

Laws of Marital Relations Part 5

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By Rabbi Mordechai Eliahu, Former Chief Rabbi of Israel, excerpted from his book, "Darkei Taharah," Chapters 19-24.

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THE PROPER MARITAL UNION

The students of Rabbi Dostiye, son of Rabbi Yannai, asked, why should the husband's face be downwards (during marital relations) and the wife's face upward toward the man?

Both look towards the place from whence they were created. (He looks toward the ground from whence he was formed, and she looks toward him from whence she was formed at the Creation of the world).

And the Gemara asks: Why are the labor pains in the birth of a girl more painful than the those of a boy? The Gemara replies: Both are born according to the way of marital relations. A baby girl turns her face upward during the birthing, like the position of the mother during relations, and a baby boy does not turn face upwards (but is born facing downward, like the father during relations (Niddah 31A, see Rashi)).

When the man is above and the wife beneath him, this is the proper way of the world. When she is above and he is below her, this is the way of brazenness. When both are in the same position side-by-side, this is perversion.

Even though it is permitted for a husband to do with his wife, with her consent, as he pleases, "to have relations whenever he wants, and to kiss whatever place he wants (excluding her sexual organ), and have relations in the normal manner, or in the not-normal manner, and in differing ways — nevertheless, it is in these regards that the Sages say: "Sanctify yourselves in that which is permitted to you."

The Torah has indicated by placing the portion “Ben Sorar V’Moreh” adjacent to the portion of “Yiffat Toar” that anyone who marries a “Yiffat Toar” (pretty heathen women taken captive in war), even though she be permitted to him, in the end will have a rebellious child (“Ben Sorar V’Moreh”) born from her, for the Torah only gave permission in the case of a “Yiffat Toar” because it understood the impossibility of overcoming the passions of the evil inclination during a time of combat (based on, Sanhedrin 107A).

A person should learn from this, that even though there are things that are permitted to him, nothing good will come from them. And the Gemara lists physical damages that a fetus can suffer when the way of marital relations was not conducted in a proper fashion, even though it may have been permitted (Nedarim 20A).

Thus, even though it is permitted to have relations at whatever time one wants, the Jewish People are holy and don't have relations during the daytime hours (Niddah 17A).

And even though one may kiss whatever part of his wife's body that he wants, it is forbidden to look at or to kiss his wife's sexual organ, for whoever looks there has no shame, and trespasses “and you shall walk modestly with your G-d” (Michah, 6:8), and he removes the look of shame before G-d from his face, for whoever has a sense of shame will not sin. Not only this, but he incites his evil inclination, and all the more so, someone who kisses that place transgresses all of the above and “You shall not make an abomination out of your souls (Aven HaEzer, 230:4.)

And even though it is permitted to have relations from the rear (into his wife's sexual organ), it is forbidden to do so against her will, for to do so is like rape. And if she does agree, one must be careful not to spill semen in vain, for whomever spills semen in vain is like a murderer. Nonetheless, one may not conduct relations in this manner on a regular basis, but only very infrequently, (See the Rama, Aven HaEzer, 25:2 and 10; Niddah 13A).

A husband and wife who are not able to have relations in the normal face-to-face manner, because of some illness or the like, must confer with a halachic authority regarding how they are to conduct themselves.

A Husband and wife are to be modest during marital relations, not to make their doings known, but rather to be in complete seclusion. The Holy One Blessed Be He hates someone who has relations in the presence of any living creature.

While conducting marital relations, a husband should not engage in empty-headed levity with his wife, nor speak in a lewd manner. But in matters regarding their lovemaking, he can speak with her, in order to heighten his passion or to please and satisfy her. And the husband should know that the obligation of the mitzvah of Ona requires that he be actively loving, and not tired nor heavy and sluggish in his doings.

A husband should kiss his wife during the act itself, and the Kabbalists have emphasized the esoteric importance of this

(See the “Siddur Beit Yaacov” regarding Sabbath Night).

He should prolong the act if he can concentrate his thoughts solely on his wife, so that his wife will be satisfied first, and after she has reached her climax, then he should have his.

On the verse, “And the sons of Ulam were mighty men at arms, archers, and had many sons and grandsons” (Chronicles 1:8:40), the Gemara asks, “Does it depend on a person if he will have many sons and grandsons?” The Gemara explains that the sons of Ulam prolonged their lovemaking so that their wives would climax before they did, so that they would have male offspring, and because of this, it is considered that they multiplied their fecundity (Niddah 31A).

