Family Planning in Halakha
Rabbi Dov Linzer

Part I: The Obligation of Procreation

A. The Command

1. Genesis 1:27-28
And God created Man in his image, in the image of God created He them, male and female created He them. And God blessed them; and God said unto them: “Be fruitful and multiply and replenish the earth and subdue it; and have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that creeps on the earth”

2. Genesis 9:1, 6-7
And God blessed Noah and his sons, and said unto them: “Be fruitful and multiply, and replenish the earth...Whoever sheds a man's blood by man shall his blood be shed, for in the image of God made He man. And as for you, be fruitful and multiply, swarm in the earth and multiply therein

3. Isaiah 45:18
For thus says the Lord, the Creator of the heavens, He is God, He fashioned the earth and He made it, He has established it; He did not create it to be void, He fashioned it so that it will be inhabited.

4. Maimonides, Positive Commandment 212
God has commanded us to be fruitful and multiply and to intend to preserve the human species, and this is what Scripture states: “As for you, be fruitful and multiply.”

5. Maimonides, Laws of Marriage, 15:16
Although a man has fulfilled the mitzvah of pru u’rvu, behold he is Rabbinically enjoined not to cease
procreating as long as he has the ability, for whoever adds one Jewish soul is considered as if he has created a world.

6. Bavli, Sanhedrin, 59a-b

For R. Jose b. Hanina said: Every precept which was given to the sons of Noah and repeated at Sinai was meant for both [heathens and Israelites]; that which was given to the sons of Noah but not repeated at Sinai was meant for the Israelites, but not for the heathens...

But procreation, which was enjoined upon the Noachides, for it is written, And you be ye fruitful and multiply. and repeated at Sinai, as it is written, Go say to them, get you in to your tents again, was nevertheless commanded to Israel but not to the heathens? — That repetition was to teach that whatever has been constitutionally forbidden by a majority vote requires another majority vote to abrogate it.

7. Tosafot Yevamot (62b), s.v. Benei

They (non-Jews) are within the category of procreation – and if you say, that in Sanhedrin (59b) it implies that Noahides are not commanded on procreation, one can say that here it does not mean that they are commanded on procreation, only that their children are called by their name (are considered as part of their family)...

8. Sheiltot of Rav Achai, ViZot HaBrakha, no. 165

That the House of Israel is obligated to marry women and to sire children, and to involve themselves in procreation, as it says, “Take for yourselves wives and sire sons and daughters.” And it goes without saying that this is true for a Jew, but even non-Jews are commanded on procreation, as it says, “And you should be fruitful and multiply.”

9. Meiri Yevamot (62b), s.v. Yireh

It would appear from this sugya that Noahides are commanded on procreation, and because it says, “Beforehand (before he converted),” he was also in the category of procreation.”
10. Tosefot, Chagiga, 2b, s.v. Lo Tohu

And additionally, pru u’rvu was written to all Noahides, including Canaan (and thus even slaves are commanded).

B. Gravity of the Commandment

1. Ramban, Genesis, 9:7

And it says “swarm in the land and multiply in it” – it repeats the commandment for emphasis, to say that they should pursue it with all their ability. Or, it is commanding them regarding settling the earth, as I have explained above (1:20).

2. Bavli, Yevamot 63b-64a

R. Assi stated: The son of David will not come before all the souls in Guf are disposed of; since it is said, For the spirit that enwrappeth itself is from Me, and the souls which I have made.

It was taught: R. Eliezer stated, He who does not engage in propagation of the race is as though he sheds blood; for it is said, Whoso sheddeth man’s blood by man shall his blood be shed, and this is immediately followed by the text. And you, be ye fruitful and multtily.

R. Jacob said: As though he has diminished the Divine Image; since it is said, For in the image of God made he man, and this is immediately followed by, And you, be ye fruitful etc. Ben ‘Azzai said: As though he sheds blood and diminishes the Divine Image; since it is said, And you, be ye fruitful and mutltiply.

They said to Ben ‘Azzai: Some preach well and act well, others act well but do not preach well; you, however, preach well but do not act well! Ben ‘Azzai replied: But what shall I do, seeing that my soul is in love with the Torah; the world can be carried on by others.

Another [Baraita] taught: R. Eliezer said, Anyone who does not engage in the propagation of the race is as though he sheds blood; For it is said, Whoso sheddeth mans’ blood, and close upon it follows, And you, be ye fruitful etc.

Our Rabbis taught: And when it rested, he said: ‘Return O Lord unto the ten thousands and thousands of Israel’,
teaches that the Divine Presence does not rest on less than two thousand and two myriads of Israelites. 1 Should the number of Israelites happen to be two thousand and two myriads less one, and any particular person has not engaged in the propagation of the race, does he not thereby cause the Divine Presence to depart from Israel! Abba Hanan said in the name of R. Eliezer: He deserves the penalty of death; for it is said, And they had no children, but if they had children they would not have died. Others say: He causes the Divine Presence to depart from Israel; for it is said, To be a God unto thee and to thy seed after thee; where there exists 'seed after thee' the Divine Presence dwells [among them]; but where no 'seed after thee' exists, among whom should it dwell! Among the trees or among the stones?

