

**Leah Bornstein-Makovetsky**

Ariel University, Israel  
e-mail: leama@ariel.ac.il

ORCID: 0000-0002-6722-1401

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## **Procreation in the Sephardic Jewish Communities of Istanbul, Salonica, and Izmir from 1500–1850**

### **ABSTRACT**

The desire to raise a family with as many children as possible was a major aspiration of Jewish families in the Ottoman Empire for centuries. Many halakhic responses and other sources address this subject and its impact on Jewish families and society. This paper reviews how Sephardic Jewish society in the Ottoman cities of Istanbul, Izmir and Salonica (Thessaloniki) grappled with the reality of barren men and women – which was quite common – from 1500-1850, and how Jewish courts resolved cases that involved men's requests to marry a second wife in order to fulfill the commandment of procreation. It discusses how the desire to procreate was realized through the institution of marriage, the undesirability of single life, the age at marriage, *yibum* (levirate marriage), women's desire for children, the impact of *kabbalah* on fulfillment of the commandments, contraception, fertility treatments, the effect of child mortality on parents, and how the longing for children affected the private life of prominent individuals.

**Key words:** procreation, Salonica, Istanbul, Izmir, fertility, Sephardim, oath of monogamy, polygyny, death, divorce, children, levirate marriage

## Introduction

The commandment of procreation is the first commandment in the Torah. As early as the late Second Temple period and the period of the Mishna and Talmud it was already perceived as the ultimate purpose of the Creation and of human existence.<sup>1</sup>

The purpose of this paper is to discuss the issue of procreation in Sephardic Jewish society in the three largest Ottoman congregations: those of Istanbul, Salonica, and Izmir, from the early 16<sup>th</sup> century – the main period in which exiles from the Iberian Peninsula settled in the Ottoman Empire – until the mid – 19<sup>th</sup> century, when the process of modernization began in these cities.<sup>2</sup> The paper does not refer to the Romaniotes, who lived mainly in Istanbul and strongly objected to polygyny, but in fact did have cases of polygyny. At the same time it should be noted that polygyny was not common in Istanbul in the 16th century.<sup>3</sup> Throughout the above-mentioned long period, Jewish society maintained a religious way of life and there were no changes in the values of the family and the approach of the rabbinical decisors (*posekim*) to problems in family life. Another purpose of the paper is to discuss how Sephardic Jewish society in these three communities dealt with male and female infertility, which was fairly common, and with the requirement to observe the halakhic commandment of procreation. In order to facilitate observation of the commandment, the courts and decisors addressed the issue of polygyny. We shall also discuss how the desire to procreate was realized through the Jewish obligation to marry and the ruling out of single life, as well as second marriages, age at marriage, levirate marriage, women's wish to have children, the impact of *kabbalah* on observation of the commandment, the attitude to birth control, cures for infertility, and the effect of child mortality.

Our knowledge is based primarily on information on this topic available in the Responsa literature, books of homilies, court records, and tombstones. A prominent study is that of Elimelech Westreich, who discusses the issue of Jewish procreation in the 16<sup>th</sup> century Ottoman Empire from the legal standpoint. He indicates the many positions and diverse opinions evident in rabbinical rulings throughout the Ottoman Empire, originating from the different approaches in medieval legal and social traditions. He also shows that changes in the rulings of 16<sup>th</sup> century Ottoman rabbis stemmed from ethnic encounters, mainly of Sephardic and Romaniote Jews in Ottoman communities

<sup>1</sup> A. Schremer, *Male and Female*, pp. 37-41; See also: T. Kauffman and I. Brenner, *Narrative and Normative Discourse*.

<sup>2</sup> The information available regarding Izmir is only from the 17<sup>th</sup> century and on, when the Jewish community in the city became well established.

<sup>3</sup> See M. Rozen, *Istanbul*, pp. 147-154.

and from the different environmental conditions than in the Jews' original communities.

In Aragon and Catalonia from the 13<sup>th</sup> century and until the expulsion in 1492, if the marriage contract did not include a monogamy clause, a woman could not prevent her husband from marrying a second wife, so long as he was capable of providing for two wives. Nevertheless, prominent Sephardic rabbis R. Shlomo ben Aderet (the Rashba) (Barcelona 1235–1310) and R. Isaac Ben Sheshet Perfet (Rivash), who was expatriated to Algiers in 1391 (died 1408), contended that a second wife causes strife in the home but did not forbid marrying several wives. In his later responses the Rashba permitted a man to marry a second wife if the first did not bear him children.<sup>4</sup> Notably, R. Shelomo son of R. Simon Duran, who was born in Algeria and served as a major rabbinical decisor in this country (died 1467), referred to the practice of having two wives as customary and accepted in Algeria.<sup>5</sup>

The many cases of second wives in Aragon and Castille constituted a precedent for this practice among those who subsequently settled in the Ottoman Empire. For centuries, a prominent wish of the exiles and their descendants in the Ottoman Empire was to bear children, and as many as possible. Particularly evident was the frenzy for children in the 16<sup>th</sup> century following the trauma of the expulsion from the Iberian peninsula and the grave events that ensued, the religious coercion, the cruelty towards children and their separation from their family, the tribulations of the expulsion and the tearing apart of the families. At the same time, the issue of procreation was affected by the many pandemics and illnesses that claimed the lives of infants, children, and adolescents throughout this period.<sup>6</sup>

### **The obligation to bear a son and a daughter**

The commandment of procreation obligates one to produce a son and a daughter. The Rambam (Maimonides) ruled, following the Talmudic law, that a man fulfils the commandment if he has a male and a female child and they are viable. Therefore, if a woman bears children of the same sex, or if the children die, the husband is not considered to have observed the commandment.<sup>7</sup> It seems that despite the desire of many to observe the commandment of procreation, which includes a daughter, most men and women preferred to have male

4 Y.T. Assis, *The Ordinance*; A. Grossman, *Pious and Rebellious*, pp. 78-87.

5 N. Aminoah, *R. Shelomo Duran's Solution*, pp. 178-179.

6 M. Rozen, *Istanbul*, pp. 100-105. See also M. Pachter, *Mizefunor zefat*, pp. 121-186; J. Hacker, *Pride and Depression*.

7 Shulchan Arukh, Even Ha'ezzer 1:5; Rambam, *Mishne Torah*, *Hilkhot Ishut* (laws of marriage), 15:4-5; *Mishna*, *Yevamot* 6:6; *Takmod Bavli*, *Yevamot*, pp. 61a-62a.

children, as it says in the Talmud: “Fortunate is he whose children are males, and woe is he whose children are females”.<sup>8</sup> Indeed, praise was also voiced in favor of having daughters, but in traditional Jewish society, including that in the Ottoman Empire, males were preferred to females.<sup>9</sup> Notably, renowned rabbi R. Eliyahu Hacohen Ha’itamari of Izmir (1659?–1729) stated explicitly that both men and women preferred male children.<sup>10</sup> Also R. Yaakov Culi (1689–1732), in his book “Meam Loez”, indicates this preference and stresses how disgraceful it is to express sorrow at the birth of girls and to be indifferent towards the death of an infant daughter.<sup>11</sup> The strong desire for sons originated not only from the norm in traditional Jewish society from time immemorial to prefer sons over daughters, rather also from the emphasis on the importance of sons as those who will say Kadish for their father and thus allow him, in the kabbalistic view, to enter the world to come.<sup>12</sup> Nonetheless, various texts mention the love of fathers for their young daughters, as manifested among other things in the words inscribed upon the tombstones of young girls who died.<sup>13</sup>

