

## CHAPTER 5, LAW 11 - COPING WITH NEW REALITIES

by Rabbi Dovid Rosenfeld

***It is the way of people with understanding that a person should first establish for himself a livelihood (lit., 'labor') which supports him, then he should acquire a house, and then he should marry a woman. [This is] as the verses state (Deut. 20:5-7): 'Who is the man who has planted a vineyard and has not redeemed it [let him go and return to his house lest he die in battle]..., '...who has built a house and not initiated it..., '...who has betrothed a woman and not taken her...'***

***However, the fool begins by marrying a woman, and then if he is able he will buy a house and [only] afterwards at the end of his life will he seek [to learn] a craft -- or he will support himself from charity. And so too it states in the 'Curses' (Deut. 28:15-68): 'A woman will you betroth [and another man will lie with her]; a house will you build [and you will not dwell in it]; a vineyard will you plant [and you will not redeem it]' (v. 30). This means to say, [G-d will curse you that] your deeds will be backwards so that your ways will not succeed. Whereas in the blessing what does it state? 'And David was in all his ways wise ('maskil') and G-d was with him' (I Samuel 18:14).***

The Rambam this week is continuing to discuss the ways of the Torah scholar -- and of people of understanding in general. This week he discusses the manner in which the scholar must plan and arrange his life.

I would first like to explain a few quick surface issues, providing a little more context for the Rambam's words. We'll then discuss the relevance of this law to modern times.

Deuteronomy 20:1-9 discusses the procedure Israel follows in preparation for war. Before departing the borders of the Holy Land, the officers would excuse certain types of people from combat (although they were expected to perform auxiliary duties, such as paving roads (Mishna Sotah 8:2)). They are: (a) Someone who has built a house but not yet lived in it. (b) Someone who has planted a vineyard (or any type of orchard -- see Mishna Sotah there) but not yet "redeemed" it. (In the orchard's fourth year, the fruits are taken to and consumed in Jerusalem (or are redeemed with money which is spent on foodstuffs there) -- see Leviticus 19:23-5.) (c) Someone who has betrothed a woman but not yet lived with her. (In classical times, the betrothal would occur a year before the husband brought his spouse into his home. Today, the betrothal and full marriage ceremony are performed together at the wedding.) (d) Someone who is too scared to fight.

The Talmud (Sotah 44a) infers from the order of the verses that proper behavior is for a man to first acquire a house, then learn a trade, and finally marry a woman. The Rambam, as a surprising aside,

appears to misquote the Talmud and confuse the verses, stating that a man should first learn a trade and then purchase a house. The commentators struggle to explain the Rambam's opinion, suggesting that the only thing clear from relevant parallel sources is that one must marry last, when he has both a home and the wherewithal to support a family. Buying a house versus learning a trade is far less significant, and depends more on the practicality of the situation. (What does one buy a house with if he hasn't earned any money?)

It has been observed that for the most part, people today follow the path opposite the one advised by the Talmud -- adhering rather to what the Rambam considers the path of fools. It is quite common today, in particular in more traditional circles, to marry before a young man has completed his schooling and to make do renting a small apartment quite some time before settling into a home. And likewise, young men often seek a wife -- and get engaged -- while still living in their parents' home or school dormitory, and only afterwards begin the (sometimes frantic) search for a suitable place to live.

Although to be fair the Talmud's statement was presented only as advice (the Talmud merely referred to it as "the appropriate way" ("*derech eretz*" -- literally, "the way of the land")), and the Rambam likewise recommended this as the way of the wise rather than a clear-cut matter of Jewish law, it certainly behooves us to offer some justification for today's widespread disregard of our Sages' wise advice. Their words are mostly certainly not something to be taken lightly.

I believe there are several factors which make the Talmud's advice impractical today -- or at least not as relevant as its simple wording implies. I'll begin with an important inference made by my teacher [R. Yochanan Zweig](#). The Rambam codified this law by stating a person must first "establish for himself a livelihood." He didn't quite say a person must actually be **earning** money and turning a profit, just that he must "establish" his profession. This does not seem to imply more than having studied a trade. (It may also be argued that a student well on his way to earning a professional degree may be considered to have his trade "established", if not mastered and completed.) It was common when I was in yeshiva (rabbinical college) for students to earn a vocational university degree on the side (at night school and during the summers) -- as a back-up, to make their parents happy, or both -- while pursuing their Torah studies. Based on the Rambam, possessing a degree on the side (or alternatively, the skills for a career in rabbinics) would be a sufficient basis to begin a marriage.

