

Moroccan-Jewish Views in Women-Inheritance Regulations and their Western Influences: History and Halacha

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Starting in the 12th century, Jewish scholars across the globe dealt with issues surrounding women inheritance. Multiple regulations were enacted in order to mitigate the discrimination felt by women's surviving parents and family.

In the article we survey the subject of women inheritance in Talmudic literature, Rabeinu Tam's regulations in France, the SHUM (Speyer, Worms, and Manz) Enactments in Europe, and other enactments and regulations in Christian Spain. We focused on Moroccan-Jewish regulations from the end of 15th century to the middle of the 20th century. Given space constraints, we did not discuss the novelties and intricacies of each and every regulation and did not compare and contrast the regulatory developments in the Eastern-Sephardic diaspora. Following extensive research, we concluded that women standing, as it pertains to inheritance rights, was significantly better in Jewish-Moroccan communities than in the rest of the Jewish world. While a widower right to his wife's estate was reduced to less than half, a widow was entitled to half of her husband's estate, a right that was also transferred to her inheritors including those from her father's household.

Additionally, we uncovered the influence of Rabeinu Tam's regulation on the regulation set forth by Moroccan-Jewish scholars, as it reflects in Rabbi Eliyahu Hatzarfati's regulation. There are significant similarities between Rabeinu Tam's and Rabbi Eliyahu Hatzarfati's regulations, as both were initially rejected by most Jewish scholars but eventually became halachic cornerstones.

It also became clear that following the expulsion of Jews from Spain, there were no continues and open discussions regarding women inheritance in the Jewish world outside Moroccan-Jewish community.

We observed multiple stages of unique and unprecedented development and creative interpretation, including readily enacting new regulations as time progressed, and the consideration of public opinion through referendums regarding the existing practices.