* Please do not translate RED texts: I will search for already-published translations of such texts.
* BLUE texts are already-published English translations that I placed instead of the French that is in the original book.
* PURPLE means the translation to English is mine, so should be checked for grammar etc.

 **Chapter IV**

**The Great Adventures of the Son of Niddah**

 In the last chapter, we saw Jewish and Christian texts that discussed the idea that a child born from sexual relations when the mother was menstruating was at risk of being deformed, ill, or handicapped. We also saw a Jewish text that referred to negative psychological characteristics of such a child[[1]](#footnote-1). It is clear that these ideas tarnished, at least in books, the reputation of this child, whether he is real or imaginary. In this chapter, we will analyze certain topics that are related to this image in Jewish culture. We will attempt to explore here the adventures of this “prototype” child, this “son of the Niddah”, throughout Jewish history[[2]](#footnote-2).

Some may perhaps wonder if this discussion has any meaning: during menstruation, fertility is (almost) impossible! How can one speak of a child born from such sexual relations, knowing that the possibility of fertilization is extremely low at that moment? The response is simple. If today we are more knowledgeable regarding the cycle of ovulation, this was not the case before the modern era. The ovulation cycle was not elucidated substantially until 1923[[3]](#footnote-3). Prior to the modern era, some already thought that impregnation was impossible during menstruation—the blood blocking the semen from reaching the uterus[[4]](#footnote-4). However, even those who had adopted this opinion did not follow it in a rigorous way. What’s more, it was not accepted by everyone. We have already discussed opinions that maintain that children born from sexual relations during menstruation suffer from poor health[[5]](#footnote-5). The existence of these children was a very real fact for healthcare during that time. We must also remember that, halachically speaking, a woman is Niddah well after the end of the blood flow. This impure state continues for several days after the end of the menstrual flow, until the moment when she immerses and purifies herself in the ritual bath. But if she does not purify herself, she can remain Niddah for years, even if she is already menopausal. From her last menstruation until the ritual bath, the Jewish woman is Niddah.

**As an introduction: some swear words**

In the United States, it was the Supreme Court that defined, more than forty years ago, the words that one does not have the right to pronounce on radio waves[[6]](#footnote-6). Seven words were censured, or, as some would say, glorified. On the streets, these words are used as insults. A quick glance at this list reveals the importance of sexuality in these forbidden terms. English is not an isolated case. In numerous cultures, terms related to sexuality are used as insults. Sometimes it is a question of expressions that describe the presumed behavior of the person that one wants to insult, or expressions that compare the person to people whose sexual preferences, activities, or profession are connoted negatively. The French “putain” or “pédé”, the English “whore”, or the Hebrew “homo” are only some examples. This group of words referring to sexuality contain an interesting sub-division. I am thinking of expressions that, while they do not directly concern the person in question, evoke his or her parents. Sometimes it is about the father: the Israeli “abba sh’kha homo”(“your father is a homosexual”) is one example. But more often than not, these expressions attack the alleged sexual conduct of the mother. The American “son of a bitch”, the French “fils de pute”, and the Israeli “ben zonah” are three closely related examples[[7]](#footnote-7). Why are these expressions used? What is the importance of the fact—even if it were true—that someone is the son of a woman who engaged in sexual relations for profit? Is the intention only to humiliate the parents of the person by qualifying them in this way and, in so doing, to attack their descendant? Or is it to directly attack the person in front of us by saying, in an indirect way, that the fact that he or she is the fruit of such sexual relations influences his or her own personality and qualities? Further, if it is true that the mother had sexual relations for monetary gain, does the insult lose its status as an insult and become an “objective description”? If someone is *truly* the son of a woman who prostitutes herself, can one say so publicly and in front of the person without being sued? Without a doubt, our culture tells us that even in such a case we should not use these expressions. But what about the sensibility of cultures that preceded us? These questions are of importance while thinking about a specific expression used often as an insult in Jewish texts of various periods. This chapter is a study of the history of that expression, from Talmudic times to our own.

**In the beginning, there was the *Mamzer***

Jewish law inherited a biblical concept that is unacceptable for many of us. It is the idea of *Mamzer*. Here is what the Bible says regarding it, in a rather rabbinicised translation:

No one born of a forbidden marriagenor any of their descendants may enter the assembly of the Lord, not even in the tenth generation.[[8]](#footnote-8)

The translators of this verse replaced the single and indeed obscure word “Mamzer” of the original Hebrew, with the rather long expression “one born of a forbidden marriage”. Revealing their hesitation, they added in a footnote another possible translation: “one of illegitimate birth”. In some other English translations of the Bible, including the classic King James Version, the word *Mamzer* is translated as “bastard”. A few other translations retained the biblical term, but added an explanation. The Douay-Rheims translation gives this for example: “A mamzer, that is to say, one born of a prostitute…” Those modern translations (and especially the Catholic ones) had a serious example they could follow: Jerome/Hieronymus of the fifth century who also kept the word *Mamzer* in his Latin translation:

non ingredietur mamzer hoc est de scorto natus in ecclesiam Domini usque ad decimam generationem

As noted above, to avoid including this strange term in their works, several translators translated “Mamzer” as “bastard”, a term that the Cambridge Dictionary defines as follows, with the specification that this is an “old use” and not common today:

Bastard: [person](https://dictionary.cambridge.org/dictionary/english/person) [born](https://dictionary.cambridge.org/dictionary/english/born) to [parents](https://dictionary.cambridge.org/dictionary/english/parent) who are not [married](https://dictionary.cambridge.org/dictionary/english/married) to each other.

Is this the true meaning of the biblical term? Perhaps the context can help us to decipher this Hebrew term, one that is a hapax and has no identifiable root. The verse appears in Deuteronomy, and immediately follows a list of crimes in the sexual register. Moreover, it precedes the interdiction to accept the Ammonites and Moabites in the assembly of the Lord. The biblical text explains this interdiction by referring to their behavior as the Israelites passed next to their land. But, if one recalls the history of their origin, described as incestuous in Genesis[[9]](#footnote-9), it seems that this interdiction is linked to sexual taboos. It is thus probably in reference to a child born of “irregular” sexual relations, but which type of relations exactly? Texts from the Mishnaic era question the meaning of this term:

Qui est *Mamzer* ? Rabbi Akiva dit : « [C’est celui qui est le fruit de relations sexuelles entre deux personnes] liées par le sang, pour lesquelles l’interdiction biblique [ne précise pas la sanc­tion]. » Simon ha-Timni[[10]](#footnote-10) dit : « [C’est celui qui est le fruit de relations sexuelles] sanctionnées par la peine de retranchement par les mains du ciel ». Et la loi suit ses paroles. Rabbi Joshua dit : « [C’est celui qui est le fruit de relations sexu­elles] sanctionnées par la mort par un tribunal [ter­restre].[[11]](#footnote-11) »

These three definitions cover various cases. Since we are interested specifically in menstruation, the question that is most relevant to us is whether the child born of sexual relations with a Niddah woman is *Mamzer*. With this goal in mind, we will want to look at how the interdiction of having sexual relations during menstruation is formulated in the Bible:

If a man has sexual relations with a woman during her monthly period, he has exposed the source of her flow, and she has also uncovered it. Both of them are to be cut off from their people.[[12]](#footnote-12)

In this verse, the sanction is described by a term that is derived from the root *k.r.t*.[[13]](#footnote-13), often translated indeed as “to be cut off”. The *Karet* is generally understood in the Jewish tradition to be a premature death, by “the Hands of Heaven.”[[14]](#footnote-14) If one adopts the definition of Simon ha-Timni, a Palestinian Jewish sage from the second century CE – the Mishnah tells us that the law follows this, and that he who is born of sexual relations that occurred during the woman’s menstruation is *Mamzer*, because, according to the Bible, such relations are sanctioned by the state of being « cut off » by « the Hands of Heaven ».

The situation of *Mamzer* is extremely difficult. It is the question of an individual who cannot, according to Jewish law, marry another Jewish person, unless the other person is also Mamzer or of non-Jewish origin and converted to Judaism. His descendants are *Mamzerim* for ten generations. The rabbis could have given a very limited definition of the term *Mamzer* and thereby make it “a dead letter of the law.” They did not do this. The existence of the real *Mamzer* provided them perhaps with an effective weapon for discouraging the people from “illegal” sexual relations. Whatever the case may be, the rabbis did not want to define *Mamzer* in too broad a way either. Considering children who are born of sexual relations during menstruation as *Mamzerim* would have led to difficult situations: children born from legitimate marriages would have, in a certain way, been considered “illegitimate”[[15]](#footnote-15). In a similar way, children could have been born *Mamzerim* by oversight: the child of a couple that discovers at the moment of his or her conception that the woman was Niddah could have been considered as *Mamzer*. Such a situation would have created, in a pious community, extreme fears that could have discoursed the couple from having sexual relations. Further, in most cases, the only people to know that a child was the fruit of sexual relations while the woman was Niddah are the parents or just the mother. In such a context, can one ask the parents to inform the community that one of their children is *Mamzer*? It is clear that such a practice is unfeasible[[16]](#footnote-16).

In explaining the Mishnah, the Talmud affirms as a matter of fact, based on the opinion of Abbaye (a Babylonian Jewish sage from the third and fourth centuries CE), and without mentioning all the problems evoked above, that a son (or a daughter) of a Niddah woman is not *Mamzer*:

Abbaye said: “All agree that if one cohabited with a menstruant… the child [born from this union] is not a Mamzer.”[[17]](#footnote-17)

The reason the Talmud gives is that, in the aforementioned cases, the marriage of the couple (real or theoretical) is valid[[18]](#footnote-18), which is not true, for example, of sexual relations between a man and his sister, or of a man and a married woman, since in both cases the man cannot marry the woman even in theory. In this regard, the Talmud’s declaration reveals that the legality of the couple’s union “saves” the children: these children do not risk being considered *Mamzerim*, even if the relations during which they were conceived were prohibited. It is thus a delicate situation. According to the Halachic logic of the Mishnah, described above, he who is born of sexual relations while his mother was Niddah must simply be considered as *Mamzer*, with all the consequences that this implies. This situation is so dangerous for society that the Talmud classifies this case separately and declares that this son is not *Mamzer*.

**The son of Niddah came, tainted with a terrible reputation**

We have seen that, according to the Talmud, the child born of sexual relations while his mother was Niddah is not *Mamzer*. Is he thus absolutely “normal,” or is he considered a Jew of an inferior category? Can he be distinguished by his appearance? By his behavior? If one knows someone to be the fruit of sexual relations that occurred during menstruation, should one avoid that person? Must one inform members of the community? In fact, the expression *Ben ha-Niddah*[[19]](#footnote-19), evoked above, does not figure in the Talmud even if, as we have shown, the idea that such a child can exist is found there[[20]](#footnote-20). The expression appears for the first time in texts that seem to be “pseudo-Talmudic,” such as the treatises of *Kallah* and *Kallah Rabbati*. Various theories were suggested regarding the date and origin of this text, generally hesitating whether it is from the Talmudic period (third to sixth centuries CE), or from the Gaonic Period (seventh to tenth centuries CE).[[21]](#footnote-21) Here is an example from the treatise of *Kallah Rabbati*:

Ten are like the Mamzerim, but they are not Mamzerim… the sons of a Niddah woman… the sons of a woman who was raped… the sons of a woman who was asleep…[[22]](#footnote-22)

From the moment where the two definitions, *Mamzer* and *Ben ha-Niddah*, coexist, we see that they can sometimes overlap. This amalgam shows how the declaration of Abbaye in the Talmud according to which “all agree” that the child born from sexual relations while the mother was Niddah is not Mamzer, reflected more a hope than a reality. In the treatise of *Kallah*[[23]](#footnote-23) one finds the following paragraph[[24]](#footnote-24) :

Rabbi Judah says: “The brazen to Hell, the timid, to Paradise”. Brazen - Rabbi Eliezer says: “[This characteristic is that of a] Mamzer”; Rabbi Joshua says: “[Of a] Ben ha-Niddah”; Rabbi Akiva says: “[Of one who is both] Mamzer and Ben ha-Niddah.” The elders were once sitting by the gate when two young lads passed by. One covered his head and the other uncovered his head.[[25]](#footnote-25) Of him who uncovered his head, Rabbi Eliezer said: “Mamzer.” Rabbi Joshua said: “Ben ha-Niddah”. Rabbi Akiva said: “[He is both] Mamzer and Ben ha-Niddah”. Rabbi Akiva was asked: “What induced you to contradict the opinion of your colleagues?”[[26]](#footnote-26) He replied: “I will prove it concerning him”. He went to the lad’s mother and found her sitting in the market selling beans. He said to her: “My daughter, if you will answer the question I will put to you, I will bring you to the life of the world to come!” She said to him: “Swear it to me!” Rabbi Akiva took the oath with his lips but annulled it in his heart. He said to her: “What is the status of your son?” She replied: “When I entered the bridal chamber, I was Niddah, and my husband kept away from me. But my best man had intercourse with me, and this son was born to me.” Consequently, the child is both a Mamzer and the son of a Niddah. At that moment, it was said: “Blessed be the God of Israel who revealed His secret to Rabbi Akiva son of Joseph!”[[27]](#footnote-27)

The text of *Kallah* is not the only text that proposes that sages are able to identify who is “son of Niddah”. In *Heikhalot* literature, a literary genre whose central theme is the passage of the mystic in the celestial (“Heikhalot”) palaces[[28]](#footnote-28), we learn that one of the advantages of knowing divine secrets is the ability to respond to the following questions:

How many *Mamzerim* are there in the family, how many sons of Niddah are there in the family… How many slaves are there in the family, how many uncircumcised sons[[29]](#footnote-29) are there in the family…[[30]](#footnote-30)

Undoubtedly, such knowledge was considered important in the milieu of the *Heikhalot* and in the milieu of the origin of the treatise of *Kallah*. It is interesting to note that Akiva, Joshua and Simon ha-Timni participate in the debate on the definition of Mamzer in the Talmud, while Akiva, Joshua and Eliezer, to whom the citation of Judah is added, determine the “practical definition” of the treatise of *Kallah*.This story probably knew a profuse diffusion in the Ashkenazi world because it was cited in the *Maḥzor Vitry*[[31]](#footnote-31). This text establishes a direct link between arrogance and the fact of being born of a Niddah woman. This “arrogance”, is it biological, or is it “social” and acquired? It seems that the text does not resolve the two possible interpretations: A *Mamzer* or a son of Niddah may be insolent by nature, or he may have “adopted” the arrogance of his parents who, from the sages’ perspective, were insolent in neglecting the law.