4. Mishna Edyut 1:13 (Gittin 1:5)

Whoever is half a slave and half a free man should toil one day for his master and one day for himself. This is the opinion of Bth Hillel. Beth Sammai said to them: you have set matters in order as regards his master, but you have not set matters in order as regards himself. He is not able to marry a bondmaid, nor is he able [to marry] a woman who is free. Is he to refrain [from marrying]? And is it not the case that the world was created for the propagation of the race? For it is said, “He created it not to be a waste; He fashioned it so that it will be inhabited.” (Isa. 45:18)

5. Bavli, Megilah 27a

One may not sell a Sefer Torah save for the purpose of learning Torah and marrying a woman...a woman for it says “He did not create it to be void, He fashioned it so that it will be inhabited.” (Isa. 45:18)

C. Are Women Commanded?

1. Bavli, Yevamot 65b

MISHNA. A man is commanded concerning pru u’rvu, but not a woman. Rabbi Yochanan ben Beroka said, Concerning both of them it says, “Male and female He created them; God blessed them, and God said to them, Be fruitful and multiply,” (Gen. 1:27)
fill the earth and master it’ (Gen 1:28).

GEMARA. What is the reason of the first opinion? For it states (at the end of the verse): “fill the earth and subdue it” and (this must be directed at the man) since it is the way of a man to subdue the earth, and not the way of a woman.

2. Bavli Yevamot 65b-66a

“R. Yochanan ben Beroka said.” It was stated: R. Yochanan and R. Joshua b. Levi [are at variance]. One stated that the halakha is in agreement with R. Yochanan b. Beroka, and the other stated that the halachah is not in agreement with R. Yohanan b. Beroka...

Now, what is the decision? — Come and hear what R. Aha b. Hanina stated in the name of R. Abbahu in the name of R. Assi: Such a case once came before R. Yohanan at the Synagogue of Caesarea, and he decided that the husband must divorce her and also pay her the amount of her ketubah. Now, if it be suggested that a woman is not subject to the commandment, how could she have any claim to a ketubah? — It is possible that this was a case where she submitted a special plea;

As was the case with a certain woman who once came to R. Ammi and asked him to order the payment of her ketubah. When he replied, ‘Go away, the commandment does not apply to you’, she exclaimed, ‘What shall become of a woman like myself in her old age!’ ‘In such a case’, the Master said, ‘we certainly compel [the husband].’

A woman once came [with a similar plea] before R. Nahman. When he told her, ‘The commandment does not apply to you’, she replied, ‘Does not a woman like myself require a staff in her hand and a hoe for digging her grave!’ ‘In such a case’, the Master said, ‘we certainly compel [the husband]’.

Judah and Hezekiah were twins. The features of the one were developed at the end of nine months, and those of the other were developed at the beginning of the seventh month. Judith, the wife of R. Hiyya, having suffered in consequence agonizing pains of childbirth, changed her clothes [on recovery] and appeared before R. Hiyya. ‘Is a woman’, she asked, ‘commanded to propagate the race?’ — ‘No’, he replied. And relying on this decision, she drank a sterilizing potion. When her action finally became known, he exclaimed, ‘Would that you bore unto me only one more issue of the womb!’ For a Master stated: Judah and Hezekiah were twin brothers and Pazi and Tavi twin sisters.

But does not the commandment apply to women? Surely, R. Aha b. R. Kattina related in the name of R. Isaac: It once happened in
the case of a woman who was half slave and half free, that her master was compelled to emancipate her! R. Nahman b. Isaac replied: People were taking liberties with her.

3. Ye‌rushalmi Yevamot 6:6

Rebbe Yirmiya and Rebbe Avahu and Rebbe Yitzchak bar Miryon in the name of Rebbe Chanina (said): the ruling is according to Rebbe Yohanan ben Beroka. Rebbe Yaakov bar Acha and Rebbe Yaakov bar Idi and Rebbe Yitzchak bar Chakula in the name of Rebbe Yundan the Exliarch (said): if she demanes to (be divorced so that she may remarry), we would rule in her favor.

Rebbe Elazer in the name of Rebbe Chanina (said): the ruling is according to Rebbe Yochanan ben Beroka. Rebbe Ba bar Zavda said to him: I was with you. Was it not said (rather), that if she demands to remarry, we rule in her favor?

4. Shulkhan Arukh, Even HaEzer, 1:13

A woman is not commanded on pru u’rvu

C2. Reasons for the Exclusion

5. Rav Ovadya Bartenura, Yevamot 6:6

A man is commanded on procreation and not the woman – as it says, “Be fruitful and multiply... and subdue it.” It is read “And subdue (sing.) it,” without the vav – the man whose nature it is to subdue the woman, he is the one commanded on procreation.

6. Torah Temimah on Breishit 1:28

The Bartenura explains in the mishna her that it is the man's way to subdue the woman. It appears that he is alluding to what appears in Midrash Rabbah on this parsha, “A man subdues his wife tat she should not go to the marketplace.” But were it not that I were afraid, I would say simply that it refers to subduing the land in war, as it says in Kiddushin (2b) – it is the way of a man to fight a war, and not the way of a woman to fight a war... For only on him is the commandment regarding subduing the land, and not on the woman. As a consequence, she is exempt from the endeavor of increasing people. According to this, the mitzvah of “and you shall subdue it” is the ultimate goal of the mitzvah of “be fruitful and...
multiply."

7. Bavli Kiddushin 2b

There, however, the reference is to war, and it is the practice of man to wage war, not of woman — therefore the masculine is employed...

For it was taught: R. Simeon said: Why did the Torah state, "If any man take a wife," and not ‘if a woman be taken to a man'? Because it is the way of a man to go in search of a woman, but it is not the way of a woman to go in search of a man. This may be compared to a man who lost an article: who goes in search of whom? The loser goes in search of the lost article.

8. Bavli Eiruvin 100b

R. Samuel b. Nahmani citing R. Yohanan stated: A woman who solicits her husband to the [marital] obligation will have children the like of whom did not exist even in the generation of Moses...

But can that be right? seeing that R. Isaac b. Abdimi stated: ... ‘and he shall rule over thee’ teaches that while the wife solicits with her heart the husband does so with his mouth, this being a fine trait of character among women? — What was meant is that she ingratiates herself with him.