The rabbis of Jewish communities in the Ottoman Empire permitted marrying a second wife if the first had given birth to only a male or a female or to children of the same sex, which expanded the number of those entitled to marry a second wife. They preferred this step to divorcing the first wife. In this, they followed the rabbi of Barcelona, R. Shlomo ben Aderet.<sup>14</sup> In the late 19<sup>th</sup> century, R. Yaakov Hananya Covo of Salonica also permitted a husband to divorce his wife after two years of marriage and accepted the husband’s claim that she was often in a state of *niddah* while he wished to observe the commandment of procreation.<sup>15</sup> Nonetheless, there is also a rabbinical orientation that is stricter with the husband when claiming that his wife has sex with him when she is defiled (*niddah*) according to the laws of Halacha. R. Moshe Amarillio ruled in 1743 with regard to a husband who made this claim that he cannot divorce her against her will and that the court cannot give him permission to marry another wife in her stead.<sup>16</sup>

A customary phenomenon in the different communities within the empire was when men who had several daughters claimed that they had not yet observed the commandment of procreation and took a second wife in order to beget

<sup>8</sup> Talmud Bavli, Kiddushin, p. 82b. Other sources from the Talmud and midrash are cited by A. Grossman, *Pious and Rebellious*, pp. 10-44.

<sup>9</sup> See M. Rozen, *Istanbul*, pp. 110 note 43, 111 notes 45, 179-187.

<sup>10</sup> Rabbi E. Hacohen Ha’itamari, *Shevet mussar*, chapter 24.

<sup>11</sup> A. Meyuhas-Ginio, *Me’am Loez (1730)*, pp. 163-165.

<sup>12</sup> J. Heinemann, *Kadish*, pp. 155-156; I. Ta-Shma, *Orphan’s Kaddish*.

<sup>13</sup> See M. Rozen, *The Death of Precious Women*, pp. 182-193.

<sup>14</sup> E. Westreich, *The Commandment of Procreation*, pp. 200-201, 230.

<sup>15</sup> Rabbi Y. H. Covo, *Kochav me-yaakov*, no. 7.

<sup>16</sup> Rabbi M. Amarillio, *Devar moshe*, Vol. 3. Even ha’ezer, no. 25.

a male son. Such was the case of a Jew (apparently a resident of Salonica), married and a father of four married daughters, who married another wife who bore him sons. In justification, he claimed that the first wife had ceased to bear children and he wanted sons.<sup>17</sup> Notably, halakhic sages always expressed the hope that those who came to them having not yet observed the commandment would be blessed with male sons. For example, R. Shlomo Halevi (died 1697) said to a husband (apparently a resident of Izmir) whose wife had not given birth for ten years: “And God will not be barred from redeeming and visiting upon him male sons”.<sup>18</sup>

### The kabbalistic impact on observing the commandment of procreation

The massive spread of *kabbalah* in Ottoman Jewish society from the 16<sup>th</sup> century and henceforth had a considerable impact on observing the commandment of procreation in Jewish society. This commandment was ranked high by the author of the Zohar, the most important book in the history of Jewish mysticism, and by kabbalists in the Ottoman Empire, many of whom strived to attain human devotion to the Divine spirit also by maintaining a marriage that followed kabbalistic requirements.

According to the Zohar, he who does not observe the commandment of procreation “impairs the holy covenant in all aspects... and the soul does not enter the curtain (of heaven) at all and it is taken from that world”. According to the kabbalists, no man is complete until he has borne a son and a daughter, when he “completes below the example of the supreme holy name, and then the supreme holy name is placed upon him”. A man who dies without having produced children is not subject to the Divine spirit at all, as he did not complete the Divine image in the world; he must be reincarnated in order to correct that which he left undone. This can be corrected through levirate marriage. Influenced by the kabbalistic perception of the commandment of procreation, the sages were also lenient with men who wished to marry a second wife.<sup>19</sup>

The sages in the Ottoman Empire mentioned the commandment of procreation according to the *kabbalah* in their sermons as well, and the content of these sermons seems to have been embraced by their audience.<sup>20</sup>

<sup>17</sup> Rabbi S. Hacoheh, *Maharshach*, Vol. 2, no. 234.

<sup>18</sup> Rabbi S. Halevi, *Lev shlomo*, p. 45b.

<sup>19</sup> J. Cohen, *Be Fertile*, pp. 205-218; I. Tishbi, *The Wisdom of the Zohar*, Vol. 2, p. 630; E. Westreich, *Transitions*, pp. 217-219, 243-250; Idem, *The Commandment of Procreation*, pp. 202-203, 238-239. A. Grossman, *Pious and Rebellious*, pp. 68-101.

<sup>20</sup> For example see S. Regev, *Sermons of Rabbi Isaac Caro*, pp. 204-213. This matter is contained in many marriage sermons given by rabbis of the congregations, for instance in a sermon in Izmir in 1758. See Rabbi Y. Amado, *O'halei yehuda*, pp. 15a-18d. See also a source from Izmir from the second half of the 19<sup>th</sup> century. Rabbi Y. Crespín, *Shemo yitzhak*, pp. 63a-64d.

## The obligation to marry as the foundation of procreation

Marriage at an early age was a mandatory norm in Jewish society for both sexes, and men and women strove to marry young. The halakha set a minimal age for marriage: 13 for boys and 12 for girls.<sup>21</sup> Influenced by the customs of Safed kabbalists that spread throughout Jewish communities, parents were advised to arrange their children's marriage when these reached marriageable age, following the phrase "The messiah son of David shall arrive in the world only when all the souls that inhabit the body are exhausted". It may be estimated that Safed kabbalists would marry off their sons at about age 13 and the daughters probably younger.<sup>22</sup>

Marrying at a young age resulted in many pregnancies and births but also in multiple miscarriages and a high infant mortality.<sup>23</sup> Young primiparous women often died in childbirth, as did multiparous women. This was shown by Rozen in her study on the tombstones of 18<sup>th</sup> century Jewish women in Istanbul, where most of those who died were of fertility age, also showing that most of those who died in childbirth were very young, only slightly older than 14, and died giving birth to their first child.<sup>24</sup>

The purpose of marriage was to observe the first commandment in the Torah, where Adam and Eve were instructed to "be fertile and increase" (Genesis 1:28). The Torah emphasizes the ultimate significance of fertility: "You shall be blessed above all other peoples: there shall be no sterile male or female among you or among your livestock" (Deuteronomy 7:4) and the ideal in Jewish society was that there would be no infertility among the Jews. Jewish society utilized rabbinical sayings, various homilies, and the words of the Rambam concerning the significance of fertility.<sup>25</sup> In their rulings and in the sermons they wrote on marriage, the rabbis in the Ottoman Empire ascribed significance to observing the commandment of procreation.<sup>26</sup>

In the desire to observe the commandment, Jews in the Ottoman Empire preferred to marry off their sons before age 20, as the Holy One blessed be He

<sup>21</sup> Shulchan Arukh, Hilchot Priya Vereviya (Procreation laws), 1:3.

<sup>22</sup> About the significance of marriage according to kabbalah see for instance in 19<sup>th</sup> century Izmir sermons. Rabbi A. Palage, *Avraham et yado*, Vol. 2, pp. 76d-96d.

