

CHAPTER 4

Precepts Related to Marriage, Fornication and Divorce

1. Even though Gentiles are not commanded to “be fruitful and multiply,”¹ it is nevertheless God’s will that every man who is able should marry a woman and have children from her, as He said to Adam and Hava (Eve):² “Be fruitful and multiply.” Likewise, God told Noah after the Flood:³ “And you, be fruitful and multiply; teem on the earth and multiply on it.”⁴

2. A man should marry a woman, and she should be an established wife for him, as it says,⁵ “Therefore a man shall leave his father and his mother and cling to his wife, and they shall become one flesh.” This is the means of establishing a society, which is accomplished through a man bonding with his wife and having children with her, as

¹ Nevertheless, this only means that Gentiles have no explicit commandment about procreation. But as a logical necessity for the establishment of society, they are obligated to do so. As explained in Part I (*Fundamentals of the Faith*), Chapter 3, topics 8-10, there are logical obligations for Gentiles, and since marriage is a way of accomplishing the settling the world and is God’s will, it is obvious that they are obligated in general to involve themselves with this task. This would fit with the opinions that Gentiles are obligated by the verse Isaiah 45:18 to “make the world settled.” But since the obligation stems only from a logical reason, they are only obligated to do so if there is no logical reason not to do so. An individual Gentile is thus exempt if he or she would experience any serious discomfort as a result of fulfilling it.

² Genesis 1:28.

³ Genesis 9:7.

⁴ This implies that there is Divine punishment for a Gentile who deliberately does not fulfill this obligation to procreate, unless the person has a valid reason. As explained in Part I, even though Gentiles are not commanded to give charity (according to Rambam), Sodom was destroyed because they nullified all acts of kindness and charity from their midst. This means that a society can receive punishment if there is widespread behavior that opposes morality, even if it does not go against any express Divine command; and it appears that the same applies to the issue of procreation.

⁵ Genesis 2:24.

it says,⁶ “The Lord, Creator of the Heavens; He is the God, the One Who fashioned the earth ... He did not create it for emptiness; He fashioned it to be inhabited ...” Thus it is God’s will that people should settle the world.⁷

This injunction includes two separate details: (a) marrying a wife and living with her in an established manner, and (b) having children with her. Therefore, even if a Gentile man is unable to have children and fulfill the injunction to “make the world settled” in this way,⁸ he should still marry and live in an established manner with a Gentile wife, since that is also a manner of the settling of the world, as it says:⁹ “The Lord God said: ‘It is not good that man be alone; I will make him a helper corresponding to him.’ ”

3. A woman, as well, should endeavor to marry a man and establish a family, as this is God’s will, and a fulfillment of the injunction to “make the world settled.”¹⁰ Nevertheless, even though it is fitting to be married and have children, Gentile women or men for whom marriage or having children would be very burdensome are not obligated to cause themselves distress in order to fulfill this obligation.

4. A Gentile woman is only considered fully married if she had normal relations with an adult man whom she is permitted to marry, with her

⁶ Isaiah 45:18. The Sages used the phrase “make the world settled” to refer to this verse. We cite the phrase several times, always referring to this verse.

⁷ See *Likkutei Siḥot* vol. 5, p. 159, footnote 63.

The question of the degree of obligation centers on whether or not there is an extra commandment to “make the world settled,” beyond the Torah’s Jewish commandment to “be fruitful and multiply.” All opinions agree that Gentiles at least have a logical obligation to “make the world settled,” but it does not have the force of an explicit Divine commandment.

⁸ A man who is unable to father children is not obligated in this aspect of “making the world settled.” But he should still become married, for Genesis 2:18 says, “It is not good that man be alone,” as a logical moral obligation.

⁹ Genesis 2:18.

¹⁰ For Gentile men and women, all opinions agree that there is a logical obligation – for all who are able – to “make the world settled” in this manner, as long as it does not cause pain or distress for the person (but disregarding this obligation on account of a wrong viewpoint or illegitimate reasons is morally a sin).

consent and with their intention for marriage. If, however, she only goes through a formal wedding ceremony, she is not yet considered fully married.