9. Tosafot Rid, Baba Batra, 13a, s.v. viHa Ketiv

RI in Tosafot writes that it could have quoted the verse of pru u’rvu because the free side of the slave is also included in he mitzvah. But this does not seem correct to me, because a slave is also obligated in pru u’rvu. And although slaves are linked to women in regards to their level of obligation – the reason a woman is exempt is because it is not her way to subdue, but a slave, for whom it is the way to subdue (would be obligated)....

10. Pnei Yehoshua Gittin 41b

Tosafot, s.v., Lo tohu, “And R”I ben R. Mordekhai explains” until the end. It appears from his commentary that it is obvious to him that a slave and a slave woman are not commanded...
regarding procreation, since we hold that women are not commanded, and any mitzvah that a woman is not obligated in, a slave is not obligated in, because we learn “her” “her” from a woman...

But regarding a slave one can say that everyone will agree that he is commanded on procreation, at it is not relevant to learn from a gezeira shava of “her” “her” from a woman except something that is an arbitrary divine decree, but regarding a matter that is based on reason, this cannot be learned from a woman...

And similarly when it comes to slaves, he is obligated to circumcise his son, even though this is not relevant to a woman, and it thus would be the same here as well. The fact that a woman is not commanded is because it is in a man’s nature to subdue and it is not in a woman’s nature to subdue, and it is in a man’s nature to go searching after a woman. It is because of this reason that it appears that a slave, whose is in the category of subduing, and it is his nature to go searching after a woman, he is thus naturally obligated...

11. Meshek Chakhma (R. Meir Simcha of Dvinsk, d. 1920), Breishit 9:7

It seems reasonable to say that the reason the Torah exempted women from pru u’rvu and obligated only men, is because God’s law and His ways are “ways of pleasantness and all of its paths are peace” (Prov. 3:17), and the Torah did not burden a Jew with an obligation that he is physically unable to handle... Therefore, regarding women, who are endangered during pregnancy and childbirth... the Torah did not obligate them to procreate. And thus it is permitted for them to take a medicine which will make them sterile, as we find in the case of Yehudit, the wife of Rebbe Chanina (Yevamot, 65b).

12. Responsa of Ran, 32

... However, I have found in the responsa of Rebe Dan (Ashkenazi) who said that although we rule that women are not obligated on pru u’rvu, I still maintain that [in having children] she fulfills a mitzvah, although she is not commanded and she performs...

However, I agree with what Rav Dan wrote, for although we rule that a woman is not commanded on pru u’rvu, nevertheless she fulfils a mitzvah when she marries...
C3. Is there a Mitzvah of "Lashevet" for Women?

13. Bavli, Gittin, 41a-b

MISHNAH. One who is half a slave and half free works for his master and for himself alternate days. This was the ruling of Bet Hillel. Bet Shammai said: "You have made matters right for the master but not for the slave. It is impossible for him to marry a female slave because he is already half free. It is impossible for him to marry a free woman because he is half a slave. Shall he then remain unmarried? But was not the world only made to be populated, as it says, 'He created it not a waste, He fashioned it to be inhabited?' (Isa. 45:18). For the betterment of the world, therefore, his master is compelled to liberate him and he gives him a bond for half his purchase price. Bet Hillel thereupon retracted [their opinion and] ruled like Bet Shammai.

14. Tosfot, Baba Batra, 13a, s.v. Lo Tohu

As it says "He did not create it to be void, He fashioned it to be settled (lashevet)" (Isa. 45:18). [And thus a master must free his half-freed slave to allow him to marry and procreate.] The reason the Mishna does not quote the verse of pru u'rvu – RI b. Mordechai says it is because the verse of lashevet is applicable even to the half of him that is a slave (although the level of obligation is equal to that of a woman). And in the case in the Talmud (Yevamot 66a) where they only forced a master to free his half-freed maidservant because she was being taken advantage of, the reason they did not force him to free her out of consideration of shevat – was because perhaps even after she was freed she would not have children, since she is not commanded on pru u'rvu, but a male slave who when he is freed will necessarily have children (because he is commanded on pru u'rvu) would be freed.

And RI explains that it did not quote the verse of pru u'rvu because the slave is exempt from that mitzvah since he is unable to fulfil it, and we would not force his master to free him to enable him to perform it, for if that were the case we should force all masters to free their slaves to allow them fulfil all the additional mitzvot. And it is for this reason that the verse of lo tohu was quoted, because it is a great mitzvah, and therefore we force the master. And in the second chapter of Megilah (27a) this verse is quote to demonstrate the same point (the weight of the mitzvah) – that a sefer Torah can be sold to enable a man to marry a woman... because of the verse "He did not create it to
remain desolate"

15. Rambam, Laws of Forbidden Sexual Relations, 21:26
And a woman has the right to never get married or to marry a sterile man...

16. Be’er Heitev, Even HaEzer, 1:26
For (according to Rambam) there is not even a Rabbinic prohibition against a woman (remaining single and childless) – not from a concern for lashevet yitzarah and not because of a concern for sexual thoughts...

D. How Many Children?

1. Gemara Yevamot 61b; 62b
MISHNA: A man shall not abstain from the performance of the duty of the propagation of the race unless he already has children. Bet Shammai ruled: two males, and Bet Hillel ruled: A male and a female, as it is written: “male and female created He them.”

GEMARA: Our Mishna is not like R. Yehoshou, for we taught in a braitta: R. Yehoshua says, “If a person married a woman in his youth (and his wife is now dead), he should marry a woman in his old age. If he had children in his youth, he should have children in his old age, as the verse states: “In the morning sow your seed and in the evening do not let your hand rest, for you know not which one will prosper, whether this one or that one, or whether they both alike will be good.” (Eccl. 11).