<sup>23</sup> For example, in the 18<sup>th</sup> century a man complained that in seven years of marriage his wife had miscarried five times. He wanted to divorce her immediately rather than wait for 10 years to pass, in order to observe the commandment of procreation. The decisor approved the divorce. Rabbi E. Mizrahi, *Admat kodesh*, Vol. 1, Even ha'ezher, nos. 25-26.

<sup>24</sup> M. Rozen, *The Death of Precious Women*, pp. 170-193.

<sup>25</sup> Mishna, Eduyot 1:13; Talmud Bavli, Yevamot, pp. 63a-b; Maimonides, *Sefer Hamitzvot*, no. 212.

<sup>26</sup> There were many such rulings, as shown throughout the current paper. Examples of sermons: Rabbi A. Palagi, *Shema avraham*, Vol. 2, a sermon for marriage, printed at the end of the book; Rabbi M.M. Crespin, *Maim kedoshim*, Vol. 2, pp. 1a-11a. See also M. Rozen, *Istanbul*, pp. 105-111.

waits for one to take a wife until age twenty and from then on says: Let his bones disintegrate.<sup>27</sup> Every Jew wished to fulfill the ruling of the Shulchan Arukh whereby “Every man is obligated to marry a woman in order to be fruitful and to multiply and anyone who doesn’t engage in being fruitful and multiplying is as if he spills blood, and lessens the appearance, and causes the divine presence to depart from Israel”.<sup>28</sup>

The natural need to procreate and to sustain future generations, which exists in all human societies, was in Jewish society transformed into a commandment that obligates all Jewish men. Women are indeed not obligated to observe the commandment of procreation, but the decisors recommended that women be obliged to marry once they passed the age of 20.<sup>29</sup> Jewish society in Ottoman communities until the mid-19<sup>th</sup> century was a religious society and halakhic rules dominated family life. The desire to raise a family did not change with the exposure of Ottoman Jews to modernity and secularization in the 19<sup>th</sup> century. The Muslim practice of polygyny within the empire likely affected Jewish residents as well, particularly when the motive was observation of the commandment of procreation and increasing the number of children in the family.

### Women’s eagerness to have children

The large majority of the sources that discuss fertility focus on the outlook of men rather than that of women. It is reasonable to assume that women embraced the Talmudic legacy with regard to fertility and endeavored to carry out in practice the supreme value of bearing children in Jewish society in order to allow their husband to observe the mandatory commandment of procreation and to sustain the next generations. It is also to be assumed, however, that they wished to have children and to raise them mainly due to their maternal instinct. This assumption also applies to Jewish women in Europe and Islamic states in the middle ages.<sup>30</sup> At the same time, many women probably wished to have children also to aid them in old age, as it says in the Talmud: “I require a staff for the hand and a master for the grave”.<sup>31</sup> This latter justification was frequently utilized by women who wished to receive a divorce from an infertile or impotent husband and it was recognized by halakha as a legitimate justification. Husbands

<sup>27</sup> Talmud Bavli, Kidushin, p. 29b; See for example Rabbi Y. Hazan, *Hikrei lev*, Vol. 4, Even ha’èzer, no. 1, p.1a-2b.

<sup>28</sup> Shulchan Arukh, Even ha’èzer, 1.

<sup>29</sup> Rabbi H. Palage, *Ru’ah haim*, Vol. 2, Even ha’èzer, no. 1#11.

<sup>30</sup> See A. Grossman, *Pious and Rebellious*, pp. 131-133.

<sup>31</sup> Talmud Bavli, Yevamot, p. 65b.

usually denied accusations of being infertile, but in cases when the court became convinced by the wife's claim they forced the husband to grant her a divorce.<sup>32</sup>

While at the age of fertility, women tried to bear many children. When a woman reached the age of 40 she was considered, both in the period of the Talmud and in Ottoman Jewish society, to have reached the end of her fertile years. Izmir sermonizer R. Eliyahu Hacohen Ha'itamari, after citing the example of Sarah who gave birth at an advanced age, and of Hannah, who according to the midrash gave birth after passing the age of 130, writes: "Even if she had sons and ceased to give birth and many years passed, she should not despair. Because the sun is still in the heavens and she may once again give birth, and it is surprising to see those women who passed the age of forty without having children and they despair of mercy and do not remember those mentioned (Sarah, Hannah, and Yocheved) whom the Holy One blessed be He revitalized in their old age, rather a woman should always trust in the Holy One blessed be He and in His ability to revitalize her as a mother. Women should also refrain from partaking in many fasts".<sup>33</sup>

### Objection to premature marriage and age at marriage

The religious leadership in the congregations usually objected to the premature marriage of girls before the age of 12, for various reasons and mainly because prepubescent girls cannot give birth. The Rambam famously said: "...he should not marry a girl who is unable to have children".<sup>34</sup> Marriage of girls before the age of 12 was customary in Ottoman Jewish society only to a limited extent, indicating that Jewish society saw childbirth as women's main role from the beginning of the marriage, although the objection to premature marriage had other underlying reasons as well. It can be estimated that most Jewish girls married at about age 13-14, as in Muslim and Christian Ottoman society at large. In the 18<sup>th</sup> and 19<sup>th</sup> centuries many girls married at age 15-17.<sup>35</sup>

<sup>32</sup> R. Lamdan, *Separate People*, pp. 177-179; L. Bornstein-Makovetsky, *Divorce and Remarriage*, pp. 130-132; E. Westreich, *The Commandment of Procreation*, pp. 195-240.

<sup>33</sup> Rabbi E. Hacohen Ha'itamari, *Shevet mussar*, chapter 24, p. 53d. Halakhic rulings too customarily defined 40 year old women as old women. For instance: Rabbi D. Ibn Avi Zimra, *Radbaz*, Vol. 3, no. 919. On the definition of old age and of life periods in Ottoman Jewish society see M. Rozen, *The Life Cycle*. In the ancient world as well (Greece and Rome) it was customary that menopause occurs at about age 40-50. See E. Marienberg, *Female Fertility*, p. 51. On women's age of fertility in the Talmud see op. cit., pp. 57-69.

<sup>34</sup> Maimonides, *Mishne Torah*, *Hilkhot Isurey Bi'ah* (Forbidden intercourse laws), 21:18.

<sup>35</sup> On the early age of marriage see R. Lamdan, *Child Marriage*; idem., *A Separate People*, pp. 40-45; M. Rozen, *Istanbul*, pp. 114-120, 189; Y. Ben-Naeh, *Marriages of Minors*. See for example information from Izmir, from the early 19<sup>th</sup> century, on a girl orphaned from her father. She was married off at age 14 as she was considered fit for marriage. Rabbi Y. Navaro, *Lev mevin*, p. 75c. On the age at marriage in the 18<sup>th</sup> and 19<sup>th</sup> centuries see L. Bornstein-Makovetsky, *Divorce and Remarriage*, p. 166.