It is appropriate for Gentiles to establish wedding ceremonies, so that their marriages will be obvious and known to all (the ceremony, e.g. a wedding canopy,¹¹ is a betrothal of the bride, and afterwards she becomes fully married by marital relations with her husband in private).

Still, if a Gentile man and woman both consent to live together as domestic partners¹² (although they have not had a wedding ceremony or certified their marriage), and they behave publicly as husband and wife for an extended period of time, the woman is judged as fully married, since it is assumed that a woman and man living together in this way have had relations with the intention of marriage.¹³

Therefore, while the woman is known to be living together with her male partner, she is forbidden to any other man.¹⁴ If she does have relations with another man, both he and she are liable for adultery [if she has already had marital relations with her domestic partner].

5. For Gentiles, the consummation of a marriage bond, in and of itself, does not obligate the husband to provide for his wife or children, or to

¹¹ *Rashi, on Genesis 6:2, cites this as a custom before the Flood.

¹² *This applies in societies where such conduct is accepted by the public as normal. But in societies where the public does not accept this as a normal state of marriage (but rather as a type of licentiousness), the couple's private decision does not make the woman completely married, so if another man cohabits with her, he and she will not be liable to capital punishment as adulterers.

¹³ *This assumption is presumed to be true unless it is proven otherwise, as a matter of Torah law. Therefore, all the conditions mentioned [for physical consummation of the marriage bond with Torah law] are not necessary to be investigated if a couple is openly living together and behaving publicly in the manner of a husband and wife. In that case, they are presumed in Torah law to be fully married unless proven otherwise, as explained here.

¹⁴ *This applies even if she and her domestic partner have not had normal relations for the sake marriage, and even if he is not physically capable of engaging in marital relations (e.g., due to illness or advanced age), and certainly if they had a wedding ceremony or they registered as married.

have relations with her on a regular basis or as a commitment.¹⁵ Such matters depend on the country's laws and customs, and/or any legally or morally binding stipulations made between the wife and husband.¹⁶

6. If the courts decide to forbid polygamy or set boundaries on this, they have the ability to do so.¹⁷

7. A woman may only be married to one man at a time, and if she becomes "married" to two men, she is considered married only to the first one she had relations with for the purpose of marriage, and she and the second man are liable for the capital sin of adultery. It is related in Torah sources that God considers the marriage ceremony itself of a woman wedding an additional man to be repulsive.

8. If one cohabits with an unmarried woman without intention of marriage, whether or not the matter is known publicly, it does not render her married to him or give her a status of a *me'orasah*, and it is mere licentiousness. Although such relations are not clearly forbidden for Gentiles, it is a repulsive act, even if done in a temporary fashion.¹⁸

¹⁵ *Nevertheless, a husband is obligated to honor his wife and be involved with her well-being, and a wife is obligated to honor her husband. The Sages said (*Bava Metzia* 59a), "A man's house is blessed solely due to his wife." When there is peace, love and trust between a couple, blessing and success shine in the house. As part of the due respect between a pious couple, they should consult between themselves in conducting the affairs of the home, including the raising and education of their children, with true partnership. The Sages said (*Pirkei Avot* 4:1), "Who is honorable? One who honors the creations" (i.e., he even honors people whose only apparent praise is that they are creations of God). Surely, then, spouses must honor each other, both in private and in public. (See *Seven Gates of Righteous Knowledge*, p. 122.)

¹⁶ *Rabbi J. Immanuel Schochet has provided a basic text for a "Noahide marriage contract" [see https://asknoah.org/noahide_marriage].

¹⁷ It appears that if a Gentile man violated his society's accepted code of conduct (that forbids polygamy) by taking a second wife, the second marriage is not considered binding and is only licentiousness, and another man who cohabits with the second wife is not liable for adultery.