This story is interesting, intriguing, and troubling, all at the same time. Ignoring many of this story’s questionable aspects, let us focus for now on only one question: who was this terrible child, this *Ben ha-Niddah*, who walked, in front of three respected sages, with his head uncovered?

The above-mentioned paragraph from *Massekhet Kallah* is extensively quoted nowadays in anti-Jewish websites as proof of Jewish attacks against Christianity, and as an example of the immoral behavior of Talmudic rabbis.[[32]](#footnote-32) The second claim is out of the scope of this study. But what about the first accusation? Is this text related to Jewish-Christian polemic? In short: Who is that boy? The text does not provide any “historical” information on the child in question. Some early scholars of Judaism still thought the story is about Jesus. This was, for example, the opinion of Gustaf Dalman (1855-1941),[[33]](#footnote-33) as well as of Samuel Krauss (1866-1948), at least according to his statement in the *Jewish Encyclopedia*, that

The incident of Jesus concerning the dispute with the Scribes was copied by the rabbinical sources *([Tractate of] Kallah*)”[[34]](#footnote-34)

It seems that Krauss suggests that the text in *Kallah* is inspired by a verse in the Gospel according to Luke (2:46), where Jesus interacts with sages in the Temple. If both are related, then indeed the text we have seen might be referring to Jesus. This theory is possible, but does not seem to have textual proof. None of the ten manuscripts used by Michael Higger in preparing his critical of *Kallah*[[35]](#footnote-35) mentions anything about Jesus, or explicitly links the mother of the boy to Mary. Some may argue that the anonymity in the text might be a result of an internal Jewish censorship, which omitted the name of Jesus and Mary from the text in order to not make it a target for Christian rage, and that this censorship was successful and happened a long time before the composition of the earliest extant manuscripts of this text. Others may say that even if such an assertion was never in the text itself, Jewish readers had an oral tradition linking the anonymous boy with Jesus, and possibly that this was indeed the case in the mind of its earliest redactors. Both theories are possible, but hard to prove.[[36]](#footnote-36) Obviously, a third option that this text has nothing to do with Jesus or any other specific person is also possible. And yet, regardless of the exact original relations, if any, between this text and the figure of Jesus of Nazareth, and the intentions of its author(s), it is evident that, from a certain moment in history, it was indeed associated by Jews with the most famous, and, in their eyes, despised son of theirs: Jesus of Nazareth.

**The new identity of the son of Niddah**

The *Toledot Yeshu*, the Life (or the Genealogy) of Jesus, is the name of a family of medieval Jewish texts that narrate the life of Jesus and the beginning of Christianity in a very different way than the canonical Christian version[[37]](#footnote-37). These texts, while different from one another, treat, in their major points, the same story, allowing us to speak of the *Toledot Yeshu* in the singular. From its beginning, the story was transmitted in Hebrew or in Aramaean. It seems that the work, while drawing on sources from the Talmudic era, took its definitive form more or less around the 10th century[[38]](#footnote-38). A dozen versions of this story exist. The connections between these versions are complex, but, as we have noted, certain motifs are found in a large number of versions. Several scholars think that the story is the most widespread attack against Christianity in medieval Judaism; others are more hesitant regarding its importance.

According to the *Toledot Yeshu*, the origin of Jesus is as follows. Mary, a woman from a good family, marries (or is engaged to) a respectable man, a descendant of the house of David. One of their neighbors is a mean man. In the versions where this man is called Joseph, the husband (or fiancé) is named John. On the other hand, when the husband (or fiancé) is called Joseph, the neighbor is named John. In certain versions, the neighbor rapes Mary; in others, he pretends to be her husband (or fiancé). The child born from this sexual relation, Jesus, is thus *Mamzer*, because he is born of a married (or engaged) woman who had relations with another man. If this is not enough to tarnish the birth of Jesus, several versions of *Toledot Yeshu* teach that Mary was menstruating that day and that the mean neighbor, whom she had warned that she was Niddah, did not deviate from his intentions[[39]](#footnote-39).

Let us see an example from the version of the *Toledot Yeshu* commonly called *Ms. Strasbourg*. Here, one finds a discussion between Mary and her neighbor Joseph (ben?) Pandera, whom she thinks to be John (Yohanan), her fiancé:

And she was telling him: “Do not touch me, as I discharged a menstrual blood! …he did not think nor care about her words; he lay with her, and she became pregnant from him.[[40]](#footnote-40)

Jesus is thus, according to this text, both *Mamzer* and son of Niddah. In fact, the accusation that Jesus is *Mamzer* is not surprising. Jesus of Nazareth was probably considered by many Jews, and probably also by others, since the very beginning of Christianity, to be the fruit of adultery. These claims should not surprise anyone. Both the Gospel according to Matthew and the Gospel according to Luke claim that Jesus was born to a woman who was engaged to a certain man,[[41]](#footnote-41), but did not have sexual relations with him.[[42]](#footnote-42) According to Matthew, even Joseph, her fiancé, thought at first that she had relations with another man.[[43]](#footnote-43) Obviously, if one has little faith, and excludes sophisticated methods of artificial insemination or In Vitro technologies, one must conclude that Mary’s son is a product of relations she had with Joseph or with another man. In other words, there are only two options: either he is from Joseph, or he is a *Mamzer*. This theme continued to haunt Christians for centuries: Origen (184-253) responded to the accusation that Jesus was a result of adultery.[[44]](#footnote-44) Augustine (354-430) also felt the need to answer to similar accusations by Jews.[[45]](#footnote-45) It seems Jews continued, throughout their history, to say Jesus was a bastard.[[46]](#footnote-46) A millennium after Origen, in the thirteenth century, Peter of Reims acknowledged in a sermon that “alas, blessed Mary, how many people nowadays treat you in their way as a prostitute, if I may put it so!”[[47]](#footnote-47) A number of modern, not-very-catholic jokes, do exactly the same.

More interesting is the accusation that Jesus is the son of a Niddah. In fact, in several chapters of the *Toledot Yeshu*, the title of *Ben ha-Niddah* is constantly used to designate Jesus. Perhaps akin to a traumatized victim who thinks about his or her aggressor, medieval Jews, in general, did not even want to pronounce the name of Jesus[[48]](#footnote-48). The expression “*Ben ha-Niddah*”, supported by traditions preserved in the *Toledot Yeshu*, served as a pseudonym to designate the god of their neighbors[[49]](#footnote-49).

Some have advanced the theory that the text of the treatise of *Kallah* evoked above is also a polemical text against Jesus. I find no proof of this[[50]](#footnote-50). Nevertheless, it is clear that, from a certain moment, the text became associated with Jesus. In some of the manuscripts of the *Toledot Yeshu*, a strangely similar anecdote to the one in the *Massekhet Kallah* appears:

And [Jesus], this villain, passed in front of our Rabbis, straight, and uncovering his head… The second one [of the Rabbis] said: “He is a Mamzer, and a Ben ha-Niddah.”[[51]](#footnote-51)

Whether this identification between Jesus and the child from the Tractate of *Kallah* was the genuine idea of the author(s) of the *Toledot Yeshu*, or whether the text of the Tractate of *Kallah* was already considered to be written about Jesus is a question I cannot answer. Moreover, as Yaacov Deutsch has showed,[[52]](#footnote-52) the inclusion of the claim that Mary was menstruating during Jesus’ conception is absent in some early versions of these texts.

It seems to me that it is the *Toledot Yeshu* that borrowed this story from the treatise of *Kallah*, and not the inverse. In other words, the anonymous child of the treatise of *Kallah* was later equated with Jesus since the story already existed[[53]](#footnote-53). Without addressing the issue of whether the use of the expression *Ben ha-Niddah* by medieval Jews to designate Jesus is the result of a reading of the *Toledot Yeshu*, or if the inverse is true, this paragraph was integrated in the *Toledot Yeshu* because the expression was already in use[[54]](#footnote-54); thus, we can only affirm that a relation between Jesus and the term *Ben ha-Niddah* was established in the medieval Jewish world.

The equation Jesus = *Ben ha-Niddah* is found in several sources, among which are the Kabbalistic sources[[55]](#footnote-55), literary and other. We will study one unique type of source here, and we will examine chronicles relating the tragic events of the first crusade (1096). According to the chroniclers, when the Jews were attacked by the crusaders,

Les vierges, [and the young/recently married women and men], [tous] ont regardé par les fenêtres en criant [à pleins poumons] et en disant : « Regarde et vois, notre Dieu, ce que nous faisons pour sanctifier ton grand Nom, pour éviter de remplacer ta divinité par un pendu, un crucifié, un nazaréen abominé[[56]](#footnote-56), rejeté et maudit par sa génération, un *Mamzer*, un fils de Niddah, un fils de la pros­titution[[57]](#footnote-57). »

This text is part of a chronicle that was most likely composed before 1106. An identical text also appears in the chronicle that was edited by Salomon ben Samson between 1140 and 1146[[58]](#footnote-58). It is difficult to know if these insults are only part of the chronicles composed in the 12th century or if the Jews that were massacred in 1096 pronounced them. One cannot affirm with certitude that the dying yelled exactly what is found in the chronicles. These chronicles are, after all, a literary composition, the goal of which is to glorify the dying and to explain the unfolding of events. The decision of the dying to kill themselves together did not yet have any precedent in rabbinical Judaism and thus had to be explained in one way or another by the generations to come[[59]](#footnote-59). That said, the chronicles were edited between *circa* five and five hundred years after the events, and by authors from cultural contexts that was similar to those of the dying. If these authors could imagine that such cries were adequate in such terrible moments, it seems to me that the dying could have been of the same opinion. So often historians estimate that Jews were afraid of making radical affirmations against Christianity in public, an idea that, moreover, probably deserves to be reevaluated, yet it is necessary to remember that here these Jews had absolutely nothing to lose and, from their point of view, everything to gain. They knew that they would likely be killed following their refusal to convert to Christianity. Moreover, it seems that many of them even wanted to die as martyrs[[60]](#footnote-60). In a few exceptional cases, this desire was even greater than the will of the Christians to kill them. Under such conditions, one must not be surprised that these Jews used an arsenal of violent blasphemies against Christianity in public.

The chronicles were edited in Hebrew, the only written language of Ashkenazi Judaism in that era[[61]](#footnote-61). If the dying shouted such accusations against Christians and Jesus, which language did they use? Were they speaking only to God, using Hebrew, the language he knew best, or did they want, in that moment, to humiliate and enflame the crowd by using the vernacular language? I lean towards the second hypothesis[[62]](#footnote-62). If the dying used the vernacular, this is an example, albeit unique and extremely dramatic, demonstrating that laical Christians had the occasion to hear such blasphemy. It is undeniable that other Jewish expressions used to insult Mary were familiar to ecclesiastical authorities, at least beginning in the 13th century. Part of the accusations against the Talmud, which ultimately led to the burning of the Talmud in Paris in June 1242[[63]](#footnote-63), were based on the fact that Mary was presented in a ridiculous way in Jewish sources[[64]](#footnote-64). The authorities knew that Mary is called “the fornicating woman” in certain Jewish texts. In a famous work, the *Extractiones de Talmut*, a collection of Jewish texts compiled by Eudes de Chateauroux and members of the University of Paris with the aim of exposing what they saw as blasphemy and ridicule in the Talmud, one finds in the sections on attacks against the Christian faith a pretty faithful Latin translation of a Jewish litany that was sung in synagogue during *Yom Kippur*:

Les Gentils appellent « ta sainteté » l’enfant issu d’une adultère ; Ceux que tu as relevés, abominent le fruit de [littéralement : la produc­tion de chaleur] de la femme qui a forniqué[[65]](#footnote-65).

The desire to attack the mother of the God of the Christians is no less intense here than the desire to attack Jesus himself[[66]](#footnote-66). One can assume that when the cult of Mary was developing in Europe[[67]](#footnote-67) during the 11th and 12th centuries, the desire of the medieval Jews to tarnish the reputation of this woman was also growing. Given that the ecclesiastical authorities were familiar with the accusation of “fornicating woman” against Mary, it is likely that they were also familiar with the blasphemy pronounced by certain Jews regarding Mary, according to which she would have had her cycle at the moment of fertilization/incarnation. While this hypothesis must still be substantiated, the fact that these two blasphemies, “Mary fornicator” and “Mary Niddah”, are mentioned in similar sources points in this direction[[68]](#footnote-68).

