

Blog post from 1/9/2010

Earlier in the day, between *mincha* and *ma'ariv*, I went to hear R. Eliezer Melamed.... R. Melamed' shiur was on *oneg Shabbat* and the balance between spiritual and physical *oneg*. Drawing from a variety of sources, he showed that Shabbat must be divided between spiritual and physical pursuits. He then engaged in an actual analysis of how time should be spent on Shabbat, concluding that aside from shul, one should spend about 6 hours learning on Shabbat so that the physical and spiritual pursuits are temporally even. I was unhappy with this conclusion for several reasons:

- 1) I am aware that there are groups...who are very serious about the whole *chetzyo lachem/ chetzyo la-Shem* deal. Nevertheless, I do not believe these statements to be of a halakhic nature; rather, the key is that some kind of balance is achieved between spiritual and material pursuits on Shabbat. I am aware that there has been a trend, since the time of the Chafetz Chaim, to quantify *mussar* and virtuous practice. I do not feel that this is the correct approach, though.
- 2) Even granting the legitimacy of the 'stopwatch approach'... I disagree with his math. I think he underestimated the amount of time that people spend in the 'higher' pursuits - for example, walking to shul or a shiur, etc. He also underestimated the amount of time that people spend on things that are neither '*lachem*' or '*la-Shem*'. He acknowledged that some sleep falls into this category, but there are so many other responsibilities that go into this. If someone takes the kids to the park so his/her spouse can get some sleep, what is that? There are other places where the *lachem/la-Shem* boundary is not so clear.
- 3) In general, I do not think he appreciated his audience. For the *balebatim* that formed the crowd, there is far more time spent in shul and learning Torah on Shabbat than during the week. Even if it's only listening to layning, the drasha, and reading a couple of shul rags, it is far more than is done during the week....

פניני הלכה: כשרות א', פרק ז', סעיף י"א

לכאורה קשה, מדוע קבעה התורה להפריש בשנים א' ב' ד' ה' מעשר שני ובשנים ג' ו' מעשר עני? אם רצתה לעודד את העלייה לרגל וגם לעזור לעניים, מדוע לא צוותה להקדיש בכל שנה ושנה - שני שליש לעלייה לרגל ושליש לעניים? אם העניים זקוקים לתוספת עזרה, מדוע לתת להם אותה רק במשך שנתיים מתוך מחזור של שבע שנים?

כפי הנראה כוונת התורה שאת העזרה לקיום הבסיסי יקבלו העניים על ידי לקט שכחה ופאה ותוספת צדקה לפי הצורך. ואילו המעשר לעני נועד להעניק להם שנים טובות שבהן יוכלו ליהנות מרווחה. בנוסף לכך, ניתן לקוות שבמידה והדבר בידם, הרווחה שבשנים הללו תמריץ את העניים או ילדיהם להיות חרוצים ויעילים יותר בעבודתם בשאר השנים, כדי שיצאו ממעגל העוני ויזכו לרווחה ועצמאות. אבל אם היו מקבלים בכל השנים קצבה בינונית, היו מתרגלים להסתפק בה, בלא שתהיה להם ממנה שמחה יתירה, ובלא שיצמח בנפשם בשנות המחסור רצון לשנות את מצב

Simhat Ha-bayit, Chapter 5

9. The Age of Marriage for Men (In Practice)

Based on the Talmud, some prominent *poskim* write that it is permissible for a man to delay marriage until the age of 24, if this is to allow for Torah study, or if his financial situation does not allow for earlier marriage (*Yam Shel Shlomo; Birkei Yosef*).

In modern times, life has become more complex, and preparation for married life requires more time. In the past, simple study of Tanakh, ethics, and *halakha* with its rationales was sufficient for a person to create a Jewish home. It was enough for someone to work a few hours a day with his father when he was young to acquire the skills necessary to earn a living. He would likely even be able to put aside a little money for wedding expenses and for building a house, which at that time was just one-room. In contrast, in order for most people to successfully cope with today's challenges, they must study much more Torah than was necessary in the past. To that end, the majority of them need to study in a yeshiva framework for at least a year, after the age of 18, and usually for longer. There is another sacred obligation to which young men must give time, and this is serving in the IDF in order to protect our people and our Land. Fulfilling this mitzva causes marriage to be delayed. Similarly, learning a profession appropriate to one's talents generally involves academic study, which can take a few years, and which of course can be begun only after army service. Another complicating factor is that today's homes are more expensive. They are larger, and equipped with utilities such as water and electricity. Purchasing such homes requires working for years.

