health*, p. 47.

cholera led to the development of new, and reinstatement of existing, policies related to protection of the urban environment, and its residents.

Fire Prevention and Management

In the early morning hours of 2 May 1840, the Jewish Sabbath, a fire broke out in the area of *Vigna Tagliata* and *Gatta Marcia* in the ghetto of Ferrara, in the homes of Israelita Annao and Leone Pelligrini. Over forty men responded to the emergency, including eight in the position of *Maestro*, three engineers, and five *Carabinieri Pontifici*. Most of the responders were *Manuale*, and likely served as a bucket brigade. Response was rapid enough to limit extensive loss of additional property, although the homes of David Moisè Calabresi and David Tedeschi also suffered some damage and were therefore guarded by the squads of *Carabinieri Pontifici* stationed in the area for the next several days.

In the collection of documents related to this event are receipts for payment for expenses incurred in extinguishing the blaze. Most of the money was payment to the responders for their labour, although there were some costs related to equipment use, such as fuel for lanterns. The Presidents of the Jewish Community wrote on 11 May 1840 to the *Gonfaloniere* and expressed gratitude for the willing assistance given to their community in fighting the fire. They were concerned, however, that the bills for this assistance were inflated, and requested that these charges be aligned with general practice.[929] Cardinal Ugolini, Legate of Ferrara, replied on 22 July that the community of Ferrara was 'willing to grant the reimbursement of expenses incurred

[929] ASCFe, *Incendi*, Busta 79 - *'consuetudine general in simili casi'*.

for the fire happened the night of 2 May this year, within the limits and standards applied in other similar cases.'[930] On 29 July, the Presidents of the Jewish community responded by providing receipts for the expenses incurred, totalling 302.26 Lira, and thanked Cardinal Ugolini, both for his rapid response, and for providing them with justice.[931]

As this example illustrates, urban conflagrations are capable of crossing social boundaries: a spark, an ember, or a single, unguarded flame, all contain the capacity to consume countless possessions, homes, businesses, and even lives. This was dramatically demonstrated by the Great Fire of London in 1666, which 'consumed 373 acres inside the old city wall, 63 acres outside the wall, 400 streets, 86 churches, and 13,200 houses, which left nearly 80,000 homeless.' [932] In recognition of the double-edged nature of fire, societies everywhere developed fire regimes in an effort to maintain and exploit the beneficial aspects of anthropogenic fire, whilst simultaneously preventing its truly devastating potential from being unleashed. There is evidence suggesting fire brigades existed in China over six thousand years ago, and in the European context there is evidence that households in ancient Rome were required to have buckets and other fire-fighting tools on hand.[933] Furthermore, the Roman Legions were charged with the responsibility of acting as fire brigades in

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[930] ASCFe, *Incendi*, Busta 79: *'È disposta questa comunità ad accordarsi il rimborso delle spese sostenuto per le incendio accaduto la notte delle scorso maggio nei limiti però e colle norme sin quì praticati in altri simili casi'.*
[931] ASCFe, *Incendi*, Busta 79.
[932] Bruce Hensler, *Crucible of fire: Nineteenth-century urban fires and the making of the modern fire service* (Washington: Potomac Books, 2011), p. 102.
[933] Arthur Ingram, *A history of fire-fighting and equipment* (London: New English Library Limited, 1978), p. 7.

addition to their role of military defence of the city.[934] By the early modern period, fire regulations were being codified across the continent, with the first published in Amsterdam in 1670. In England, James Braidwood is credited as the father of modern fire service, and created the first set of published fire protocols in 1830.[935] In Italy published municipal and governmental regulations regarding fire prevention and suppression are found in documentation dating from the early 1800s.[936]

The codification of fire regulations provides one example of how municipal authorities sought to mitigate one of the most potentially dangerous aspects of everyday human existence. Fire prevention and regulatory practices, therefore, provide one lens through which we can analyse community response to a potential crisis event, and thereby evaluate underlying social dynamics that may otherwise remain concealed. Moreover, by the nineteenth century, as we have seen, the ghetto was administered in a similar manner to the Catholic parishes of the city, a trend apparently reinforced by French political and administrative practices during the Napoleonic era. It should be noted, that although emancipated and granted civic equality under Napoleon, a large percentage of Jews remained in the ghetto, and it was still referred to as such in official documentation.

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[934] Bruce Hensler, *Crucible of fire,* p. 3. Fire protection/fighting is still supplemented by the military in several countries, including the United States.
[935] Bruce Hensler, *Crucible of fire*, p. 20.
[936] Viceroy Eugene Napoleon is credited with creating the first modern fire brigade in northern Italy, consisting of 2 officers and 81 men, in Milan in 1811. This brigade was subject to military discipline, but was apparently exempted from active military service. John Kenlon, *Fires and fire-fighters: A history of modern fire-fighting with a review of its development from earliest times* (London: William Heinemann, 1914), p. 87.

In January 1804, a set of fire regulations, *Regolamento per estinguere e prevenire gl' Incendj*, was published by the municipal authorities in Ferrara. Within this ten-page document the municipal authorities outlined detailed procedures for extinguishing fires, protecting coal storage locations, and indicated precautions regarding public and private use of fire, as well as penalties for non-compliance. Written during the Napoleonic era, it included the supplemental injunction from the *Repubblica Italiana: Departimento del Basso Po*, dated nearly a month later, which stated that as this regulation affected all citizens it should be widely disseminated to all interested parties, as well as to those individuals officially tasked, in order to facilitate compliance.[937] These policies demonstrated the recognition that every fire, private or commercial, had the potential to become a public threat and illustrated how fire prevention and fire fighting were considered a form of civic duty.[938]

The third section of the Ferrara municipal regulations outlined '*Cautele da osservarsi per evitare gl' Incendi*', and included injunctions against creating furnaces or ovens without obtaining the proper inspections and license; such measures were required in order to ascertain if they would endanger the surrounding area, or if there could be an adverse affect upon others in the immediate vicinity. The authorities also

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[937] ASCFe, photo 253: *'Esso interessa equalmente ogni cittadino, e viene quindi copioamente diffuso e comunicato a chiunque interessar possa in ragione di carica, o d'incumbenza, onde facilitarne la lettera, e l'adempimento.'* As outlined in chapter two, although emancipated and granted civic equality under Napoleon, most Jews remained in the ghetto, although the gates were removed. Furthermore, the Jewish community and the ghetto still functioned as an administrative unit in relation to governmental and bureaucratic practices.

[938] I was first introduced to the idea of fire regime as civic duty by the work of Stephen J. Pyne, *Vestal Fire: An environmental history, told through fire, of Europe and Europe's encounter with the world* (Seattle: University of Washington Press, 1997), p. 55.

ordered that carpenters, dressmakers, iron masters, and all others who used fire in their shops in boilers or otherwise, must guard its use in order to prevent harm.[939] Violations of these guidelines resulted in denunciations, from and about Jews, addressed to the local municipal authorities. This practiced continued following the reimplementation of the ghetto system in 1826.

For example, in 1836, Signore Moisè Norsa and his associates apparently had a habit of using the courtyard at *Via dei Sabbioni*, 2203, for roasting coffee that was then sold in their *bottega*. His neighbours were afraid of an increased risk of fire, due to the narrowness of the space, as well as the fact that wood was stored nearby, and complained that the immense amount of smoke created by the roasting coffee filled their apartments and caused damage to their furniture and walls. They had sought to resolve the issue internally and asked Signore Norsa to stop what they believed was a dangerous practice, but he had ignored their request. They petitioned the Mayor and requested he verify the facts and invoke appropriate regulatory actions. Unfortunately, the actions taken are not evident in the sources, but may be similar to the determination made when Signore Moisè Vita Rossi submitted a similar complaint to the local authorities later that same year. He asserted that the roasting of coffee beans by Signori Ascoli and Cavalieri resulted in disturbing and inconvenient smoke and expressed fear about potential fire hazards created by this practice. The reverse of this letter records the action taken by the municipal authorities. They

[939] ASCFe, Busta Incendio.

stated that a license had not been granted for this activity and ordered the Director of Police to take action.[940]

Complaints directed to the municipal authorities were not restricted to conflicts between neighbours. Moisè Daniel Minerbi sought assistance from the governing board when his bother, Lazarus, built a fireplace and chimney in the building they shared. Moisè lived in the upper floor of the building located at Gatta Marcia, 3192, and he asserted that the construction of the chimney in his brother's residence located on the floor underneath his, created both an inconvenience and posed a danger to his residence. Moisè stated that as the chimney was near his window it created danger from smoke and from an increased risk of fire. When the authorities investigated, they found that Lazarus had applied for the appropriate permits, and the chief mason's inspection concluded that the construction of the chimney was in compliance with the regulations and was not a fire hazard.[941]

The readiness of the inhabitants of the ghetto to seek assistance from the municipal authorities on what could be considered internal ghetto matters is an interesting feature of both accounts. Much of the governance and conflict resolution between Jews residing within the ghetto, as has been illustrated by other scholars, was handled on an internal basis.[942] These denunciations, and the responses of the municipal authorities, illustrate both a recognition that the ordinances governing the city regarding fire prevention applied and were enforced within the confines of the

[940] ASCFe, Busta Incendio.
[941] ASCFe, Busta Incendio.
[942] Stefanie B. Siegmund, *The Medici State and the Ghetto of Florence* and also Katherine Aron-Bellar, *Jews on Trial: The Papal Inquisition in Modena*.

ghetto, as well as a willingness of Jews to seek assistance from the authorities when they deemed it necessary. Jewish inhabitants of the ghetto were aware of the procedures for interacting with public officials and felt confident their petitions would be reviewed and acted upon even without involvement of the internal governing body of the ghetto or by forwarding the petition through the office of the *Massero*.

