

BIRTH OF A CHILD JEWISH FAMILY AND ITS ATTITUDE TOWARD OFFSPRING

The ideas about family, the most solid social foundation in the life of man, are as old as the Jewish nation itself. They survived unchanged throughout history, from the *First Book of Moses (Genesis)* until today. For centuries, the Jewish family preserved the integrity, spirit and tradition of the Jewish people, wherever in the world they lived. It provided a shield against assimilation, stronger and more important than the one offered by the synagogue. The first notions about the world, as well as the models of behavior and the system of values, are formed within the family. It has therefore been the major focus of reflections and debates found in the numerous religious books of the Jewish people.

The Jewish family is essentially patriarchal, although traces of matriarchal organization can be found in the structure of its internal relations. These traces are believed to be inherited from the early stages of the history of mankind, or more precisely, from the earlier, more primitive periods in the cultural history, when the matriarchal system predominated. Within the Jewish family, the traces of the matriarchal system are to be found in the treatment of kinship, which still parts from the maternal side of the family. Apart from that, there is a clearly expressed attitude toward the man – as the „head of the household” – who should be generous and considerate of his wife and children and treat them with love, care and respect. It is also possible that this matriarchal thread, present throughout history up to the present day, does not come from the early stages in the social evolution, but rather that it was accepted, together with the *Torah*, as a rational way of regulating familial relationships. In any case, regardless of whether the described social relations continually developed from the primitive to the more civilized cultural levels, the fact remains that the relations within the Jewish family have been established with regard to a specific combination of customs, aimed at





preserving the family as the basic social group, as well as at creating spiritual harmony with the extended community. The system of family upbringing and religious education in the period of childhood very seldom created problems such as alienation or inadaptiveness in broader community. Furthermore, breaking the traditional rules has been rarely heard of, and have always been sanctioned accordingly (for example: marriage with a member of another religion was condemned by the community and sanctioned by total excommunication; inflicting injury to another person was compensated for by a special type of fine, etc.)

The primary role of the Jewish family (other than its more important social roles) has been the continuation of life. (This role has been maintained to this day, even though the term *continuation* is understood with much more lenience). According to the Jewish religion and tradition, children are God's reward and the main purpose of any legal relationship between man and woman. A marriage without children cannot be a happy one.

Unlike the *Bible*, in which no reference is made of conception and pregnancy, the *Talmud* contains elaborate biological, scientific and theological views on this subject as it was understood in the Talmudic scheme of things. In fact, the *Talmud* on the one hand contains a mixture of irrational and religious ideas, and on the other, rational explanations of the processes which a woman undergoes while carrying the embryo.²

Judaism regards the human being as the union of three entities – the father, the mother and God. The father gives the child the so-called „white” substances, i.e., bones, nails, eye-whites and brain, while the mother's are the so-called „red” substances, such as blood, flesh, skin and eye pupils. In addition to these physical elements, God's gift to Man is his spirituality as well as the physical powers closer to the spheres of aesthetics and intellect – mind, breath, beauty of shape, eye-sight and hearing, as well as the ability of speaking, walking, understanding and reasoning. When a man dies, God takes „his part” back, leaving the father's and the mother's material parts behind.

The *Talmud* does not give any particular consideration to the act of child birth, viewed as a physiological and physical phenomenon. In the *Talmud*, the moment of birth is understood as a symbolic bond between Man and God, i.e. within the context of comparing Man's powers to the powers of God (plants grow from the soil cultivated by man in the same way a human creature is born out of two different seeds – male and female – united by God's will). Thus the fetus is the fruit of joining the male's and the female's seeds together, but the child's sex is determined at the moment of ejaculation. If the woman reaches the orgasm first, the child conceived at that moment will be of the male sex, and vice versa.³





In the *Talmud*, there is a description of the fetus, of its position and the way it is being fed inside the uterus. Pregnancy is believed to be divided in three phases of equal duration, which affect the sexual activities due to the physical changes experienced by the woman and the embryo. A couple's intimate relations are of great importance for harmony in marriage, and must not be neglected. The *Talmud* describes the right position of the fetus during each of the three phases and recommends the exact periods of abstinence (or rather extreme caution) or activity. The realistic description of the fetus' health and its position is vivified by the religious idea about the fetus being aware of the *Torah* and its contents throughout its developmental stages. This awareness, given by God, is taken away by an angel at the moment of birth. A newborn is coming to this world as a *tabula rasa*, but, according to a popular belief, the hole on the face between the nostrils and the upper lip is the sign of the angel's touch, and, consequently, oblivion.⁴

Apart from the religious and the scientific explanations given by the Talmudic philosophers, pregnancy and the act of giving birth, as well as the postpartum period, were denoted in the popular customs, primarily in the form of a series of ritual procedures of character that showed their remote pagan origin. Even though these customs were a part of the folklore, with no official religious codification, they were supported by the popular belief in their role in protecting both the mother and the child from disease and evil spirits.