2. Shulhan Arukh, Even Ha’Ezer, 1:1, 8
1. Once a man has a male and female child, he fulfills the mitzvah of pru u’rvu.
8. Although one has fulfilled the mitzvah of pru u’rvu, it is forbidden for him to remain without a wife, and he must marry a woman who is capable of having children if he can afford to, even if he already has a number of children. And if he cannot afford to marry a child-bearing woman unless he sells a Sefer Torah – if he has no children yet he must sell it so that he can marry a child-bearing woman. But if he already has (the requisite number of) children, he may not sell the Sefer Torah, but he should rather...
marry a non-child-bearing woman, and he should not remain without a wife. And some say that even if he has children he should sell a Sefer Torah in order to marry a child-bearing woman.

Rema: However, if he knows that he is no longer physically able to have children, he should marry a woman who is not child-bearing. And, similarly, if he already has many children and is concerned that if he marries a child-bearing woman there will arise fights and arguments between the children and his new wife, it is permissible for him to marry a non-child-bearing woman. But it is forbidden for him to remain without a wife because of this concern.
A. Some religious, theological considerations

1. Iggerot Moshe, Even HaEzer, 4:74

Regarding birth-control pills [for a couple which has already fulfilled the mitzvah]. Behold – although there is not concern for “wasting the seed”... but without a great need she should not take the pill, for one should not try to outwit and make schemes... against the will of God...

2. Berakhot 10a

R. Hamnuna said: ... What did the Holy One, blessed be He, do? He brought sufferings upon Hezekiah and then said to Isaiah, Go visit the sick. For so it says, “In those days was Hezekiah sick unto death. And Isaiah the prophet, son of Amoz, came to him and said unto him, Thus saith the Lord, Set thy house in order, for thou shalt die and not live” etc. What is the meaning of ‘thou shalt die and not live'? Thou shalt die in this world and not live in the world to come. He said to him: Why so bad? He replied: Because you did not try to have children. He said: The reason was because I saw by the holy spirit that the children issuing from me would not be virtuous. He said to him: What have you to do with the secrets of the All-Merciful? You should have done what you were commanded, and let the Holy One, blessed be He, do that which pleases Him.

3. Halakhic-Medical Encyclopedia, Dr. Abraham Steinberg, s.v. “Contraception” p. 111

In the modern era there developed the concept of “family planning,” the significance of which is to plan one's actions to bring about a reducing of the birthrate. This planning can serve the individual goals of the couple and national and universal goals...

However, in the realm of halakhic ethics, there is no place for such a sweeping self-determination. Quite the opposite, the Torah’s orientation obligates every couple to strive to expand their family and to increase their birthrate, in the context of the fundamental obligation of pru u’rvu. However, the matter must be done within a context that considers the physical and
Family Planning, Part II—When Is It Permissible?

And from the perspective of Jewish national demographics, there is absolutely no concern for population explosion but, to the contrary, there is a very live need to increase the birthrate among the Jewish people for a number of reasons—our small number relative to other nations; our suffering persecutions throughout our history, and in particular in the most recent times, the terrible Holocaust; our enduring constant wars... and our enduring a spiritual destruction of assimilation in terrible proportions.


Speaking in a general manner, one can say that the use of birth control methods in a communal, public, and unrestrained way is completely at odds with the Torah view. Widespread, readily available and easy-to-use birth control methods opened a wide door to the destruction of modest and moral behavior, to sexual permissiveness and freedom, to the destruction of the family unit, to the prevalence of sex outside of marriage and at very young and immature ages, and to the decrease of the birth rate. And there is an opinion that it is forbidden to assist even a non-Jewish woman in birth control, in particular when her intent is to be sexually promiscuous.

B. Not Having the Requisite Number of Children

1. Bavli, Ketuvot, 50a

R. Eili said: In Usha they decreed: one who squanders his money, should not squander more than one-fifth. We taught in a braitta similarly: One who squanders, should not squander more than a fifth, lest he become dependant on others. And there is a story of a certain man who wanted to squander more than a fifth, and his friends would not allow him.

2. Rambam, Laws of Sanctifications, 8:13

A person should never sanctify all his property... and this is not exemplary behavior but rather foolishness, for behold he is wasting all his money and will become dependant on...
others, and we may have no compassion on him. And regarding such a person the Sages said: Foolish righteous people are among those who destroy the world. But rather, whoever wants to squander his money in mitzvot should not squander more than a fifth... [If the Torah does not want one to overspend with obligatory sacrifices], how much more so regarding matters that one is not obligated except due to his vow, that he has not vowed correctly, as the verse says: "Each person according to the blessing that the Lord God has given him."

3. Rema, Shulkhan Arukh, Orah Hayim, 656:1

And one who does not have an Etrog, or [is having difficulty fulfilling] any other passing mitzvah, he does not have to spend on it an enormous amount of money, as they said: One who squander should squander no more than one-fifth. Even for a passing mitzvah. But this is only for a positive commandment, but regarding a negative prohibition, one should give all his money rather than transgressing.