In Modena we find similar developments. Fire regulations approved by the Governor and Council of Lords were published on 19 January 1819. They began by detailing the insignia used to identity the officials who were charged with fire protection and fire-fighting, and their respective ranks – yellow rosettes for the Municipal Engineer, Doctor, and Director of the Fire-fighters, and yellow neck ribbons for the fire-fighters. The identification of individuals operating in an official capacity lends to their authority and increases their ability to exercise command and control over the local population during an emergency. The selection of the colour yellow for these forms of insignia is intriguing, for yellow was traditionally a colour used for identification badges for both Jews and prostitutes. The colour selection may relate to ensuring ready visibility and identification of fire-fighting authorities in poorly lit conditions during the evening and at night, or it may indicate a decreased use of yellow badges for identification of marginalized groups.

Detailed procedures for sounding the alarm were included; such as the direction that the mayor would report the misfortune of fire by the sound of the bell; and for response; the detachment commanding officer and the Royal Dragoons would all rush to the fire. The need to prevent violence was highlighted, and it was ordered

that guards would be posted to ensure that nothing was stolen; anyone bold enough to steal would be arrested and transferred to prison for punishment. Article Nine ordered the *Sezione Ebraica* to provide *brente* – small kegs which could be strapped to the shoulders. Although the specific reason for this provision was not indicated, it must be related to being able to transport water, and may have been an item specifically produced within the ghetto.[943] The fact that the *Sezione Ebraica* is specifically identified within this document reinforces the understanding that fire-fighting efforts were viewed as a universal civic responsibility and required comprehensive resource management and support from all residents of the city.

Further to this regulation, an official notice published by the Governor and the Council of Lords on 17 December 1819 identified the individuals appointed to provide oversight for each of the eight parishes and the ghetto, and charged them with responding in the event of fire, and for ensuring the security and healthiness of the houses under their jurisdiction. Assigned to each administrative unit were three deputies, a doctor, an engineer, and a mason. We clearly see that the ghetto was included in the resources allocated for fire-fighting through the municipal authority.[944] Interestingly, the deputies for the *Sezione Ebraica* were the *Giudici alle Vittovagli*e and not the *Massero* of the ghetto, whereas individuals are specifically identified for the other eight parishes of the city. The names of the individuals selected to perform the duties of doctor, engineer, and mason, are also not readily identifiable as Jewish. This may be due to Papal and ducal policy that prohibited a Jew

[943] ASCM, *Atti di Amministrazione Generale*, Busta 249.
[944] ASCM, *Atti di Amministrazione Generale*, Busta 332.

from being in a position of authority over Christians.[945] It may be due to a lack of training, although this seems less likely for the position of deputy than for the specialised positions of doctor, engineer, and mason. Alternatively, the decision not to entrust Jewish officials with these responsibilities may also indicate a lack of trust on the part of the municipal authorities that Jewish community members would effectively perform these duties.

These fire regulations also address fire prevention, with injunctions regarding the safety and wholesomeness of the houses. The deputies were charged with ensuring adequate levels of ventilation within houses, monitoring the internal strength of the walls, roofs, floors, and stairs, and further mandated to conduct twice-yearly inspections of any houses where there is a reasonable doubt of disorder. A condensed set of instructions published for the parishes and the *Sezione Ebraica* derives from this larger and more comprehensive set of directives, and was likely intended for use as a reference handbook by the individuals charged with performing these duties within each section of the city, including the ghetto.[946]

An inspection report on 9 December 1819 summarizes numerous deficiencies related to safety and health within many of the houses located on *Contrada Blasia*. The first section of the report is focused on fire hazards and was carried out by the *Giudici alle Vittovaglie* and the engineer Orazio Pelliciani. The most frequent items in need of repair are rafters and damaged floorboards. For example, the house at *Contrada Blasia*, 971, required the correction of multiple deficiencies – window

[945] Francesco IV, following Napoleon's defeat and the return of absolutist rule, had reinstated the highly restrictive code of 1770 discussed in chapter two.
[946] ASCM, *Atti di Amministrazione Generale*, Busta 332.

frames were in danger of collapse must be repaired, and the wooden floor of the fourth floor was ordered to be replaced with oak as the owner wished to store wood and grain in the space, and replacement of the wooden stairs with stone was also required due to this intended use. The *Azienda Ebraica* was likewise ordered by the inspectors to renovate a communally owned house used by the poor; at a minimum, the door to the cellar and the first-floor beams were also to be replaced.

The second part of this report lists deficiencies identified by Doctor Antonio Fantini related to health issues. He ruled that rubbish and filth must be removed at *Contrada Blasia*, 970, and a toilet connected to the main sewer constructed under the direction of the engineer Pelliciani. Fantini also identified several other homes in need of repairs to both the incoming water supply and wastewater drainage into the sewer system. And finally, at *Contrada Blasia*, 983, he found that Signore Aron Sanguinetti was keeping 30 geese and ducks in a small room of an upper floor. This habit created a stench that Fantini believed was harmful to the other inhabitants of the building; he ordered the birds be moved to the ground floor to help mitigate this problem.[947] These and other inspections conducted for the purpose of identifying and remedying threats to general health and fire prevention foreshadow those conducted in preparation for the anticipated cholera outbreaks.

[947] ASCM, *Atti di Amministrazione Generale*, Busta 249. As Patuzzi suggests, 'geese were a recurring and constant problem of the authorities in charge of public health, since they "were kept fattening in the courtyards of the houses, on the terraces and in the cellars, where naturally large quantities of manure that were difficult to dispose of accumulated.' Stefano Patuzzi, *Una Tavola apparcchiata: Il "mangiare degli ebrei" e il caso di Mantova* (Mantova: Publi Paolini, 2013), pp. 94-95.

The records from Ferrara and Modena show how these ghettos were integrated into fire prevention and response protocols during the Restoration era – and likely earlier. Similarly, the ghetto of Florence was included in the 1836 municipal list of the areas of the city patrolled by the firemen at night. This city was divided into eight sections, and the ghetto fell within the area of the *Mercato Vecchio*.[948] Once of the most significant aspects of the fire regulations and practices is the identification of the ghetto alongside the parishes. Parishes were long-standing socio-religious groups which provided both community and personal security within cities. They were however, also convenient administrative units for the municipal authorities. The treatment of the ghetto as an urban unit similar to the parish is a key aspect of embeddedment. These records also illustrate the on-going negotiation of the physical boundaries of the ghetto through the bureaucratic interactions related to prevention, and investigation of potential hazards.

Inclusion of Jewish residential areas in civic management practices in regard to the built environment was inconsistent across Europe in the nineteenth century. When we compare the fire in Ferrara with one in Germany, a strikingly different response by authorities and the larger Christian community is seen. A fire destroyed the Synagogue in Neustettin, Germany, at approximately 11:00 in the morning on Friday 18 February 1881. Following this event, the Jewish community offered 'a reward of 1,000 marks for information leading to the arrest of the perpetrators' of the fire, and Christian citizens in Ratzbuhr offered an additional reward totalling

[948] ASCF, CA 525.

2,000 marks.[949] The interfaith solidarity expressed by this action did not, however, prevail. Relations between the Jews and their Christian neighbours rapidly disintegrated and resulted in the nearly complete cessation of social and business interactions. [950] Eventually, 'anti-Jewish propagandists alleged that the Jews themselves had started the fire to cash in on the insurance policy', and even though the authorities did not have conclusive evidence of wrong–doing, five Jewish men were arrested, two were imprisoned, and it was not until 1884 that all five were acquitted.[951]

Anti–Semitic sentiment had increased in Pomerania and West Prussia following Jewish emancipation, and this likely contributed to the tensions between Jews and Christians. Yet, even in light of these tensions, this example still serves as an intriguing counterpoint to the fire in Ferrara, for it reinforces how the Italian ghetto of Ferrara was integrated into the overarching city plans for fire suppression, and the reality that the Jewish community was able to seek both assistance from the authorities, as well as successfully seek redress for their grievances regarding the financial charges levied against them.