Did the Christian “ordinary people” ever encounter these expressions insulting the Christian faith, as used by their Jewish neighbors? I think so. It is possible that they heard these insults directly, in moments of tension between Jews and Christians. In this respect, I espouse the opinion of David Berger :

Est-ce que le « petit peuple » chrétien est entré en contact avec ces expressions insultant la foi chrétienne, utilisées par ses voisins juifs ? Je crois que oui. Il est possible que le peuple ait entendu ces insultes directement, dans des moments de tension entre juifs et chrétiens. En cela, je me rallie à l’opinion de David Berger :

Il s’avère que la résolution et la confiance en soi des juifs ashkénazes étaient remarquables. Il faudrait probablement modifier, sans pour autant l’écarter tout à fait, l’opinion qui veut que la majorité des remarques sarcastiques dans les écrits polémiques juifs était destinée à un usage interne, au sein de la communauté[[69]](#footnote-69).

Clearly, it is also possible that members of the clergy and directors of the Church acted as a second source of diffusion of this information, because they could have heard of the existence of these insults in Jewish texts[[70]](#footnote-70) from Hebraists.

**The son of Niddah in the fetal stage**

It seems that, from the 13th or even the 12th century, an additional reason could have played a role in the Jews’ desire to use the term *Ben ha-Niddah* to designate Jesus. In fact, it is possible that it may be, in certain cases, a more direct and malicious attack than we might have thought in a first reading. To say that Jesus is the son of a Niddah woman is not only humiliating in and of itself, but it is particularly insulting because according to several Christian theologians, Jesus never had, even in a fetal stage, contact with menstrual blood.

Thomas Aquinas[[71]](#footnote-71), in the part of the *Summa* that is consecrated to the life of Jesus, wonders about a question that was not necessarily new, but that he formulated very well:

Le corps du Christ a-t-il été formé du sang le plus pur de la Vierge[[72]](#footnote-72) ?

The question is essential, because normally, according to the medical concepts of the era,

[Les hommes] ne sont pas formés du sang le plus pur, mais du sperme et du sang menstruel. Il apparaît donc que le corps du Christ non plus ne fut pas conçu du sang le plus pur de la Vierge.

The stakes are clear. It was difficult to admit that Christ was conceived of impure blood and that the mother of God suffered from this “sickness of women”, whether this was related to the fall or not[[73]](#footnote-73). But saying that Jesus was not conceived of this blood, does this not diminish his human character? After having meditated on different aspects of the question, Thomas concludes that the blood from which the body of Christ was conceived

n’est pas un sang quelconque, mais le sang qu’une transformation ultérieure, due à la puis­sance génératrice de la mère, rend apte à la conception.

This blood, says Thomas, is the blood from which all humans are formed. It is not about menstrual blood, but a different type of blood—a purified kind.

[Le] sang menstruel contient une impureté naturelle, comme les autres superfluités que le corps élimine parce qu’il n’en a pas besoin. La conception ne se fait pas avec ce sang corrompu[[74]](#footnote-74), mais avec un sang plus pur et plus parfait qu’une transformation rend apte à cette fin.

Nevertheless, even if this blood is pure,

dans la conception des autres hommes, ce sang, pur par lui-même, conserve une certaine impureté due à la sensualité ; car il n’est attiré dans le lieu propre à la génération que par l’union de l’homme et de la femme. Mais cela n’a pas existé dans la conception du Christ. C’est en effet par l’opération du Saint-Esprit que ce sang s’est amassé dans le sein de la Vierge pour former le corps du Christ. Voilà pourquoi S. Jean Dama­scène[[75]](#footnote-75) a écrit que le corps du Christ a été « formé du sang le plus pur et le plus chaste de la Vierge. »

It seems that several medieval Jews knew that the Christian theologians were seeking different explanations to remove the divine fetus from menstrual blood. The *Niẓaḥon Vetus*, a polemical work against Christianity, edited in Germany at the end of the 13th or at the very beginning of the 14th century, explains as follows:

Et si [le chrétien] dit que [Jésus] n’a pas été souillé dans les entrailles [de Marie], car les règles se sont arrêtées chez Marie, et que [c’est] un esprit qui est entré en elle, et qu’il est sorti sans douleur ni souillure de sang…[[76]](#footnote-76)

The author of this work makes fun of this birth by referring to the calendar created by the Christians themselves. February 2 is the day of the *Lichtmess*[[77]](#footnote-77), the day of Mary’s purification following childbirth, the day where she presented herself to the Temple to purify herself. But if she had neither her period nor post-partum impurity, what exactly is the meaning of this celebration, the author asks sarcastically. Your calendar, he says to the Christians, only proves that Mary, like all women, had her cycle and then purified herself.

It is possible that the Jews were aware of the Christian notion of the privileged status of Jesus as fetus well before the composition of the *Nizzahon Vetus,* and perhaps even before Thomas Aquinas. In the polemical work known as the *Vikuah le-ha-Radaq*[[78]](#footnote-78), the author employs the medieval concepts of his time to attack the Christian faith. After an explanation regarding the nature of menstrual blood, the author teaches, in conformity with medicine of the period, that among all of the living, only humans are nourished by menstrual blood in the embryonic stage. This blood is essential to them, but because of its venomous character, man’s young ones are born very weak. After explaining this, he pushes the analysis *ad absurdum* :

Alors, Jésus, dont la mère a été fécondée par l’Esprit Saint, et qui n’a pas été nourri de ce sang pollué dans les entrailles de sa mère, aurait dû marcher sur ses pieds le jour de sa naissance, et aurait dû parler et être intelligent comme il l’était à l’âge de trente ans ! [Mais, en vérité], il est sorti de l’endroit connu, petit, comme tous les petits, déféquant et pissant comme les autres enfants…[[79]](#footnote-79)

The logical consequence is thus clear. Jesus, like all the humans, was not removed from menstrual blood. In this way, the use of the term *Ben ha-Niddah* regarding Jesus probably brought compounded pleasure to the Jews who were familiar with Christian beliefs on this matter. Not only was the term negative in and of itself, but it allowed them to ridicule the Christian theory of the embryo that would not have been nourished by menstrual blood.

**The son of Niddah in court**

Was the expression *Ben ha-Niddah* also used as an insult by the Jews amongst themselves? And if so, what was its role? The wonderful definition of Yves Bonnardel gives us several ways to respond to this ques­tion:

Insults are common words or expressions, whose offensive character is immediately perceived by all, and that one uses to attack someone directly, by demeaning him and signifying contempt. Because they need to be immediately understood by everyone, they omit any truly individual character so as to only refer to social categories: and it is for this reason that they are a good source of indications regarding social relations[[80]](#footnote-80).

Several texts show that the formula *Ben ha-Niddah* was in fact used as an insult. Let us observe a decree attributed to Yecḥiel ben Joseph of Paris[[81]](#footnote-81):

Struck by anathema[[82]](#footnote-82) is not he who treats his colleague as “Mamzer”, “Ben ha-Niddah”, or slave, but only he who says it in the vernacular, “Fils à pute” [son of a whore][[83]](#footnote-83).

Yecḥiel of Paris was certainly familiar with all the Jewish blasphemies against Christianity, as well as their harmful consequences for the Jewish community when the ecclesiastical authorities discovered them. We know very well that Yechiel was the main protagonist on the Jewish side in the matter that led to the burning of the Talmud in the fifth decade of the 13th century. Whether his experience is linked in one way or another to his declaration that certain insults are way more serious when pronounced in the vernacular, I would not be able to say for sure, but the hypothesis is very tempting.

Some generations later, in the beginning of the 14th century, another author, this time German, also refers to this kind of insult. In this text, one cannot find the distinction given in the decree attributed to Yechiel of Paris. Here are the words of Menaḥem of Merseburg, conserved in the *Nimmukei Menaḥem mi-Merseburg*, a short work which is, as far as we know, the sole writing of this German author:

The law concerning who says dishonorable things about the deceased [is the following] [He] will receive forty lashes. [Here is an] example: [If he] says to someone: “Son of Niddah”, [or] “Son of a whore”, and [if the parents of whom he is insulting] are deceased, he will receive eighty lashes, so that he may be saved from hell. [But] if his father or his mother is alive, he will receive forty lashes. [In fact, the penalty is doubled] due to the honoring of the dead[[84]](#footnote-84).

According to Menaḥem, if a member of the communities insults another member with the expressions “son of a whore” or “son of Niddah”, the base penalty starts at forty lashes, which corresponds to the customary number of lashes in Jewish law[[85]](#footnote-85).But if the parents of the offended person are dead, the offender has caused disrespect not only to the living but also to the dead. For this he risks being punished yet again in the world to come. To avoid such a fate, and to save the honor of those who cannot defend themselves, one inflicts on him, here below, a doubled penalty of eighty lashes.

The two texts that we have seen clearly demonstrate that the insult *Ben ha-Niddah* was used in the Jewish community and that sometimes people who felt attacked by this insult could appeal to the courts. In certain cases, one can find the transcription of highly detailed discussions between the judges and the different parties in order to understand all the details of the confrontation[[86]](#footnote-86). To call someone a “son of Niddah” is a highly codified insult: your parents are sinners and you are insolent, just like the child in the treatise of *Kallah*. It is very likely that this expression had a particularly negative connotation because it was tied, in the Ashkenazi culture, to Jesus[[87]](#footnote-87). One can imagine that, more often than not, these confrontations were resolved without recourse to the judicial system. We have written records only when those who were attacked had the means, the time, and the desire to go to court. Thanks to them, we have traces of this very Jewish insult that was used against Christians, but also among Jews[[88]](#footnote-88).

**When the son of Niddah encounters the *Mamzer***

Is the frequent juxtaposition of the two terms *Mamzer* and *Ben ha-Niddah* uniquely linked to their association in several Talmudic sources, or were these terms also related in the medieval Jewish mentality? As we have seen in the Talmud, Abbaye declares that “everyone agrees” that the child born of sexual relations while his mother was Niddah is not *Mamzer*. It is true that for the purist Talmudists, the expression “*Mamzer* and *Ben ha-Niddah*” designates two types of people, but it seems that many Jews did not always distinguish between the two components of the expression. In fact, the definition that makes the *Ben ha-Niddah* a special category, an “imperfection[[89]](#footnote-89)”, probably helped the marriage of the two terms. In the *Yad Ḥazakah,* the major Halachic work of Maimonides[[90]](#footnote-90) that circulated quite rapidly not only in North Africa but also in the Ashkenazi world, the category of the son of Niddah was formulated in a very clear manner. The*Ben ha-Niddah* is not a *Mamzer*, but he is not very far behind:

Et il faut que tu saches que celui qui est né de relations sexuelles avec une femme sanctionnées par le *Karet* est appelé *Mamzer*. C’est lui que Dieu, élevé soit-il, appela *Mamzer*. Que [ces relations] soient consommées, [les partenaires] étant conscients de l’interdiction ou non, dans tous les cas, le nouveau-né est *Mamzer*. Sauf dans le cas de la Niddah, car celui qui naît d’elle n’est pas *Mamzer*, mais on l’appelle quand même « *Ben ha-Niddah* »[[91]](#footnote-91).

According to Maimonides, an author who is very precise and attentive when it comes to the exactness of Halachic definitions, a tension between the two terms exists, but it is nonetheless about two categories that are quite distinguishable. A *Ben ha-Niddah* is not *Mamzer*. Maimonides is not the only one to exercise caution and to avoid the conflation. Other authors, even when using very harsh words regarding the *Ben ha-Niddah*, maintain a Halachic exactness and preserve the distinction between the son of Niddah and the *Mamzer*. Such an approach of course is not at all surprising and corresponds to what we expect of an author immersed in Talmudic culture[[92]](#footnote-92). Let us observe an example in the *Sha’arei Teshuvah*, a very famous ethical work by Jonah ben Abraham Gerondi[[93]](#footnote-93) that dates from the generation following Maimonides:

And there are, among those who are guilty [of misconducts sanctioned by the] *Karet*, he who brings woes and corruption to his lineage, if not its [total] disappearance. This regards he who has relations with the Niddah. [Such a lineage] is called “race of evildoers”[[94]](#footnote-94) because the sign of insolence is on his forehead [all] his life. As our sages have said: “The insolent one – he is the son of a Niddah[[95]](#footnote-95) woman”. And the sins of the son will be attributed to the father, because it is he who forces [his son] to be a sinner from birth. Woe to the villain, because he has corrupted [his son][[96]](#footnote-96). His soul and the soul of his wife will be forgotten, and his treacherous lineage will [also] be forgotten[[97]](#footnote-97).

Jonah Gerondi’s work is an ethical work in which the author seeks to emphasize the danger of moral sins (which, according to him, include sexual sins). But even while designating the son of Niddah with very negative adjectives, Gerondi does not use the term *Mamzer*[[98]](#footnote-98). Despite some very harsh words, he does not eliminate the Talmudic distinction between the “true” *Mamzer* and the son of Niddah. Unfortunately, the “sons and daughters of a Niddah woman” would have difficulty finding any consolation or factors which would valorize their image in the community in this text.