The limited information in the Responsa literature on women who remained single indicates that very few women remained single after the age of 17.<sup>36</sup>

### Remarriage, divorce, and bigamy for the purpose of procreation

Jewish society encouraged second and even third marriages of people of both sexes after widowhood or divorce, mainly due to the need to bear children and as a way of preventing sexual promiscuity. In practice, men remarried more than women, not only due to their wish to observe the commandment of procreation, but because men needed women to run the household, raise their children, and save them from sinful thoughts.<sup>37</sup> Society also encouraged older men (aged 50 and older), including those who had already observed the commandment, to marry when still at a fertile age in order to have many descendants. Many decisors in the Ottoman Empire would cite for this purpose the recommendation of Amora R. Yehoshua: "It is taught in a baraita that Rabbi Yehoshua says: If a man married a woman in his youth, he should marry another woman in his old age. If he had children in his youth, he should have more children in his old age, as it is stated: 'In the morning sow your seed, and in the evening do not withhold your hand' (Ecclesiastes 11:6); for you do not know which shall prosper, whether this or that, or whether they both alike shall be good. Rabbi Matana said that the halakhah is determined according to the above words of Rabbi Yehoshua."<sup>38</sup> "Do not withhold your hand" – this is a rabbinical commandment meaning that one should marry both at a young age and in old age for the purpose of procreation.<sup>39</sup> The decisors and the people also had before them the words of the Rambam, whereby it is known from *Divrei Sofrim* (regulations and decrees amended and decreed by the sages of the oral Torah, or laws of the Torah interpreted and clarified by the sages of the oral Torah) that one should not avoid efforts at procreation so long as one is sexually potent.<sup>40</sup> We learn of a man in 16<sup>th</sup> century Salonica who married a second wife, claiming that from his first wife he had only granddaughters born of his daughters, while he wanted boys.<sup>41</sup>

Marriage at an advanced age was glorified also in the sermons of well-known rabbis such as R. Abraham Palage of Izmir in the latter half of the

<sup>36</sup> On the betrothal of a 17 year old girl in Istanbul see Rabbi E. Di Toledo, *Mishnat rabbi eliezer*, Vol. 2, Yore de'ah, no. 37. For a mention of the marriage of a 19 year old girl in 18<sup>th</sup> century Istanbul see Rabbi A. Meyuhah, *Benei avraham*, Even ha'ezher, no. 39.

<sup>37</sup> See L. Bornstein-Makovetsky, *Divorce and Remarriage*, pp. 145-149. On these roles in traditional and Ottoman society see also M. Rozen, *Istanbul*, pp. 109-110, 140-145.

<sup>38</sup> Talmud Bavli, Yevamot, p. 62b. See also A. Schremer, *Male and Female*, pp. 41, 304-305.

<sup>39</sup> E. Westreich, *Causes*, pp. 71-73.

<sup>40</sup> Maimonides, *Mishne Torah*, Hilchot Ishut 15:16.

<sup>41</sup> Rabbi S. De Medina, *Maharashdam*, Even ha'ezher, no. 113.

19<sup>th</sup> century. He preached that an old man should not be concerned to have children when he is nearing the end of his life.<sup>42</sup> The wish to bear children in old age as well was often the justification utilized by Istanbul men who married widows and divorcés.<sup>43</sup>

Another common practice was when men who were married to a woman who had passed fertility age, though they already had viable children, desired more children and appealed to the court for permission to marry a second wife. For example, the case of a man in the late 18<sup>th</sup> or early 19<sup>th</sup> century, probably from Greece, whose wife had borne him sons and daughters but had ceased to give birth 13 years previously. The wife was over 50 and the husband wanted more children, citing the claim of “do not withhold your hand”. To prevent the court from turning him down he added additional complaints against his wife, whom he claimed was an “embittered” woman who often neglects him, and does not move to live with him where he got a job. The court complied with the husband’s demand and accepted all his arguments as one.<sup>44</sup> In some cases this claim may have been used only in order to convince the court, and the man may have in fact wished to marry a second wife for other reasons, particularly the desire for a young wife. However, most cases of bigamy in Ottoman Jewish society indeed appear to be based on the husband’s desire to observe the commandment of procreation or to have more children. The courts and sages in Ottoman Jewish communities strictly followed the instructions of the Mishna and the Rambam in Mishne Torah, whereby if a woman has not borne children for the first ten years of the marriage her husband must divorce her and marry another wife capable of giving birth or marry a second wife, and steps should be taken to force the husband to do so.<sup>45</sup>

The Sephardic tradition from the 13<sup>th</sup> century and on was continued by the Sephardic sages in the Ottoman Empire, following the rule whereby one whose wife had not borne children during ten years of marriage is compelled to marry another in order to observe the commandment of procreation. Sephardic decisors preferred polygyny to divorcing a woman against her will.<sup>46</sup> If during the first ten years of marriage the woman bore a child who subsequently died, the law was to begin the ten-year count anew.<sup>47</sup>

<sup>42</sup> See for example Rabbi A. Palage, *Avraham et yado*, Vol. 2, p. 92b.

<sup>43</sup> L. Bornstein-Makovetsky *Divorce and Remarriage*, pp. 145-150.

<sup>44</sup> Rabbi H. N. R. Moziri, *Be'er mayim haim*, Vol. 1, Even ha'ezzer, no. 2.

<sup>45</sup> Mishna, Yevamot 6:6; Mishne Torah, Hilchot Ishut (marriage laws), 15:7. The Tosefta, Yevamot 8:5 says that he must divorce her and give her what she is entitled to according to the marriage contract.

<sup>46</sup> E. Westreich, *Causes*, pp. 52 ff. On an 18<sup>th</sup> century Jew who married a woman in another city against the wishes of his wife who had not borne him children, in order to observe the commandment of procreation, see Rabbi M. Mizrahi, *Admat kodesh*, Vol. 1, Even ha'ezzer, no. 25.

<sup>47</sup> On this see Rabbi S. Hacohen, *Maharshach*, Vol. 1, no. 20; E. Westreich, *The Commandment of Procreation*, pp. 237-239. On a woman in Istanbul in the second half of the 19<sup>th</sup> century who gave

The wife usually objected to the husband's demand to take a second wife or to divorce her against her will so that he could marry another. The many sources we have that discuss the Jewish communities in Istanbul, Salonica, and Izmir confirm the conclusion reached by Ruth Lamdan in her study. She concluded that the commandment of procreation was utilized as a most efficient and common justification for receiving a permit to marry a second wife in Jewish society in Egypt, Syria, and Eretz Israel in the 16<sup>th</sup> century. Some women, however, did not give in easily and made every effort to prove that their husband is the cause of the infertility. If they did not manage to do so, they demanded a divorce and all their rights according to the marriage contract. The husband, on his part, would try to hold his wife accountable or to blame the infertility on a spell she had cast on him, which rendered him infertile.<sup>48</sup> For example, in the 16<sup>th</sup> century we hear of a woman (in Istanbul or Salonica) whose sons died and she had no more children. The husband wanted to marry a second wife to bear him children and the first wife objected. He obtained her consent by swearing an oath that after marrying a second wife who would give birth to two sons, he would divorce her. However, once the sons were born he refused to grant the divorce.<sup>49</sup>

It is evident that the husband's oath of monogamy (not to marry a second wife during the lifetime of the first), as well as including a monogamy clause in the Sephardic marriage contract, could be absolved if the wife was revealed to be barren over ten years of marriage. The oath was absolved earlier as well if the wife was shown to have defects or illnesses that prevented her from becoming pregnant and having children. In this case, the wife could not prevent the husband from marrying another wife in order to observe the commandment of procreation.<sup>50</sup> In such cases, the decisors and the courts saw the husband as compelled to rescind the oath and he was allowed to marry another wife although he was also required to appease his first wife and persuade her to remain with him by adding to her marriage contract or buying her clothes or promising not to house the second wife in the same residence. The first wife was entitled to be granted a divorce and to be paid her rights according to the marriage contract and her dowry. Responses from the Ottoman Empire indicate that women were jealous of the other wives.<sup>51</sup>

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birth to a daughter after ten years of marriage see Rabbi H. Menachem, *Mate lehem*, Vol. 1, Even hæzer, no. 10.