Finally, the actions and decisions surrounding the 1840 fire in Ferrara underline that the function of embeddedment was operating in the negotiations between these two groups. We should remember that this is the same ghetto where Christians were arrested for going in to light the fires on the Sabbath in 1827. From

[949] Stephen C.J. Nicholls, *The burning of the synagogue in Neustettin: Ideological arson in the 1880s* (Sussex: Centre for German-Jewish Studies, 1999), p. 1.
[950] Nicholls, *The burning of the synagogue in Neustettin*, p. 5.
[951] Nicholls, *The burning of the synagogue in Neustettin*, p. 9.

the Jewish community's petition for reimbursement it appears that some of the distinctiveness of the ghetto was lessening by this point. The reason for payment up front, with later reimbursement, may possibly have been related to investigations to rule out arson. The response of the fire-fighters, and the process of reimbursement, illustrate the inclusion of the Jewish community and the ghetto within the overall city environment on pragmatic, financial, and political levels. That this occurred in the Papal States, and that payment was authorised by the Cardinal Legate, suggests that the papal authorities were less repressive in their treatment of the Jewish inhabitants of the ghetto than is implied in scholarship surrounding conversion accounts. Moreover, these records indicate that the trend toward enhanced distinctiveness evidence in the events of 1827 had lessened by 1840. While the documentation suggests that charges to the Jewish community may have originally been inflated, the total expenditures appear to have been reimbursed in full. Once again, we can see how both administrative integration and the presence of the Jewish ghetto in the centre of these cities functioned to normalise the presence of Jews among Christians.

Cholera

Just as fire could spread beyond religious boundaries, cholera also posed a universal threat. The cholera outbreaks for the years 1835-1837 hit the regions of Italy with varying degrees of severity. Sicily was struck the most devastating blow, suffering a mortality rate of close to 36 out of every 1,000 people, resulting in a death count of nearly 70,000. Lombardy also suffered devastating losses, as over 32,000 people succumbed to the disease. In the Papal States, the death rate was nearly three

people out of every 1,000 whilst in Tuscany it was just under two per 1,000. Total loss of life in these regions was 6,731 and 2,562, respectively. The Duchy of Modena escaped with minimal fatalities, and only 51 people were claimed by the disease, at a rate of less than one person per 10,000 inhabitants. Things could have been much worse; in the neighbouring Duchy of Parma, 5,483 people died from contracting the cholera bacteria, at a rate of almost 12 per 1,000.[952]

During the first four pandemic episodes of cholera, the reality that microscopic bacteria could be, and were, a source of fatal, epidemic disease was virtually unknown. Cholera struck with seeming abandon and rapidly claimed its victims, often within 48 hours of the onset of symptoms. The normal course of the disease began with abdominal distress not unlike food poisoning, and as it progressed, one would void a large volume of brown or yellow diarrhoea, accompanied by vomiting, stomach pain, and abdominal cramping. Within hours, as dehydration set in, the victim experienced overwhelming thirst, and simultaneously lost the ability to speak. In this later stage copious amounts of virtually clear diarrhoea containing small, white particulates were expelled. This discharge, described as 'rice-water stool', was soon recognised as an indelible hallmark of the disease. By this point, if not sooner, the victim knew life would end, for the survival rate was believed to be well under ten per cent.[953]

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[952] Eugenia Tognotti, *Il Mostro Asiatico: Storia del cholera in Italia* (Rome: Gius. Laterza & Figli, 2000), p. 78.

[953] Based on the encounters with cholera in India, and the information provided in the press, the expected mortality rate was roughly ninety per cent. The difficulty in assessing mortality rates is discussed in Christopher Hamlin, *Cholera: The biography* (Oxford: Oxford University Press, 2009). However, in reviewing information on the number of reported cases of cholera in Italy during the years 1835-1837, the

In urban environments, disease generally struck the poor with higher frequency, reinforcing religious, racial, and class distinctions with little consideration given to the unequal access to adequate water, food, and basic sanitation which was, and remains, an inherent divide between upper and middle classes with the poor. As early as 1830 the connection between cholera and the terrible living conditions of the urban poor was gaining acceptance. The seemingly arbitrary nature of cholera, however, confounded many trying to combat the disease. Upon reaching Europe, cholera was also increasingly linked to filth, with the subsequent interpretation that the poor were not only the most susceptible to the disease, they were now also the cause, and moreover, viewed as bearing responsibility for its presence.[954]

The connection to filth, and the urban poor, is significant due to the foundational tenets of humoral and miasmic theory which governed medical practices in this period. The longevity of these theories, and their domination of medical understanding, resulted from their mutually reinforcing elements as well as their 'elegant simplicity, rigorous logic and internal consistency.'[955] The experiences of plague in the medieval and early modern periods seemingly conformed to this paradigm and thereby reinforced its validity, which in turn influenced the steps taken by governing authorities in regards to the threat of cholera. Many of the preventative measures focused on cleanliness, the improvement of ambient air quality, and on

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mortality rate appears to be between 52-57% in most of regions of the peninsula. For more information, see Eugenia Tognotti, *Il Mostro Asiatico: Storia del Cholera in Itali*a (Rome: Gius. Laterza & Figli, 2000).

[954] Christopher Hamlin, *Cholera: The biography* (Oxford: Oxford University Press, 2009), pp. 77-78.

[955] Cipolla, *Public Health*, p. 5.

protecting or isolating those groups believed to be at the highest risk for infection. The consistency in practices between preventing fire and cholera is suggestive - perhaps both approaches were built upon lessons learned and protocols established during the plague epidemics.[956] It is also possible that bureaucratic practices influenced how these inspections were conducted; when ordered to survey the current conditions of the parishes and the ghetto in light of the threat of cholera, authorities may have simply followed the already established procedures for conducting fire and health inspections.

On 1 February 1830, a directive from the Governor of the Province of Modena called for inspections of the parishes of the city, including the ghetto. The primary focus was to assess ventilation and air quality due to fear of an outbreak of smallpox or other dangerous disease – cholera was not yet directly named – and the *Conservatori di Sanità* and *Commissioni di Beneficenza* were charged with performing the inspections and ordered to submit completed reports to the General Assembly by the first of May, along with suggestions to remedy any deficiencies. On 16 March 1830, members of the court, the chancellor, and the Jewish *Massero* conducted an inspection of the ghetto.[957] Inclusion of the official leadership of the ghetto illustrates the existence of formal cooperation between the ghetto and municipal authorities. The inspectors identified the condition of many residences simply as *miserabile,* or wretched. Sometimes the entries provide more information, such as an annotation that the inspected apartment consisted of two rooms, and a kitchen, and was occupied

[956] Determining this type of connection, however, is beyond the scope of this study.
[957] ASCM, *Atti di Amministrazione Generale*, Busta 332.

by a family of five, thereby providing a glimpse into residential patterns within the ghetto. They described another residence as being 'very clean,' but nearby they found a poor family who lived with 'the product of plucking chickens.'[958]Other times they suggested specific improvements. For instance, the inspectors proposed allocating two occupants to each room of Isaac Benedetto Formiggini's house, except the kitchen, and lodging the three smallest children together.[959] There is not an indication if these suggestions were enforced. Later the same year, on 25 October, the Division of Expenditures was order by the *Giudici Alle Vittovagli*e to clean the sewer of *Rovata*, as well as the sewers of the ghetto.[960] The focus of these initial inspections on cleanliness and the call for cleaning the sewers makes sense in light of the tenets of miasmic theory, and demonstrates that the overall health of the internal environment of the ghetto, and of its residents, was important to city officials.

Authorities in the Papal States also recognized cholera as a threat of great magnitude, as reflected by the creation of the *Regolamento Sanitario* issued in 1831 by Cardinal Tommaso Bernetti, Secretary of State, Prefect of the Holy See. The opening line of this document referred to *Cholera Morbus* as an imposing illness and later explained that these regulations were created because of the universal fear of the disease. Cardinal Bernetti called for the appointment of a medical committee and outlined their responsibilities, which included: ensuring the overall cleanliness of the cities; inspecting the homes of the needy and identifying methods to improve their

[958] ASCM, *Atti di Amministrazione Generale*, Busta 332: *'in detto locale con molta pulitezza'*; *'la famiglia è miserabile, e vivono col prodotto di spennare polli'.*
[959] ASCM, *Atti di Amministrazione Generale*, Busta 332.
[960] ASCM, *Atti di Amministrazione Generale*, Busta 332.

situation; inspecting the hospitals to ensure they were well run, adequately staffed, and stocked with appropriate medical supplies; isolating those struck by the disease either in their own homes, or transporting them to the hospital for care and treatment. If adequate space was not available within the confines of the hospital(s), then it was the responsibility of the community to designate additional locations, *lazarettos*, and provide for their daily operational costs through charitable contributions.[961]

In light of this, it is not surprising that an inspection was conducted in the houses of the indigent of the ghetto of Ferrara. Here, as in Modena, inspections focused predominantly upon issues related to overcrowding, cleanliness, ventilation, and air quality, and were conducted by the leadership of the Ferrarese ghetto and the deputies of the health board. The initial inspection record included the house number, the street name, the name of the head of the household, and noted the observations of the inspectors. The poor of the ghetto of Ferrara were concentrated in the area of *Vigna Tagliata*, *Strade dei Sabbioni*, and *Viccolo Gatta Marcia* in forty-two homes, which served to accommodate over fifty families. These homes were often excessively crowded, frequently with seven to ten people occupying a single room. The inspection summary, written as a second, separate document, detailed many of the changes that should be made to improve the living conditions of the poor of the ghetto. The inspectors sought to impose a maximum limit on the number of people occupying a