4. Nishmat Avraham, (Rabbi Dr. Avraham Abraham), volume 3, Even HaEzer, Laws of Procreation, 1:1, footnote 1

R. Shlomo Zalman Aurbach wrote to me: I have a doubt regarding someone who has an hereditary disease and his children will always be in pain, or one who has hemophilia, if it is permissible for such a person not to fulfil the mitzvah of pru u’rvu, and to marry at the outset a woman who cannot have children. For behold there is no obligation to squander more than a third or a fifth of one’s money even for a passing mitzvah. And this person considers that the pain for himself and his children is much greater than the consideration of a third of his money (and thus it should be allowed). Or perhaps a person should not speculate about the reasons behind things, and even in this case we should say, “What are God’s issues your concern? What God wants, you should do.” But I saw that you bring down that R. Moshe Feinstein (Even HaEzer, 1:62 and 4:71) considers it extremely obvious that even in this case one has to fulfil the mitzvah, but for me the matter remains unclear.
C. Postponing

1. Bavli, Kiddushin, 29b-30a

R. Hisda praised R. Hamnuna before R. Huna as a great man. Said he to him, ‘When he visits you, bring him to me.’ When he arrived, he saw that he wore no [head]-covering. ‘Why have you no head-dress?’ asked he. ‘Because I am not married,’ was the reply. Thereupon he [R. Huna] turned his face away from him. ‘See to it that you do not appear before me [again] before you are married,’ said he. R. Huna was thus in accordance with his views. For he said: He who is twenty years of age and is not married spends all his days in sin. ‘In sin’ — can you really think so? — But say, spends all his days in sinful thoughts.

Raba said, and the School of R. Ishmael taught likewise: Until the age of twenty, the Holy One, blessed be He, sits and waits. When will he take a wife? As soon as one attains twenty and has not married, He exclaims, ‘Blasted be his bones!’

R. Hisda said: The reason that I am superior to my colleagues is that I married at sixteen. And had I married at fourteen, I would have said to Satan, An arrow in your eye. Raba said to R. Nathan b. Ammi: Whilst your hand is yet upon your son’s neck, [marry him], viz., between sixteen and twenty-two. Others state, Between eighteen and twenty-four. This is disputed by Tannaim. Train up a youth in the way he should go: R. Judah and R. Nehemiah [differ thereon]. One maintains, ['Youth' means] between sixteen and twenty-two; the other affirms, Between eighteen and twenty-four.


If a woman allowed her husband after they were married to decrease his conjugal obligations, this is permissible. When is this true? After he has fulfilled the mitzvah of pru u’rvu. But if he has not fulfilled it, he is obligated to have sex during every conjugal period until he fulfills it because it is a positive Biblical commandment, as it says: “Be fruitful and multiply.” The man is commanded on pru u’rvu, and not the woman. At what stage is the man obligated in this mitzvah? From the age of seventeen, and once he has exceeded twenty years of age and has not married a woman, he transgresses and negates a positive commandment...
3. Responsa of Maharit, Yoreh Deah, 2:47 (Rabbi Joseph ben Moses Trani, 1568-1639, Constantinople)

I was asked regarding someone who betrothed an underage girl and in the betrothal document it was written that the groom took an oath to his father-in-law on all that was written above, and that he also took an oath that he would not betroth and marry the woman during her lifetime, and that he would never divorce her. Is this oath binding, inasmuch as the groom is around 30 years old, and the girl is around 5 or 6 years old, and it is like taking an oath to negate a mitzvah, for now he must wait (to have children) until she becomes of age and can become pregnant.

Indeed, there is definitely a negation of the mitzvah from the time he is more than 20 years old as Rambam writes in chapter 15 in Laws of Marriage: “Once a man is more than 20 years old and has not married a woman, behold he transgresses and negates a positive commandment.” But we can question this - for perhaps they did not say that an oath cannot take effect to negate a mitzvah except in the case that the mitzvah is totally negated, like that which hwe taught “An oath that I will not make a sukkah, that I will not take a lulav - in oaths this is not binding since one cannot take an oath to negate a mitzvah.” But in our case it would be different since in the end he will marry and fulfill the mitzvah of pru u’rvu, it should not be considered a negation. (And this can be contrasted to not wearing tefillin on a given day), for in that case there is a negation of the mitzvah for every day that he does not wear it. And even if he puts on tefillin today, he is obligated to put them on tomorrow, and he does not fulfill today’s mitzvah by what he does tomorrow.

But regarding the mitzvah of pru u’rvu exists his entire life, and when he fulfills it he is exempt, therefore whoever is lax in fulfilling it - it is a postponement of a mitzvah, but not a negation of the mitzvah, for if he does it eventually he has fulfilled the mitzvah. However, since he is commanded now, he negates the fulfillment (kiyum) of the mitzvah, as is evident from the language of Rambam who writes: “he transgresses and negates a positive mitzvah.”

And thus if you want to argue that since he has not taken an oath never to marry, but only not to marry for a specific amount of time, this is not considered a complete negation – for behold, if he does not find a woman whom he wants to marry (by the age of twenty), he clearly would not be transgressing (by not marrying) - therefore this mitzvah (to marry by twenty) is not powerful enough to void his oath...
4. Shulkhan Arukh, Even HaEzer, 76:6

If a woman allowed her husband after they were married to decrease his conjugal obligations, this is permissible. When is this true? After he has fulfilled the mitzvah of *pru u'revu*. But if he has not fulfilled it, he is obligated to have sex during every conjugal period until he fulfills it.

5. Halakhic-Medical Encyclopedia, Dr. Abraham Steinberg, “Contraception” p. 120

A young couple which has not yet fulfilled the mitzvah of *pru u'revu*, is not allowed to postpone the mitzvah even for a short period of time until they take care of their education, work, or living arrangements, or similar matters, nor even for the sake of learning Torah.