Throughout the history of mankind, there was no society or civilization that did not accept superstition and magic (we still knock on wood to protect ourselves against the evil). Man turned to magic most devotedly in the early stages of his development, when he felt powerless before the Nature and diseases, and when mortality rate in women and newborns was high. Since the future of the family and its members depended on the individual's own mechanisms of defense, it is easy to understand why they resorted to magic, which, if nothing else, offered a subjective feeling of security. It is impossible to make a difference between the magical rites practiced by the Jews and those practiced by the neighboring peoples on the similar cultural level. Regardless of all other ethnic and religious features which shape their particular cultural identities, most of these rites were not culture – or nation-specific, as they resulted from intercultural communication. For example, one of the old rites which served to protect a child-bearing woman from evil spirits consisted of drawing a magical circle on the floor, with chalk or carbon, around her bed. In order to ensure a quick and easy labor, all the ribbons (bows, knots) on the woman's clothes used to be left untied.

In case of a difficult and risky labor, more rites typical of the Jewish people were performed: with a bunch of keys to the local synagogue in





hand, the child-bearing woman would wear a belt used for tying the *Torah* scrolls around her waist, as prayers were said by the graves of the pious ancestors. The ritual processions were led around the local graveyard walls, with the Psalms and prayers of remorse sung continually. In the Mediterranean and the countries in the Middle East, inhabited mostly by the Sephardim, the women were typically protected by differently shaped amulet (a hand, a seven-branched candelabrum – *menorah*, etc.). Various magical activities were also engaged in: to prevent a miscarriage, the house doors were kept open and pots uncovered throughout the pregnancy; sweets were put under the childbearing woman's bed in order „to bribe“ the evil spirits... Lilith, the evil female demon, who, out of envy, attacked the mother and her child in the post-birth period, was the most dangerous of all. Lilith was particularly interested in male newborns. To fight against the awful Lilith, a variety of talismans and amulets were used, or, more precisely, the objects and products typical of a particular geographic area – ivory, corals, certain kinds of metals and, of course, still very commonly used, garlic. The Ashkenazim of Eastern Europe had a habit of putting a red ribbon around the child's wrist. However, in most Jewish communities, the most common was the belief in the power of steel, which is why a knife was usually put under the mother's bed or inside her baby's cradle. The most convenient for the purpose was the circumcision knife. The fear from Lilith lasted right until the circumcision ceremony, after which the male infant established connection with God.⁵

The ceremony of naming a child varied according to local customs: male infants were usually named during the circumcision rite, and female babies on the occasion of their father's visit to the synagogue to read the *Torah*, or during their mother's first visit to the synagogue after childbirth. In Western Europe, the naming of a child usually took place at home, in a festive atmosphere in the family circle, often in the morning on Saturdays.

Birth of a child – especially a male child – was considered a major and a happy event. The custom of welcoming a male infant – *sholem zokhor* (Hebr.) is one of the oldest rites still actively used.⁶ With some local variations, the basic purpose of this custom is to gather relatives and friends in the festive and happy atmosphere of the parents' home.

After reciting the appropriate extracts from the *Bible* and the *Psalms*, the guests are served drinks, sweets and fruit. The custom consists of three basic symbols expressed by the way in which the guests are served: firstly, it is necessary to serve chick-peas or lentils (their shape is reminiscent of the circle of life); secondly, food is sometimes served on the „sad“ table (reminiscence about the life's ephemeral nature), and thirdly, the main purpose of





servicing the guests is to symbolically comfort them, just as the children are comforted because they forgot their knowledge of the *Torah* at the moment of birth.