[961] The origins of *lazarettos* can be traced to the regulations governing lepers, and the hospitals of *San Lazzaro*. These hospitals provided a model on which the plague hospitals were founded, and ultimately the cholera hospitals were also know as *lazarettos*. Richard John Palmer, *The control of plague in Venice and Northern Italy, 1838-1600*, Ph.D. Thesis (Unpublished) University of Kent at Canterbury, 1978, p. 24.

property and linked this number to the amount of available bed space within a residence. They allowed that the ground floor could be occupied, as well as the upper floors, when there was adequate ventilation. They also maintained that sleeping in a room without windows would not be tolerated, and further determined that if the window was narrow, where possible, it should be made larger. Intriguingly, they confirmed that the public *Fondo di Beneficenza* could be used to provide additional beds to facilitate separation and suggested not having more than three persons sharing a bed.[962] There were frequent comments concerning the need to clear and clean the drains, as well as the latrines, and of the need to remove manure from the courtyards. There were, moreover, recurring annotations regarding the amount of light inside the buildings, the level of available sources of ventilation, and the apparent quality of the ambient air.[963]

In regard to general cleanliness, the committee ordered that the excessively filthy, dark, unventilated narrow and poorly maintained courtyards must be cleared of all uncleanness and filth, immediately whitewashed where necessary, and then maintained by being swept on a daily basis. In areas where there was stagnant water, they indicated that the underground drains must be restored - the cleaning and restoration must be completed by the owners or lessors of the property, based on the directions provided by the health board - and if the work was not completed there would be penalties and fines assessed against the owners.[964] As there were once again prohibitions against Jews owning property, this expense may have been the

[962] ASCFe, *Repertorio Secolo XIX/Sanitá*, Busta 25.
[963] ASCFe, *Repertorio Secolo XIX/Sanitá*, Busta 26.
[964] ASCFe, *Repertorio Secolo XIX/Sanitá*, Busta 26.

responsibility of the Christians who owned the property. Furthermore, if neither the owner nor lessor could not meet the expenses for said repairs, then the health office would provide assistance, again illustrating the availability of public funds for use within the ghetto.[965] The inspectors particularly noted that the clean up of the entrances to the buildings was absolutely indispensable since the lack of external doors resulted in continuously open doorways, thereby increasing exposure to the unclean evacuations of passers-by.[966] Since the constant closing of the doors was not compatible with the construction of certain housing, and moreover, since these entrances were required for both ventilation and light, and also served as thoroughfares, the committee recommended that wooden gates be installed. The *Commissione di Sanità* then charged the Trustees of the Jewish Community to ensure the appropriate measures were taken to clean the ghetto, improve the overall air quality, and remedy the deficiencies identified by the inspection. To aid in this the 'powers of officers of public authority' were conferred.[967] This again highlights the treatment of the ghetto as an administrative unit similar to the Christian parishes and their officials.

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[965] The connections between public charity and inclusion/integration of Jews is an important factor to consider when discussing group identity, as illustrated in the work by Rainer Liedtke, *Jewish Welfare in Hamburg and Manchester c. 1850-1914* (Oxford, 1998). In Hamburg, Jews were excluded from seeking public assistance until after they obtained full civic equality. In Manchester, Jews had access to public resources in the 1830s, yet the community there continued to operate its own assistance fund. The situation we see reflected here, and later in this paper, in Italy is therefore distinctive, as this is the use of public funds within the ghetto, and not simply funds for a specific individual or family.

[966] ASCFe, *Repertorio Secolo XIX/Sanitá*, Busta 26.

[967] ASCFe, *Repertorio Secolo XIX/Sanitá*, Busta 26: *'poteri di incaricati di publica autorità'.*

As these actions illustrate, the municipal governments of these three communities embraced the tenets of miasmic theory and believed it was vitally important to limit noxious odors in order to achieve and maintain the highest level of air quality possible in order to prevent epidemic cholera from attacking the city and its inhabitants. There is not a singling out of the Jews, or a sense of equating them as a vector, or source, of disease. Nor is there evidence of scapegoating or of placing responsibility for the epidemic upon them. Those who subscribed to the prevailing doctrines surrounding the miasmic transmission of disease understood it to operate much in the same manner as fermentation. "As in the process of fermentation itself, a minute quantity of some 'virus' seemed to be able to induce a particular change in a much larger volume of material. Thus it explained how the atmosphere could serve as a medium for the transmission of disease; ubiquitous and necessary to man's existence, the air could become the source of illness through its very indispensability." [968] But addressing environmental contaminants was only one avenue of defense: it was also necessary to maintain health on an individual level.

Humoral medical doctrine, as previously stated, proposed that when the four bodily elements were in harmony that individual health was the naturally resulting state. Poverty, with its accompanying lack of resources, and more specifically, an inadequate, and often compromised, food supply, was recognized by these officials as a weakness that could ultimately impact the community at large. On August 28, 1835 when cholera was reported within several regions of Italy, as well as within the

[968] Charles E. Rosenberg, *Explaining epidemics and other studies in the history of medicine.* (Cambridge, 1992), p. 98. This also relates back to the concerns surrounding the issue of tent-pollution explored in Chapter Four.

Grand-Duchy of Tuscany, the Florentine health board discussed how improving the diet of the city's residents, by allowing the consumption of meat on all days of the week, could serve to ward off disease and preserve health.[969] A unanimous vote of all twelve members of the council determined that the Archbishop should write to obtain a dispensation from the Holy Father and pardon the 'rigorous discipline' of abstaining from the consumption of meat on Friday, Saturday, and other traditional religious fast days.[970]

Although such dispensation would not be necessary for the Jewish community, it does illustrate the health boards effort to combat and counter the cholera epidemics through the exploitation of all avenues of defense. This is further substantiated by the expendituress annotated within the expense report of August to December 1835 for *preservare questa Città dall' invasione del Colera.* In Florence almost 1,300 Lira was allocated for meat and other edible foodstuffs to help support the overall health of the population. This document does not indicate if any of these foodstuffs were distributed within the ghetto of Florence, and most assuredly the pork purchased was not intended for, or consumed by, the Jewish members of the community.

In Ferrara, however, there is clear evidence that the health boards actively assessed the availability and quality of the food supplies with the ghetto. As previously related in the discussion of the 1831 inspection based upon the *Regolamento Sanitario*, prosperous members of the community were encouraged to engage in charitable efforts to ensure adequate sustenance levels for the needy and

[969] ASCF, Deliberazioni, CA 45.
[970] ASCF, Deliberazioni, CA 45.

poor of the ghetto. Additionally, the inspection in 1835 of the ghetto indicated that it had been observed that unhealthy food including, but not limited to fruit, was being offered for sale, and that the deputies were to proceed rigorously against these vendors in accordance with the ordinances from 27 September 1831 and 2 April 1832.[971] Moreover, the health commission decided to reissue the publication that contained the instructions and methods for the preservation of individual healthiness.[972]

Although the foundational elements surrounding miasmic and humoral medical theories are frequently derided in light of modern medical knowledge and our understanding of the role of bacteria and viruses in infectious disease, it is important to remember that some of the measures adopted by the health boards were, in fact, effective. The injunctions to clean the refuse and dung heaps from the city streets and courtyards, the clearing, repair, and maintenance of the sewers, the protection of the water supply, and efforts to improve the overall health of local citizens were all important strategies in mitigating the effects and transmission of disease, especially a disease with a fecal-oral mode of transmission of infection. Moreover, as these sources illustrate, the ghettos and their Jewish inhabitants were incorporated into the overall plan for attempting to ensure the safety of the cities and their residents from the threat of cholera. Unfortunately, these measures would not be enough to prevent cholera from advancing upon the Italian peninsula.

[971] ASCFe, Repertorio Secolo XIX/Sanitá, Busta 25.
[972] ASCFe, Repertorio Secolo XIX/Sanitá, Busta 25.

On 31 July 1835, a *circolare* from *Il Consigliere di Stato: Governatore della Città e Provincia di Modena*, stated that cholera had struck the city of Nice, and called for the immediate implementation of all necessary precautions, especially for cleaning of the capital. The *Governatore* ordered the purging of the sewers, the removal of the corpses of dogs and cats, the cleaning and sweeping of streets, prohibited dumping refuse from windows, and called, furthermore, for the removal of manure from the city, especially in the ghetto.[973] It seems unlikely that the specific inclusion of the ghetto was based upon medieval prejudice that the Jewish ghetto was likely to be a source of the disease, or whether it reflects the prevailing understanding that the poor were more susceptible to contracting illness. Taken in context, it appears simply to be an injunction added to ensure that no quarter of the city was neglected due to the clear and present threat of a cholera outbreak.