Well before Jonah Gerondi, others attributed the title of *Mamzer* to the son of Niddah. This is the case in a work coming from the circles of de Rashi[[99]](#footnote-99), the *Likkutei ha-Pardes*[[100]](#footnote-100):

There were people who did not agree with our dearly remembered master Solomon ben Isaac and who said that [the woman must] also count among the seven clean [days] the day when [the blood] stops. And our master Solomon responded to them: “If [you do] what you tell me, your sons are *Mamzerim*”… And our master responded to them that their sons are thus *Mamzerim* according to the Torah[[101]](#footnote-101). [Regarding them] it is said: "No Mamzer… may enter the assembly of the Lord, not even in the tenth generation”[[102]](#footnote-102). The Sages said that the man is called *Mamzer* in several cases. Here, the six *Mamzerim* who are not [“truly”] *Mam­zerim* – if handicaps did not appear or she did not give birth, they are not *Mamzerim* according to the Torah[[103]](#footnote-103): the sons of a Niddah woman… the sons of a repudiated woman… the sons of a woman who was raped [by her husband][[104]](#footnote-104)… And if [han­dicaps] did not appear, they are not *Mamzerim*[[105]](#footnote-105)*.*

If the manner of counting the days before purification is possible is in fact inadequate, the woman is not purified by the ritual bath. Consequently, her children will fall in the category of “sons of Niddah”. Following the testimony of the text above, Rashi declared that such children are simply *Mamzerim*. Is this a purely polemical argument or did Rashi *really* consider these children as *Mamzerim?* Despite our desire to believe that Rashi could not truly consider them as such, as he very likely knew that this went against the words of Abbaye in the Talmud, the sentences that follow the declaration leave us perplexed. This paragraph is composed of an excerpt from the treatise of *Kallah*, with some intervening explicative phrases. The narrator, or a later hand, thus explains how it is possible to be “a *Mamzer* who is not a *Mamzer*”. According to this explication, it is the apparition of handicaps that determines the “*mamzeric*” state of the child. If the child is born in good health, he is perhaps not a “real” *Mamzer*. If he is badly formed, this proves that he is a real *Mamzer*, with all the Halachic consequences that this state brings about[[106]](#footnote-106). In this respect, a “son of Niddah” is *Mamzer* if he presents with bodily malformations. And Rashi? Even if it is difficult to know if he would have accepted such an interpretation of this extract from the treatise of *Kallah*, it seems to me that we should take his words seriously[[107]](#footnote-107).

This severe approach did not fall into relative obscurity, unlike many of the works of Rashi’s school. We find a clear and unmistakable nullification of the Talmudic affirmation of Abbaye in several well-known medieval works. One of the clearest affirmations is that of Isaac Aboab, a Spanish author of the 14th century, an affirmation that he makes in his *Menorat ha-Ma’or*. Let us recall the influence of this work:

Le renom d’Isaac [Aboab] tient dans son *Menorat ha-Ma’or,* (« Chandelier de lumière »), l’un des ouvrages les plus appréciés des juifs médiévaux en matière d’éducation religieuse. Écrit « pour l’ignorant et pour le savant, le stupide et le sage, le jeune et le vieillard, les hommes et les femmes », cet ouvrage eut plus de soixante-dix éditions et impressions (1re édition – Constan­tinople, 1514). Il fut traduit en espagnol, en ladino, en yiddish et en allemand... Le livre devint un manuel pour les prêcheurs et servit pour la lecture publique dans lessynagogues lors­qu’aucun prêcheur n’était disponible[[108]](#footnote-108).

Aboab, in discussing questions tied to menstrua­tion, declares that the son of Niddah is quite simply *Mamzer*:

And if, God forbid, [the husband] transgressed [the forbidden] and had sexual relations with [his wife] during the days of Niddah or during the white days[[109]](#footnote-109), the newborn is *Mamzer*[[110]](#footnote-110).

One can no longer characterize those who consider the son of Niddah a *Mamzer* as ignorant or as representative of a marginal or “popular” opinion[[111]](#footnote-111). Even if this conflation completely contradicts the Talmud, it was spread throughout medieval culture and, as we have seen, mentioned even in the most respected of works. This fusion sparked a plethora of questions on the place of the *Ben ha-Niddah* in the community. We will not discuss the numerous cases where the codifiers responses to questions of this type; we will only examine some cases where members of the community hesitated to marry those who, truly or not, are “sons of Niddah”.

**When the son of the Niddah wants to marry**

If the *Mamzer* is a person with whom one cannot marry, the son of Niddah remains, in theory, and despite his defects, a person with whom one can marry. We have seen that the title of *Mamzer* has sometimes been attributed to the sons of Niddah. Did this reduce their changes of marrying? To find out, we will now skip two centuries and move to Galilee, in the city of Safed. We find ourselves before Moses ben Mordecai Galante[[112]](#footnote-112), an author of the 16th and beginning of the 17th century, at the moment when he is addressing the question of families considered by others to be “defective”. In the question, one submits the case of a family that had recently been accused of being “corrupted” by a forbidden marriage going back several generations. Such an accusation could be detrimental to a family. After having discussed this “defect”, Galante launches an accusation against those who were avoiding union with this family:

As long as there is not in this family, may God save us, a question of *Mamzer*, it is not necessary [to avoid marrying with them]. May God save us from those who humiliate the sons of Abraham, Isaac, and Jacob of such a shameful thing and who reject them in an arbitrary and unjustified way! Will one say that a Jewess will not marry the son of a Niddah or that a Jew will not marry the daughter of a Niddah? Even if [the interdiction to have sexual relations with the Niddah) is sanctioned by the *Karet*, may God save us, [the state of being] *Mamzer* [comes] uniquely from sexual interdictions enumerated in the Torah, and not from [other] interdictions [mentioned in the Torah but for which the sanction of *Karet* is not evoked] as in the case [of this family]… And he who avoids [aligning himself] with this family will be punished [in the world to come]. This sin will remain [attached] to [his] soul, because it is of a great humiliation that one cannot forgive without [performing] serious repentance and reproaching [the members of this family] of the community of Israel, “may they repent and be healed[[113]](#footnote-113)”. This seems to me to be what the Heavens have taught us[[114]](#footnote-114). [Signed:] The young Moses Galante[[115]](#footnote-115)

The logic of Moses ben Mordecai Galante’s response is not perfect. Could this reveal the effect of his impassioned attitude about the question? In the analysis of this case, the presumed transgression of the family’s history is as follows: a widow would have married a man who was not her brother-in-law, thus neglecting the rite of *Ḥaliẓah*, a “pseudo-divorce” that annuls the obligation of the liverate marriage recommended by the Bible[[116]](#footnote-116). Then, she would have had a child by this man. As Galante shows, this transgression is not sanctioned by the *Karet*. The child is thus not *Mamzer*. On the other hand, according to Galante’s logic, the son of a Niddah, produced by a transgression sanctioned by the *Karet*, must be considered a *Mamzer*! Despite the imperfection of his Halachic logic, it is clear that Galante does not consider such a child *Mamzer*. Those who consider him as such are, according to him, sinners. This attitude is very different from that of Aboab, who preached two centuries earlier several thousands of kilometers to the west.

These two examples, chosen amongst others, demonstrates that the population sometimes considered the “son of a Niddah” to be *Mamzer* or almost *Mamzer*, while the savants were generally more nuanced as they tried to follow the Talmudic distinctions. That said, we have seen that some, Aboab for example, were quite severe regarding this category of people. At times, one can suppose that the authors made a distinction between severe moral affirmations and more indulgent Halachic affirmations. To alert the public of interdictions tied to menstruation, the authors would use more severe language. But when a real case was presented to them, when a community member was considered *Ben ha-Niddah*, they declared that one could in fact marry him or her. This distinction between theory and practice is sensitive, but, in reality, I am not convinced that this distinction always prevailed. Ethical sermons most likely influenced the fate of those who were accused of being the descendant of a Niddah. The codifiers assumed that, in general, the public observed the laws of Niddah. We will not raise the question here of whether this reality was true. In Jewish history, there certainly were numerous “sons of Niddah”, as was true, for example, of children born of premarital relations: most often, these relations were not “official”. The woman was thus not yet part of the women who go to the ritual bath to purify themselves after their menstruation. It is possible that the public considered such children to be “imperfect” people and thus these people would not have been the first choice for marriage in the eyes of the elites. It seems to me in fact that in reality many people preferred to avoid marriages with people suspected of being the fruit of relations with a Niddah woman. The objection to such practices by certain codifiers only confirms the existence of this reality.

As much as the presumed number of such people was limited, their misery, even if it was known, did not pose existential problems for Jewish communities. It is likely that, in many cases, these people were not considered as a very desirable husband or wife, but we can imagine that other qualities, such as money, a socially elevated status, or perhaps even, for the lucky, extraordinary beauty, would have helped some of them marry members of “superior” classes—despite their imperfection.

The others had to, in the best of cases, content themselves with less illustrious marriages. While this situation was difficult for these people, it apparently did not pose any practical problems that were of much significance for the community. This circumstance would change in the second half of the 20th century.

**The son of Niddah in the 20th century**

Moses Feinstein[[117]](#footnote-117), one of the most famous and respected codifiers of the 20th century and the author of thousands of responses on very diverse topics, was consulted several times regarding the question of the status of people born from women who did not observe the laws of the Niddah. A new situation arose in fact: more and more people coming from secular families wanted to adopt the orthodox lifestyle. In these conditions, orthodoxy made it a priority to accept and instruct these novices. But when these people wanted to marry with those who were orthodox from birth, questions arose as to their status. Feinstein had to response several times to such questions. July 2, 1978[[118]](#footnote-118), he responds to a question that was most likely asked of him orally:

That is, your brother… told me that someone asked you, regarding a woman he saw, [a woman] that was proposed to him in marriage, a modest and admirable virgin, who fears the Name, may it be blessed, who shows great respect for the precepts of the Torah, who has great qualities, and who loves the Torah and those who study it, but who has parents who do not observe the Torah, and who is thus “a daughter of the Niddah” according to the definition of Maimonides… if he must take account of this and not marry her for this reason, even if she is modest and admirable with great qualities, as explained above[[119]](#footnote-119).

The same problem is presented again three years later (the response of Feinstein is dated June 22 1981[[120]](#footnote-120)). This time, it is presented in a more theoretical manner. This question is one of the questions that an author of a book in English dedicated to the laws of the Niddah submitted to Feinstein:

Is there an advantage to avoiding marrying the son or the daughter of a Niddah, [even if] they fear the heavens and have great qualities[[121]](#footnote-121) ?

Whether this is the exact copy of a question or whether it was rewritten by Feinstein, this interrogation resumes a pretty burning problem in the Jewish (ultra-)orthodox world, that had to respond to the request of these new followers. Understanding that his response would be crucial to the future of many, Feinstein begins his argument by demonstrating first and foremost that there is no real Halachic prohibition of marrying the descendants of a woman who was Niddah at the time of conception:

It is not about a prohibition, but only about the good advice of distancing oneself [from them], because the children born of a Niddah have bad traits, such as insolence etc., as is said in the treatise of *Kallah*…[[122]](#footnote-122)

If his response finishes here, the destiny of many people would have been terrible. They would have been, in the best of cases, prospective marriage candidates for people who were desperate. These new followers would have never been “first-choice” candidates in the ultra-orthodox world where, most often, it is a matchmaker who proposes the meeting of the two parties. Luckily for these people, Feinstein did not abandon his pen:

This is why we have a sign here that these sons and daughters, who have good qualities and who are not insolent, are not the sons and daughters of a Niddah[[123]](#footnote-123).

This affirmation of Feinstein seems bizarre. According to the question, it is indeed regarding people whose parents do not observe the laws of the Niddah. How then can one day that their children do not fit the category of *Ben ha-Niddah*? Feinstein gives us an explanation for this enigma, a theory that explains the existence of children who are not “children of a Niddah”, even if they were born of women who do not observe the laws of Niddah:

And even if one knows that [the mother] did not go to the ritual bath to bathe herself, it is possible that she went to bathe herself in the sea or in the big pools of hotels and lodges, which are for the most part, according to the Torah[[124]](#footnote-124), valid as a ritual bath[[125]](#footnote-125). [Thanks to this bath] she is no longer Niddah as far as this question is concerned… And she purified herself with having [even had] the intention [of purifying herself]… And even if she was wearing the clothes women where when they bathe in the sea or in pools[[126]](#footnote-126), the water passes [under this cloth], and this is considered to be a [valid ritual] bath[[127]](#footnote-127).

It seems that even Feinstein knew that this explanation, which comes undoubtedly from a stroke of genius, would not have been easily accepted by part of the (ultra-) orthodox community. In fact, the laws of the ritual bath are so complex, and the respect for the precise moment in which the woman must bathe herself is so important that this explanation threatened to remain in the eyes of many a nice theory but an explanation incapable of improving the image of people who come from secularized families. This is probably why Feinstein reinforced his theory by inviting an agent who plays no active role in the *Responsa*: here, Feinstein invited divine Providence itself and granted it a crucial role in this scenario:

And in the heavens, one knew that the time is appropriate for [this woman] to bathe [to purify herself from her state] of Niddah, so she was impregnated by her husband while she was still pure[[128]](#footnote-128).

Finally, says Feinstein, because of this unfolding of events:

It happens that these [people], who fear [God] and are upright, even if they are sons and daughters of women who did not observe the laws of the Niddah, since they have good qualities and conduct themselves with politeness and as one should, it is not necessary to avoid marrying them[[129]](#footnote-129).