If a man were to delay marriage until after he learned all the Torah fundamentals, finished studying a suitable profession, and bought a house, most young people today would need to marry in their thirties. Such a postponement is impossible according to *halakha*. After all, while the environment in which we live has become more complex, complicated, and challenging, people's emotional and physical nature has not changed. The appropriate age for marriage, then, is still 18.

In light of today's more complicated life, marriage may be postponed past the age of 20, because current realities qualify as extenuating circumstances. Nevertheless, it may not be deferred beyond the age of 24. On the one hand, young people need more time. This allows them to solidify their Torah knowledge and more fully form their worldview. They can take the first steps towards studying a profession, or minimally have a plan in place to allow them ultimately to study a profession with which to support a family. On the other hand, they must not wait too long past the ideal emotional and physical age to get married, so as not to lose the enthusiasm and passion of youth necessary for building their relationship in its initial stages... Therefore, most people should be instructed not to postpone marriage past the age of 24. People who are able to get married earlier – without seriously compromising their Torah study, army service, or career preparation – are blessed....

11. The Age of Marriage for Women Nowadays

Several hundred years ago, the economic situation improved and stabilized. Consequently, marrying off minors in order to guarantee their wellbeing was no longer necessary. In most countries, this practice ceased to exist (AHS 37:33). Rather, marriages were generally arranged after girls reached the age of bat mitzva and physical maturity, generally between the ages of 13

and 16, and the final decision about whom to marry was left to them. The parents still had the very important job of helping their daughters choose a husband and of providing a dowry (approximately a tenth of their assets). However, the decision to get married was made by the girls themselves, and the *kiddushin* money was given to them directly.

Nowadays, thanks to a much higher standard of living and greater opportunities for women to utilize their talents, women are waiting longer to get married. There are two reasons for this. First, because women can now use their skills in many areas, they have an obligation to learn more Torah and to train in a field that suits them, so that they can add goodness and blessing to the world. Second, in the past, when young couples lived with their extended family, even young girls could have children, because they would get help from the older women in raising them. In contrast, now that young couples set up house on their own, it is not realistic for women to get married until they are able to take full responsibility for caring for their children.

Nonetheless, women should not delay marriage too long. The right age for women to get married is slightly younger than the right age for men. First, girls mature earlier, as is reflected in their becoming obligated in *mitzvot* at the age of 12, a year earlier than boys. Second, the mitzva to learn Torah requires less of women than of men. Third, women are not obligated to serve in the army as men are. It is true that nowadays, when it comes to supporting a family, women share the burden with men. One might think this would cause marriage to be delayed. On the contrary, it can enable earlier marriage. If a woman finishes her studies early, she can assume most of the burden of supporting the family at the beginning of the marriage, putting her husband through school where he can train in an appropriate field, rather than needing to wait until he is able to support the family. In conclusion, the appropriate age of marriage today for men is between 20 and 24, while for women it is approximately two years earlier.

12. The Responsibilities of Young People, Their Parents, and Society

The mitzva to get married poses a great challenge today for young people, their parents, and society as a whole. Within a few years, young adults are expected to form a Torah-based worldview, acquire a profession that suits their particular skill set, and start a family. In addition to this, men are expected to complete their army service and study as much Torah as possible.

The primary responsibility for meeting this challenge rests with the young people themselves. They must plan carefully to avoid wasting time during these precious years. Even though we have argued that our situation today is less than ideal, and therefore young men may delay marriage until 24, one who wastes time during these years is disregarding a Torah mitzva. Therefore, every young man and young woman has an obligation to forge the way for themselves to integrate all these values. They must try to marry at a young age while simultaneously acquiring suitable professions, in order to support their family and contribute to the world.

The second responsibility is that of the parents. The Sages teach that it is the parents' responsibility to marry off their children (*Kiddushin* 29a-30b), as it says, "Take wives and beget sons and daughters; take wives for your sons and give your daughters to husbands, that they

may bear sons and daughters” (Yirmiyahu 29:6). In other words, the mitzva of procreation does not end with the birth of the children, but rather continues. When children mature and reach marriageable age, the parents must encourage them to get married, and provide them with both advice and financial help. This makes the parents partners in ensuring continuity. The Sages instruct parents to set aside a tenth of their assets for the wedding of each child. It would seem that nowadays, a significant part of the parents’ support should be directed towards helping their children successfully navigate the challenge of combining marriage, professional training, and in some cases childcare as well.