In Florence a similar process was followed, and it is not surprising to discover that nearly half the expenditures listed in the report of expenses to *preservare questa Città dall' invasione del Colera* during August to December 1835 were allocated for the cleaning of the streets, disinfecting the rooms occupied by the local poor, and the construction of a public slaughterhouse. [974] There were additional public expenditures during this period specifically related to the ghetto and the *Mercato Vecchio* which both bordered, as well as included, one of the main gates allowing entry into the ghetto of Florence. Contractors were hired and paid a total of one hundred and four Lira to repair the paving over the sewer on *Via dei Succhiellinai* at the gates

[973] ASCM, *Atti di Amministrazione Generale*, Busta 369.
[974] Archivio Storico del Comune di Firenze (ASCF), Deliberazioni, CA 225.

of the ghetto as well as for the expurgation and restoration of the this sewer line.[975] Twenty-five Lira were provided to allow for work completed to repair the urine drain located in the *Piazza del Olio*, and an additional 164 lira were allocated to expurgate and restore the existing sewer in the *Mercato Vecchio*. All of these expenditures were unanimously passed during the months of November and December 1835.[976]

As in Modena, as cholera advanced upon the Italian peninsula, authorities in Ferrara again conducted inspections in the ghetto. On 10 August 1835 following an inspection of the ghetto, a meeting of the Municipal Health Commission confirmed that it was of the utmost importance to clean and maintain latrines and areas where chamber pots are kept, to increase the ventilation of wet rooms, and to ensure the removal of filth from inside houses and courtyards. Additional deficiencies for correction included relocating the geese (again, these belonged to Signore Sanguinetti, or possibly his son) to the area previously designated in 1831, the removal of accumulations of filth, both inside homes and in courtyards, the clearing of both existing drains, and construction of additional ones linked to the storm-water drains to improve drainage and cleanliness of the streets and courtyards. Inserted into the minutes of this meeting was an account of the inspection of the hospital made by Dr. Poletti, in which he suggested increasing the ventilation in the room containing the men's latrines by enlarging the windows, and installing a pump similar to the one in the women's room to improve the water supply to this location. Dr. Poletti also suggested the daily washing of the men's latrine with chlorinated water in order to

[975] ASCF, Deliberazioni, CA 45.
[976] ASCF, Deliberazioni, CA 45.

destroy the 'stinking fumes'. He also called for the construction of a second latrine in the women's hall and for improving both the level of cleanliness and the amount of ventilation for this room as well.[977] The Health Commission concluded that if these items were not attended to directly and to the level outlined in the 1831 regulations, the municipal authorities would contract for completion of the work, and the expense would be repaid by the Jewish community.

Beyond the items outlined by Dr. Poletti, the Commission determined that the *Capi Strada*, or street leaders, should be reinstated within the ghetto to ensure the many deficiencies related to the cleanliness and healthiness of the environment of the ghetto were rectified. Citing the regulations of 1831 as justification, they renewed the deputies of the Jewish community to oversee such efforts, again granting them the powers of 'public authority'. As we have seen, granting Jews positions of authority to fulfil the needs of the municipality suggests close connections and expectations of cooperation between the city and the ghetto. Of distinct interest, however, was that the committee 'believe[d] it appropriate to propose… how useful the re-opening of the natural doors of the Israelite houses' would be in helping to eliminate the

[977] ASCFe, *Repertorio Secolo XIX/Sanitá*, Busta 25. The regulations and modifications suggested for the latrines in Ferrara calls into question the overall sanitation systems in Italy. In the recently published work of Ann Koloski-Ostrow titled *The archaeology of sanitation in Roman Italy*, she presents that elements of ancient Roman engineering such as exploitation of 'gravity flow and low pressure systems of channels and pipes' are generally retained in medieval cities. (p. 43) Furthermore, there is evidence that Roman technology related to 'the use of aqueducts, underground sewers, baths, dams, and drainage canals…were put to use in a variety of environmental conditions in the Italian peninsula with varying hygienic results' throughout the medieval period. (p. 44) It would be erroneous to develop an image of sanitary practices mirroring our modern understanding, but it would be equally negligent based on the evidence to assume an utter lack of infrastructure related to the disposal of human waste.

accumulation of rubbish, and make the atmosphere freer. They further stated their belief that neither the government, nor the Archbishop, would oppose an initiative of this nature now that the gates of the ghetto were permanently open.[978] This proposal indicates a shift in perspective not apparent in the 1831 inspection reports which only called for the enlarging of narrow windows where possible. It addresses the fact that the enclosed microcosm of the ghetto would benefit from the removal of the physical blockage of windows and doors which opened onto areas populated by Christians. Opening these doors would inevitably allow for increased entry into the ghetto, for although the gates may have remained open, there was still limited access to the internal space of the ghetto due to the exterior walls which remained intact. Therefore, this simple statement reveals a tremendous shift in attitude about the level of separation between Jews and Christians. It may have been driven solely by fear of the threat of cholera, but it does not appear previously within the records.

The Health Commission also detailed logistical provisions related to hospitals, medical supplies, and the staffing of doctors, pharmacists, phlebotomists, and priests in these facilities. Within the minutes of the inspection conducted in Ferrara and reported on 10 August 1835, is found a note in which the Health Commission emphasised the necessity of designating a suitable location for isolating anyone who is 'attacked by a disease generally considered to be contagious' is identified as critical. [979] The commission determined the owners of such property would compensated for the loss, and that 'the costs incurred for making these provisions

[978] ASCFe, *Repertorio Secolo XIX/Sanitá*, Busta 25.
[979] ASCFe, *Repertorio Secolo XIX/Sanitá*, Busta 26: *'attaccati di malattia di genere contagioso'.*

will be drawn from the *fondo de Beneficenza*' in accordance with the guidelines of article 13 of the *Regolamento Sanitario* [emphasis included].[980]

Approximately a month later, one of the main items under deliberation by the Health Committee on 3 September 1835 was the need to identify buildings appropriate for use as hospitals in the event of a cholera epidemic.[981] Those selected included the former convent of *Montara*, the area of *San Giorgio* and *San Lucia* for use by Christians, and the *Palazzo Montecalini* was proposed as the hospital of the Jews.[982] The Health Committee suggested the white buildings of *San Nicolo* and *Casa Fornari* in *Via Squazzatori* could also be used if more space was required, and it was further noted that the Jesuit priests might offer the convent of *San Bartolomeo* for housing beggars, as these individuals are most likely to contract and spread infection.[983] Clearly, the Health Commission viewed beggars, not Jews, as posing the greatest risk to the community: they were the outsiders, the people without legitimate place.

They also outlined the need to acquire necessary supplies for the hospitals to ensure they were adequately stocked, the need to construct stretchers for transporting the sick, and a mortuary cart for transporting the dead to the cemetery. Finally, doctors would have to be assigned to both newly created hospitals as well as to work with the local pharmacists to facilitate citizen access to health providers. Although the Health Commission called for the creation of a separate Jewish hospital, this was part of a larger initiative of creating additional hospitals throughout the city.

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[980] ASCFe, *Repertorio Secolo XIX/Sanitá*, Busta 26: *'Le spese che potranno occorrere per cosi fatti provvidenze verrano tratti dal fondo di Beneficenza'.*
[981] ASCFe, *Repertorio Secolo XIX/Sanitá*, Busta 26.
[982] This building was located within the ghetto, at *Via Contrari*, 27.
[983] ASCFe, *Repertorio Secolo XIX/Sanitá*, Busta 26.

This separate facility, therefore, is in keeping with the practice of providing multiple locations across the city in anticipation of a large influx of patients in the event of an outbreak; it does not seem to reflect a belief that Jews constituted an elevated risk. Furthermore, a request sent to the both the governing authority and the Archbishop on 4 September 1835 adds another dimension. In this letter the Health Committee requested: that in order to provide the dying with the spiritual help prescribed by our holy faith we believe it appropriate to involve *Monsignore Arcivescovo*, who in his wisdom will indicate all those measures that may be apt, including the need for the priests that lend themselves to this task to reside permanently in these spaces.[984] We can see from the inclusion of religious personnel in the *Lazarettos* that these institutions were intended to not only provide medical care, but also to offer support related to religious needs and sacraments for the individuals stricken by the disease. This provides further justification for having separate *lazaretto*s to care for each religious group.

The creation, therefore, of a separate Jewish lazaretto, provisioned through public funds, clearly incorporates the ghetto and its inhabitants in the city's preventative measures. At the same time, we can see that separation between Jews and Catholics during epidemic crisis was maintained. This can be read several ways. Separation could be a punishment, or a way to prevent undesirable interactions.

