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ARE HUSBANDS COMMANDED TO MAKE THEIR WIVES HAPPY?

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I had the privilege many years ago of meeting the extraordinary rosh yeshiva/novelist Rav Chaim Sabato at a family picnic/soccer game. After some goodnatureed badinage (=trash talk) about the unfortunate consequences of my choosing to play in sandals, we got into a more serious conversation about my beard. I told Rav Sabato that I intended to shave on my first wedding anniversary, once the mitzvah of making my wife happy had expired. He insisted forcefully that the mitzvah applied throughout one's lifetime.

I hope that I've succeeded in living by his ruling, and it is of course a stringency that all husbands should adopt voluntarily and with gusto. But nonetheless "this too is Torah, and I need to learn". So a score and more years later, I am finally willing, albeit with trepidation, to start an in-depth look at the topic.

Devarim 24:5 reads as follows:

כִּי־יִקַּח אִישׁ אִשָּׁה חֲדָשָׁה
 לֹא יֵצֵא בְצָבָא
 וְלֹא־יַעֲבֹר עָלָיו לְכַל־דָּבָר
 נִקְיָ יְהִיָּה לְבֵיתוֹ שְׁנָה אֶחָת
 וְשִׂמְחָ אֶת־אִשְׁתּוֹ אֲשֶׁר־לָקַח:
 When a man takes a new wife

He does/must not go out in the army
 and it may not impose on him for any matter
 He will/must be clear to his house for one year
 and he will/must gladden his wife whom he took.

Midrash Halakhah focuses on the apparent redundancy of concluding phrase "whom he took". Since halakhah ordinarily requires the consent of both parties for marriage, how might she have become his wife, if not via his taking her? The answer given in Mishnah Sotah 8:4 is that the extra phrase extends the obligation even to a wife via levirate marriage.

“וְשִׂמְחָ אֶת־אִשְׁתּוֹ” – זו אשתו;
 “אֲשֶׁר־לָקַח” – לְהִבִּיא אֶת יְבִמְתּוֹ

“he will/must gladden his wife” – this refers to his wife;
 “whom he took” – to include his levirate wife.

This answer seems to point to another problem. Why is it necessary to include a second mention of “his wife” at all? Moreover, this redundancy seems related to the odd structure of the unit, which brings up “gladdening his wife” only after interposing a set of specific don'ts. Compare Dvarim 20:7:

וּמִי־הָאִישׁ אֲשֶׁר־אָרַשׁ אִשָּׁה וְלֹא לָקַחָהּ יָלַךְ וַיֵּשֶׁב לְבֵיתוֹ
 פָּן־יָמוּת בַּמִּלְחָמָה וְאִישׁ אֲחֵר יִקְחָנָה:

Any man who betrothed a woman but did not take-her-as-wife – he
 may/must go return to his house
 lest he die in the battle, and another man take her

Devarim 20:7 focuses exclusively on the man's expectations, whereas the section in our parshah mentions only the woman's expectations. (Targum 'Yonatan' translates our verse as “he must rejoice **with** his wife”, but Rashi rejects this because the text is pointed *vesimakh*, which is transitive.)

This different focus may also explain the midrash halakhah's approach to “a new wife”. A beraita on Sotah 44a explains that this means “new to him”, so that it includes widows and divorcees, and excludes only remarriage to one's own divorcee. In other contexts, such as the recitation of Sheva Berakhot, the rabbis indicate that men's emotional expectations are on average lower when they marry previously married women. Yet here, there is no difference, because such women's expectations are not lower. (Ibn Ezra reports that “some say” that we translate “new wife” as “virgin”, but this position has no impact in halakhah.)

Presumably, we can put the “new wife” together with “the wife whom he took” to create a composite legal set of wives, namely any wives, whether freely chosen or levirate, whether or not previously married, so long as they were not previously married to this husband. Husbands of these wives are exempt from army service and clear to their houses for the year after marriage, **so that** they may gladden their wives.

The simplest reading of this is that husbands are obligated to gladden their wives so long, and only so long, as they are exempt from army service. This is the approach I had assumed, and it seems clearly taken by Rambam in Sefer HaMitzvot DO #214:

והמצוה הרי"ד היא
 שצונו להתייחד החתן עם אשתו שנה תמימה,
 שלא יסע חוץ לעיר
 ולא יצא בצבא
 ולא יעבור עליו דבר מהדברים הדומים לאלו [ל"ת שיא],
 אבל ישמח עמה עד מלוא שנה מיום בואו אליה.