Raba said: “Someone who wants all of his children to be males, he should have relations twice (so that the second time, his ejaculation will be delayed, and his wife will have her climax before his).

After the husband’s ejaculation, he should not remove his organ immediately, but rather wait until all of the semen has gone out and entered his wife’s sexual organ, so that none of his semen should be spilled outside, G-d forbid. And he should linger another short time more with her after their lovemaking, so that his wife won’t feel that his love and desire for her is finished with the conclusion of the act.

THE PROPER TIME FOR MARITAL RELATIONS

The best time to engage in marital relations is on the night of Shabbat (the Sabbath), whether speaking about a Torah scholar or an ordinary person. Beyond the fact that relations at this time are considered a part of “Oneg Shabbat” (the joy of the Sabbath), the Shabbat has the power to bring an added sanctity to the deed. If the marital union is conducted after midnight, this brings about a great spiritual rectification, which will draw a holy soul down to the child who is born from such a union, as the Kabbalists have written.

The night of the wife’s ritual immersion has the same importance and exaltedness of the night of Shabbat, even when it falls on a weekday night. Also on this night it is best to conduct relations after midnight, provided he can overcome his passions, and if he will not come to fantasize in the meantime.

The nights of Yom Tov (Jewish Festival) and Rosh Chodesh (The First of the New Month) are like the night of Shabbat, even though they lack the holiness of Shabbat and joyous obligation of “Oneg Shabbat.” The pious are accustomed to engage in marital relations at these times.

There are holidays when it is not proper to have relations, and these will be listed below.

It is a mitzvah to have relations on the night of the Seventh day of Pesach, and on the first night of Sukkot. And it is permitted during Chol HaMoed (the Intermediary Days of the holiday), even for a Torah scholar who generally does not have relations during the regular days of the week.

The remainder of the weekdays during the year do not have a status of holiness. Nevertheless, someone who has the obligation to perform the mitzvah of Ona on weekdays, as has been explained in a previous chapter, should prepare himself in holiness, as has been described, and perform the act for the sake of Heaven, and "A person who guards over the commandments will know no evil (Kohelet, 8:5).

"Rabbi Hisda said: It is forbidden for a man to engage in marital relations during the day, as the Torah says, "You shall love your fellow as yourself." Abaye said, How is this learned from this verse? The answer is that during the day, the husband might come to see something unsightly in his wife that causes him to be repelled"; (Niddah 17A). The intention of this teaching is not necessarily referring to some blemish or physical ugliness of the wife, but that seeing her very nakedness itself will bring him to have a cheapened feeling towards her (See Shabbat 130B).

"Rabbi Huna said: The nation of Israel is holy, and they do not conduct marital relations in the daytime. Rabbah said: If the house was darkened, it is permitted." Also, if the husband is a Torah scholar and covers he and his wife with a blanket, it is permitted"; (Niddah 17A). This permission is only in exceptional cases, as when he sees that his evil inclination is overcoming him, or if he sees that his wife is flirting with him and desires his intimacy in this way. As the Gemara relates, when an especially attractive woman came before the judicial court of Rava, he hurried home and had relations with his wife, so that his thoughts wouldn't dwell on the other woman (Ketubot 65A).

When marital relations are conducted during the day, it must be in a darkened house, or with a covering that covers beyond their heads for the sake of modesty. Others laws follow regarding marital relations when there is light in the room.

When marital relations are conducted at night, it is not proper to do so at the beginning of the night nor at the end, but in the middle, so that other people's voices will not be a distraction and cause the husband to think about some other woman. This prohibition is only for a man who suspects that he might think of some other woman, but if he is certain that that he will only think about his wife, he can engage in marital relations as soon as it becomes dark, even if the stars are not yet visible, until the first light of day (the beginning time of putting on tefillah), even though it may be after the beginning of dawn (olat hashachar). And the Kabbalists have written that there are exalted secrets concerning the superiority of conducting marital relations after midnight (whereby midnight is calculated by the exact hours of that time of the year, as indicated on Jewish calendars, and not necessarily at 12 o'clock at night. It is proper for a devout person to act in this fashion, unless he fears that by waiting he will come to have an accidental emission of semen, or commit some other wrongdoing.

If it is difficult for the wife to wait until after midnight, and if she would not be in the mood, should she awaken at this time, because of tiredness and the like, a husband need not delay marital relations until after midnight, or not perform the mitzvah of Ona because of this — rather he should have relations with her before midnight, and not be overly pious, and wake her from sleep and thus cause her discomfort and bad feelings.

