



נדרים דף פ"ט

English Halacha Topics

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The Age for Marriage

The Gemara tells of a man who made a vow not to benefit from people, since he did not learn. The Ran explains that he wished to first learn Torah and only then get married, because if he'd be married he wouldn't be able to learn.

The concept of delaying marriage in order to learn Torah has a precedent in halacha. The Shulchan Aruch states (E'H. 1:3): It is a mitzvah to get married at eighteen. One who precedes this and get married at 13 fulfills the optimal mitzvah... In any event one should not delay past 20. Someone who is over 20 and doesn't want to get married – Beis Din forces him to get married, to fulfill the mitzvah of procreation. (Rema says that in our days we do not force them.)

However, if he is toiling in Torah and is afraid to get married because he'll have to be busy earning a living and take away from his learning, he is permitted.

Until what age may a learner delay? The Beis Shmuel cites the Rambam and the following seif in Shulchan Aruch that there is no limit. As long as the boy does not have thoughts of sin, there is no sin to pursue Torah study all his life, as Ben Azai did. However, the Pischei Teshuvah feels that nobody should wait past age 24.

We must stress that all this is about someone who doesn't want to get married, as the Shulchan Aruch puts it. If he is actively trying to find his mate, but hasn't found one suitable, that is acceptable.

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In our days, we find varying opinions regarding the proper age of delay. Rav Meshash in Shu"t Shemesh Umagen records that the practice of yeshivos was to wait up till age 25. In our times, making a living is more difficult and time-consuming than in previous generations, so one may delay longer. So too The Chofetz Chaim writes that 25 is the limit. The Chazon Ish wrote in a letter to follow the letter of the law and get married at 20. And Rav Shach said that in earlier times, Torah scholars would wait until 24, but in our days it is proper to encourage earlier ages for marriage, like 22.

What if an older sibling is not yet married? Can a younger sibling who has reached marriage age pursue shidduchim? The ancient practice was not to, notes the Rashbam. Lavan said to Yaakov, "It is not done in our place, to give the younger one to marriage before the older one." The Shach seems to learn this precept into the Shulchan Aruch. However, Rav Moshe Feinstein (E.H. 2:1) clarifies that precedence to an older sibling applies only when both are engaged. There is no reason, however, for a younger sibling to delay marriage just because his older sibling did not find his match yet. It is the younger one's obligation to get married, and he shouldn't dismiss it due to the older one's issue. So too rules Yalkut Yosef. Rav Moshe Sternbuch shil"ta (Teshuvos V'Hanhagos 1:739) appears to argue and emphasizes that care must be taken to avoid ill feelings. The older sibling must give his permission, and it must be wholeheartedly. Often he might say he allows it due to pressure, but does not really agree. Every case needs to be judged individually, though. If the older one is known to be picky, that's different. And if the younger one wishes to get married before he turns 20, we assume the older one understands his intentions and does not feel slighted. Another factor is if the younger one fears for improper thoughts.

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