Society as a whole also has a responsibility to create conditions conducive to young people fulfilling the mitzva of getting married in a timely fashion. To allow for this, it is necessary to make professional training as efficient as possible, to help young people find affordable housing and childcare, and to enable women to begin their studies as early as possible so that they can help support their family in the initial years of the marriage.

13. Birth Control for a Year

...In the past, most women nursed their children for about two years. This would almost always prevent a woman from ovulating and menstruating, which meant that she could not become pregnant for the whole nursing period. Thus, there was a natural gap of about two years between pregnancies. Today, the reality has changed... This means that if a couple fulfill the mitzva of *ona* at its set times, many nursing women will conceive a few months after giving birth. Women who are not nursing at all, or are nursing some of the time and supplementing with formula, have an even higher chance of getting pregnant. The question arises: Is it permissible for a couple to use contraception in the year following birth, to enable them to fulfill the mitzva of *ona* while avoiding another pregnancy?

Some rabbis are inclined to rule stringently, and do not permit birth control except if there is a great need, when the mother is extremely weak or a nervous wreck. In their opinion, the mitzva of procreation requires having as many children as possible. However, *halakha* follows the opinion of most *poskim*, who maintain that when necessary it is permissible to prevent pregnancy using halakhically acceptable means (as explained in sections 17-19). Experience shows that from the perspective of physical health and emotional wellbeing, it is best for most women to take a break of approximately nine months to a year between birth and the next pregnancy. Accordingly, it is permissible *le-khatila* for all women to use contraceptive methods during this time....

14. Birth Control for Two Years or More

Some women, because of their physical or emotional state, need a break of more than a year after giving birth. In such cases, birth control may be used for up to two years.

In most cases, a couple who have not yet fulfilled the Torah mitzva of *pru u-revu* may not use contraception for more than a year if using it is for financial reasons or to make studying or working easier. Some *poskim* are lenient in these cases too, and allow birth control for up to two years. However, it is preferable to follow the majority of *poskim* and not be lenient. For *pru u-*

revu is the mitzva for which the world was created, and it gives people the opportunity to be God's partners in sustaining the world (*Gittin* 41a-b; *Nidda* 31a). Nevertheless, those who wish to be lenient in this regard have someone to rely upon. Even this leniency is limited to two years...

In extenuating circumstances, such as when a woman suffers from a physical or mental illness whose treatment requires using contraception, it is permissible to use birth control for more than two years following a birth. This is the case even if the couple has not yet fulfilled the Torah requirement of *pru u-revu* by having a son and daughter. This permission should be granted only after serious deliberation, following consultation with a God-fearing doctor.

15. Birth Control for Newlyweds

Under normal circumstances, a couple may not use contraception if they have not yet had children. This is because the mitzva of *pru u-revu* is an absolute obligation meant to be fulfilled within a certain time frame.... Nevertheless, we have seen (in section 9) that in our times, it is permissible when necessary to delay marriage until the age of 24. Those who have been privileged to marry earlier may not deliberately avoid fulfilling the mitzva of *pru u-revu*.

Only when there are extenuating circumstances, such as when the wife suffers from physical or mental illness, is it permissible for newlyweds to use contraception so that she can recuperate. This permission should be granted only after serious deliberation, following consultation with a God-fearing doctor.

Similarly, if a couple's relationship is shaky and they are unsure that the marriage will last, they should avoid pregnancy until their relationship is solid. The time period for which this permission is usually granted is between a half-year and a year.

There is another situation in which using birth control could be permitted on account of extenuating circumstances. Let us say that both husband and wife are in especially rigorous academic frameworks, such as medical school, and no one is available to help them. They realize that having a baby would mean that at least one of them would need to drop out of school. One or both of them would lose the opportunity to fulfill their aspirations and develop their talents in a profession that suits them so as to contribute to society. This can be deemed extenuating circumstances. Since pregnancy and birth would cause them considerable and lasting harm, they may be permitted to use contraception....

Let us say a young couple is in a serious relationship and are planning to get married. They come to ask a rabbi what is preferable – getting married and using contraception until they finish school, or postponing marriage. Even though what they should do is get married and not use birth control, nevertheless if these are the only two options they are willing to consider, it is better that they get married and use contraception....