EARLY MODERN WORKSHOP: Jewish History Resources

Volume 7: Jewish Community and Identity in the Early Modern Period, 2010, Wesleyan University, Middletown, CT

Conjugal Disputes at the Jewish Court of 18th Century Altona

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ABSTRACT: Disputes between married couples in 18th century were sometimes brought before the Jewish court (the Beit-Din). Analysis of protocols of session which dealt with such disputes reveals facts about tensions caused by contemporary family structure and marriage customs as well as about the means which the court applied to enforce policy. The texts presented here are excerpts from one of the protocol books of the Jewish court of Altona. Altona, at the time subject to the Danish King, shared institutions with the neighboring Jewish communities in Hamburg and Wandsbeck, a union which produced several kinds of documents covering a period of almost three centuries (16th-19th), some of which have survived and are held at the Central Archives of the Jewish People in Jerusalem. This volume of the court's protocol book contains 1458 listings from the period 1768-1771. The following excerpts record court decisions in cases of disputes between married couples. The first, which according to the date on the page (but not on this specific entry) is from 1768, records the court's intervention in a conjugal dispute, sentencing both parties to refrain from visiting their own parents, revealing how gender mattered in such cases. The second, dated 1769, informs about the court's involvement in family relations and reveals ways in which neighbors were engaged to enforce community policy and social control.

This presentation is for the following text(s):

- Protocol of Altona Jewish Court

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Protocol of Altona Jewish Court

Protocol Maaseh Beit Din BeAltona

1768,1769

Translated by Noa Shashar, Hebrew University, Jerusalem, Israel

Protocol book of the Jewish Court in Altona CAHJP, AHW/121/1
P. 18 entry no.321:
Avraham son of David the slaughterer is obliged to live with his wife according to Jewish law [and] she will accept upon herself in oath that she will not go to her mother and her mother won't come to her and we warned her that should she violate her oath she will [be divorced] losing her *Ketubah* money according to the law of a women transgressing *Dat Yehudit*. And he too won't go to his father and his father won't come to him. And should Avraham refuse to dwell with his wife he is obliged to give her alimony according to the court's decision.

P. 22, entry no. 381:
Due to quarrels and disputes which occurred between a man and his wife the honorable mr. Boneh son of Ber F"F and his wife Mrs. Dosil daughter of Yaakov son of Itzek, after they have claimed before us in length we saw that in order to [moderate] peace between them that the honorable mr. Boneh will rent an apartment to live there with his wife mentioned above, here in Altona. And the rent will be given by Yaakov from his own and the apartment will be in a house of an honest man who is not a relative of honorable Boneh's or of his wife's, and if it is impossible to find such an apartment he will rent one in a place where there is a Jewish neighborhood by the house he will rent, and mr. Boneh will live there with his wife until after the term of her labor, i.e. four full weeks after the delivery and then he may return to his home in Hamburg, and his wife will join him. He is not obliged to bring his houseware here to Altona at all, and during this time the husband and wife will behave towards each other with love, affection and peace and will not stimulate disputes, and will only behave with each other as do the rest of the kosher sons and daughters of Israel and if maybe god forbid disputes between the two will arise they will be investigated according to neighbors [to discover] who begun the

quarrel and who caused the dispute, after which the case will be judged accordingly. And if Mr. Boneh doesn't want his father-in-law and mother-in-law to come to his house he may object to them doing so apart from during her labor days. If something happens to her god forbid her mother is allowed to come to her and Mr. Boneh may object to[1] his wife's going to her father's house from Sabbath to Sabbath. All this is done as a compromise according to the will of the two and *in Kinyan Soder*, Thursday, 18 Shevat 176[9]

Endnotes

[1] may prevent her from doing so.

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פרטאקאל מעשה בית דין באלטונא
Protocol Maaseh Beit Din BeAltona
1768,1769

Prepared by Noa Shashar, Hebrew University, Jerusalem, Israel

פראטאקאל מעשה בית דין באלטונא CAHJP, AHW/121/1

דף י"ח פסק מספר 329:

אברהם בר דוד שוחט מחויב לדור עם אשתו כדת משה וישראל רק היא תקבל ע"ע [על עצמה] בשבועה שלא תלך אצל עמה [!] וגם אמה לא תבוא אצלה גם התרינו בה שאם תעבור על שבועתה זאת תצא בלא כתובה כדין עוברת על דת גם הוא לא ילך אצל אביו וגם אביו לא ילך אצלו ואם ימאן אברהם הנל לדור עם אשתו מחויב הוא ליתן לה דמי מזונות כאשר יושתו עליו בב"ד

דף כ"ב, פסק מס' 381:

מחמת קטטות ומריבות שהי'[ו] בין איש לאשתו ה"ה כ' בונה שי' ב"ר בער פ"פ ואשתו מ' דוסיל בת כ' יעקב בר' איצק אחר שהעריכו [!] בטענותיהם ודברי ריבותם לפנינו מצאנו כדי [לתיווך] השקט ביניהם שכ' בונה י' הנל ישכור דירה לדור שם עם אשתו הנל פה אלטונא ושכר דירה יתן כ' יעקב הנל משלו והדירה תהי'[ה] בבית של איש ישר אשר אינו קרוב לכ' בונה ולא לאשתו ואם א"א [אי אפשר] למצוא דירה כזאת ישכור במקום שיש שם שכונת יהודי'[ת] אצל הבית שמשכיר וידור כ' בונה שי' עם אשתו שם עד אחר כלות ימי לידתה דהיינו ארבע שבועות מלאי'[ם] אחר הלידה ואח"כ הברירה בידו לחזור לביתו בהאמבורג ותלך אשתו עמו אמנם אינו מחויב להביא כלי ביתו לכאן אלטונא כלל, ותוך זמן זה הנל יתנהגו האיש ואשתו הנל באהבה וחיבה ושלום ולא יעוררו מדני'[ם] זה עם זה רק ינהגו כשאר בני ישראל ובנות ישראל הכשרי'[ם] ואם אולי ח"ו יתעוררו מריבות וקטטות ביניהם יבורר ע"פ השכנים מי הוא המתחיל במריבה וגורם הקטטה וע"פז יקוב הדין בינהם אח"כ, ואם רוצה כ' בונה הנל שלא יבואו חמיו וחמותו לביתו יכול למחות בידם חוץ מבימי לידתה אם יארע לה שום דבר ח"ו רשאה אמה לבוא אצלה גם יכול כ' בונה שי' למחות באשתו שלא תלך לבית אבי'[ה] משבת לשבת כל זה נעשה דרך פשר ברצון שניה'[ם] ובק"ס [ובקנין סודר] נעשה הנל יום ה' ח"י שבט תקכ"[ט]

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