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[984] ASCFe, *Repertorio Secolo XIX/Sanitá*, Busta 26: '*onde pretstare ai monemti que spirituali soccorsi, che sono preferitti dalla santa nostra religione, si crede pure opportuno di interpellare S. E. R. Monsignore Arcivescovo, perchè voglia nella sua saggezza indicare tutte quelle misura che sieno atto ad ottenere nel miglior modo possible quest' intento bene intendendo però, che i sacerdoti, che si presteranno a tal uopo, dovranno permanentemente risiedere nei locali medesimi per ogni prontezza e buon fine'.*

Segregation could also provide a means for preserving religious integrity for both traditions, since *lazarettos* traditionally provided religious care as well as medical treatment.[985] Although it does not appear that Jews requested a separate *lazaretto*, this may be due to longstanding practice of having independent facilities. Furthermore, it was likely a welcomed division, for kosher dietary requirements could be maintained, and Jews stricken with illness could be cared for without fear of illicit baptisms being performed upon them by Christian caretakers prior to death. The establishment of separate *lazarettos* for Jews and Christians may, however, also provide an example of enhanced distinctiveness; a form of group behaviour characterised by the reinforcement of the status hierarchy between the in-group and the out-group that was potentially influenced by historical perceptions linking Jews to disease.

By November of 1835, the situation across Italy was deteriorating and *Cordones Sanitare* were being implemented. Italian health boards had long experience of establishing such preventative measures, as well as enacting quarantines when epidemics threatened, having adopted similar protocols since the fifteenth century in response to the plague epidemics.[986] A *notizia* from the Ministry of Foreign Affairs of Modena on 8 November details the implementation of these restrictions, stating that only those in possession of a certificate of health from a recognized authority would be allowed entry into the duchy. All others were subject to a ten-day quarantine, and if they or their goods had travelled from regions that

[985] Richard John Palmer, *The control of plague in Venice and Northern Italy, 1838-1600*, Ph.D. Thesis (Unpublished) University of Kent at Canterbury, 1978.
[986] Cipolla, *Public Health*, 28.

were known to be in the throes of a cholera outbreak, they were subject instead to a fourteen-day quarantine. The following day the Counsellor of State declared that a formal *Cordone Sanitare* between the Este domains and the Papal States was in effect.[987]

Almost a year later, the *Azienda Ebraica* petitioned on 17 July 1836 for relief from the tax burden of supporting cholera victims. The council warned that it was necessary, for the public benefit under such extraordinary circumstances, for the city to fund such necessary measures as has been done in similar cases.[988] This appears to have been agreed to, and in August 1836, the council approved a proposal outlining the structural modifications required to transform a local building into a cholera hospital, *lazaretto*, for the Jewish community of Modena, which lists in great detail which windows and doors should be closed up by the masons and which should remain uncovered in order to provide both light and ventilation. Windows located too close to other homes were to be bricked over in order to prevent the spread of unhealthy fumes from the hospital to the surrounding neighbourhood.[989]

Cholera threatened again the following year, and in July of 1837, a request from the *Giudici Alle Vittovaglie* was made to the *Podestà* to reinstate the *lazaretto* for the Jews, and the Governor and other ministers apparently visited the site.[990] The

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[987] ASCM, *Atti di Amministrazione Generale,* Busta 369.
[988] ASCM, *Atti di Amministrazione Generale*, Busta 369: '*Trattandosi quindi di un oggetto che riguarda la pubblica beneficenza, prevengo le [Governatore], di avere annuito all' avvanzata domanda per questa straordinaria circostanza, e però lo rendo di conformità avvertite onde si diano da codesta Comunità le disposizioni opportune giusta il praticato in casi con simili*'.
[989] ASCM, *Atti di Amministrazione Generale*, Busta 369. There are over 20 numbered items on this list describing in detail the positions of each window and door.
[990] ASCM, *Atti di Amministrazione Generale*, Busta 369.

Council also drafted a letter that called for stocking the hospital with the appropriate medical supplies, fuel, and a cart for transporting corpses to the cemetery. They confirmed that the physical modifications had been made to a suitable standard, and only minor repairs to the building were needed. They concluded this letter with a request for an estimation of expenses for equipping the hospital, from the *Pulizia Amministrativa.*[991] This directive again illustrates municipal involvement and the use of public funds in providing resources to the inhabitants of the ghetto in the overall preparation of the city for an invasion of cholera.

In September 1838, under the auspices of the *Azienda Ebraica*, Lustro Rovighi the owner of the house modified for use as the *Lazaretto Cholerosi*, requested it be returned to its original state.[992] It was not, however, until February 1840 that concrete steps were taken to accomplish the renovation and restore the premises to a habitable condition. The municipal authorities hired the engineer Felice Monfredini, to complete an inspection of the property and provide a list of deficiencies to be corrected along with an estimation of costs. His assessment determined the total cost would be 350 Modenesi Lira. Signore Rovighi must have found this unacceptable; through the offices of the *Azienda Ebraica* he commissioned a second engineer, Picinini, to complete another assessment. The engineer Picinini's report, which was forwarded to the Chancellor two weeks after Monfredini's, calculated repairs and renovation costs to be in excess of 1,400 Lira. On March 6, 1840, a decision was reached regarding compensation during the *'Atto di Sessione Conciliativo'* attended by

[991] ASCM, *Atti di Amministrazione Generale*, Busta 369.
[992] ASCM, *Atti di Amministrazione Generale*, Busta 369.

two municipal judges, two officers of the *Azienda Ebraica*, the Chancellor, and Signore Rovighi. The deliberations determined that certain modifications, such as the staircase built to allow access to the *lazaretto* from outside the walls of the ghetto, must be retained in case the house was needed as a *lazaretto* at a future date. Retaining the staircase prevented other modifications, such as re-opening windows. Some concessions were made to Signore Rovighi, such as modifications which granted easier access to water for the inhabitants of the property from inside the ghetto than was possible in its existing configuration. The governing authorities were keenly aware that by restoring the building and compensating Signore Rovighi they were setting a precedent; both for the ability to commandeer property in times of need, as well as establishing guidelines for reparation. They affirmed that these decisions 'will always have the be kept in view <u>for similar cases, and similar circumstances</u> [emphasis within the text].' [993] They ultimately determined compensation of 150 lira per year, from the date work commenced to convert the house into a *lazaretto,* would be paid for its restoration (approximately 550 lira).[994]

This meeting, and the decisions reached, illustrate several principles. First, we can see that members of the Jewish community felt comfortable petitioning the municipal authorities and were successful in negotiating compensation and restitution within established bureaucratic processes. Indeed, the decision to hire a second engineer to assess the situation clearly indicates that Signore Rovighi felt justified in challenging the findings of the engineer hired by the municipal authorities.

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[993] ASCM, *Atti di Amministrazione Generale,* Busta 369: *'si abbia sempre da tenere in vista <u>per casi con simili, e circostanze analoghe</u>'.*
[994] ASCM, *Atti di Amministrazione Generale*, Busta 369.

Second, this interaction suggests habitual interactions between the leaders of the ghetto and the municipal officials, and a recognition that agreements reached between them were not only binding on the parties involved, but that these decisions established precedents applicable to both Jews and Christians, that could, and likely would, be revisited in the event of future incidents.

All of this reflects the competing priorities between maintaining religious divisions and ensuring the health and safety of all residents of the city of Modena. In Ferrara, the use of public funds to improve living conditions within the ghetto underlines the extent to which Jewish residents were included in the urban planning process with the goal of preventing an outbreak of cholera. Together, with the inspections and repairs completed at public expense in Florence, the actions taken around the cholera pandemic suggest on-going and durable administrative connections between the ghetto and the local authorities. Moreover, the *Regolamento Sanitario* issued by Cardinal Bernetti, which reached beyond the boundaries of the Papal States, illuminates the multiple layers of administrative authority that existed, and influenced, local decisions across the peninsula, for it was Article 13 of that regulation which mandated compensation for the loss of property commandeered for use as *lazarettos* was necessary, and this was cited in the proceedings surrounding the property of Lustro Rovighi in Modena.

There were limits, however, to civic inclusion. After the city of Ferrara emerged relatively unscathed from the initial encounter with cholera, the Provincial Government designated Friday-Sunday, 25-27 November 1836, as a 'Triduum of Thanksgiving' by the Provincial Government in honour of the city's 'Glorious

protector, San Giminiano'. A large notice stated that 'through Divine Mercy we were preserved from the terrible scourge of *Cholera Morbus* that threatened us so closely', and called on the parishes, religious guilds, and brotherhoods of the city to join in the duty of rendering solemn thanksgiving.[995] There is no mention of Ferrara's Jews in this document, but we can assume that the Sabbath would have prevented their participation in such celebrations from Friday evening through Saturday evening. Indeed, such celebrations were religious in nature, and centred on the Cathedral. Both the marginality of the Jews, illustrated by their exclusion from the celebratory activities, and the strength of confessional divisions between these two groups are clearly reflected.