(Footnote 132:) So is implied from Rambam, Marriage, 15:1 and Maharit 2:47, Maharam Padua 45, Hakam Tzi 41. But it should be noted that according to the Hazon Ish, Yoreh Deah 153:5, who writes that regarding a positive commandment for which there is no set time, if the fulfillment of the mitzvah will lead to loss of money, or if the person is involved in some non-mitzvah matter, then the mitzvah can be pushed off. And this should, presumably, apply to the mitzvah of *pru u’revu*. And see the article by A.G. Elyinson, “Family Planning and Contraception”, 1977, that given that in our days people do not get married at the age of 13, nor even at the age of 18, behold they are effectively postponing the mitzvah of *pru u’revu* by postponing marriage, and by extension it should presumably be allowed to use birth control after marriage if it is done with the agreement of the couple and through modes that have no intrinsic halakhic problems and for a given period of time. And this requires further thought.

6. Iggrot Moshe, Even HaEzer, 3:24 (no date)

Regarding birth control pills – certainly from the perspective of “wasting seed” there is no problem. So if the pregnancy is difficult to the woman due to illness – even due to a mere weakness that is more than in normal women – we can allow using the pill from this perspective even for someone who has not yet fulfilled the mitzvah of *pru u’revu* if she is weak and they can wait a small period of time until her body becomes stronger.
D. Spacing

1. Shut Bnei Banim (Yehudah Herzl Henken), I:30

In addition, the gaon, my teacher and grandfather ob“m ruled that it was permitted for a woman to postpone pregnancy for up to four years and more after birth for the sake of taking care of the newborn. And he gave practical rulings to women to this effect many times and he did not distinguish whether the husband had fulfilled the mitzvah of pru u’rvu or not.

... But rather the allowance to nurse after two years is not because of danger to the child, for even if there is no danger they allowed him to continue nursing since it is for the sake of the child, although it should be Rabbinically prohibited... And it is known that a woman who nurses beyond two years will possibly not become pregnant. So how could they allow the husband’s mitzvah pru u’rvu for the sake of a non-life-threatening risk? The necessary answer is that since it is for the benefit of the newborn child that he should continue to nurse, that this is included in the mitzvah of pru u’rvu, and this explains the position of my grandfather.

(In another responsum:) For the mitzvah of pru u’rvu is not merely pregnancy but also raising children, for if they die one has not fulfilled the mitzvah of pru u’rvu.

2. Iggrot Moshe, Even HaEzer, 1:64 (1958)

And regarding what you heard from a certain rabbi that in Lithuania they use to allow all women to wait two years after birth (to become pregnant again), that is a lie. And I know from many rabbis that they were very strict and I never heard anyone who would allow a normal woman, for the entire discussion is only in circumstances of danger.


In regards to a woman whose first born child, a three-year-old girl, is sick with leukemia, which is a terrible sickness which requires an enormous amount of care - and although the girl is in a hospital, she requires her mother because she is so young – is it permitted for the mother to use birth control? ... So regarding a woman who is sick, all would agree that it is permitted for her to use birth control – see Iggrot Moshe, Even
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HaEzer, 1:63.2-3, and similarly it would be allowed to use it because of risk to a current child... and similarly to prevent pregnancy for the sake of the three-year-old girl who requires her care, which she would not be able to provide if she got pregnant and gave birth.

Behold, although it seems to be a very powerful reason (to use birth control), if it truly were impossible for the mother not to be with her daughter, it nevertheless seems that regarding small children such as this, of the age of three, if one accustoms them a young woman it would suffice. And if the mother becomes pregnant, then during the first five or six months of pregnancy she can bring a young woman with her to the hospital to accustom her daughter to remain with her [the young woman]. Given this, I cannot see any reason to allow her to use birth control, even with her husband’s permission, since he has not fulfilled the mitzvah of having children, for he does not yet have a son. And this mitzvah is a great mitzvah and a significant obligation. And even for one who has fulfilled this mitzvah, it would also be difficult to allow one not to have more children... since you can accustom the daughter to a young woman, for many rich women put their children in the care of a young woman for their own interests. So in this case we cannot allow the use of birth control even if it is just preventing the mitzvah of shet, even if she believes that her care is better than others...


In truth, for a number of years, I have pointed out that from the Talmud Yevamot (34b), in the debate between R. Eliezer and the Sages, that the first 24 months after childbirth, he can thresh inside and sow outside, and the Sages respond to this and say, “This is nothing more than they acts of Er and Onan.” From this debate it is implied that at the core, the Sages agree to R. Eliezer that it is permitted to do an action during the 24 months (to prevent pregnancy), but they were astounded that R. Eliezer allows the act of threshing inside, etc. and we rule like the Sages...

Nevertheless, during the 24 months following childbirth, there is a very fitting support from this sugya to law a foundation to be lenient.

Thus, regarding a woman whom we see has great suffering – not the normal pains that is common among women – and she also feels that it is for the betterment of her health that she...
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should take a small break, for given her constitution, it is possible that if she has immediately sequential births that there will be a doubtful risk to life – in such a case, we can allow her to use a deeply-inserted ring, and similar modes, for a half-year, and afterwards we must again look at her condition, for it would be a disaster to go overboard with allowances intentionally.

E. Family Size

1. Bavli. Yevamot 61b; 62b

Mishna: A man shall not abstain from the performance of the duty of the propegation of the race unless he already has children. Bet Shammai ruled: two males, and Bet Hillel ruled: A male and a female, as it is written: “male and female created He them.”

Gemara: Our Mishna is not like R. Yehoshou, for we taught in a braitta: R. Yehoshua says, “If a person married a woman in his youth (and his wife is now dead), he should marry a woman in his old age. If he had children in his youth, he should have children in his old age, as the verse states: “In the morning sow your seed and in the evening do not let your hand rest, for you know not which one will prosper, whether this one or that one, or whether they both alike will be good.” (Eccl. 11). R. Akiva said: If one learned Torah in his youth, he should learn it in his old age, as it says, “In the morning sow your seed, etc.”...