DAYS WHEN MARITAL RELATIONS ARE PROHIBITED

It is forbidden by the Torah to have marital relations on Yom Kippur. Because of this, a husband must observe all of the matters prohibited when his wife is in her Niddah period. He is not to touch her, or sleep with her in the same bed, and the like. Some authorities allow him to touch her during the day, and their opinion can be followed in a situation where there is no other choice.

Marital relations are forbidden on the Ninth of Av (Tisha B'Shuva). The husband is not to sleep in the same bed with his wife that night, and not to touch her. Unlike Yom Kippur, touching her can be permissible – if there is a need.

Regarding Tisha B'Shuva that falls on Shabbat and is therefore delayed to Yom Rishon (Sunday), some authorities say that it is like every other Shabbat, and therefore marital relations are permitted. Other authorities forbid marital relations on this Shabbat, and we follow their ruling. If a wife's ritual immersion falls on this Shabbat, she should immerse and engage in relations. Also, if the husband is leaving or returning from a trip, and his wife is interested in having relations, he can perform the mitzvah of Ona and have relations on this Shabbat. And not only in these cases, but any husband who sees that his wife is flirting, or giving him signs that she desires their intimacy, and wants his attention to this end, he is obligated to perform his duty. Also, a husband who feels that his evil inclination is overcoming him, and he may think about some other woman, or spill semen in vain, it is permitted for him to have relations.

It is best not to have relations on the Tenth of Av, because the greater part of the Beit HaMikdash was burned on this day. However, if it is the night of the wife's ritual immersion, and the like, as mentioned above, the husband is obligated to have relations.

There are other days of the year that it is preferable, according to the Arizal, that every devout person should refrain from having marital relations. These are: the first night of Pesach; the night of Shavuot; the two nights of Rosh HaShanah; the night of Simchat Torah.

In the Diaspora, one should also refrain on the second night of the Festivals mentioned above.

There are pious people who do not conduct marital relations during the Ten Days of T'shuva; on the night of Hoshanah Rabbah; the three days before Shavuot; and from Rosh Chodesh Av until Tisha B'Shuva. And there are other pious people who do not adhere to this, since these times are not forbidden in the writings of the Arizal.

It is permissible to have relations on the 17th day of Tammuz; on the Fast of Gedalia; the Fast of Ester; the 10th day of Tevet. Devout people will be stringent with themselves and conduct themselves in mourning as on Tisha B'Shuva.

If the wife's immersion night fell on any of the dates, where it is the practice, whether through stringency or custom, to refrain from relations, she should not postpone the immersion, but immerse and have relations the same night (excluding Yom Kippur and Tisha B'Shuva). Also the husband is leaving on a journey, or returning from one, and his

wife is desirous of having relation, he should fulfill the mitzvah of Ona and have relations with her. Not only in these cases, but any husband who sees that his wife is desirous of his attention in this regard is obligated to satisfy her needs.

Also, a man who sees that his evil inclination is overcoming him, and leading him to think about other women, or to emit semen in vain, he is allowed to have marital relations. In addition, if a man has not yet fulfilled the mitzvah of being fruitful and multiplying (by having a son and a daughter) he should not behave in a stringent fashion and refrain from marital relations on the above occasions.

If a man has marital relations on the night of Rosh Hashanah, he should immerse in a mikvah before morning prayers.

If a man chooses to behave in a saintly manner (undertaking the ways of Hasidut) in his service of Hashem, he must not refrain from his Torah obligations regarding his wife, nor from the decrees of the Rabbis, even by the tip of the smallest letter Yud, whether in matters affecting him or her. Regarding this, our Sages said, "An unlearned person cannot be a Hasid." Therefore, someone who refrains from the Torah commandment of Ona, because of extra devout behavior (Hasidut), he will have to face judgment on this in the future. Also, if following a path of Hasidut will cause someone to gaze at women, and stray after his heart and his eyes, which is a Torah transgression, then his "Hasidut" is empty of meaning.

However, whoever is moved to seek after spiritual ascension and who sets himself a pious path in the service of Hashem, and follows the ways of the Torah and the Sages in the fear Hashem, he is called "holy," and if he conducts his marital relations accordingly in a holy manner, he will be blessed.

MARITAL RELATIONS IN THE LIGHT

A man should not conduct marital relation in the light, for reasons of modesty, whether it be daylight, moonlight, candlelight, or electric light, and the like.

In the instances when it is permissible to engage in relations during the day (as previously discussed) it must be in a darkened house with the window shades closed, and the like, even though absolute darkness is not obtained.