In creating a theory in which bathing pleasures and divine provide intersect, Feinstein succeeded in neutralizing, at least in writing, the negative characteristics attributed to the “sons of Niddah”. If a man or a woman conducts themselves well, this proves that they are not “real” sons or daughters of Niddah, even if their mother never saw a ritual bath establishment from the inside. Did he succeed in reality in eliminating all the fears aroused by these “sons of Niddah”? It seems not. Even today, people from secularized families who adopted an ultra-Orthodox life marry, most often, amongst themselves Even if other reasons may determine these unions[[130]](#footnote-130), this established fact can only be a further indication that the le *Ben ha-Niddah* is always considered, by numerous community members, as a person who is “handicapped” or “imperfect” in one way or another.

**The sons of Niddah abroad, *in vitro*, and conclusion**

The questions posed to Feinstein do not mark the end of the problems of the poor *Ben ha-Niddah*. In a rabbinical response published on the Internet on April 24, 2003, a woman of Israeli origin living abroad for years confesses, in a question sent to an Israel rabbi, that the child with which she is pregnant was conceived before she had immersed herself in the ritual bath. Yossef Al‑Nakawa, who was at the time (2003) the rabbi of Jewish colonies in the Gaza Strip, asks her to do penance and recommends that the couple return immediately to Israel. In his opinion, the birth of a child in the Holy Land is the best remedy for the sin committed during his or her conception[[131]](#footnote-131).

Modern technology has raised new questions tied to our topic. Some women have a short menstrual cycle (less than 24-25 days). For these women, ovulation comes before the woman can go to bathe herself in the ritual bath, because, halachically, the ritual bath should not take place before the eleventh or twelfth day after the beginning of menstruation. These women thus cannot have sexual relations at the ideal time for fertilization. Often, this situation is described as if it were a sickness: “religious sterility[[132]](#footnote-132)”. Several codifiers have asked the following question: is artificial insemination permissible when using the semen of the husband but proceeding with the insemination while the woman is still Niddah? During these discussions, the question of the fetus was also raised: is it a “son of Niddah[[133]](#footnote-133)”? It seems to me that Feinstein’s ideas helped diminish the fears of producing such children, but these fears were not totally eliminated. The question was compared to medieval discussions regarding the possibility of a woman being fertilized while lying on the sheets of her husband or bathing in a bath where a man ejaculated[[134]](#footnote-134). Is the child *Mamzer* if this man is not her husband? Is this child a *Ben ha-Niddah* if his mother was menstruating? In comparing *in vitro* insemination with medieval discussions, the codifiers indeed demonstrated that the sons of Niddah do not leave us. There will still be a beautiful future not only for non-practicing Jews, but also in the laboratories.

Presently, the vast majority of Jewish women do not observe the laws of Niddah. This is why, only few Jews, estimated at between ten and twenty percent, are not, from a Halachic perspective, sons and daughters of a Niddah. How will this fact influence the survival of this concept? It is clear that we are not yet able to respond to this question. We have shown that the term has a very interesting history, but that its future is not yet clear.