¹⁸ Ramban on the verse Gen. 2:24, "and cling to his wife," implies that this verse excludes clinging in an animalistic way of meeting a woman in the street and engaging in licentious relations with her (whether or not she asks

From God's words,¹⁹ "Therefore a man shall leave his father and his mother and cling to his *wife*, and they shall become one flesh," it is the natural and appropriate way for a man to marry a woman and establish a family. One who deviates from this path is mistaken, and acts against God's will in His creation of mankind and their character.

Furthermore, those who engage in promiscuous relations commit animalistic actions (and this is even worse than the animals, since an animal has no comprehension to understand any other way, unlike a human, to whom God has given a superior intellect), as this is the way of animals – that a male typically cohabits with any female that appears ready before it. This is why all living creatures were created at the outset as females and males, since this is fitting for their nature. In contrast, Adam the first man was created alone, and only after he searched and discovered that he needed a mate did God give him the first woman as his partner. This shows us that the correct way for a

for any payment). From this, it seems that although there is no express prohibition of prostitution for Gentiles, it is prohibited as an immoral act that conflicts with the command in this verse. Rabbi Zalman Nehemiah Goldberg comments:

(a) The only prohibition stated in this regard is in the Torah, addressed to the Jews, in the verse (Leviticus 19:29), "Do not profane your daughter to prostitute her, so as not to defile the land and fill it with licentiousness," [and this prohibition also applies to the woman once she reaches the age of majority].

(b) However, the verse I Kings 14:24, "And also prostitution was in the land, and they did all the abominations of the nations etc.," implies that this practice is considered abhorrent for Gentiles. It is possible that it is only permitted for them (and this applies to the situation of Judah) in a temporary fashion, but not for a woman to practice prostitution on a regular basis. But from Judah's statement (Genesis 38:23), "lest it become a disgrace for us (if it becomes known)," it is implied that the society at that time would have considered his action as somewhat abhorrent.

It appears that based on the concept explained in this chapter, the verse commanding Gentiles to "make the world settled" forbids them to do any action that logically causes a destruction of society, so prostitution must therefore be banned. For the verse calls it "an abomination," and it is known that many evil actions are done in conjunction with the prostitution industry, including kidnapping, theft, murder, injury, bribery, drug addiction and child abuse. Prostitution itself leads to rampant adultery and the decay of society.

¹⁹ Rashi on Genesis 2:24, and Ramban *loc. cit.* in the previous note.

man is to look for a specific wife, and to build a life-partnership with her, instead of acting as an animal with casual sexual relationships.

God also differentiated the humans from animals in the way that they should cohabit. Animals have no mutual understanding of their mates at all. This is why God created animals so that their natural way of mating is that the male enters the female from behind, and does not see her face at all, which is reflective of the fact that an animal has no understanding or love in this act. In contrast, when a man and woman are involved in relations, it should be when they have mutual love and understanding between themselves, which is a personal bonding relationship aside from the purpose of procreating.

Proper human cohabitation is termed “knowledge” in the Torah, as it says,²⁰ “And Adam *knew* Hava his wife.” Therefore, the anatomically natural means of cohabitation for a man and woman is face to face, through which they will share their mutual recognition and love. But a person who cohabits in harlotry acts in an animalistic fashion, in that the couple has no mutual recognition or love. Thus the prophet related (Isaiah 45:10), “the world was not created to be empty, but rather to be settled,” and licentiousness is not a way of establishing populated and settled societies in the world. Instead, it is chaotic and harmful to society.

9. [Generations before the Torah was given, the court of Shem, the son of Noah, issued a decree that it was forbidden for a woman to have licentious relations with an idolater, since this would cause her to be drawn after him to idolatry.²¹ Included in their decree was that a woman should be liable to capital punishment for this. This is why Judah sentenced Tamar to death, because he assumed that she had cohabited licentiously with an idolater.²² Although it is not clear if Shem’s court decreed a punishment for a man who had licentious relations with a woman idolater, it is clear that they forbade a man to

²⁰ Genesis 4:1. In many places in Scripture, the verb “to know” (“*yodah*”) is used for the union of intercourse. In comparison, see Rashi on Genesis 18:19, that God’s expression regarding His affection for Abraham, “*yeda’ativ*” – meaning love and honor, is from the same root word. In contrast, the cohabitation of animals is called “mating” (“*sar’bi’ah*,” in Leviticus 19:19).