It is important to point out that the purpose of the *sholem zokhor* was not to form and support different emotional attitudes toward male and female children. The *Talmud* is explicitly against any differences in expressing feelings and in the treatment of sons and daughters, as well as against any kind of favoritism. The parents should show the same love and care to all their children. In early childhood, the mother is the one who has a more direct contact with the children and, consequently, plays a more important role in their upbringing. Later on, the father takes more responsibility, particularly in the boys' upbringing, while the mother continues to take more care of the girls (until they marry). On the other hand, the *Talmud* also regulates the children's attitude toward their parents. They have moral and human obligation to unreservedly respect their parents, i.e., to obey them without questioning their authority. In accordance with the traditional rules, the parents could exercise their rights related to their children. For example, they could arrange their daughters' marriages through ransom, or even sell them as slaves – though this right was limited.⁷ These ancient customs, established in the times when life was difficult and the struggle for survival continuous, did not acknowledge prostitution. It was strictly forbidden, no matter how hard the living conditions were. It could be said that the traditional regulations of the relationship between parents and children (daughters) were to a certain extent based on a strange „enslaved-free” kind of contradiction. While the parents were allowed to influence their children's private life and future, with the right to impose upon them some very drastic requirements, as in the above cases, their daughters were allowed to return to their father's house after divorce.

The position of male children is very interesting, especially in the context of the relations between brothers. The role of a brother (or brothers) has a special place within the Jewish family. The relations between brothers, based on solidarity and harmony, are, in fact, one of the most cherished Biblical ideals. Consequently, there are hypothesis about the ancient Jewish society as a developed system of brotherhoods organized in tribes. Brothers, not fathers, used to be the heads of such communities. Since this situation is analogous to particular stages of the overall social development, and since it is in accordance with the Talmudic view of the father's role in the family (for a brother is also a father), this may be a correct assumption. Moreover, the term *brother* was used in a much broader sense, not only to denote kinship. However, this is still just a hypothesis, since Biblical ideals and forms of address cannot be taken as absolute proof.



The first-born child enjoyed special treatment, both in terms of ritual and economic status.⁸ This aspect of traditional family relations should not be confused with the code of a principled attitude toward all children, who have equal right to their parents' love and care. Nevertheless, the firstborn was always expected with utmost consideration, and in hope that it would be a son who would ensure the continuity of the family name and wealth. According to the *Bible*, the first-born son is entitled to a special religious status, and his is the right of inheritance: he is entitled to two parts of his father's property, while the other sons have the right to one part each. In the religious sense, the special status of the first-born child has to do with the simple fact that he is the first son of his mother. However, if a man had more wives, all of their firstborn sons enjoyed the same religious status, but only one of them – his firstborn – was entitled to the inheritance privilege. On the other hand, if a woman had more husbands, her first son had a cult status, while all her other sons had the privileged position in inheriting their father's property, provided they were their fathers' first-born male infants. The significant measure in regulating the inheritance privilege was the father's acknowledgment of the boy as his first-born one. If the father happened to die or be killed before his first son's birth, his right to inherit two parts of his father's property was left unconfirmed, and he had the same rights as all other sons. Since the relations within a family are very complex, the possibility of appearance of another „daddy's favorite" was also taken into consideration, so the father could not change the privileged inheritance position of his first-born son, nor could he deny it.

The first-born daughters did not have any particular status related to the inheritance of property, even in families without any sons. All daughters were entitled to equal parts of their father's property.

According to the *Bible*, the father was obliged to „pay ransom" for his first-born son by offering five shekels to a priest of his choice – *kohen* (Kohen, the priestly Jewish tribe). If he would refuse to do so, he would be judged by rabbinical court, called *beth din*. The ransom paid for the firstborn son – the *pidyon ha-ben* (Hebr.) is an ancient symbolic rite which was performed on the 30th day of the child's life: the *kohen* would accept the child from the father asking if the father was going to pay the ransom or leave the child with him; the father would, of course, buy the child back from the priest, pronouncing two blessings – one related to the accomplishment of the command, and the other expressed his gratitude. The *kohen* would then say three times that the child had been ransomed and he would return it to his father, pronouncing a special blessing over a cup of wine. The rite was postponed only if it coincided with other religious festivities, such as the *Sabbath*, or





others, during which the use of money was prohibited. However, if a child's primogeniture was doubtful, as in abandoned children or orphans, the „ransom” ceremony did not take place. In ancient times there existed a custom that an orphan of known origin carried a medallion with a note that he had been a firstborn, until he grew up to the age when he would be able to pay ransom for himself. This custom was later on reshaped so that the ransom would be paid by the rabbinical court or a distant relative, if the child had one. Overall, this rite should be viewed only as a religious symbol, without attributing any other connotations to it. Even though the father violated the code of behavior by refusing to pay the ransom, his actions did not affect the child's status within the community.