1. . Voir p. 000. [↑](#footnote-ref-1)
2. A few elements discussed in this chapter were also explored in my short article: Evyatar Marienberg, “Jews, Jesus, and Menstrual Blood”, *Transversal: Journal for Jewish Studies* 14 (2016), pp. 1-10 [↑](#footnote-ref-2)
3. . On the history of this question, see Michael J. O’Dowd and Elliot E. Philipp, *The History of Obstetrics and Gynaecology*, Parthenon, New York-London, 1994, pp. 255-289. [↑](#footnote-ref-3)
4. . Voir par exemple Galien (129-212) : « Avant l’arrivée des règles, la femme ne peut concevoir parce que le sperme manque de nourriture et ne trouve pas de point d’attache. La matrice est alors lisse, puisque les vaisseaux sont fermés, de sorte que le sperme s’échappe et ne peut adhérer à la paroi. Car une surface rugueuse est plus propice à l’accolement qu’une lisse… Durant tout le reste des règles, même si ces vaisseaux sont béants, la femme ne peut concevoir car le sperme ne peut rester dans l’utérus, lavé par l’abondance de l’écoulement sanguin. Tandis que, lorsque les règles s’installent ou s’arrêtent, les vaisseaux sont ouverts, et les menstrues ne s’écoulent pas d’un flot abondant et continu mais peu à peu et par intermittence, comme provenant de l’exsudation d’une humidité sanguinolente : ainsi le sperme peut s’attacher à la matrice alors rugueuse et tirer une nourriture suffisante de la faible quantité de sang qui s’y écoule. » Texte cité par Danielle Gurevitch, « La gynécologie et l’obstétrique », *Aufstieg und Niedergang der Römischen Welt (ANRW)* II:37.3, 1996, p. 2102. [↑](#footnote-ref-4)
5. . See pp. 000-000, as well as Evyatar Marienberg, “Female Fertility in Talmudic Literature” (Hebrew), *Hebrew Union College Annual* 86-87 (2013-2014), pp. 47-94, and in particular pp. 69-90. [↑](#footnote-ref-5)
6. FCC v. Pacifica Foundation (438 U.S. 726 (1978)), July 3, 1978. [↑](#footnote-ref-6)
7. However, these are not rigorously identical. The American expression does not explicitly allude to the sexual conduct of the mother, but compares her “only” to a prostitute. [↑](#footnote-ref-7)
8. Deut 23:2 (NIV). [↑](#footnote-ref-8)
9. 9. Gn 19.30-38. [↑](#footnote-ref-9)
10. .  “Timni” is he who comes from the city of Timnah, next to the city of Beth Shemesh. [↑](#footnote-ref-10)
11. 11. Mishnah (Kaufmann) *Yevamot* 4, 13: “ אי זה הוא ממזר כל שאר בשר שהוא בל’ יבא דברי ר’ עקיבה שמעון (ה)תימני א’ כל שחייבין עליו כרת בידי שמים והלכה כדבריו ר’ יהושע א’ כל שחייבים עליו מיתת בית דין”. See also Tossefta (Lieberman) *Yevamot* 6, 9: “Rabbi Simon ha-Timni acknowledges the fact that if one cohabited with his wife while she was Niddah, although such relations are punishable by the Karet,5 the newborn is not Mamzer, because Mamzer comes only from [relations with] kin.” (“ מודה ר' שמעון התימני בהבא על אשתו נדה שאע"פ שהן בהכרת שאין הולד ממזר שאין ממזר אלא משאר בשר ”). [↑](#footnote-ref-11)
12. . Lv 20.18 (NIV). [↑](#footnote-ref-12)
13. . « כרת ». [↑](#footnote-ref-13)
14. See *b. Moed-Katan* 28a; *y. Bikkurim* 2.1 (64c); *Semahot* 3, 8. See also Jonah ben Abraham Gerondi (1200-1263), *Sha’arei Teshuvah* III, 124. Regarding the medieval controversies about the exact definition of the Karet, see Israel Moses Ta-Shma, “Karet,” *Encyclopaedia Judaica* ; Hanna Kasher, “On the Meanings of the Biblical Punishment of Karet (Excision) and the Midrashic ‘He has No Share in the World to Come’ according to Maimonides” (Hebrew), *Sidra* 14 (1998), pp. 39-58. The opinion that the Karet is a divine punishment was not shared by all Jews. See, for example, Josephus Flavius, *Jewish Antiquities* III, 12.1, or the twelfth century Karaite author Judah ben Elijah Hadassi in his *Eshkol ha-Kofer* (Hebrew), Eupatoria 1836, 266-267. See also Evyatar Marienberg, “Qui coierit cum muliere in fluxu menstruo… interficientur ambo (Lev. 20:18) - The Biblical Prohibition of Sexual Relations with a Menstruant in the Eyes of Some Medieval Christian Theologians,” in: *Shoshannat Yaakov: Jewish and Iranian Studies in Honor of Yaakov Elman*, Edited by Shai Secunda and Steven Fine, Brill, Leiden 2012, pp. 271-284. [↑](#footnote-ref-14)
15. . Compare with the attitude of Albert the Great, p. 000 note 0. [↑](#footnote-ref-15)
16. . On a related topic, see Stephen M. Passamaneck, “Some Medieval Problems in *Mamzeruth*”, *Hebrew Union College Annual* 37, 1966, pp. 121-145. [↑](#footnote-ref-16)
17. . TB *Yevamot* 49a-b : « אמר אביי הכל מודים בבא על הנדה ועל הסוטה שאין הולד ממזר ». See also TB *Kiddushin* 68a. [↑](#footnote-ref-17)
18. . “ דהא תפסי בה קידושין ”. [↑](#footnote-ref-18)
19. . In this case, the daughters are no exception, but I will follow the expression “the son of Niddah”, which includes sons and daughters. [↑](#footnote-ref-19)
20. . See also *Sifra*, Vienna, 1862, Emor, 2, 4. [↑](#footnote-ref-20)
21. The most comprehensive study of this text for now reaffirms its Talmudic origin, dating it around the fourth or fifth century. See David Brodsky, *A Bride without a Blessing: A Study in the Redaction and Content of Massekhet Kallah and Its Gemara*, Mohr Siebeck, Tübingen 2006. [↑](#footnote-ref-21)
22. . *Kallah Rabbati* 1, 16 : “ עשרה כממזרים ואינם ממזרים, ואילו הן: בני נדה, ...בני אנוסה, ... ובני ישינה ”. [↑](#footnote-ref-22)
23. . Ed. Higger, New York, 1936. [↑](#footnote-ref-23)
24. . We saw a part of this text p. 000. [↑](#footnote-ref-24)
25. . Regarding the way to cover the head, see Eric Zimmer, *Society and Its Customs*, *op. cit.*, pp. 19-20. [↑](#footnote-ref-25)
26. . Rabbi Akiva was part of what one customarily calls “the third generation” of sages of the Mishnah era (“Tannaïm”), c. 110-135. Rabbi Joshua and Rabbi Eliezer were masters of the second generation, c. 80-110. In fact, Rabbi Akiva is younger than they are. [↑](#footnote-ref-26)
27. . *Kallah* 1, 16 (Soncino Translation, with modifications): « רבי יהודה אומר עז פנים לגהנם, ובוש פנים לגן עדן. עז פנים, רבי אליעזר אומר ממזר, רבי יהושע אומר בן הנדה, רבי עקיבא אומר ממזר ובן הנדה. פעם אחת היו זקנים יושבין בשער, ועברו לפניהם שני תינוקות: אחד כסה את ראשו, ואחד גילה את ראשו זה שגילה את ראשו, רבי אליעזר אומר: ממזר. רבי יהושע אומר: בן הנדה. רבי עקיבא אומר: ממזר, ובן הנדה. אמרו לו לרבי עקיבא: היאך מלאך ליבך לעבור על דברי חביריך, אמר להן זה אני אקיימנו, הלך אצל אמו של תינוק וראה שהיתה יושבת ומוכרת קיטנית בשוק, אמר לה, בתי, אם את אומרת לי דבר שאני שואלך, אני מביאך לחיי העולם הבא, אמרה לו הישבע לי, היה רבי עקיבא נשבע בשפתיו ומבטל בלבו, אמר לה בניך זה מה טיבו, אמרו לו כשנכנסתי לחופה נדה הייתי, ופירש ממני בעלי, ובא עלי שושביני, והיה לי בן זה, נמצא התינוק ממזר ובן הנדה. אמרו גדול היה רבי עקיבא שהוביש את רבותיו, באותה שעה אמרו ברוך י"י אלוהי ישראל שגילה סודו לרבי עקיבא בן יוסף. ». See also *Kallah Rabbati* 2. [↑](#footnote-ref-27)
28. . For a good introduction to this topic, see the first chapter (pp. 1-55) of Rebecca Macy Lesses' book, *Ritual Practices to Gain Power: Angels, Incarnations, and Revelation in Early Jewish Mysticism*, Trinity Press, Harrisburg, 1998. [↑](#footnote-ref-28)
29. .  This is most likely referring to children with a parent of Christian origin. [↑](#footnote-ref-29)
30. . “ כמה ממזרים יש במשפחה. כמה בני נדה יש במשפחה. ...כמה עבדים יש במשפחה. כמה בני ערלים יש במשפחה ”. See *Synopse zur Hekhalot-Literatur,* in Zusammenarbeit mit Margarete Schlüter und Hans Georg von Mutius, herausgegeben von Peter Schäfer, J.C.B. Mohr, Tübingen, 1981, p. 42. The number of the quoted paragraph is 86, the version is that of ms. New York 8128. [↑](#footnote-ref-30)
31. . *Maḥzor Vitry*,number 428. On this book, see p. 000. The manuscript, upon which the printed edition is based, reflects the state of the work in the 13th and 14th centuries. I will thus not speculate on whether this text was included in the initial version of the book. [↑](#footnote-ref-31)
32. A simple search of the words “akiba kallah oath” will show dozens of such sites. [↑](#footnote-ref-32)
33. Gustaf Dalman, *Jesus Christ in the Talmud, Midrash, Zohar, and the Liturgy of the Synagogue*, Deighton, Bell and Co., Cambridge 1893, pp. 33-39. [↑](#footnote-ref-33)
34. Samuel Krauss, “Jesus of Nazareth”, *Jewish Encyclopedia*, Vol. VII, 1904, p. 170. [↑](#footnote-ref-34)
35. *The Treaties of Kallah: Kallah and Kallah Rabbati* (Hebrew), Edited by Michael Higger, New York 1936. [↑](#footnote-ref-35)
36. The claim that this text is related to Jesus was also mentioned and rejected by Morris Goldstein in his *Jesus in the Jewish Tradition*, New York 1950, p. 72. See also Heinrich Laible, *Jesus Christus im Thalmud*, Leipzig 1891, pp. 33-39; Michael Higger, Horeb 2 (1936), pp. 286-287; Solomon Zeitlin, “Erroneous Statements on Paul in Doctor Klausner’s Book”, *Jewish Quarterly Review* 34:1 (1943), p. 120; Eric Zimmer, *Society and Its Customs* (Hebrew), Jerusalem 1996, p. 19 note 14. Peter Schäfer, in his *Jesus in the Talmud*, Princeton University Press, 2007, does not mention Kallah at all, probably because of the presumption it is, like many rabbinic-midrashic works, a later text (when compared to the Babylonian Talmud), and the simple fact that it is not part of the Babylonian Talmud. [↑](#footnote-ref-36)
37. . An impressive modern critical edition of the *Toledot Yeshu*, which includes an online database, is Michael Meerson and Peter Schäfer (eds.), *Toledot Yeshu: The Life Story of Jesus: Two Volumes and Database*, Mohr Siebeck, Tübingen 2014. A widely used older edition is by Samuel Krauss, Das Leben Jesu nach Jüdischen quellen, Calvary, Berlin 1902. In French, see Jean-Pierre Osier, *L’Évangile du Ghetto, ou comment les juifs se racontaient Jésus*, Berg, Paris, 1984. In Italian, see Riccardo di Segni, *Il Vangelo del Ghetto*, Newton Compton, Rome, 1985. See also an interesting version of the text printed at the end of Yitchak Ben Avraham of Troki, *Sefer Ḥizuk Emunah* (Hebrew), New York, 1932. [↑](#footnote-ref-37)
38. .  Regarding the dating of this work, see Yaacov Deutsch, “New Evidence of Early Versions of Toldot Yeshu” (Hebrew), *Tarbiz* 69.2 (2000), pp. 177-197. See also Jean-Pierre Osier, *L’Évangile du Ghetto, ou comment les juifs se racontaient Jésus*, Paris 1984; Joseph Dan, “Toledot Yeshu”, in *Encyclopaedia Judaica*; Ora Limor, “Judaism Examines Christianity: The Polemic of Nestor the Priest and Sefer Toledot Yeshu” (Hebrew), *Pe’amim* 75 (1998), pp. 114‑125; David Biale, “Counter-History and Jewish Polemics Against Christianity: The *Sefer toldot yeshu* and the *Sefer zerubavel*”, *Jewish Social Studies* 6.1, 1999, pp. 130-145; Jeremy Cohen, “The Crucified Jesus, Jewish Memory, and Counter-History” (Hebrew), *Zmanim* 68-69 (1999-2000), pp. 12-27. More recently, see Peter Schäfer, Michael Meerson and Yaacov Deutsch (eds.), *Toledot Yeshu (The Life Story of Jesus) Revisited: A Princeton Conference*, Mohr Siebeck, Tübingen 2011, as well as the critical edition mentioned below. [↑](#footnote-ref-38)
39. . This idea does not appear in all the versions. See Yaacov Deutsch, *art. cit.* [↑](#footnote-ref-39)
40. . והיתה אומרת לו אל תגע בי שפרשתי נדה לא? חשב ולא חשש לדבריה ושכב עמה ונתעברה ממנו“”. Quotation from Meerson & Schäfer edition, p. 82. See also Krauss, idem., p. 38. [↑](#footnote-ref-40)
41. . At the time, the customs described in the Mishnah were probably already more or less in practice. The engagement was the first part of the rite of marriage, after which the woman was already considered as “sanctified” or reserved for her husband, even if he did not yet have the right to live with her. The second part of the rite of marriage consists in the festive event that constitutes the move of the woman from her father’s home to the home of her husband. On the Jewish practices of marriage at this time, see the fundamental work of Michael L. Satlow, *Jewish Marriage in Antiquity*, Princeton University Press, Princeton-Oxford, 2001. [↑](#footnote-ref-41)
42. . Mt 1.18-21 ; Lk 1.26-38. [↑](#footnote-ref-42)
43. . Mt 1.19. [↑](#footnote-ref-43)
44. *Contra Celsum*, I, 28. [↑](#footnote-ref-44)
45. See Bernhard Blumenkranz, “Augustin et les juifs, Augustin et le judaïsme,” *Recherches Augustiniennes* 1 (1958), p. 227. See also Bruce D. Chilton, “Jésus, le mamzer (Mt 1.18),” *New Testament Studies* 47.2 (2001), pp. 222-227. [↑](#footnote-ref-45)
46. An early text that might be related to this subject is the saying attributed to Simon ben Azzai in Mishnah Yevamot 4, 14, “I found a roll of genealogical records in Jerusalem and therein was written ‘So-and-so is a bastard [having been born] from a forbidden union with] a married woman” (Ms Kaufmann: “אמ׳ שמעון בן עזיי מצאתי מגילת יחסים בירושלם וכתוב בה איש פלוני ממזר מאשת איש ”). For another medieval example, see a Jewish hymn that begins with the words “Those who consider a Mamzer as God” (“ התומכים ממזר לאליל”), discussed in H. Merhavya, “The Caustic Poetic Rebuke (Shamta) in Medieval Christian Polemic Literature” (Hebrew), *Tarbiz* 41 (1971), p. 95. Some attribute this text to Yannay, the famous poet who probably lived in the sixth or seventh century in Palestine (on him, see Laura S. Lieber, *Yannai on Genesis: An Invitation to Piyyut*, Hebrew Union College Press, Cincinnati 2010). Others do not accept this attribution. [↑](#footnote-ref-46)
47. “Sed heu, beata Maria, quot hodie suo modo, ut ita dixerim, scortantur tecum.” Quotation from D. L. d’Avray, *Medieval Marriage Sermons: Mass Communication in a Culture without Print*, Oxford - New York 2001, pp. 116-117. I am grateful for Prof. Jean-Claude Schmitt (EHESS) for sharing this text with me. [↑](#footnote-ref-47)
48. . This practice is often justified in Ex 23.13 : “Do not invoke the names of other gods; do not let them be heard on your lips.” [↑](#footnote-ref-48)
49. . An old medieval hymn attacking Christians begins with the words: “Those who take a Mamzer for a God” (“ התומכים ממזר לאליל ”). Some attribute this text to Yannay, a poet who probably lived in the 6th or 7th century in Palestine. Others reject this attribution (see for example H. Merhavya, "The Caustic Poetic Rebuke (*Shamta*) in Medieval Christian Polemic Literature" (Hebrew), *Tarbiz* 41, 1971, p. 95. The question is central in order to know the era in which the title of *Mamzer* was integrated in liturgical texts to designate Jesus. Unable to resolve this complex question, we will let it remain open for the time being. [↑](#footnote-ref-49)
50. . See also Morris Goldstein, Jesus in the Jewish Tradition, Macmillan, New York, 1950, p. 72 ; Eric Zimmer, *Society and Its Customs, op. cit.*, p. 19, note 14. [↑](#footnote-ref-50)