48 E. Westreich, *The Commandment of Procreation*, pp. 215-230; on Eretz Israel, Syria, and Egypt see R. Lamdan, *A Separate People*, p. 157.

49 Rabbi Y. Ibn Lev, *Maharival*, Vol. 1, no. 40.

50 E. Westreich, *Transitions*, pp. 243-250. On the husband's claim after seven years of marriage that the woman had not yet begun to menstruate, Rabbi Eliyahu Israel (1710-1784), who served as rabbi in Rhodes and Alexandria, replied that he must wait another three years and only then would he be allowed to marry another. See Rabbi E. Israel, *Kol eliyahu*, no. 15.

51 R. Lamdan, *Hatred, envy and compromise*.

Women made considerable efforts to bear children and when they did not manage to do so due to repeated miscarriages their husbands did not hesitate to demand divorce or to marry additional women. Only rarely did a wife agree to allow her husband to marry another woman. This was evident in the 18<sup>th</sup> century in the case of a sickly woman, probably in Salonica, who had already passed fertility age and had borne her husband a son and a daughter. Her husband had indeed already observed the commandment of procreation, but he wanted more children. This woman noted that she is sickly and aged “and cannot sleep with her husband and what she does is to put herself in a lot of effort, and she cannot bear the household burden”. She gave him permission to marry another wife. The court may have suspected that her husband had forced her to agree, so it recommended that to begin with it is necessary to receive the approval of one of the wife’s relatives as well.<sup>52</sup>

In Istanbul, where there was a large Romaniote population that embraced monogamy, side by side with a large Sephardic population, the entire congregation would include a monogamy clause in the marriage contract.<sup>53</sup> However, local Sephardic Jews allowed bigamy when halakhically permitted and in fact, polygamy did exist among Romaniotes when the first woman was barren and refused to divorce.<sup>54</sup>

The husband did not always hasten to take a second wife and he waited many years in the hope that his wife would have children. We hear, for example, about a husband in the 16<sup>th</sup> century whose wife had a son who died and since his death for nearly 14 years she didn’t become pregnant. Only then did he decide to marry another woman.<sup>55</sup> In another incident from the same period, the court of R. Shmuel De Medina in Salonica discussed the objection of a well-known woman in Salonica, whose teenage sons had died, to the demand of her husband to marry another woman in order to observe the commandment of procreation. The woman had not borne any children for more than ten years before the matter came to court, and the last of her sons had died less than ten years previously. The husband wanted to marry his sister’s daughter. The objecting woman had only sons, such that the husband had not observed the commandment at any time. The two decisors did not permit the husband to renege on his oath of monogamy, as less than ten years had passed since the death of the last son.<sup>56</sup>

<sup>52</sup> Rabbi Y. Yekoel, *Mate yosef*, p. 52d (= Modiliani Rabbi Y.S. *Rosh mashbir*, Vol. 1, The laws of procreation, no. 1).

<sup>53</sup> See the words of R. Moshe Benveniste, one Istanbul’s greatest decisors, in the 17<sup>th</sup> century. Rabbi M. Benveniste, *Penei moshe*, Vol. 3, no. 3.

<sup>54</sup> L. Bornstein-Makovetsky, *Marriage and Divorce*, p. 148; E. Westreich, *The Commandment of Procreation*, pp. 203-215; Idem, “Causes”, p. 49ff; M. Rozen, *Istanbul*, pp. 153-154.

<sup>55</sup> Rabbi S. Hacohen, *Maharshach*, Vol. 4, no. 83.

<sup>56</sup> Rabbi S. Hacohen, *Maharshach*, Vol. 1, no. 20; E. Westreich, *The Commandment of Procreation*, pp. 237-239.

In another case in the first half of the 18<sup>th</sup> century in Salonica, we hear of a woman who had two daughters who died and for 20 years she had not had any other children. The husband demanded that he be allowed to take a second wife or to divorce. When his wife refused, he deceived her, sent her on a ship to Jerusalem and kept her dowry. He told her that he would come on another ship but remained in the city and received the court's post factum permission to take another wife, but was obligated to grant the first wife a divorce and the money to which she was entitled by her marriage contract.<sup>57</sup> Husbands occasionally requested to be absolved of the monogamy oath in order to marry a second wife, claiming that their wife is ill, while not being forced to grant a divorce.<sup>58</sup>

There was often a desire to have many children, even when the husband already had children, but wished to divorce his current wife who appeared to be barren. In such a case he was entitled to divorce her, but not against her will.<sup>59</sup> Permission to marry another wife was also granted when a woman rebelled against her husband and withheld sexual relations, preventing him from having children.<sup>60</sup>

The desire to observe the commandment of procreation was also a well-known reason used in Jewish society for divorcing an insane wife or for marrying an additional wife, as this could not be achieved with an insane wife with whom the husband could not have sexual relations. In such cases the Sephardic sages ruled that even if he had a male and a female child from his insane wife, namely he had observed the commandment of procreation as decreed by the Torah, he is permitted to marry another as well.<sup>61</sup> An excellent manifestation of the desire to prevent divorce in the case of a barren wife, while also wishing to allow the husband to marry another woman for purposes of procreation, is evident in the sermon of R. Eliyahu Hacoheh Ha'itamari of Izmir. He called upon the woman not to despair of mercy even if she is barren and "of many years" and even if it is taking her a long time to have children. He writes that she still has a chance of having children. He notes that allowing her husband to marry another wife

<sup>57</sup> Amarillio, *Penei aharon*, no. 18.

<sup>58</sup> Such as information from the first half of the 18<sup>th</sup> century about an epileptic woman who had also become blind and her relatives asked the husband to divorce her. Although the couple had a six year old son, the husband did not want to grant a divorce due to the significant sums required by the marriage contract, rather he wished to marry another woman, claiming that he was concerned that he had not observed the commandment of procreation, although he was not yet 30 years old. R. Yizhak ibn Sanji of Salonica ruled that he may marry another woman notwithstanding his monogamy oath. Rabbi Y. Ibn Sanji, *Be'erot hamaim*, pp. 130c-132a.

<sup>59</sup> Rabbi H. Palage, *Haim veshalom*, Vol. 1, Even ha'ezher, no. 7.

<sup>60</sup> E. Westreich, *The Commandment of Procreation*, p. 222. On rebellious women in Istanbul, Salonica, and Izmir see L. Bornstein-Makovetsky, *Marriage and Divorce*, pp. 158-159; idem, *Divorce and Remarriage*, pp. 138-141.