*The 214th commandment is
that we are commanded that the groom be alone with his wife for a
complete year
meaning that he may not travel out of the city
nor go out in the army
nor have anything similar imposed on him [see DON”T #311]
rather he must rejoice with her until a full year from the day he comes in to
her*

However, Rav Sabato’s reading is adopted by Sefer Mitzvot
Katan (=SMK) #285:

לשמח את אשתו
כדכתיב ושמח את אשתו אשר לקח,
יש בעשה זה לאו, שנאמר ועונתה לא יגרע,
והנה כמה גדולה המצוה הזאת שהרי פטרתו תורה מליצא בצבא,
To gladden his wife

*as Scripture writes: “He must gladden the wife whom he took”
This DO has within it a DON’T, as Scripture says “and her times of
intimacy must not be diminished”*

SMK reads the exemption from army service in the first
year of marriage as a specific consequence of a general mitzvah
to gladden one’s wife that has no expiration date. The clear
advantage of this reading is that it explains both the odd
structure of our passage and the apparent redundancy; the last
sentence is not the conclusion of the yearlong exemption from
national service, but rather serves to put that exemption into
the framework of a more general mitzvah. (Rav Yerucham
Fishel Perlow in his Commentary to the Sefer HaMitzvot of
Rav Saadia Gaon suggests that this general mitzvah may be
implied here but derived directly from other verses.)

However, Netziv in Haamek Davar uses the same structure
to make a radical claim in the opposite direction. He claims
that the husband has the **option**, not the obligation, to use the
time gained via exemption from service to gladden his wife.

“ושמח את אשתו” –
אינו מצות עשה לשמח את אשתו כל השנה הראשונה,
דזה אינו, ואפילו מדרבנן אינו מחויב לשמחה אלא שבוע אחד,
וכבר עמד ע”ז בס’ יראים, וכתב בזה”ל:
חייב לשמחה בכל דבר שיודע שיש לה שמחה עכ”ל,
ומשום שהיה קשה לומר דמצוה לשמח כל השנה בשמחת נשואין,
מש”ה פירש “ושמח” היינו שמחה בלב במלוי רצון,
כמו “נתתה שמחה בלבי” ועוד הרבה,
אבל האמת דפי’ “ושמח את אשתו” אינו אלא רשות,
דיכול הוא לשבת בביתו ולשמח את אשתו אף על גב שכל ישראל
בצער מלחמה.

He will gladden his wife –
*This is not a DO to gladden his wife the whole first year,
as this is not so, and even Rabbinically his is only obligated to gladden her
for one week.*

*Sefer Yereim already noticed this, and therefore wrote as follows:
“He must gladden her with anything that he knows gives her happiness”
Because it was hard to say that this is commanding to gladden all year
with wedding celebration,
Yereim explains “he will gladden” as referring to internal joy and fulfilling
her wishes
as in the verse “you have placed joy in my heart”, and many others.
But the truth is that “he will gladden his wife” it is only a permission,
that he is permitted to stay home and gladden his wife even though all
Israel is in the suffering of battle.*

One might suspect Netziv of being antiromantic. But his
next comment demonstrates the opposite:

“אשר לקח” –

טעם הוא שהזהיר הכתוב בזה,

משום דהיא חדשה לו ועדיין לא נשרשו בחיים,
ואם יסיח דעתו ממנה – יוכל להיות שינתק החבל לגמרי,
אבל בלי כפייה רשאי לצאת,
וממילא לא יצא

אם לא יהא ברור שישוב לאהבתה:

– whom he has taken

*this is the reason Scripture commands these exemptions,
since she is new to him, and they have not been rooted in life,
so that if he stops concentrating on her – possibly the cord will be
completely parted.*

*But he is permitted to leave so long as there is no external compulsion,
and it will therefore turn out naturally that he will not leave
unless it is certain that he will return to her love.*

It seems to me that Netziv held that love can only flourish
in freedom. Law can give us freedom from oppression, and
thereby freedom to love, but law cannot make us love.
Moreover, no one healthy can be made happy by someone who
is compelled to fulfill their wishes, so a general mandate to
gladden one’s spouse would be self-defeating.

Netziv’s specific halakhic position is at best a minority, and
the mainstream of Jewish tradition does not fully share his
idealistic romanticism. Rav Sabato had good reason for
preferring SMK.

But Elul is the month of romance – Ani l’dodi v’dodi li –
and therefore an excellent time for considering the power of
Netziv’s underlying psychological claim, in both marriage and
religion.