51. . ועבר אותו רשע ]ב[פני רבותנו בקומה זקופה וראשה גלה... ענה השני ואמר ממזר ובן הנדה“”. Quotation of one of the readings in the version of Ms Strasbourg (Strasbourg, Bibliothèque nationale et universitaire Ms. 3974 [Héb. 48]). See also in Samuel Krauss, idem., p. 39. On this manuscript and its importance, see William Horbury, “The Strasbourg Text of the Toledot,” in: Peter Schäfer, Michael Meerson and Yaacov Deutsch (eds.), *Toledot Yeshu (The Life Story of Jesus) Revisited: A Princeton Conference*, Mohr Siebeck, Tübingen 2011, pp. 49-59. For variants of this motif, see the following manuscripts and the page numbers where they appear in the Meerson & Schäfer edition: JTS6312 (p. 66); JTS1491 & Strasb3974 (p. 83); JTS2221 (p. 99); JTS2343 (p. 114); Benayahu25 (p. 128); Yale5 & JTS2337 & Leipz17 (p. 143); Parma2300 & Parma2091 (p. 198); Leipz17 & Harv57 (p. 217); Manch1989 & Amst442 (p. 242). [↑](#footnote-ref-51)
52. Yaacov Deutsch, “New Evidence of Early Versions of Toldot Yeshu”, pp. 181-182. [↑](#footnote-ref-52)
53. . The commentary on the treatise of the *Kallah* composed by Abraham ben Nathan ha-Yarhi (1155-1215), a Provencal author, seems to be influenced by this correlation already. See Abraham ben Nathan ha-Yarhi, *Perush Massekhet Kallah Rabbati* (Hebrew), edited by Baruch Toledano, Tibériade, 1906, p. 4. Regarding this work, see also Michael Higger, "Yarhi’s Commentary on Kallah Rabbati", *Jewish Quarterly Review* 24, 1933-1934, pp. 331-348. [↑](#footnote-ref-53)
54. . On this point, see Anna Sapir Abulafia, "Invectives against Christianity in the Hebrew Chronicles of the First Crusade", in Peter W. Edbury (ed.), *Crusade and Settlement*, University College, Cardif, 1985, pp. 66-72, and the doubts raised by Yaacov Deutsch, *art. cit.*, pp. 177-197. [↑](#footnote-ref-54)
55. . Abraham Abulafia (1240-after 1291) developed this comparison in his writings. See Moshe Idel, « Abraham Abulafia on the Jewish Messiah and Jesus », in Moshe Idel, *Studies in Ecstatic Kabbalah*, State University of New York Press, Albany, 1988, pp. 52-53. Idel (p. 59, note 36) also refers to this idea; Abulafia himself is apparently the author of the idea; the words « Yeshu ben Pandera » (Jesus son of Panther, « יישו בן פנדרא ») have the numeric value of 713 in Hebrew, which is identical to that of the phrase “Yesh Mamzer ben ha-Niddah” (“there is a Mamzer, son of the Niddah”, “ יש ממזר בן הנדה ”). The Jewish tradition according to which Jesus’ father was a Roman soldier by the name of Panther is attested by Origen in his *Contra Celsum* 1, 32. [↑](#footnote-ref-55)
56. . Or: “an abominate offspring”. [↑](#footnote-ref-56)
57. . A. M. Habermann, *Edicts of Germany and France* (Hebrew), Jerusalem, 1971, p. 101: “ והבתולות וכלות וחתנים הביטו בעד החלונים וצעקו בקול גדול ואמרו: הביטה וראה, אלהינו, מה אנו עושים על קידוש שמך הגדול, בלי להמיר אלהותך בתלוי נצלב נצר נסאב ונתעב ומשוקץ בדורו, ממזר ובן הנידה ובן הזימה ”. The quotation is taken from the anonymous chronicle of Mainz. An (almost) identical sentence is found in the version composed by Salomon ben Samson (Haber­mann, p. 31). A translation of the text exists in English in Robert Chazan, *European Jewry and the First Crusade*, University of California Press, Berkeley, 1987, p. 237. An important collection of articles on the events of 1096 is found in Yom Tov Assis, Jeremy Cohen, Aharon Kedar, Ora Limor et Michael Toch (eds.), *Facing the Cross: The Persecutions of 1096 in History and Historiography*, Magnes, Jerusalem, 2000. On the role of women in these events, see Shlomo Noble, "The Jewish Woman in Medieval Martyrology", in Charles Berlin (ed.), *Studies in Jewish Bibliography, History and Literature in honor of I. Edward Kiev*, Ktav, New York, 1971, pp. 347-355. Regarding aspects of ideological positions of the chroniclers and the importance of understanding their cultural context, see Lena Roos, *God Wants it! – The Ideology of Martyrdom of the Hebrew Crusade Chronicles and Its Jewish and Christian Background*, Brepols, Turnhout 2006. [↑](#footnote-ref-57)
58. . For the dating of these chronicles, I follow the system adopted by Lena Roos. [↑](#footnote-ref-58)
59. . On this point, see Haym Soloveitchik, “Religious Law and Change: The Medieval Ashkenazic Example”, *AJS Review* 12, 1987, pp. 205-222, as well as Lena Roos, *op. cit*. [↑](#footnote-ref-59)
60. . On this subject, see the fundamental article by Israel Jacob Yuval, "Vengeance and Damnation, Blood and Defamation: From Jewish Martyrdom to Blood Libel Accusations", (Hebrew), *Zion* 58, 1992-1993, pp. 33-90. [↑](#footnote-ref-60)
61. . Except perhaps some written texts in what could be a “Judeo-French”. Regarding these, see the interesting remarks of Moché Catane, "Les gloses en français", in Simon Schwarzfuchs, *Rachi de Troyes*, Albin Michel, Paris, 1991, p. 136. See also the wonderful introduction to “Judeo-French” by Marc Kiwitt in <http://www.jewish-languages.org/judeo-french.html>. Generally, it is accepted that the Yiddish appeared around the start of the fourteenth century, even if it seems that this language was used a little earlier as suggested by the first date of a phrase in Yiddish, which is found in a dedication in a book of prayers (the “Maḥzor de Worms”) written in 1272. [↑](#footnote-ref-61)
62. . I imagine that Ivan Marcus maintains a similar position. See, for example, Ivan Marcus, "From Politics to Martyrdom: Shifting Paradigms in the Hebrew Narratives of the 1096 Crusade Riots", *Prooftexts* 2, 1982, p. 49: “[The Jews] go out of their way to hurl invective upon invective at their Christian attackers… The language is hostile and aggressive ”. [↑](#footnote-ref-62)
63. . On the different aspects of this event, see the major work of Gilbert Dahan and Élie Nicolas (eds.), *Le Brûlement du Talmud à Paris 1242-1244*, Cerf, Paris, 1999. For a general panorama, see the introduction of Gilbert Dahan, pp. 7-20, as well as the biblio­graphy by Élie Nicolas, pp. 243-246. [↑](#footnote-ref-63)
64. . See also William Chester Jordan, "Marian Devotion and the Talmud Trial of 1240", in Bernard Lewis and Friedrich Niewöhner (eds.), *Religionsgespräche im Mittelalter*, Harrassowitz, Wiesbaden, 1992, pp. 61-76. Jordan does not mention the accusations tied to the menstrual state of Mary. While the allusion may not be clear, it is possible that Pierre de Reims (13th century) refers to similar accusations in a sermon where he says, “Mais hélas, bienheureuse Marie, combien de gens, de notre temps, vous considèrent, à leur manière, comme une prostituée, si je puis dire !” (“*Sed heu, beata Maria, quot hodie suo modo, ut ita dixerim, scortantur tecum*”). See: D. L. d’Avray, *Medieval Marriage Sermons: Mass Communication in a Culture without Print*, Oxford University Press, Oxford-New York, 2001, pp. 116-117. The “people” to whom Pierre de Reims refers, are they Jews? Are these heretics? It is difficult to know. What’s more, this accusation may have nothing to do with our topic, as the sentence can also be translated as: “Mais hélas, bienheureuse Marie, combien de gens, de notre temps, à leur manière, si je puis dire, se prostituent à vous !” I would like to thank Mr. Jean-Claude Schmitt for referring me to this reference, as well as Mr. Michel-Yves Perrin for helping me with the translation of this text. [↑](#footnote-ref-64)
65. . Ms. BnF, latin 16558, fol. 230 : « Goym cognominant sancti­tatem tuam infanti de adulterio / et eleuati abhorrent calefaccionem mulieris fornicarie. » The original Hebrew is : « הגויים מכנים קדשתך לעול הזימה, נשואיך משקצים יחום אשת הזמה ». The term « Goym » (in this context, the non-Jews) was probably kept because this first word gave the title to the hymn. These quotations come from H. Merhavya, *art. cit.*, p. 101. Regarding the content and the authors of this manuscript, see Gilbert Dahan, « Les traductions latines de Thibaud de Sézanne », dans Gilbert Dahan et Élie Nicolas (éds.), *Le Brûlement du Talmud...*, *op. cit.*, pp. 95-120. See also Jeremy Cohen, « Scholarship and Intolerance in the Medieval Academy: The Study and Evaluation of Judaism in European Christendom », *American Historical Review* 91.3, 1986, p. 609. [↑](#footnote-ref-65)
66. . For another example, even if the theme of the Niddah does not figure there, see Moshe Halamish, "Old Version of *Aleinu Le-Shabbe’ah*" (Hebrew), *Sinai* 110, 1992, pp. 262-265. [↑](#footnote-ref-66)
67. . See for example Jarolsav Pelikan, *Mary Through the Centuries: Her Place in the History of Culture*, Yale University Press, New Haven, 1996, p. 125. [↑](#footnote-ref-67)
68. . Regarding accusations of the Jews against Mary, see also the recent book of Peter Schaefer, *Mirror of His Beauty: Feminine Images of God from the Bible to the Early Kabbalah*, Princeton University Press, Princeton, 2002, pp. 209-212. [↑](#footnote-ref-68)
69. . David Berger, *The Jewish-Christian Debate in the High Middle Ages*, Philadelphie, 1979, p. 23. Pour une opinion quelque peu différente, voir Hanne Trautner-Kromann, *Shield and Sword: Jewish Polemics against Christianity and the Christians in France and Spain from 1100-1500*, J.C.B. Mohr, Tübingen, 1993, p. 184-190. [↑](#footnote-ref-69)
70. . Well after I had finished drafting this chapter, I learned of a recent important work that also touches on the subject of menstruation in the polemic between Jews and Christians. See Alexandra Fredricka Caroline Cuffel, *Filthy Words/Filthy Bodies: Gendering Disgust in Twelfth- and Thirteenth-Century Jewish-Christian Polemic*, Ph.D. Dissertation, New York University, New York, 2002. [↑](#footnote-ref-70)
71. . 1225-1274. [↑](#footnote-ref-71)
72. . Thomas d’Aquin, *Summa*, IIIe, q. 31 a. 5, French translation by P. Synave, o.p., Paris, 1947. [↑](#footnote-ref-72)
73. . See pp. 45-49. See also Claude Thomasset, "De la Nature féminine", in Georges Duby and Michelle Perrot (eds.), *Histoire des femmes – le Moyen Âge*, Plon, Paris, 1991, pp. 58 and 66 ; Dyan Elliott, *Fallen Bodies...*, *op. cit.*, p. 5. In the Christian medieval hagiography, one finds several cases in which the cessation of menstruation is proof of the holiness of a heroine. See Caroline Walker Bynum, *Holy Feast and Holy Fast, The religious significance of food to medieval women*, University of California Press, Los Angeles, 1987, pp. 138, 214, and 239. [↑](#footnote-ref-73)
74. . To be compared with the words of Nahmanides, p. 000-000. [↑](#footnote-ref-74)
75. . Jean Damascène (c.676-c.749) is sometimes called “the first Aristotelian Christian”. [↑](#footnote-ref-75)
76. . David Berger, *The Jewish-Christian Debate...*, *op. cit.*, art. 6, p. 5 : « וא"ת לא נטנף במיעיה כי חדל להיות למרים אורח כנשים ונכנס רוח בתוכה ויצא בלי צער ובלי טינוף דמים ». [↑](#footnote-ref-76)
77. . In the text, the author indicates the name of the celebration in Hebrew alphabet: “ ליכ"ט מית"ה ”. See also David Berger, *The Jewish-Christian Debate...*, *op. cit.*, p. 237. In France, this day is known as the day of the Chandeleur. [↑](#footnote-ref-77)
78. . Literally: “the polemic of Rabbi David Kimḥi”. It was already shown by Frank Talmage and others that one cannot attribute this work to David Kimḥi (Narbonne, c. 1160-c. 1235). Talmage suggests that the text was composed at the end of the 12th or 13th century, perhaps in the region of Milan. See an introduction to this text, followed by a translation in English, in Frank Talmage, "An Hebrew Polemical Treatise, Anti-Cathar and Anti-Orthodox", *Harvard Theological Review* 60, 1967, pp. 323-348. This article was published again more recently in Frank Ephraim Talmage, *Apples of Gold in Settings of Silver: Studies in Medieval Jewish Exegesis and Polemics*,Edited by Barry Dov Walfish, Pontifical Institute of Mediaeval Studies, Toronto, 1999. See also David Berger, "Christian Heresy and Jewish Polemic in the Twelfth and Thirteenth Centuries", *Harvard Theological Review* 68.3-4, 1975, pp. 292-295. [↑](#footnote-ref-78)
79. . *The Book of the Covenant and other Writings* (Hebrew), edited by Frank Talmage, Bialik Institute, Jerusalem, 1974, p. 87 : « אם כן ישו, [ש]נתעברה אמו ממנו מרוח הקודש ולא ניזון במעי אמו מאותו דם הטינופת, ראוי היה להלוך על רגליו מאותו יום שנולד ולדבר ולהיות משכיל בכמו שהיה כשהגיע לשלושים שנה. וזה יצא ממקום הידוע, קטן כשאר הקטנים, ומוציא צרכיו, ומשתין כשאר ילדים... ». [↑](#footnote-ref-79)
80. . Yves Bonnardel, “Sale bête, sale nègre, sale gonzesse... : identités et dominations vues à partir d’une analyse du système des insultes”, *Cahiers antispécistes* 12, 1995, p. 36. [↑](#footnote-ref-80)
81. . Died c. 1265. [↑](#footnote-ref-81)
82. . On anathemas (“*Ḥerem*”) in the Middle Ages, see Simcha Goldin, “The Role and Function of the *Herem* and the *Takanah* in the Medieval Ashkenazic Community” (Hebrew), in David Assaf (ed.), *Proceedings of the Eleventh World Congress of Jewish Studies*, The World Union of Jewish Studies, Jerusalem, 1993, pp. 105-112. [↑](#footnote-ref-82)
83. . Yechiel of Paris, *Décisions rituelles de Rabénou Ye’hiel de Paris et des rabbins de France* (Hebrew), edited and annotated by Eliyahou Dov Pinès, Jérusalem, 1980, no. 12, p. 17 : “ חרם עבריינות אינו בקורא לחבירו ממזר ולא בן הנדה ולא עבד כי אם האומרו בלשון לעז פי"ץ אפוט ”. The insult “fils à pute” is given in the French text in Hebrew characters. According to Marc Kiwitt (email correspondence, January 28, 2003), the customary form of this insult in old French is “fiz a putain” or “filz a putain”. I am very grateful to Mr. Kiwitt for his help. It is generally presumed that the decrees attributed to Yecḥiel were transmitted orally to his disciples who then transcribed them. [↑](#footnote-ref-83)
84. . Menaḥem de Merseburg, *Nimmukei Menaḥem,* “Din ha-messaper”: “ דין המספר בגנותם של מתים סופג את הארבעים כיצד אומר לחבירו בן הנדה בן הזונה והם מתים סופג את שמונים כי היכי דליתצל מגיהנם ואם אביו או אמו בחיים סופג ארבעים משום כבודם של חיים.” It is worth noting that at the end of the text one talks of “the honor of the living” and not of the dead, but it seems that his is a type of euphemism, where the negative expression is replaced by a positive expression (the “*sagui nahor*”). This text is taken from the 1834 edition. In the edition of 1987 (Jerusalem), this paragraph and others are missing. [↑](#footnote-ref-84)