<sup>61</sup> E. Westreich, *Causes*, pp. 84-86; L. Bornstein-Makovetsky, *Marriage and Divorce*, pp. 156-157; Idem, *Divorce and Remarriage*, pp. 135-137.

has benefits for the barren woman, as she is helping to hasten the redemption, since “The messiah son of David shall arrive only when all the souls that inhabit the body are exhausted” (Bavli Yevamot 63b) and she is facilitating this, and that in the time of the redemption the woman shall give birth every day. He said that women despair of having children as early as age 40. He also noted that he had heard from a wise old man that sometimes the Holy One blessed be He withholds the fruit of the womb from the righteous, because he sees that they are preordained to have immoral sons.<sup>62</sup>

There were also exceptional cases when a barren woman allowed her husband of her own free will to marry a second wife. It is not clear whether this agreement was achieved following pressures and his attempts to persuade and appease her. In a known case that occurred in Izmir in the 19<sup>th</sup> century, a woman who had been blinded in both eyes had no children for 20 years. The husband did not want to marry another wife but the first wife gave him permission to marry her relative, of her own free will.<sup>63</sup> Nevertheless, as shown by Westreich, there were also Sephardic decisors such as R. Yosef Ibn Lev (c. 1505–1580) (operated at first in Salonica and then in Istanbul) who contended that the monogamy oath applies even if the man has not observed the commandment of procreation. If the husband was absolved of his oath post factum, however, Rabbi Ibn Lev agrees that the husband is exempt from his aforesaid oath. In the time of this decisor people would break their oaths and were not punished. Well-known 16<sup>th</sup> century decisors such as R. Shmuel De Medina and R. Shlomo Hacoheh consented to this state, where only R. Aharon Sasson of Istanbul (operated in the second half of the 16<sup>th</sup> century) demanded that the absolving organ be a very well-known court. Also in the case of a man who agreed to the monogamy clause and undertook not to divorce his wife against her will and swore to this, when he asked her after ten years of marriage to allow him to marry another woman in order to observe the commandment of procreation and she refused, three sages complied with his request and absolved him of his oath. R. Abraham de Botton (c. 1560-1605) of Salonica ruled in this case that when the commandment of procreation had not been observed the monogamy clause is invalid.<sup>64</sup>

<sup>62</sup> Rabbi E. Hacoheh Ha'itamari, *Shevet Mussar*, chapter 24.

<sup>63</sup> Rabbi H. Palage, *Haim veshalom*, Vol. 1, Even ha'ezher, no. 5.

<sup>64</sup> E. Westreich, *The Commandment of Procreation*, pp. 231-239. He brings other opinions of 16<sup>th</sup> century decisors.

## Having children out of wedlock

Jewish society in Aragon and Castille in the 13-15<sup>th</sup> centuries permitted concubines, although the religious leadership did its best to diminish the legitimacy of this practice.<sup>65</sup> The Spanish and Portuguese exiles and their leaders who settled in the Ottoman Empire rejected the practice of having concubines, but post factum there were many cases of children born out of wedlock in Sephardic society. The pregnancy of unmarried women in Jewish society, and sometimes the pregnancy of betrothed or single women, were not always penalized. Each case was investigated on its merits, particularly questioning the pregnant woman and her acquaintances in order to uncover the identity of the father. The problem was usually solved by obtaining the man's admission of his fatherhood, and sometimes even by having him marry the pregnant woman.<sup>66</sup>

When no admission was obtained, pressure was applied to the man by threatening him with a fine, but he could not be forced to marry the woman.<sup>67</sup> In contrast to Jewish law that forbids sexual use of a female slave, there are sources that mention Jews who had sexual relationships with their slaves that ended in pregnancy. It appears that in most cases the community leadership as well as the wives of these Jews disregarded this conduct.<sup>68</sup> Children borne by a slave were not counted towards having observed the commandment of procreation, as this was intercourse with a gentile whose children are considered non-Jews.

## Forcing the husband to observe the commandment of procreation

It is known that some Amoraim (about 200 to 500 CE) demanded that a man be forced to divorce his wife if she did not have children or had not become pregnant for ten years of marriage, so that he could observe the commandment of procreation.<sup>69</sup> However, in Jewish communities in the Ottoman Empire

<sup>65</sup> Y.T. Assis, *Sexual Behaviour*; E. Westreich, *Transitions*, pp. 163, 209, 311-312; A. Grossman, *Pious and Rebellious*, pp. 133-138, 141-147.

<sup>66</sup> In Istanbul in the 16<sup>th</sup> century, a pregnant widow who was serving as a wetnurse claimed that the father of the infant had raped her. Ibn Haim, *Re'anach*, no. 17. For a case of pregnancy out of wedlock in Izmir in the final quarter of the 18<sup>th</sup> century see Rabbi H. Moda'i, *Haim le'lam*, Vol. 2, *Even ha'ezher*, no. 7. Cases in Izmir during the 19<sup>th</sup> century: Rabbi H. Moda'i, *Meimar haim*, Vol. 2, *Even ha'ezher*, no. 45; Rabbi H. Palage, *Haim veshalom*, Vol. 2, *Even ha'ezher*, nos. 35, 74. See also L. Bornstein-Makovetsky, *Extramarital Relations*; Idem, *Adultery and Punishment*; Idem, *Ottoman and Jewish Authorities*.

<sup>67</sup> For example see Rabbi H. Palage, *Haim veshalom*, Vol. 2, *Even ha'ezher*, no. 102; Rabbi A. Palage, *Shema avraham*, Vol. 1, *Yore de'ah*, no. 23.

<sup>68</sup> Y. Ben-Na'eh, *Blond*, pp. 324-332.

<sup>69</sup> E. Westreich, *The Commandment of Procreation*, p. 195.

we do not hear that the husband was forced to divorce his wife in such a case, and it seems that most of the husbands found their own ways of observing the commandment, as shown above.

Nevertheless, it appears that single men, particularly widowers or divorced men who did not hasten to get married, were under social pressure to marry in order to maintain a high moral standard in the town. The “regulation of the singles” in Jerusalem in the 18<sup>th</sup>–19<sup>th</sup> centuries, required single men aged 20 to 60 to marry or leave the city.<sup>70</sup> No similar regulation is known from other towns in the Ottoman Empire.

### The attitude to birth control

Traditional Jewish society objected to the use of contraceptives in the absence of health-related justifications, and for this reason there are no explicit testimonies regarding Jewish women in communities in the Ottoman Empire who attempted to use contraceptives, while non-Jewish society utilized the method of withdrawal.<sup>71</sup> From a halakhic perspective, Jewish women could prevent pregnancy only according to the law (Tosefta Niddah 2:6) that permits birth control in the case of a “minor”, a nursing mother, or a pregnant woman, and the use of these means was expanded to include other women whose life would be endangered by pregnancy. As contraceptives they could use an absorbent (*moch*) that formed a full blockage, or a special drug called in Aramic “*sama de’akarta*” (A drug of barrenness).<sup>72</sup> R. David Ibn Avi Zimra (Radbaz) (1479-1573), a Spanish exile who served as the rabbi of Cairo for forty years and was a prominent halakhic authority in the Ottoman Empire, forbid the use of the *moch*, unlike Rabbenu Tam (France, 1100–1171) who permitted it.<sup>73</sup> R. Avraham Palage (Izmir, 1810–1898) ruled in the 19<sup>th</sup> century that although women are not obligated to observe the commandment of procreation, they are forbidden from drinking a “cup of roots” (*kos shel ikarin*) due to the pain of childbirth, in order to avoid having further children, and they may drink it only if they suffer more than other women.<sup>74</sup> The limited number of sources on

<sup>70</sup> Rabbi Y. S. Elyashar, *Book of Jerusalem Taqqanot*, no. 53, p. 41a.

<sup>71</sup> On the prohibition against extracting semen in vain see Talmud Bavli, Niddah, p. 13a; *Shulchan Arukh*, Even Haezer 23:2. On withdrawal in Muslim society see: J. J. Donohue and J. L. Esposito, *Islam in Tradition*, pp. 194-196; Siegel, *Some Aspects*, pp. 180-183.

<sup>72</sup> Talmud Bavli, Yevamot, pp. 12b; 65b; Ketubot, p. 39a; S. Yahalom, *Moch*.

<sup>73</sup> Rabbi D. Ibn Avi Zimra, *Radbaz*, Vol. 3, no. 1022 (596). On the discussion in the Ashkenazi literature that forbade this use see Y. Z. Zand, *Birkat Banim*, pp. 290-291.

