

CHAPTER 4

Precepts Related to Marriage, Fornication and Divorce

1. Even though Gentiles are not commanded to “be fruitful and multiply,”¹³² it is nevertheless G-d’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):¹³³ “Be fruitful and multiply.” Likewise, G-d

¹³² It is explained in Tractate *Sanhedrin* 59b that Adam was commanded to be fruitful and multiply, but at the giving of the Torah at Mount Sinai, this command was removed from Gentiles, and it remained only for the Jews. [Likewise, this applies to any pre-Sinai commandment that was recorded by Moses in the Book of Genesis or the Book of Exodus up to the account of the covenant and the revelation at Mount Sinai, but which was not repeated to Moses on Mount Sinai. (But the Seven Noahide Commandments, and the extended Noahide Code, were commanded to Moses on Mount Sinai as the Torah Laws for Gentiles; see the author’s Introduction to this volume.) Henceforth, beginning from the giving of the Torah’s Laws to Moses on Mount Sinai, the original commandments from before Mount Sinai are only binding on Jews, and not on Gentiles.]

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, 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 G-d’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” (*yishuv ha’olom* in Hebrew; see footnote 138), and it is possible that this is due to the logical obligation contained in it.

The practical difference is that if Gentiles were expressly commanded to procreate, then they would be obligated to do so even if it would cause them discomfort or trouble. 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. This is written in the responsa of *Hatam Sofer Even HaEzer* ch. 20, that since only Jewish men are obligated in the commandment to “be fruitful and multiply,” therefore a Jewish woman is not obligated to endure pain in order to fulfill this (but she may do so by her choice). The same logic applies to Gentiles.

¹³³ Genesis 1:28.

told Noah after the Flood:¹³⁴ “And you, be fruitful and multiply; teem on the earth and multiply on it.”¹³⁵

2. A man should marry a woman, and she should be an established wife for him, as it says,¹³⁶ “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 it says,¹³⁷ “The Lord, Creator of the Heavens; He is the G-d, the One Who fashioned the earth ... He did not create it for emptiness; He fashioned it to be inhabited ...” Thus it is G-d’s will that people should settle the world.¹³⁸

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,¹³⁹ he

¹³⁴ Genesis 9:7.

¹³⁵ 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. See Part I, topics 3:8-9: 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.

¹³⁶ Genesis 2:24.

¹³⁷ 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.

¹³⁸ 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.

¹³⁹ See *Nodah BiYehudah Even HaEzer* ch. 6, that (a) based on Ramban, a man who is unable to father children is not obligated in this aspect of “making the world settled,” and (b) this man should still become married, as the verse says (Genesis 2:18) “It is not good that man be alone,” but this does not fall within the category of the obligation to “make the world settled.”

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:¹⁴⁰ “The Lord G-d 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 G-d’s will, and a fulfillment of the injunction to “make the world settled.”¹⁴¹ 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.¹⁴²

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 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,¹⁴³ 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 partners¹⁴⁴ (although they have not had a wedding ceremony

Thus it is not a complete obligation that one has to trouble himself for. But as a logical obligation, even in this case a person is morally obligated.

¹⁴⁰ Genesis 2:18.

¹⁴¹ 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).

¹⁴² See footnote 132.

¹⁴³ *Rashi, on Genesis 6:2, cites this as a custom before the Flood.

¹⁴⁴ Rambam, *Laws of Marriage* ch. 1.

*This applies in societies where such conduct is accepted 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.

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.¹⁴⁵

Therefore, while the woman is known to be living together with her male partner, she is forbidden to any other man.¹⁴⁶ If she does have relations with another man, both he and she are liable for adultery, since she has already become a “*b’ulat baal*” [fully married].

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 have relations with her on a regular basis or as a commitment.¹⁴⁷ Such matters depend on the country’s laws and customs, and/or any legally or morally binding stipulations made between the wife and husband.¹⁴⁸

¹⁴⁵ *This assumption is presumed to be true unless it is proven otherwise, as a matter of Torah law. Therefore, all the conditions mentioned above (i.e., when a woman is considered a *b’ulat baal*, and through what specific act, etc.) 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.

¹⁴⁶ *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.

¹⁴⁷ *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 G-d). Surely, then, spouses must honor each other, both in private and in public. (See *Seven Gates of Righteous Knowledge*, p. 122.)

¹⁴⁸ *Rabbi J. Immanuel Schochet has provided a basic text for a “Noahide marriage contract,” with the stipulation that it should be verified (and adjusted if necessary) to be a valid contract by the standards of the secular legal system under which the couple will be registered as married.

Exemplary Noahide Marriage Contract

By the Grace of G-d

On the _____ day of the week, the ____ day of the month of _____ in the year 20'__ in the civil calendar, corresponding to the ____ day of the Hebrew month of _____ in the year 57__ since Creation according to the calendar of the People of Israel, here in the community of _____ (city) _____, _____ (state/province), _____ (nation), the bridegroom _____ (name) said to the bride _____ (name) : “Be my wife according to the laws of the Torah of Moses as they relate to *B’nai Noaḥ*, the Children of Noah. I pledge to respect, honor and maintain you conscientiously and in honorable fashion as becoming of ethical and honorable people, and assume all the responsibilities incumbent upon a loving and faithful husband, living with you as husband and wife according to universal custom and providing you with all necessities of life.”