Furthermore, these events challenge the tradition of associating Jews directly with disease. Historically, disease was seen as an intrinsic part of Jewish character. The belief that Jews were either a carrier, or initiator of disease, dates well before the Christian era. It continued into the medieval period and further expanded to include allegations that Jews poisoned foodstuffs and water supplies, at various times and in multiple regions, with the goal of destroying Christianity. Ultimately, even responsibility for the plague, or Black Death, was placed upon Jews, as the epidemic swept through Europe in the mid-fourteenth century, resulting in expulsions and massacres of tens of thousands of Jews across Christendom.[996]

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[995] ASCM, *Atti di Amministrazione Generale*, Busta 369: '*Triduo di Ringraziamento*', 'Glorious protector, San Giminiano', '*Se per Divina Misericordia siamo stati perservati dal terribile flagella del Cholera Morbus che sì da vicino ci minacciava'.*

[996] Robert Michael. *Holy Hatred: Christianity, Antisemitism, and the Holocaust*. (New York: Palgrave MacMillan, 2006), p. 93.

This linkage certainly survived into the modern era. As late as 1892 Jews were linked to cholera, and subjected to dehumanizing quarantine in New York during the fifth pandemic.[997] Interestingly, the association of Jews with the spread of epidemic disease may have been weaker in Italy, since Jews had not been so strongly linked to the plague, in part due to Papal edicts which asserted they were not to blame.[998] Although the continuing enforcement of segregation between religious groups through the creation of separate *lazarettos*, may have been intended to maintain and reinforce social and physical divisions out of fear of contamination, the archival records do not support such a conclusion. Rather, it is the failure to identify Jews as a source of this new disease that appears more striking.

The inclusion of the *Massero* of the *Azienda Ebraica* in the inspection process illustrates recognition of their status by the public authorities and demonstrates one aspect of embeddedment and civil integration. The positions of *Capi Strada*, or trustees, granted the 'powers of officers of public authority' further reveals the delegation of power to the Jewish men selected to perform this role, suggesting that these men were deemed trustworthy, reliable, and capable of enforcing municipal directives and ordinances. This conferral of authority does not necessarily contradict the restrictions against the use of titles by Jews as called for by *Cum Nimis*, as this authority would only be exercised over fellow Jews residing within the confines of the ghetto. We find a similar dynamic in the restitution process surrounding the property

[997] Howard Markel. *Quarantine! East European Jewish Immigrants and the New York City Epidemics of 1892* (Baltimore: The John Hopkins Press, 1997).
[998] Anna Foa. *The Jews of Europe after the Black Death*. Trans., Andrea Grover (Berkeley: University of California Press, 2000).

of Lustro Rovighi. The requirement for compensation, as we have seen, was mandated in a papal regulation. The precedent established by this decision would serve to support Jews or Christians seeking restitution in similar circumstances, thus establishing inclusion on a legal level as well as a practical one.

Embeddedment as an element of group boundary negotiation is further confirmed by the suggestion to reopen the natural doors of the ghetto of Ferrara. As discussed, this change would significantly increase the ability of both Jews and Christians to move into and out of the environs of the ghetto whilst simultaneously decreasing the authorities ability to regulate such movements. The expected benefits related to improved ventilation and cleanliness, thereby reducing the potential threat of cholera were deemed significant enough by these authorities to justify such a change. Moreover, the necessity of developing medical support for potential cholera victims through preparing and equipping *lazarettos* clearly illustrates aspects of inclusion. The fact that these hospitals were established in the context of creating locations across the city to care for the ill, and furthermore, that they were supplied through the use of public funds supports this interpretation. Such measures were not intended strictly for relieving the suffering of those afflicted by the disease, but also aimed at protecting others from becoming ill, and therefore, the city at large.

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Disease has historically provided one foundation for the process of 'othering', especially in relation to Jewish communities. This myth stretches from the pre-Christian association of Hebrews with leprosy, through medieval encounters with

plague, to the twentieth century Nazi allegations that Jews were intrinsically flawed and diseased due to their racial heritage. Interestingly, in Italy in the early nineteenth century, the threat of cholera does not reveal these types of tensions. Preventing religious contamination through limiting social intercourse was one of the main motivations behind the creation of the Italian ghettos. One would expect therefore, to find an increase in regulations separating Jews from the rest of the population based on these historic precedents coupled with the fear engendered by this 'alien' invader. Instead, the records from the second pandemic of cholera show that rather than being singled out and persecuted as a result of the threat of epidemic disease, the Jewish ghettos of Ferrara, Florence, and Modena were included in the planning and prevention protocols implemented within the cities. As we have seen, this inclusion took the form of inspections, the allocation of public funds for preventative measures related to housing and hospitals, and restitution for the use of property after the immediate threat had passed.

In contrast, fire was such a constant presence, that it had to be addressed in a consistent and constant manner. This helped forge on-going relationships that spanned the walls that divided Jews and Christians from one another within the built environment. The fact that that these ghettos were located in the centre of these cities resulted in interactions between the municipal authorities and the Jewish residents that illustrate the socio-spatial dialectic that I have described as embeddedment. The threat posed by anthropogenic fire when it escaped its boundaries shaped regulatory practices and established specific Jewish-Christian interactions. These include both

hazard inspections and the involvement of civic authorities in activities that could be considered an internal community matter, such as the roasting of coffee beans.

The examples of fire management and disease prevention illustrate the permeability of the walls and gates that defined the ghetto. These issues overrode concerns surrounding the enforcement and maintenance of religious boundaries. This resulted from the unpredictable nature of these threats and their ability to create crisis situations in the urban environment. Moreover, these examples illustrate the changing political situation across Europe. Whereas a few decades earlier, papal decrees and the policies of the Duke of Modena were highly repressive and sought to actively reassert the distinctions between Jews and Christians, these examples illustrate clear changes. The inclusion of Jews in leadership positions and the reparation payments to Rovighi for restoration of his property indicate a softening of the municipal enforcement of restrictive policies. Moreover, the provision of public funds for use by Jews residing within the ghetto contrasts with what is found elsewhere in Europe. This, I would argue, further demonstrates the nature of Jewish rights as *cittadine*, as well as the embedded nature of the ghetto within these cities. Moreover, it highlights the durability of institutional memory within the built environment and the importance of looking at Jewish experience through a lens other than simply inclusion or exclusion.

Conclusion

Throughout the centuries covered in this study, the regions of Italy functioned as independent sovereign states. Prior to the Risorgimento and Italian unification, Clemens von Metternich's oft-quoted statement that Italy was simply a 'geographical expression' was recognized as revealing a certain level of truth. However, focusing on the regional division and political diversity of the peninsula disguises the forms of interconnectedness that existed throughout Italy. As we have seen, ecclesiastic policy and papal decrees exerted a strong influence on the Dukes of Tuscany and Modena. The health boards and the Inquisition were also capable of extending their influence throughout Italy. In the course of conducting inquisitorial business, the Congregation of the Holy Office developed an extensive communication network that extended the authority of the Church across the peninsula. This communication network was not dissimilar to that developed by the Health Boards. The key difference was that the central authority of the Inquisition was based in Rome, whereas the Health Boards were independent of one another: owing primary allegiance to their city or state. Both institutions consistently shared information, a process that fostered a level of uniformity across the peninsula in regards to matters under their jurisdiction. Jewish communication networks also extended across the regional borders within the peninsula, as well as into Europe and across the Mediterranean and the Atlantic, fostered by both familial and trade relationships. These communication networks resulted in webs of connection between these regions that belies the commentary

that Italy was simply a geographical expression prior to the invasion of Napoleonic forces.

The interplay between ecclesiastic and secular authorities in regards to policies that concerned the ghettos and their Jewish inhabitants reveal three fundamental truths. First, we have seen that policy without implementation through bureaucratic institutional structures would have remained in the realm of intention and thought. If the papal directives which called for the segregation of Jews in walled and gated enclaves were not implemented and enforced outside of the Papal States, a comparative study would be neither possible, nor necessary. This comparison highlights the importance of analysing bureaucratic and municipal sources. For, as we have seen, the inauguration of ghettos across Italy was not completed uniformly. Rather, the ghettos were established in each of these three cities based upon specific legal and political circumstances. Ghettoization was a more complex and regionally specific process than the extant historiography suggests.

Secondly, if policies move from the realm of intention into the realm of implementation, but the application is inconsistent, transient, or ineffective, then these policies exert a destabilizing influence that can lead to insecurity both within the minority group subjected to inconsistent treatment, as well as within the majority group and the bureaucratic organisations charged with implementing said policy. Bureaucratic insecurity can result in inefficiency at best, and social unrest and violence at worst. In short, consistent implementation of policy, even if it is repressive, does foster a degree of security.

The policies of ghettoization, although restrictive and repressive, did create stable and legitimate places of Jewish residence within these cities. This legitimacy – a legal and recognized right of residence – established, or at least fostered, a sense of 'belonging'. The Jews who lived in these ghettos were not simply Jews. They were *cittadine* – Florentine, Ferrarese, and Modenese Jews with specific rights. They understood the types of recourse available to them in legal matters within their cities of residence, and they recognized that their rights as *cives* coexisted with their religious identification. As we have seen, these rights had deep historic roots in Italy that never fully eroded. Jews living in Italy were *cittadine*. As such, they were able to negotiate some aspects of their lived reality through engagement with the bureaucratic offices and the officials in their respective cities. Indeed, the issues surrounding the civil marriage application in Modena during the first emancipation, highlight the durability of these bureaucratic systems even during a period of political transformation.