<sup>74</sup> Rabbi A. Palage, *Avraham shenit*, no. 80 # 18. In a responsa from the early 18<sup>th</sup> century, the Rabbi of Izmir Yosef Hazan said that sometimes drinking this cup for medical purposes causes male infertility. Rabbi Y. Hazan, *Hikrei lev*, Vol. 4, Even haezer, nos 7, 62. On the topic of birth control in halakha see also L. Wislicki, *Pregnancy and Birth*, pp. 55-61; W. M. Feldman, *Birth Control*, pp. 187-209; F. Rosner, *Contraception*, pp. 86-96.



this topic in the Responsa literature in these three communities reinforces the assumption that the use of *moch* and of *kos shel ikarin* by Jewish women was not a common practice, both due to the religious prohibition and due to the couple's desire to procreate.<sup>75</sup> Nonetheless, it is only reasonable that some women did use contraceptives that were customary in surrounding society.

It appears that most Jewish women nursed their babies for about two years, and in many cases nursing naturally delayed the next pregnancy.<sup>76</sup>

### Seeking the help of midwives and physicians

It is apparent that barren women had a low status in society and in the family, and they tried all possible avenues to find a solution. Couples would be examined by physicians in order to diagnose fertility problems and to find out whether they are capable of having children. Not having children after marriage usually marked the woman as "barren", and she would endeavor to consult with Jewish midwives as well as Jewish and sometimes non-Jewish physicians. For example, when the wife of Yehuda Aziz of Salonica was suspected of having a blocked womb that prevented her husband from having sexual intercourse with her, she was examined by physician Yitzhak Cozy who tried to cure her, to no avail.<sup>77</sup> It was also customary to check women whose urinary tract was affected by a difficulty delivery and they became infertile.<sup>78</sup> In another incident, 19<sup>th</sup> century Jewish midwives in Izmir claimed that a certain woman could give birth while the non-Jewish physicians claimed that it would be hard to cure

<sup>75</sup> *Kos shel ikarin* was used to prevent future pregnancies of women whose life would be endangered by childbirth. Hence, we learn that in the second half of the 19<sup>th</sup> century R. Mordechai Matalon of Salonica permitted a woman who was sorrowed by childbirth and her husband had already observed the commandment of procreation to use a *kos shel ikarin*. Rabbi M. Matalon, *Avodat hashem*, Even ha'èzer, no. 3. In 1795 R. Haim Yitzhak Musafia and R. Jacob Pardo from the town of Split ruled on the question of whether a husband is entitled to give his wife, who goes mad after every delivery, a *kos shel ikarin* in order to prevent future pregnancies. They ruled that the woman can drink it if she so wishes, and the husband is also entitled to give her this contraceptive because it affects her health, even if he has only daughters and has not yet observed the commandment of procreation. Rabbi H.Y. Musafia, *Haim vahesed*, Vol. 1, Even ha'èzer, nos. 25-28; L. Bornstein-Makovetsky *Divorce and Remarriage*, p. 136.

<sup>76</sup> On breastfeeding in Jewish society in Istanbul see M. Rozen, *Istanbul*, pp. 179-185. There are many sources on nursing mothers in Salonica, Istanbul and Izmir. For example, Rabbi E. Mizrahi, *Re'em*, no. 10; Rabbi S. De Medina, *Maharashdam*, Even ha'èzer, nos. 137, 193; Rabbi E. Ibn Haim, *Re'anach*, no. 10; Rabbi H. Palage, *Ginzei haim*, p. 109a. Rabbi S. Florentin, *Olat shmuel*, p. 18a. See also R. Lamdan, *Mothers and Children*, pp. 75-80; E. Bashan, *Breastfeeding*.

<sup>77</sup> Rabbi S. Hacothen, *Maharshach*, Vol. 2, no. 96. About a "blocked" woman (blocked womb) see also Rabbi H. Palage, *Ru'ah haim*, Vol. 2, Even ha'èzer, no 23 #2; Rabbi Y. Crespín, *Shemo yitzhak*, p. 5c-6a.

<sup>78</sup> For example see Rabbi H. Palage, *Haim veshalom*, Vol. 1, Even ha'èzer, no. 6; L. Bornstein-Makovetsky, *Marriage and Divorce*, p. 155.

her.<sup>79</sup> In one case non-Jewish and Jewish midwives in Salonica, in the early 19<sup>th</sup> century, claimed that a woman who had been married for only two years was unable to conceive because her womb is blocked.<sup>80</sup>

Men too were checked by male physicians or circumcisers in order to determine whether they are infertile. For example, in 19<sup>th</sup> century Izmir a man who had been married for four or five years was said to be incapable of having children and the halakhic question was whether it is permitted to examine him for infertility.<sup>81</sup> In another case from Izmir in the same century, circumcisers checked whether the fertility of a young man had been affected by an illness.<sup>82</sup> Most of the appeals to physicians were by women who were concerned that the monogamy oath would be cancelled after ten years of marriage.

### The effect of child mortality on procreation

Child mortality was very common and had a dramatic impact on family life with its major focus on children. Men and women whose children had died often made repeated attempts to have additional children. The only source we have which shows that some also treated infant mortality with equanimity, particularly people who had many children, is the words of R. Yaakov Culi (1689-1732), a judge in Istanbul, who admonishes against this attitude.<sup>83</sup> He was probably referring to an unusual occurrence and used blunt words in order to contradict this undesirable practice, as sermonizers are wont to do. Most people likely wished for at least three or four living children. The sources we have before us mention the number of children in different cases, where the average is three. This includes information on a single son or daughter, two children, or three to five children.<sup>84</sup> It is unusual to hear of women who had many children that remained alive, such as in an early 18<sup>th</sup> century mention of a Jewish woman in Salonica who had six children.<sup>85</sup> Most multiparous women had few children

<sup>79</sup> Rabbi H. Palage, *Ru'ah haim*, Vol. 2, Even ha'ezher, no. 23.

<sup>80</sup> Rabbi A. Esterosa, *Yerech avraham*, Even ha'ezher no. 8.

<sup>81</sup> Rabbi H. Palage, *Haim veshalom*, Vol. 2, Even ha'ezher, no. 18.

<sup>82</sup> Rabbi H. Mod'a'i, *Meimar haim*, Vol. 2, Even ha'ezher, no. 40. On consulting with a physician when there is a suspicion that the man is infertile see a response from 1874. Rabbi A. Palage, *Vayaan avraham*, Even ha'ezher, no. 7.

<sup>83</sup> A. Meyuhas-Ginio, *Meam loez (1730)*, p. 164. On the importance of children in the family and the positive attitude to sons and daughters there is much information. See recently M. Rozen, *Istanbul*, pp. 187-191.

<sup>84</sup> For instance, information on the 16th century in Salonica: Rabbi S. De Medina, *Maharashdam*, Yore de'ah, no. 159; Even ha'ezher, nos. 58, 95, 98, 109, 111, 112, 118, 139, 238; Hoshen mishpat, nos. 176, 215, 229, 293, 303, 308, 321, 375, 434, 437, 445, 449, 455.