Along with their special economic status went the obligation to fast before the *Pesah*. This sometimes applied to first-born girls, too. If the child was too young to fast, his father did the fasting for him, unless he had been a firstborn himself. If the latter was the case, the mother took over this responsibility.

A woman was to have as many children as her state of health would permit. Even though the need to give birth and continue the life cycle was strongly emphasized, the woman's life was always given priority. Life was viewed and treated from many different angles, which also included the issue of abortion⁹. The treatment of the abortion issue clearly illustrates the attempt to coordinate the common law and the religious beliefs with practical humanity and the understanding of the nature of the woman, whose importance in the community was until recently measured primarily by her offspring. According to the *Talmud*, abortion was not taken simply as an act completely opposed to the basic postulates of the Jewish religion and the demand to provide posterity. If pregnancy endangered a woman's health and her life, the Jewish rules allowed abortion. To abort the embryo under such circumstances was not considered a homicide or a criminal act, until the stage of full formation was reached and presented through the act of childbirth. From the moment a child expressed itself as a living entity, the life of the mother lost its importance regardless of the delivery conditions. In other words, from that moment on both the mother and the child had the equal right to life. On the other hand, the situation was not as clear-cut when there existed indications that the child might be born physically or mentally impaired (i.e., for genetic reasons or as a result of an illness the mother had suffered in pregnancy). Of course, these indications could never be confirmed with scientific certainty which made it even more difficult to make the right decision. In those instances, the permission to perform abortion was usually granted, while taking into account the stage of pregnancy the mother was in.





Within a broader context of social relations, the Jewish philosophers were faced with another issue, namely whether abortion should be permitted in perfectly normal pregnancy. Different opinions were voted on this subject, but over the ages the majority of the people involved in the discussion agreed that abortion should be permitted if it was important for the woman's well-being and survival. Within the carefully developed system of the Jewish religion and culture, this attitude seemed quite flexible, but it was not to be understood literally. Essentially, this was an attempt to protect the woman under extraordinary circumstances, in times of war, for example, rather than to give her the right to choose. In case of adultery, for instance, according to some experts, abortion should be permitted only to married women, but not to single women, since in their cases the laws of inheritance would not be breached.

With relation to the status of the offspring, it is interesting to point out the common law regulations concerning adoption. Despite certain claims, there is no convincing evidence that adoption was practiced in the Biblical times, nor was the procedure referred to or defined in the *Talmud*. According to the *Talmud*, all rights and obligations in the parent – child relationship were defined exclusively within the context of biological dependence¹⁰. Therefore, there was no social institution of adoption. However, adopting children was not only possible but it was considered one of the major *tzedek* (acts of mercy, Hebr.) and applied to non-Jewish children as well. More precisely, it was a procedure defined by the common law which in its form resembles modern adoption, but it differs from it in the way the relationship is defined. By the decision of the corresponding rabbinical court the endangered child was given into care of an interested and suitable party. A man who would assume responsibility for the physical and mental well-being of somebody else's child, as well as for his financial position and his future in the new family, was considered a guardian rather than a father. The relationship between the child and his guardians did not necessarily include emotional and financial bonds, which are natural in the relationship between a parent and his child. A child did not have to be an orphan in order to acquire a guardian; more important were his living conditions and his general well-being (a tribunal could take the child away from his parents if they neglected or abused him). Accordingly, the child could have been given several guardians, while his biological parents were obliged to provide financial support to the best of their abilities. In those cases, of course, the child knew who his real parents were and could maintain contacts with them. This type of adoption did not abolish the relationship between the child and his real parents. Such children inherited their real fathers' property. However, due to their living circumstances the children of unknown parents were treated in





a manner similar to present-day adoption, since they were entitled to inherit a portion of their adoptive parents' property which would have belonged to them had they been their real children.

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¹Hayyim Schneid: *Family*, Keter Books, Jerusalem 1973, p. 10

²*Ibid*, page 33.

³*Ibid*, pp. 37-38.

⁴*Ibid*, p. 35.

⁵*Ibid*, pp. 38-41.

⁶*Ibid*, p. 41.

⁷*Ibid*, p. 22.

⁸A special form of the custom based on financial measure, very common in other patriarchal cultures as well, *Ibid*, p. 65.

⁹*Ibid*, pp. 46-51.

¹⁰*Ibid*. p. 7.