A Torah scholar who is modest in his ways, and who won't look at immodest places, may have relations during daylight hours, when he covers himself and his wife with a covering. However, he should not do so unless the need is great. In addition, all people who may fall into transgression if they don't have marital relations, if the house is not dark, they can cover themselves in the manner of a Torah scholar, but only if they are careful in their actions like a Torah scholar.

The covering must extend from over their heads and beyond their feet, so that nothing of them can be seen, and the covering must be opaque, so that light cannot penetrate it.

When moonlight illuminates the room, but not directly upon them, there are authorities who say that it is permissible to have relations if they are covered, and others forbid this. Therefore it is preferable to shut blinds, shutters, and the like, from the outset. In extreme instances, it is possible to have relations even when there is moonlight upon them, if they are covered as has been described.

It is forbidden to have relations in the moonlight outside under the canopy of the heavens, even if it does not shine upon them directly. And in a case where there is no moonlight, it is permissible to have relations outdoors only in a modest place that has a walled enclosure. Starlight is not considered light in regards to relations, but in a case where starlight is bright and strong, one should refrain from having relations in their light.

It is forbidden to have relations in candlelight, or in the light of an electric lamp, and the like, even though it be shadowed by a garment. Someone who has marital relations by candlelight is likely to cause his children to be physically impaired, even when his wife is already pregnant.

If the candle is in another room and its light illuminates the room where the relations are to take place, a Torah scholar can cover himself and his wife with a cover and have relations. This does not only apply to a different room, but even if the candle or lamp are in the same room, if he makes a divider that divides the room into two sections, this is like a different room, and a Torah scholar can use a cover and have relations.

This divider must have a length of 192 centimeters, and a height of at least 80 centimeters, and be strong enough not to fall down in the wind, if wind is present.

One should not make a divider like this on Shabbat, except under special conditions, such as if it were made before Shabbat and already opened a hand-breath or more, then it may be opened fully on Shabbat.

If he cannot, or does not want to turn off the light, or extinguish the candle, then the light or the candle should be covered with a vessel or with a thick towel, and the like, until the light is covered, and then it is permissible to have relations, even if there still be some dim light. This may also be done on Shabbat and Yom Tov without worry - however, one should be careful not to extinguish the light or the candle in doing so.

If there is no possible way to turn off the light, or extinguish the candle, or to cover them, some authorities permit a Torah scholar to have relations with a covering, and it is the custom to adopt this leniency when the wife is not pregnant, or when the relations are not intended to lead to pregnancy.

There are authorities that permit having relations when there is light for the initial relations between newlyweds, when the bride is a virgin, even for devout couples. The reason for this is that this initial union rarely leads to pregnancy, rather it makes pregnancy possible in the future, and there are not the same restrictions on this union as has been described above. However, in actual practice, this permission is not adopted at all, in the fear that the husband may have feelings of repulsion by seeing his wife's nakedness, as has been mentioned. Nevertheless, if this first union is difficult for him, and he cannot fulfill the mitzvah, a Torah scholar should be consulted about the matter.

CLOTHING AND COVERING DURING MARITAL RELATIONS

It is written in the Torah, "Her food, her clothing, and her time of marital relations, shall he not diminish" (Shemot, 21:10). It states in the Gemara, "Rav Yosef taught that 'siah' (which also means sustenance) has the meaning of bodily contact, implying that a husband should not conduct himself as the Persians who have marital relations with their clothes on" (Ketubot 48A). Therefore a husband who says that he will have relations with his clothes on, and his wife her clothes on — the court forces him to divorce her and give her the full Ketubah payment. And such is the case if the wife says she with her clothes on, and he with his clothes on, the court grants the husband a divorce without making him pay the Ketubah. For this is not the way of intimacy. Even if either the husband or wife wants to act in this way because of modesty, they cannot force the other to carry on relations in this manner.

However, if both want to adopt this practice, there are some authorities who say this is considered modest behavior. The Kabbalists have written that both husband and wife be naked, and that there should be nothing between them. However, if most of their bodies are naked, and here is just a little which separates their flesh from touching, even if it be above the wife's chest, this is not considered a barrier.

Those who are careful to wear a tallit katan (small tallit) all of the time, save when showering, they should lift it up to their necks during relations so that it doesn't form a barrier between them, as is written, "And cleave to his wife and be one flesh" (Bereshit, 2:24).

Husband and wife must be covered even when marital relations take place at night, because, "His glory fills the earth" (Isaiah, 6:3). The Holy One Blessed Be He hates the person who engages in marital relations without being covered (Vayikra Rabbah, cited in Tosefot to Niddah 17A). Such behavior is considered immodest and brazen. The rule of covering applies both in the day and the night, but one must exert extra precaution during the day, as has been explained.