Miss _____ (name) _____ agreed to become his wife, and pledges to honor and respect her husband and to assume all the responsibilities incumbent upon a loving and faithful wife, living with him as wife and husband according to universal custom and maintaining a harmonious household.

Mr. _____ (name) _____, our bridegroom, made this declaration: “I accept upon myself all moral, emotional and financial obligations of this marriage contract. I also accept upon myself to provide all necessities of life for any children G-d may bless us with, until at least their age of secular majority or marriage. I declare and affirm that all my present and future properties and possessions shall be liable to these undertakings during my lifetime, and after my lifetime, from this day and forever, as may be deemed by a Bet Din of Orthodox Rabbis all consistent with the Torah laws for *B’nai Noaḥ*.”

The obligations of this marriage contract were accepted by our bridegroom, Mr. _____ (name) _____, and by Miss _____ (name) _____, according to all the strictest usages of all marriage contracts according to the prevailing civil laws and social norms. A binding acceptance of this contract by Mr. _____ (name) _____, the bridegroom, and Miss _____ (name) _____, his bride, regarding everything written and stated above, is made by both, by affixing their signatures to this document before the affirming witnesses:

_____ (groom’s signature) _____ (bride’s signature)

Affirmed and signed on the above date before:

_____ (Witness)

_____ (Witness)

8. It is allowed within Torah Law for a Gentile man to marry multiple women (if there is full public knowledge). If the courts decide to forbid polygamy or set boundaries on this, they have the ability to do so.¹⁴⁹

9. However, 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 G-d considers the marriage ceremony itself of a woman wedding an additional man to be repulsive.

11. 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* [betrothed], 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.¹⁵⁰

¹⁴⁹ See note 129, that 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.

¹⁵⁰ 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 for any payment).

From Ramban, 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 (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 herself 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.

From G-d's words,¹⁵¹ "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 G-d'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 G-d 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 G-d give him the first woman as his partner. This shows us that the correct way for a 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.

G-d 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 G-d 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,¹⁵² "And Adam *knew* Hava his wife." Therefore, the anatomically

[From the author's footnote to topic 12:] 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.

¹⁵¹ Rashi on Genesis 2:24, and Ramban *loc. cit.* in the previous note.

¹⁵² Genesis 4:1. In many places in Scripture, the verb "to know" ("*yodah*") is

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.

16. [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.¹⁵³ 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.¹⁵⁴ 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 marry an idolatress and bring her into his home, with permission for her to practice her idolatry there.

The decision of Shem’s court to include a death penalty in this decree was only temporary. Once the Torah was given at Mount Sinai and the Seven Noahide Commandments were set within it forever (as explained in the author’s Introduction to this work), we do not find that there is any precept that includes liability to capital punishment for that act... Nevertheless, the decree of Shem’s court that one should not marry an idolater still stands,¹⁵⁵ whether it would be the wife or the

used for the union of intercourse. In comparison, see Rashi on Genesis 18:19, that G-d’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).

¹⁵³ Tractate *Avodah Zarah* 36b.

¹⁵⁴ Genesis 38:22, and as explained in Tractate *Avodah Zarah*, *loc. cit.*

¹⁵⁵ This is clear from Tractate *Avodah Zarah*, *loc. cit.*, that determines, from the decree of Shem’s court, the nature of the prohibition after the Torah was given. [This does not contradict the first footnote to topic 4:1 above, that according to Tractate *Sanhedrin* 59(a,b), any pre-Sinai Divine commandment that was recorded by Moses in the part of the Torah preceding the revelation

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.

17. 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.¹⁵⁶ Nevertheless, it is preferable if there is a formal civil procedure for divorce in the society (such as a legal document or court record). See topic 19 below.

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 G-d, 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. As explained in topic 1:9 above, a Gentile society may institute decrees to help banish idolatry and/or harmful sexual activities. Since the decree of Shem's court (Tractate *Avodah Zarah* 36b) 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. From *Tanna DeVei Eliyahu* 20:10 and 24:10, Shem prophesied for 400 years to **all** nations of the world, but they did not listen to him. See also *Yalkut Shimoni*, beginning of *Parshas Balak*, that this occurred after the Flood.) 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. (This is obvious from *Tanna DeVei Eliyahu*, *loc. cit.*, that states that Shem prophesied "to all nations.") Shem was recognized after the Flood as G-d'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).

¹⁵⁶ Rambam, *Laws of Kings* 9:8.

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 (discussed above in topic 4:9).

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.¹⁵⁷

19. ...Since it may be easy for her to make that move, and 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, 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.

20. 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.¹⁵⁸

¹⁵⁷ See *Tosafot* on Tractate *Sanhedrin* 56b, and Ran on *Sanhedrin* 57b, that there is no prohibition for a Gentile to remarry his divorcee, even after she was remarried to another man whom she subsequently divorced.

¹⁵⁸ Ran *Sanhedrin* 57b.

*This leniency does not apply for Jewish couples.