85. . See Deut 25.3. The sanction here is certainly founded on the Talmudic law of the TB *Kiddushin* 28a, which declares that he who treats someone as *Mamzer* receives forty lashes. Whatever the case may be, it is important to note that, in the Talmud, the insult *Ben ha-Niddah* is not given as an example. As we show in this chapter, this insult seems to come later. [↑](#footnote-ref-85)
86. . See for example a case in the work of Jacob ben Moise Moelin (Germany and Austria, c.1360-1427), *Shut Maharil ha-Ḥadashot,* no. 179. [↑](#footnote-ref-86)
87. . The nuances found in the decree attributed to Yechiel of Paris do not seem to contradict my affirmation, even if I admit that in the text one finds a different tendency, which tends perhaps to diminish the severity of these insults. [↑](#footnote-ref-87)
88. . Another Jewish insult tied to our topic is “he who ‘fucks’ a Niddah” (“ בועל נידה ”): The use of this expression in Halachic literature merits a separate study. [↑](#footnote-ref-88)
89. . « פגם ». [↑](#footnote-ref-89)
90. . Moïse ben Maïmon, 1135-1204. [↑](#footnote-ref-90)
91. . Maimonides, *Sefer ha-Miẓvot*, interdiction 353: « וממה שראוי שתדעהו הוא שכל אשה שחייבין על ביאתה כרת שהנולד מן הביאה ההיא שחייבין בה כרת ייקרא ממזר, והוא שקראו האל יתעלה ממזר, בין שהיתה אותה היא בזדון או בשגגה הולד ממזר. חוץ מן הנדה לבד שהולד הנולד ממנה אינו ממזר ואמנם נקרא בן הנדה ». [↑](#footnote-ref-91)
92. . See another example of this tension in Abraham ben David de Posquières (today: Vauvert,c. 1125-1198), *Ba’alei ha-Nefesh* (Hebrew)*,* « Sha’ar ha-Kedusha », edited by Ephraim Ariel Buchwald, Bnei-Brak, 1992, p. 177. [↑](#footnote-ref-92)
93. . Spain and Provence, 1200-1263. Gerondi certainly knew the Halachic work of Maimonides. Regarding Gerondi, see Israel M. Ta-Shma, « Rabbi Yonah Girondi: Spirituality and Leadership », in Moshe Idel et Mortimer Ostow (eds.), *Jewish Mystical Leaders and Leadership in the 13th Century*, Jason-Aronson, Northval-Jerusalem, 1998, pp. 155-177. [↑](#footnote-ref-93)
94. . According to Is 1.4. [↑](#footnote-ref-94)
95. . *Kallah Rabbati* 2. [↑](#footnote-ref-95)
96. . According to Dt 32.5. [↑](#footnote-ref-96)
97. . Jonah ben Abraham Gerondi, *Sha’arei Teshuvah* (Hebrew), edited by Eliyahu Eliezer Desler, Sifrei-Chachamim, Bnei-Brak, 1989, 3, no. 125 : « ויש בחייבי כרתות אשר גורם לזרעו מוקש רע ושחיתות, לבד מאשר אחרית הזרע להכרית, והוא הבא על הנדה, וההוא יקרא זרע מרעים, כי יהיה תו העזות על מצחו בעוד בחיים חייתו, כמו שאמרו זכרונם לברכה (כלה רבתי ב’): עז פנים הלא הוא בן אשה נדה. ותהי עונות הבן על עצמות האב, כי הוא עולל לנפשו להיות פושע מבטן, ואוי לרשע רע כי שחת לו, והכרת תכרת נפשו ונפש אשתו, וזרעו בליעל כלו נכרת ». The book exists in English: Jonah ben Abraham Gerondi, *The Gates of Repen­tance (Sha’arei Teshuvah)* (Hebrew-English), translated by Shraga Silverstein, Feldheim, Jerusalem-New York, 1971. [↑](#footnote-ref-97)
98. . It is interesting to remark that Gerondi does not use the term *Ben ha-Niddah* as a formula as Maimonides does, but uses it only as part of the quotation from the treatise of *Kallah*. [↑](#footnote-ref-98)
99. . Solomon ben Isaac, Troyes, 1040-1105. [↑](#footnote-ref-99)
100. . See Israel M. Ta-Shma, *Ritual, Custom, and Reality...*, *op. cit.*, p. 287, regarding the dating of the chapter dedicated to the Niddah in this work. [↑](#footnote-ref-100)
101. . The term « according to the Torah » here refers to the most serious category. Someone who is *Mamzer* « according to the Torah » is a « real » *Mamzer*, with all the consequences that this Halachic state brings. Someone who is *Mamzer*, but not “according to the Torah” is not a “real” *Mamzer*, even if he nevertheless remains a person of the second category. [↑](#footnote-ref-101)
102. Deut 23:2 (NIV). [↑](#footnote-ref-102)
103. . The phrase “if handicaps… according to the Torah” was apparently an addition to explain the text taken from the treatise of *Kallah*. This phrase is found in all the manuscripts that I was able to consult. [↑](#footnote-ref-103)
104. . *Kallah* 1, 10 ; *Kallah Rabbati* 1, 16. [↑](#footnote-ref-104)
105. . Ms. Paris BnF Héb 369/4 (Italy, 16th century, IMHM F. 20240), fol.242v : «וכבר היו אנשים שחלקו על רבינו שלמה ב"ר יצחק נ"ע בכך שהיו אומרים מיום שפוסקת בו סופרתו למניין שבעה נקיים. והשיב להם רבינו שלמה אם כן כאשר אמרתם לי בניכם ממזרים... והשיב להם רבינו... דאם כן בניהם ממזרים מן התורה ונאמ’ לא יבא ממזר בקהל יי’ גם דור עשירי לא יבא לו וגו’. אמרו חכמים בכמה עניינים נקרא האדם ממזר. ואילו הן י’ ממזרים ואינן ממזרים אם לא באו עליה כל אילו המומים ולא נולדו ממנה בנים אינן ממזרים מן התורה. ואילו הן בני נידה... בני גרושה... בני אנוסה... ואם לא באו עליה על אותן האמורים אינם ממזרים. ». The text of the *Likkutei ha-Pardes* was printed by Bomberg in 1521, probably from the manuscript. The Amsterdam version (1715), p. 4a, is almost identical. The same text is found in ms. BL MS Add. 27129 (Italy, 16th century, IMHM F. 05804), fol. 134. [↑](#footnote-ref-105)
106. . The desire of those of the Middle Ages to explain the deformities of children as consequences of the sins of the parents (or of the community) comes from medieval teratology. A study of these types of explanations in the Jewish world is yet to be done. [↑](#footnote-ref-106)
107. . In the Christian world, one also finds the idea that those who are born of sexual relations during menstruation are bastards. This is attested to for example by a decree attributed to Soter, one of the heads of the community in Rome in the 2nd century (the Catholic tradition considers him a Pope). According to his text (*PL* 161:616), whose history has little importance for us, relations during prohibited times must be avoided “so that they conceive children who are not bastards but inheritors in the eyes of God and men”. See Flandrin’s well-turned formula: “those who are born of a union that was not consecrated by nuptial rites were bastards in the eyes of men; similarly, those who were conceived during prohibited times were bastards in the eyes of God” (Jean-Louis Flandrin, *Un temps pour embrasser*…*, op. cit.*, p. 119). [↑](#footnote-ref-107)
108. . « Aboab, Isaac I », *EJ* (the author’s name is not given). [↑](#footnote-ref-108)
109. . Regarding the “[seven] white days”, see pp. 31-32. [↑](#footnote-ref-109)
110. . Isaac Aboab, *Menorat ha-Ma’or* (Hebrew), edited by Yehuda Paris Horev and Moshe H. Katzenellenbogen, Jerusalem, 1961, Ner III, 6.5.4. : « ואם חס ושלום עבר ובא עליה בימי נדתה או בימי לבונה הולד ממזר ». [↑](#footnote-ref-110)
111. . The same conflation, among Jews in Eastern Europe in the first half of the 20th century, is documented in Mark Zborowski and Elizabeth Herzog, *Life is with People: The Culture of the Shtetl*, Schocken, New York, 1995, p. 136 (in French: Mark Zborowski and Elizabeth Herzog, *Olam : dans le Shtetl d’Europe centrale avant la Shoah,* preface by Abraham Joshua Heschel, translated from English by Didier Pemerle and Françoise Alvarez-Pereyre, Paris: Plon, 1992). [↑](#footnote-ref-111)
112. . For more information on several members of this well-known family, see Elisheva Carlebach, *The Pursuit of Heresy: Rabbi Moses Hagiz and the Sabbatian Controversies*, Columbia University Press, New York, 1990, pp. 29-31. [↑](#footnote-ref-112)
113. . A play on words based on Is 6.10. The first “they” is apparently the community, the second refers to the family members in question. [↑](#footnote-ref-113)
114. . For people unaccustomed to literature from the *Responsa*, this expression can seem to be a surprising declaration of a personal revelation. In fact, this expression is frequently used by several authors. Some were interested in the mystical (Galante, for example), while others did not seem to be interested at all. We must therefore avoid quick “theological” conclusions when confronted by such declarations. [↑](#footnote-ref-114)
115. . Moses ben Mordecai Galante, *Responsa*, 105 : « וכל זמן שאין במשפחה ח"ו ספק ממזרות אין ראוי להימנע מהם ח"ו שמביישים בני אברהם יצחק ויעקב בושת גדול כזה שמרחקים בזרוע שלא כדין... האם נאמר שלא ישא (!) בת ישראל בן הנדה או בת הנדה לא תנשא לישראל אע"פ שהיא בכרת חס ושלום שאין ממזר כי אם מעריות הידועות בתורה ולא מחייבי לאוין כנדון דידן... ועתיד לתת את הדין כל מי שמודר לימנע מאותה משפחה ועון זה תלוי בנפש כי הוא עלבון גדול ולא ניתן למחילה כי אם על ידי תשוב’ גדולה ולקרבם עם כל קהל עדת ישראל ושבו ורפא להם זהו מה שנראה לי שהורונו מן השמים הצעיר משה גלאנטי » (Jerusalem edition, 1987, created according to the unique edition of Venice, 1608). [↑](#footnote-ref-115)
116. . Dt 25.5-10. [↑](#footnote-ref-116)
117. . Belarus 1895-United States 1986. [↑](#footnote-ref-117)
118. . Sivan 27, 5738. [↑](#footnote-ref-118)
119. . *Iggerot Moshe,* Even ha-Ezer, 4.14 (Bnei-Brak, 1985) : « הנה אחיך...אמר שנשאלת מאחד שראה שידוך שהציעו לו בתולה צנועה ויקרה יראה את השי"ת ומדקדקת מאד בדיני התורה ובעלת מדות חשובות ואוהבת תורה ולומדיה, אבל הוריה אינם שומרי תורה שא"כ היא בת הנדה שבלשון הרמב"ם... אם יש לו לחוש לזה בבתולה זו להמנע מלנושאה בשביל זה אף שהיא צנועה ויקרה ובמדות טובות כדלעיל ». [↑](#footnote-ref-119)
120. . Sivan 20 5741. [↑](#footnote-ref-120)
121. . *Iggerot Moshe,* Yoreh De’ah, 4.17.19 (Jerusalem, 1996) : « אם יש מעלה למנוע מלישא בן או בת שנולדו מן הנדה והם יראי שמים ובעלי מידות טובות ». [↑](#footnote-ref-121)
122. . *Idem* : « ליכא איסורא כלל אלא עצה טובה להתרחקות, שהוא מחמת זה שהבנים שנלדו מהנדה הם בעלי מדות רעות, כמו עזי פנים וכדומה דאיתא במס’ כלה... ». [↑](#footnote-ref-122)
123. . *Idem* : « א"כ יש לנו סימן שאלו בנים ובנות שהם בעלי מדות טובות ואין להם עזות הרי אינם בני ובנות נדה». [↑](#footnote-ref-123)
124. . This regards an important Halachic category. “According to the Torah” can be translated in this case as “according to the basic law”. The formula “according to the Sages” (« דרבנן ») constitutes a more severe category. [↑](#footnote-ref-124)
125. . This remark about pools is strange. When one examines Feinstein’s three responses to the question, one finds a rather surprising evolution. In his response of 1978 (Even ha-Ezer, 4.14), he talks about the “sea, lakes which are springs, and rivers” (“ בים ובאגמים (לייקס) שהם מעיינות, ובנהרות ”). In a response in1980 (Even ha-Ezer, 4.23), he speaks only of baths in the sea (“ רחצה בים ”). However, in the response cited above, written in 1981 (Yoreh De’ah, 4.17.19), he mentions the sea, but also “big pools in hotels”. It seems to me that during the period of three years, Feinstein became more and more realistic, aware that a bath in a pool is more common at the end of the 20th century than a bath in a spring or a river. On the other hand, a bath in an artificial pool constitutes a less valid bath than one in a natural spring, from a Halachic point of view. This obliges Feinstein to explain in the text of 1981 that these hotel pools can, “for the most part”, be considered suitable for Halachic purification, at least according to the minimal exigencies “of the Torah”. The codifiers who mention this idea are rare, but some do. See for example the Hilkhot Taharat ha-Niddah, 10.1, in the *Orḥot Ḥayyim* ofAaron ben Jacob ha-Kohen de Lunel (Provence, 13th-14th centuries). [↑](#footnote-ref-125)
126. . In another text, Feinstein designates this clothing with a term transliterated from the English: « ביידוניג סוט », a « *bathing suit* ». See *Iggerot Moshe*, Even ha-Ezer, 4.23 (July 30, 1980, av 17 5740). Here, he follows his habit of systematically avoiding terms taken from modern Hebrew. It is interesting to note that the three responses were composed during summer. Was Feinstein influenced by the spirit of summer when he proposed his theory of women who bathe in the sea and in “pools of big hotels”? [↑](#footnote-ref-126)
127. . Yoreh De’ah, 4.17.19 : « ואף שידוע שלא הלכה למקוה לטבול, הא אפשר שכשהלכה לרחוץ בים או בבריכות הגדולות העשויות בבתי מלון ובפונדקאות הגדולות – שלרובן אין בהן פסול דאורייתא – והייתה טבילתן כשרה מן התורה, ששוב אינה בחשיבות נדה לעניין בניה... ונטהרה בלא כוונה... ואף שהיתה לבושה בהבגד שלובשות הנשים בעת שרוחצות בים ובבריכות, מ"מ נכנסות שם המים ועולה לה הטבילה. ». [↑](#footnote-ref-127)
128. . *Ibid* : « והיה ידוע לשמים שהוא בזמן שראויה לטבול מנדתה, ואז כשעדיין הייתה טהורה נתעברה מבעלה. ». [↑](#footnote-ref-128)
129. . *Ibid* : « . ונמצא שאלו שהם יראים ושלמים, אף שהם בני ובנות נשי שלא שמרו הלכות נדה, וגם הם בעלי מדות טובות מתנהגים בדרך ארץ כראוי, אין לעכב מלהתחתן עמהם. ». [↑](#footnote-ref-129)
130. . These reasons can easily be understood: *a priori*, some will say, the union of two people who adopted the ultra-orthodox lifestyle as adults is more likely than that of a mixed couple where one is from an Orthodox family and the other is from a secular one. [↑](#footnote-ref-130)
131. . This response was published April 24, 2003, at this electronic address <http://www.moreshet.co.il/shut/shut2.asp?id=22487>, but presently (2021), this address no longer exists. [↑](#footnote-ref-131)
132. .  « עקרות דתית ». See also Evyatar Marienberg, “Traditional Jewish Sexual Practices and Their Possible Impact on Jewish Fertility and Demography“, Harvard Theological Review 106:3 (2013), pp. 243-286. [↑](#footnote-ref-132)
133. . See for example Moses Feinstein, *Iggerot Moshe*, Even ha-Ezer, 2.18 (written August 2, 1961, published in New York in 1964). See also Abraham Steinberg, « Artificial Insemination and Halakhah » (Hebrew), *Asia* 1, 1976, p. 128-141; Yoseph Green, « Artificial Insemination as a solution for the “Religious Sterility” » (Hebrew), *Asia* 10.2, 1984, p. 17-29. [↑](#footnote-ref-133)
134. . The belief that a woman can be impregnated in this way was widespread in the Middle Ages. See the Talmud, TB *Ḥaggigah* 14b-15a, and Rashi on this paragraph. In a Latin translation from the 13th century of one of Averroès’ books, he declares that one of his neighbors swore to him that she was impregnated by semen “ejaculated by bad men” in a bath. See this text inRon Barkai, "Medical Greek Traditions and their Influence on the Concept of Woman in the Middle-Ages" (Hebrew), in Yael Azmon (ed.), *A Window to Women’s lives in Jewish Communities*, Shazar Center, Jerusalem, 1985, p. 136. Among the Jews, the most famous story is that of Ben-Sira, the presumed author of *Ecclesiastes*. According to this legend, Ben-Sira was both the son of his mother and of his grandfather, the prophet Jeremiah. His mother was fertilized by semen of her father during a bath that she had taken after him. Regarding this story, see Eli Yasif, *The Stories of Ben-Sira in the Middle Ages* (Hebrew), Magnes, Jerusalem, 1985, in particulier pp. 30-39 and 197-201. [↑](#footnote-ref-134)