Said R. Matna: The law is like R. Yehoshua.

2. Sheiltot of Rav Achai, ViZot HaBrakha, no. 165

However, one must say – if a person has children, and knows that he is still able to have children, is he obligated in procreation, or not? Do we say, since he has children, behold he has fulfilled his obligation of procreation, or, perhaps, even though he has children, he must exert effort in procreation and in siring children, for he does not know if the children of his youth will be successful, if the children of his old age will be successful...

Now, regarding the first question that we asked, come and hear, for we taught in a braitta that R. Yehoshua says, even if a man married a woman in his youth, he must marry a woman in his old age. Even if he had children in his youth, he must have children in his old age, as it says, ”In the
morning sow your seed, and in the evening do not let your hand lay rest...” And Rav Matna said the ruling is according to Rebbe Yehoshua, and that is the ruling.

3. RIF, ad loc., 19b

R. Matna says: “The law is like R. Yehoshua.” And this is Rabbinic, but Biblically, once one has a male and female he has fulfilled the mitzvah of procreating.

4. Rambam, Laws of Marriage, 15:16

Although one has fulfilled the mitzvah of procreating, he is commanded Rabbinically not to cease procreating as long as he has the ability, for anyone who adds one Jewish soul is as though he built the world.

5. Ibid., 15:7

A person should not marry a sterile or elderly woman, or a minor who cannot have children, unless he has already fulfilled the mitzvah or procreating, or he has another wife with whom to have children.

6. Ramban, Milhamot Hashem, on Rif, Yevamot, 19b

However, since this is a Rabbinic mitzvah, it is like a practice of derek eretz (good conduct), since the Talmud (merely) quotes the verse, “In the morning sow your seed” and it does not state that there is a prohibition (in failure to perform), but rather, “One should marry (a woman in his old age)” – a preferable mitzvah, but we do not force him to perform, nor call one who does not want to do this a sinner.

7. Trumat HaDeshen, no. 263

Question: Reuven has already fulfilled the mitzvah of procreation, and he has become a widow, and he wants to marry a woman, but he is afraid that there will be fighting between the woman and his children, and therefore he has decided that he will marry a woman who it has been established that she is not contentious, but she also can no longer have children, and if he cannot find a woman who even
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meets these standards, his intention is not to remarry, because of his anguish regarding possible fights. Is he acting correctly or not?

Answer: We rule like Rebbe Yehoshua in Yevamot, who says even if he had children in his youth, he must have children in his old age, as it says, “In the morning sow your seed…”

Nevertheless, Rosh writes that this obligation is only rabbinic, for Biblically, once he fulfilled “Be fruitful and multiply,” he is no longer obligated.

Nevertheless, one can bring a proof that we push off this obligation (of having more children) for the sake of prevent discord in the house, from what we taught in Yevamot (44a), “And the elders of the city should call to him and speak to him” – this teaches that they give him advice which is appropriate to him. If he is a youth and she is an elderly woman, or he is old and she is a young woman, they tell him – what do you need this type of a woman for, go find a woman who is more like you, and do not bring fighting into your house.” Thus, we see that we push this obligation of yibbum aside, in favor of chalitza, for the sake of preventing fighting.

And this is true although from the Torah perspective, chalitza in the face of yibbum does not count as a mitzvah...

8. Shulkhan Arukh, Even Ha’Ezer, 1:8

Rema: However, if he knows that he is no longer physically able to have children, he should marry a woman who is not child-bearing. And, similarly, if he already has many children and is concerned that if he marries a child-bearing woman there will arise fights and arguments between the children and his new wife, it is permissible for him to marry a non-child-bearing woman. But it is forbidden for him to remain without a wife because of this concern.

See Birkei Yosef, EH, 1:2


Regarding birth-control pills [for a couple which has already fulfilled the mitzvah]. Behold – although there is no concern for “wasting the seed”... but without a great need she should not take the pill, for one should not try to outwit and make schemes. For although for the mitzvah of shevet (additional children) the woman is not obligated to suffer more than she is able, but it is nevertheless like one scheming against the desire...
of God. But if she is weak, and certainly if she has a nervous condition which is like a sickness, we can allow it.

10. Iggrat Moshe, Even HaEzer, 4:74 (1960)

Regarding taking birth-control pills – in a case where there is no danger in taking the pills themselves, and with care that the pills do not cause spotting, then, if they have already fulfilled the mitzvah of having children and there is a financial reason, or any other pressing reason, or even if they have not already had children, but the woman is sick, she may take the pills to prevent pregnancy since there is no concern about “wasting the seed”. And know that in these matters you must ask an expert rabbi each time, and you cannot rely on a doctor, even if he is God-fearing.

F. The Woman’s Exemption

1. Bavli, Yevamot 65b

Judith, the wife of R. Hiyya, having suffered in consequence agonizing pains of childbirth, changed her clothes [on recovery] and appeared before R. Hiyya. ‘Is a woman’, she asked, ‘commanded to propagate the race’? — ‘No’, he replied. And relying on this decision, she drank a sterilizing potion. When her action finally became known, he exclaimed, ‘Would that you bore unto me only one more issue of the womb!’ For a Master stated: Judah and Hezekiah were twin brothers and Pazi and Tavi were twin sisters.

2. Tosafot Shabbat(110b), s.v. veHatanya

But it appears in Yevamot (65b) regarding the wife of R. Hiyya, that had she been commanded on procreation, she could not have drunk the sterilizing potion, even though she had two girls and two boys. And this is because of the obligation from the verse “In the morning sow your seed, and in the evening do not let your hand lay at rest...”
3. Rambam, Laws of Forbidden Sexual Relations, 16:12

And a woman is permitted to drink a sterilizing potion to make her sterile so she can no longer have children.