COVERING HOLY TEXTS

It is forbidden to have marital relations in a room where there is a Torah scroll, written on a rolled parchment, even if it is a scroll that has a blemish and cannot be used for a congregational reading.

If there is no other room in which to have relations, he should make a barrier between the Torah scroll and the bed. The height of the barrier must be at least 80 centimeters, with a length of 192 centimeters. The barrier may be made of cloth or a curtain that is not transparent. If there is wind in the room, the cloth must be fastened so that it won't sway. Some authorities are lenient regarding lace and transparent curtains. If the Torah scroll is covered, or out of sight, it is possible to rule as they do.

It is forbidden to make a barrier like this on Shabbat. However, if it was prepared before Shabbat and opened a hand-breath or more, it is permissible to open it on Shabbat. A closed curtain is permissible to open on Shabbat. A canopy over a bed can be used as a barrier and it can be opened on Shabbat.

A cabinet with the dimensions 144X48X48 centimeters is like a private domain, and if the Torah scroll is inside of it, this is considered as being in a separate room. However, some authorities are strict in this regard, and say such a cabinet must be attached to the wall. Therefore, it is best to move it to another room, or if this is not possible, to make another barrier, and if both of these options are not possible, then it is possible to have relations.

Regarding other holy writings penned on parchment scrolls, like Megillat Ester, and the like, some authorities treat them with the same strictness as Torah scrolls, while other authorities relate to them more leniently like regular holy books. Therefore, if it is possible, they should be moved to another room — and if not, they should be covered with a double covering.

A room containing holy texts, tractates of the Talmud, printed Old Testaments, tefillin, mezuzot, and other holy writings — it is possible to have marital relations there if they are covered by a double covering, provided that not both of the coverings be a part of the object. Rather at least one of the coverings should be some kind of external covering (like a towel placed over a holy book that has a book cover and jacket of its own).

A tefillin bag placed inside of a tallit bag is considered as just one covering. There are authorities who are lenient regarding this when the tallit bag isn't normally used to house tefillin, but only a tallit, and only afterwards was it used to house tefillin as well, and then they are considered to be two coverings. A transparent nylon bag for carrying ones tefillin and tallit is not considered a second covering when the bag is intended to safeguard the tefillin and tallit. But if at the outset of its use the nylon bag was intended as a second covering, or as a covering for the bag containing the tefillin and tallit, then it is considered a second covering.

There are authorities who rule leniently that a book's own cover is considered as one covering, so that by placing another covering atop it, there are two coverings. Yet other authorities require two separate coverings in addition to the book cover itself. The law is the lenient view that the cover of printed books is regarded as one covering, and only one other covering is needed. However, in the case of handwritten scrolls (mentioned above) and handwritten texts written in Ashurit, one should not adopt the lenient ruling.

Books that are located on the other side of a barrier do not need coverings. Books with book covers that are inside a cabinet as described above, are considered to have two coverings, since the cabinet is considered a barrier according to several authorities.

An article of clothing that is folded is considered as two coverings. Two pieces of material that are sewn together like a pillowcase, or blanket covering, are considered as one covering.

Holy items must be covered above and along their sides, but not on their bottom side if they are lying on a shelf and the

like.

When holy objects are covered with two coverings, they should not be placed on the bed, unless there is no other place for them. If placed on the bed, it should be by the head of the bed, and not by their feet, or to the sides. It is better to place them under the pillow for their heads, but not adjacent to their heads so they touch.

A mezuzah parchment that is wrapped in nylon and housed in a container (bayit), is considered to have two coverings, especially if it is located at least ten hand-breaths above the floor.

If the mezuzah is housed in only one covering, the door must be closed before engaging in relations, so that the mezuzah will be outside the room. It is also possible to place over the container a piece of paper, or some similar covering, before engaging in relations.

There are authorities who permit having relations in a room with holy books if both the husband and wife are covered from above their heads to beyond their feet. Others forbid this. In a case of great need, one can adopt the first view, but only if there is no Torah scroll present, and if the books are located in a cabinet, especially if they are at least ten hand breaths above the floor.

Complete verses of Torah or expressions of the Sages can be hung in a bedroom, but only if they are hung at least ten hand breaths above the bed. Otherwise, they are required to be covered. Portions of verses can be hung even lower than the stated height.

Pictures of Tzaddikim can be hung in a bedroom. However, pictures of other people, even family members, should not be hung there because they can cause foreign thoughts.

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