<sup>85</sup> Rabbi S. Amarillio, *Kerem shlomo*, Even ha'ezher, no. 23.

who remained alive. For example, another resident of Salonica in the early 18<sup>th</sup> century had two children from his first wife and a daughter from the second.<sup>86</sup> At that time, the average Jewish family in Istanbul had three children.<sup>87</sup>

### Popular remedies for fertility

Jewish society contended with infertility by means of popular remedies. Barren women used amulets, folk remedies, and incantations as popular remedies for fertility. In addition, the greatest kabbalist R. Isaac Luria in the middle of the 16<sup>th</sup> century recommended reciting Psalm 23 before having sexual intercourse, as this was conducive to conceiving.<sup>88</sup>

### Leniency with regard to practicing customs in order to enable procreation

Encouragement to observe the commandment of procreation was also evident in leniency with regard to practicing certain customs in the case of those who had not yet observed the commandment. For instance, in the 16<sup>th</sup> century R. David Ibn Avi Zimra gave a man permission to marry a woman during the days of *Sfirat Ha'omer*<sup>89</sup> if there is cause to do so, because he had not observed the commandment of procreation or he had no one who could serve him and so on.<sup>90</sup> In the 18<sup>th</sup> century, R. Yaakov Menashe (1750-1832) of Salonica also ruled that a certain person who had not yet observed the commandment of procreation and was betrothed to a woman, and right before the huppah her brother died, could have intercourse with her on the Friday night that is the 29<sup>th</sup> of the thirty days of mourning.<sup>91</sup>

### Levirate marriage and the commandment of procreation

Many rabbinical decisors in the Ottoman Empire preferred the commandment of levirate marriage to that of *halitza*, both due to the Rambam's method of preferring levirate marriage and since they were influenced by *kabbalah*, which contended that observing the commandment of levirate marriage constitutes

<sup>86</sup> Rabbi S. Amarillio, *Kerem shlomo*, Even ha'ezar, no. 30.

<sup>87</sup> L. Bornstein-Makovetsky, *The Jewish Family in Istanbul*, p. 309.

<sup>88</sup> R. Lamdan, *A Separate People*, p. 80; Y. Ben-Naeh, *A tested and experienced spell*.

<sup>89</sup> The seven weeks between Passover and Shavuot holidays. In this period no weddings and happy events take place.

<sup>90</sup> R. Lamdan, *A Separate People*, p. 15, 46 note 82.

<sup>91</sup> Rabbi R.Y. Menashe, *Be'er hama'im*, no. 23.

a correction of the distorted state caused by a man who died childless without observing the commandment of procreation. It appears, therefore, that in quite a few cases men wished to have a levirate marriage in order to redeem their brother's soul, while others wanted to do so for egotistical reasons, such as to have a young wife or to be granted the brother's estate.<sup>92</sup>

## Conclusions

The following are a few of the conclusions that emerge from this paper. We learned that the desire to procreate and to raise as many children as was feasible headed the aspirations of Jews in the Ottoman Empire. In light of the frequent deaths of infants and children we find an eagerness to bear children at all ages, even in old age, even to allow bigamy for this purpose. We also find demands made by men to marry a second wife upon determining that their first wife is barren or can have no more children, or if during their lifetime the couple's children died. We studied that in order to increase the size of the Sephardic family, the norm in the Jewish communities of Istanbul, Salonica, and Izmir was to marry young. Parents made particular efforts to marry off their daughters as young as possible and it seems that few males married for the first time having passed the age of 20. Society pressured young and even middle aged men to marry women of child bearing age. Another conclusion we have reached is that the interest in raising a large family also topped the values of Jewish women. Most women of childbearing age tried to have as many children as possible and did not use any means of contraception. Childbearing usually ended close to the age of 40.

We learned that in cases of childlessness after 10 years of marriage, the need to procreate caused the Sephardic rabbinical authorities to dismiss the oath of monogamy. They preferred that the wife allow her husband to marry another woman, and even encouraged this. In practice, in such cases most women preferred to receive a divorce. We studied that men made efforts to have children of both sexes, and sometimes married a second wife to this end. The desire for male children is strongly evident, and the conclusion is that due to the low social status of barren women, many efforts were made to cure them and many remedies were employed to enhance fertility.

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<sup>92</sup> Katz, *Halakha and Kabbalah*, pp. 52-70, 167-168; E. Westreich, *The Commandment of Procreation*, pp. 238-239; A. Grossman, *Pious and Rebellious*, pp. 90-101; M. Rozen, Istanbul, pp. 154-162. On other considerations involved in levirate marriage see L. Bornstein-Makovetsky, *Marriage and Divorce*, pp. 162-163.

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## SUMMARY

### **Procreation in the Sephardic Jewish Communities of Istanbul, Salonica, and Izmir from 1500–1850**

The purpose of marriage in Jewish traditional society was to observe the first commandment in the Torah, to "be fertile and increase". The information brought in this article shows how Sephardic Jewish society, and the Jewish courts and decisors in Istanbul, Izmir and Salonica during 1500-1850 grappled with the reality of barren men and women, and how they resolved cases that involved men's requests to marry a second wife in order to fulfill the commandment of procreation. The article discusses how the desire to procreate was realized through the institution of marriage, the undesirability of single life, the age at marriage, *yibum* (levirate marriage), women's desire for children, the impact of *kabbalah* on fulfillment of the commandments, contraception, fertility treatments, the effect of child mortality on parents, and how the longing for children affected the private life of prominent individuals. We learned that men wanted to fulfil the obligation to produce a son and a daughter, and that most men and women preferred to have male children, who will say Kadish for their parents. The Jewish courts of Istanbul, Salonica and Izmir permitted Sephardic Jews to marry a second wife if the first had given birth to only a male or a female or to children of the same sex. The decisors were also lenient with men who wished to marry a second wife, or bear children through levirate marriage. The article showed



that marriage at an early age was a mandatory religious norm in Jewish society for both sexes, but resulted in multiple miscarriages and a high infant mortality. The Muslim practice of polygyny within the empire likely affected Jewish residents as well. Generally Jewish women embraced the Talmudic legacy with regard to fertility and endeavored to carry out in practice the supreme value of bearing children in order to allow their husband to observe the mandatory commandment of procreation and to sustain the next generations. However, they also wished to have children and to raise them mainly due to their maternal instinct. Husbands usually denied accusations of being infertile, but in cases when the court became convinced by the wife's claim they forced the husband to grant her a divorce. Jewish society encouraged second and even third marriages of people of both sexes after widowhood or divorce, but in practice, men remarried more than women, and society also encouraged older men (aged 50 and older), including those who had already observed the commandment, to marry when still at a fertile age in order to have many descendants. It is evident that the husband's oath of monogamy, as well as including a monogamy clause in the Sephardic marriage contract, could be absolved if the wife was revealed to be barren over ten years of marriage. The oath was absolved earlier as well if the wife was shown to have defects or illnesses that prevented her from becoming pregnant and having children. In such cases, the husband was allowed to marry another wife, but the first wife was entitled to be granted a divorce and to be paid her rights according to the marriage contract and her dowry. The article discusses the specific reality in Istanbul, where there was a large Romaniote population that embraced monogamy, but in fact, polygamy did exist among to marry when the first woman was barren and refused to divorce. Permission to marry another wife was also granted when a woman rebelled against her husband and withheld sexual relations, or when the woman was insane. Traditional Jewish society objected to the use of contraceptives, but women whose life would be endangered by pregnancy could use an absorbent that formed a full blockage, or a special drug. Women and men too were checked in order to determine whether they are infertile. The article arrives at the conclusion that men and women whose children had died often made repeated attempts to have additional children. Most people likely wished for at least three or four living children. The article surveys also popular remedies for fertility.