Third, this thesis demonstrates that deep continuities in institutional practice and in the civic status of ghettoised Jews in Italy created a framework that normalised the Jewish presence in urban communities in ways that went beyond theological and political policies about the place of Jews in Italian society. Here I have particularly emphasised the ways in which the central location of the ghettos – situated in the heart of the urban community – mandated an approach to managing the realities of urban life that included rather than excluded the ghetto as a place and, by extension, the people who resided within its walls and behind its gates.

We see the durability of institutional memory and practice with particular clarity if we focus on the period of revolutionary upheaval and Napoleonic rule in Italy, which coincided with the first Italian Jewish emancipation. From the inception of the ghettos, regulatory policies surrounding slaughter and burial fostered municipal integration of the ghetto within the urban environment. This trend was enhanced during the Napoleonic era, by new bureaucratic practices related not just to burial management but also to fire-fighting. When the absolutist governments returned to power in Italy after Napoleon's defeat, many of these bureaucratic practices developed during the Napoleonic era remained intact. Indeed, although repressive restrictions on Jews were reinstated (including re-enclosure within the ghettos), the defensive protocols against fire and cholera introduced in these cities served to reinforce the inclusion of the ghetto within the urban communities of Ferrara, Florence and Modena.

This trend is demonstrated in strikingly similar ways in all three cities, in spite of their different overarching political structures. Here it may be helpful to recall that Habsburg-ruled Tuscany operated a relatively enlightened regime that predated the Napoleonic era and remained intact after 1815, in stark contrast to Ferdinand III of Modena who did not hesitate to reimplement the harsh edicts of 1775 which had sought rigorously to prevent Jewish-Christian social interactions. Surprisingly perhaps, policy in the Papal States was more moderate, reflecting differences between the enlightened approach of Consalvi and the hard-line position of the Zelanti which created a framework in which the authorities in Ferrara could and did police Christian work in the ghetto more tightly than had historically been the case.

Yet, even in Ferrara we find that Jews were deputized as *capi-strada* and Jews themselves seemingly did not hesitate to approach the municipal authorities to express concerns about the roasting of coffee beans in ghetto courtyards, or the construction of a new fireplace within a residence, rather than seeking to treat these issues simply as internal community matters. Both the attitude of the authorities and the attitude of the Jews themselves reflect the function of embeddedment operating between the Christian in-group and the Jewish out-group.

The crucial point here is that fundamental matters of health and safety – which touch upon the most basic aspects of human existence – mandated an approach that included rather than excluded Jews. When it comes to burying the dead, urban fire events, epidemic disease, and even dealing with individuals suffering from lunacy within a densely populated urban environment, distinctions between the in-group and the out-group were, and remain, essentially meaningless. For this reason, both the categories proposed by social identity theory and the categories habitually deployed by Jewish historians to describe the diasporic experience – based upon the opposing poles of inclusion and exclusion – fail to capture the realities of life in the Italian ghettos. While on the one hand the day-to-day management of urban life was predicated on the assumption that Jews belonged to the urban community, on the other, the very same authorities which incorporated Jews at the most fundamental levels of municipal management continued to police the religious boundaries between Jews and Christians in ways that reinforced religious segregation and promoted the social marginalisation of Italian Jews.

Jewish historians have used the term 'ghetto' both literally and metaphorically. Moreover, they have done so in ways that overlook the structuring dynamic of the socio-spatial dialectic identified by Edward Soja, which is inevitably specific to a particular place. In many ways, embeddedment defined the Italian Jewish experience. It is not enough to say – as I did to begin with – that the Jews who lived in these ghettos were not simply Jews, but rather Ferrarase, Florentine, and Modenese Jews with specific rights. This understates the commonalities in their experiences. Commonalities which, as we have seen, existed before the first emancipation under Napoleonic rule, and certainly before Italian unification.

It remains to be seen if embeddment was specific to the Italian ghettos, or whether it can also be applied in other European contexts. On the one hand, there were other locked and walled ghettos in Europe: Prague, Frankfurt and Pressburg to name just three important examples. On the other hand, the status of Italian Jews as *cives* or *cittadine* was distinctive. Equally importantly, the location of the Italian ghettos in the very heart of these cities reflects the fact that they were consciously created in ways that undercut existing residential patterns rather than based upon the simple formalisation of an existing practice of Jewish self-congregation, which was the case for both Prague and Frankfurt. It may be that the Italian ghettos had more in common with the *mellahs* of Morocco than they did with their Central and East European counterparts, and indeed the importance of religious law as a framework for regulating toleration in both cases may point in this direction. That, however, opens up a much broader range of questions than this thesis can hope to address.

Epilogue

My interest in Italian Jewry began in 2009 during a paper written for my Masters in a seminar on Modern European history. For that paper, I originally considered pursuing questions related to the influence of the papacy during the Holocaust, and more specifically focused on Pius XII. I soon discovered that this highly contentious topic had been extensively explored, and I shifted my inquiry to the experience of Italian and immigrant Jews during the German occupation of the Italian peninsula. It was then that I was first intrigued by the process through which Italian Jews moved – seemingly with ease – into the larger Christian society following the Risorgimento. Uncovering how this happened was the original motivation behind my current line of research.

Several years later, I spent the final morning of my first research trip to Ferrara in the *Archivio Diocesano* with Don Peverada. During my visits to this archive, Don Peverada allowed me to look at anything and everything that I wished to examine. I sensed that he was slightly amused by my enthusiasm. I went to the municipal archive for the afternoon, and out of curiosity, asked to look at the documents for both the inter-war period and World War II. This is the unedited journal entry I wrote that evening.

14.10.14
Today I had a rather surreal experience in the archives. This morning I was working in the *Archivio Storico Diocesano*, and I found a census from 1630 which listed all the Jews living in the ghetto by family and by street. This afternoon, I was finishing up in the *Archivio Storico Comunale* and asked to look through the *bustas* from the 1930-40s – the documentation related to the racial laws which has been loosely collected. And I was looking at census lists again. These were compiled by family

and again identified the streets of residence – 300 years later – and I am seeing the same list. The same names, many of the same streets. And it hits me, no matter what the official policy of the church, no matter what the Pope did or did not do, the church and the papacy are absolutely complicit in the Holocaust. At least in regards to the Italian Jews. For centuries, and within almost living memory, the church had identified and distinguished the Jews living within its realm as distinctly other – as separate and alien. It trained 'its Jews' to be catalogued and inventoried and to accept this, because it would be harsh at times and lenient at others (as reflected in exemptions from '*il segno*' and the hundreds of travel permits I have seen). Which all sets the expectation that although things may be bad, we can survive, we can persevere, it will get better.
But the lists.
Name after name.
A roll call of separateness.
A roll call of otherness.

Lists of '*discriminati*'.

Amazing how history can sit up and smack you in the face.

Embeddedment, as I have shown, was an on-going and relational process. I have also demonstrated the durability of institutional memory. This is why this matters. At the time that the boundaries of the ghettos I have studied were drawn and reinforced, the spectre of genocide was not what it has become. Clearly, my current research is not focused on the Holocaust. Yet, the past, although experienced and read in a progressive, linear manner, is also fluid and dynamic, as is demonstrated by the trends in historical enquiry which are shaped by current events and the recent past. Moreover, once we know something, we cannot 'un-know' it. We may forget, but we cannot un-know it. As we look at the events of today, I cannot help but worry that that past is coming back to haunt us once again as I see boundaries being drawn and calls for walls to be constructed.

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Archives

AAF – Archivio Archivescovile di Firenze
Pia casa dei catecumeni

ACDF – Archivio della Congregazione per la Dottrina dell Fede, Vatican City
Stanza Storica
Materie Diverse
Ebrei

ASCF – Archivio Storico del Comune di Firenze
Deliberazioni
Bandi e Stampe

ASCFe – Archivio Storico Comunale di Ferrara
Registri delle Deliberazioni
Stampe e Bandi Comunali
Beneficenza
Controversie e Cause
Repertorio Secolo XIX
Sanitá
Strade e Fabbricati
Strade Urbane
Censo
Patrimoniale
Popolazione

ASCM – Archivio Storico Comunale di Modena
Atti di Ammistrazione Generale
Gridario
Ministero di Interno
Miscellanea di Ragioneria

ASDF – Archivio Storico Diocesano di Ferrara
Casa dei Cattecumeni di Ferrara
Ghetto
Documenti Episcopali
Ebreos

ASDM – Archivio Storico Diocesano di Modena-Nonatola
Opera pia dei Catecumeni
Syinodus Folliani 1781
Memorie & Documenti

ASF – Archivio di Stato di Firenze
Nazione Israelitica
Camera Granducale
Liquidazione Francese
Miscellanea Medicea
Ufficiali di Sanitá
Scrittoio delle Regie Possessioni
Corte d'Appello poi Corte Imperiale 1808-1814

ASFe – Archivio di Stato di Ferrara
Archivio Notarile Antico di Ferrara

ASM – Archivio di Stato di Modena
Archivio per Materie
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