²¹ Tractate *Avodah Zarah* 36b.

²² Genesis 38:22, and as explained in Tractate *Avodah Zarah*, *loc. cit.*

marry an idolatress and bring her into his home, with permission for her to practice her idolatry there.

Once the Torah was given at Mount Sinai and the Seven Noahide Commandments were set within it forever, we do not find that there is any precept that includes liability [of Gentiles] to capital punishment for that act. Nevertheless, the decree of Shem's court that one should not marry an idolater still stands,²³ whether it would be the wife or the husband as the idolater. It appears that even if two people are already married, but one begins to serve idolatry and is not willing to give up these ways, the other partner is obligated to divorce and separate.

10. In any Gentile marriage, if the two partners wish to separate, they may divorce at any time that either so desires. When the man sends the woman away from his house with the intention that she should not return to him, or when she leaves of her own accord with the intention not to return, they become separated, and she is considered divorced and single, and is not married anymore in the judgment of Torah Law. Within the Noahide Code, there is no need for Gentiles to have a divorce document.²⁴ Nevertheless, it is preferable if there is a formal

²³ This does not contradict [the principle in Torah law] that any pre-Sinai Divine commandment that was recorded by Moses in the part of the Torah preceding the revelation at Mount Sinai, but was not repeated to Moses after that time, was removed from Gentiles, and it remained only for the Jews. Since the decree of Shem's court was not a precept from God, it was not removed from the Gentiles.

*This can be viewed as based on the Noahide Commandment of *Dinim* (Judgments), to have courts that establish rules for society. A Gentile society may institute decrees to help banish idolatry and/or harmful sexual activities. Since the decree of Shem's court was recorded in the Torah in reference to the story of Tamar in Genesis 38:24, it was given eternal eminence.

From the *Midrash*, Shem started teaching Divine precepts shortly after the Flood, and he explained that the Flood occurred because those precepts were transgressed. (Shem was 98 years old when the Flood came; see Rashi on Genesis 10:21. Shem prophesied for 400 years to **all** nations of the world, but they did not listen to him. Alternatively, the decree could have been a response by Shem (who was the king Malhizedek of Salem/Jerusalem; see Rashi on Gen. 14:18) to the idolatry that was being spread in the world by the king Nimrod in Babylon. At this time in history, around the time of the Tower of Babel, most of the world's population knew of Shem and his court.

civil procedure for divorce in the society (such as a legal document or court record).

To dissolve the state of marriage, this divorce must be a resolute decision for permanent separation. But if they only have intention to leave each other for a period of time and then return to each other (perhaps having in mind that they may have relations with others in the interim), this is an abhorrent practice, and this leads to behavior that is under the category of a woman becoming married to two men.

In the reference to a decision for “permanent separation,” the meaning is that at the time they separate, they have made this resolute decision. However, if they change their mind afterwards and decide to return to each other in marriage, they are permitted to do so, even if the woman remarried in the interim, and her second husband divorced her or died.²⁵

11. Since it is possible that she might leave her husband for a short time for another man and then return, and it is impossible to know if she made a firm decision to leave her husband [in the interim], it is proper to set up a formal procedure for a divorce through the courts. This way, a woman will not give the appearance of being married to two men, to whom she goes back and forth whenever she desires.

12. A married Gentile woman who committed adultery, even intentionally, is not forbidden to her husband, and if they both wish to continue with their married life together, they may do so.²⁶

Shem was recognized after the Flood as God’s prophet (see Rashi on Gen. 25:22), and a foremost spiritual leader of the world (although he was eventually surpassed by Abraham as a spiritual leader).

²⁴ Rambam, *Laws of Kings* 9:8.

²⁵ There is no prohibition for a Gentile to remarry his divorcee, even after she was remarried to another man whom she subsequently divorced.

²⁶ *This leniency does not apply for Jewish couples.