4. Shulkhan Arukh, Even HaEzer, 5:12

And a woman is permitted to drink a sterilizing potion to make her sterile so she can no longer have children.

5. Beit Shmuel, ad. loc., no. 14

The implication is that this is allowed even if the woman has no pain (in childbirth).


In short, to summarize the positions regarding a woman drinking a sterilizing potion there are three positions: 1) That it is permitted even if there is no pain (in childbirth) – this is the position of the Chelkat Mechokhe and the Beit Shmuel (EH 5:12). 2) That it is like a woman using a sponge before intercourse, and it is only permitted when there is a life-danger – this is the position of Atzi Arazim (ad. loc., no. 52). 3) The compromise position, that it is permitted when there is pain in childbirth and for similar reasons – this is the position of Bach and Maharshal, and it appears that it is the accepted position among the major authorities. And the reason that it is not permitted save in a situation of pain, is because even women are commanded on "It was not created to be desolate..." – see Atzi Arazim – but in a case of pain, the "settlement" of her body is more important, as Chatam Sofer writes (EH, 20).

7. Responsa Chatam Sofer, EH, 20

The question of Atzi Arazim, 19, that a woman is also obligated in lashevet (and thus should be prohibited against sterilizing herself) – in my humble opinion when there is resulting jaundice or pain in childbirth, there is no question that it is permitted even if she has had no children. For this obligation is not similar to other positive commandments, that a person
must be prepared to undergo suffering to fulfil God’s commandments. Rather here the obligation is to settle the world, and “settling” (taking care of) her own body takes precedence. For what settling of the world is accomplished by increasing the people who are jaundiced or sick or endangered through childbirth. This is not settling the world! And a person is not obligated to destroy himself in order to settle the world. And in addition, it seems to me that the positive commandment of lashevet is from the prophets and thus not as stringent as pru u’rvu which is Biblical. And although we require one to sell a Sefer Torah for lashevet, it is really the stringency of pru u’rvu which is greater than other positive mitzvot because there is also the positive obligation of lashevet added on. But for a woman who only has the positive commandment of lashevet, it is very lenient, and it is overridden at very least for the sake of pain...

To return to our discussion. In my humble opinion, a woman who has not yet had children and has not fulfilled lashevet, should not drink a sterilizing potion unless it is to save herself from illness or pain in childbirth and for similar reasons. But if she has already fulfilled lashevet even to the smallest degree, she is permitted to drink such a potion even without any justification of pain.

However, all of this is in the case of a single woman, or a married woman like the wife of Rebbe Chiya when, in their days, the husband could marry another wife in addition to the current one, or, alternatively, divorce his current wife against her will. Thus, in those days, if he wanted (additional) children and wanted to fulfil “and in the evening do not let your hand rest” he could marry a second wife or divorce his first wife. And this was the risk that Rebbe Chiya’s wife accepted. But nowadays, that there is Cherem Rabbeinu Gershom, the wife has no permission to drink such a potion without her husband’s permission. For we would not set aside Cherem Rabbeinu Gershom just to allow him to have additional children, for then all older women could be divorced against their will. Thus, since he cannot divorce her against her will or take a second wife, and since he is now not able to fulfill “and in the evening do not let your hand rest,” she needs permission from her husband, or agree to be divorced. And if he does not want to divorce her but also does not want to allow her to drink this potion, it seems to me that she is not obligated to pain herself because of her responsibility to her husband. But this would only be in a case of great pain, and it is all according to the assessment of the judge, and it is impossible to spell out all the considerations.
8. Responsa Iggrot Moshe, EH, 1:62

Regarding using a diaphragm and spermicide for a woman whose children are born with a disease and they only live a short life of about 2 years. 1952.

For the woman is allowed to drink a sterilizing potion even if she is suffering no pain, according to many decisors. And even according to Maharash and his camp that it is only permitted when she is suffering pain – there is no pain greater than this. And thus one can allow even with an actual sterilizing potion. And there is more reason to allow this than the case when her children are going off the path, for there there is no indication that other children will do the same, and here there is an proven pattern that there will be great pain. Not to mention that this is not truly a sterilizing potion (it is not permanent). Thus it appears to me to allow this since the husband also agrees to it. However, when approximately two years are up, it is my opinion that there is nothing to be concerned about, because the pattern was only by immediately consecutive births, and not when there was 2 year spacing between them... and thus there will not be any concern and the husband can fulfill "and in the evening do not let your hand rest..."

9. Responsa Iggrot Moshe, EH, 3:24

Regarding birth control pills that she should not get pregnant when she is sick or weak...

Regarding birth control pills, certainly from the perspective of “wasting seed” there is no problem. And if the pregnancy is difficult to the woman due to illness, or even due to a mere weakness that is more than in normal women – we can allow using the pill from this perspective even for someone who has not yet fulfilled the mitzvah of pru ’urvu if she is weak and they can wait a small period of time until her body becomes stronger. And certainly if the husband has already fulfilled pru ’urvu they can be permitted to wait up to 3 years until she becomes strong. And if she is a sick woman, even if the pregnancy will not cause her to be endangered but will just aggravate the illness, then if the husband has already fulfilled pru ’urvu she can totally stop having children. That just for the sake of the mitzvah of lashevet the woman is not obligated to the husband to become sicker than normal women. And perhaps even regarding the husband’s pru ’urvu perhaps she is not obligated to become sick for this sake – but he would be obligated to divorce her even before 10 years since she does not want to become pregnant. And for the sake of lashevet – he is not obligated to divorce her. Thus, since she is not obligated to her husband under these circumstances, she can stop have children so that she does not have to become unduly...