Another worthwhile point is that "learning a craft" today is far different from what the Talmud and Rambam had in mind. Once upon a time it basically entailed a few months apprenticeship with the local shoemaker or tanner -- who was quite likely the apprentice's father or uncle. Perhaps I'm wrong, but I don't imagine there was a whole lot more to it back in the good old days. Surely the Rambam, famous physician that he was, did not spent years attending medical school and completing his residency and internship. People today who do not complete law or medical school until well into their 20's and 30's would have to wait far longer than the Sages' dictum "at eighteen

the wedding canopy" (Pirkei Avos 5:25) . It seems unlikely that the Sages intended that we adhere to their former words of advice at the expense of their latter. (Who marries at eighteen for that matter? -- but another discussion.)

We can make a comparable distinction regarding buying a home. When the Sages thought "house" it wasn't much more than we'd consider a home parking garage (see for example Mishna Bava Basra 6:4). A home was a room -- four walls and a roof. A separate dining area, parents' bedroom and children's bedroom (for 8+ children) was absolutely regal. Perhaps one must have at least a small apartment prepared before the wedding. However, moving into the couple's dream home -- which they'll spend decades saving up for and paying off -- is for when they are far better established.

With all the above in mind, society today has taken very different shape than in the past. Parents are often themselves much more comfortable financially and are able and willing support their grown children through many years of advanced schooling. Likewise, many young women today are willing to marry men who are not yet financially independent, while in the course of advanced professional or rabbinic studies. A young woman may well feel the overall goal of her husband's realizing his full potential in his studies (as well as her studies) outweighs the material sacrifices they will invariably make along the way.

A final consideration is that the Sages generally frown upon delaying marriage, even if all needed prerequisites are not yet in place -- especially in situations in which a young man might otherwise be tempted to immorality. The Rambam elsewhere (Laws of Torah Study 1:5) states that one should first study Torah and only then marry, since the obligations of married life will make it difficult for him to fully devote himself to his studies. However, if a man's "evil inclination is overpowering him," he must marry first -- for if not, far more serious breaches of Torah law may occur.

A similar comment is made by R. Yaakov Emden (famous Talmudist of early 18th century Central/Eastern Europe). When the Talmud quoted above stated that one must purchase his house and establish his profession before marriage, R. Emden comments that even though this is the ideal order, a poor man is certainly not obligated to delay marriage because he cannot find work. He cites a similar ruling from elsewhere in the Talmud (Kesuvos 67b) regarding the laws of charity. If an orphan wants to marry, the community is obligated to rent him a house and purchase him the bare necessities. **Buying** him a house was not stated, nor was there any mention of providing him with a vineyard (or more broadly, setting him up in business). Those would certainly be wonderful acts of charity, but such is not the community's obligation -- nor must the marriage wait for it.

Thus, the Talmud's order is certainly the preferred, but one must not inordinately delay his later life duties on account of his earlier. We might all want to wait for that "perfect time" to marry and raise a family, but the Torah does not permit that we wait indefinitely for such -- besides that such perfect times might never actually come.

More generally speaking, I feel today's discussion provides us with a good illustration of an

important phenomenon in Jewish life. Different generations must recognize and meet new challenges. It is not always wise or appropriate to blindly follow the practices of our grandparents in Europe and just assume all will work out for the best. What worked for them may simply not work today. We must recognize that times change and that even something as sacred as Talmudic advice (but certainly not Talmudic law) may just be impractical in modern times.

Many examples of such immediately come to mind: The founding of the Bais Yaakov girls school movement over a century ago (Jewish girls beforehand generally had no formal schooling -- or attended public school), the founding of the Hassidic movement, the founding of the Mussar (ethics) movement (which introduced the study of ethics and character development into the Jewish educational curriculum). To be sure, innovation never comes without backlash and yet newer challenges. Yet in the ever-changing world in which we dwell, each generation must be prepared to recognize its unique circumstances and to rise to their challenge.

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