

THE YESHIVA PIRCHEI SHOSHANIM SHULCHAN ARUCH PROJECT

The Noahide Laws - Lesson Thirty-Eight



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Lifecycle I: Male & Female



Introduction

The next several lessons will cover the Noahide lifecycle from birth to death. In this lesson we will start just before birth: with the details of dating and marriage. This lesson will cover acceptable marriage partners, details of interactions between the genders, and issues of modesty in these areas.

Sexual Morality & Derivations of the Laws

The Noahide laws prohibit acts of sexual immorality. As discussed in a very early lesson, the Talmud learns these laws, by way of implication, from Genesis 2:16. Like all the Noahide laws, though phrased in the negative, it also implies positive aspects. Laws that prohibit sexual immorality also imply the converse: the embracing of acts of sexual purity and endorsing sexual morality.

As we have further seen, the seven Noahide laws are “families” of laws instead of discrete prohibitions unto themselves. Indeed, “sexual immorality” is too broad a term to mean anything without subdivision and definition. These laws, however, are unique because the Torah itself appears to provide many examples of what is and is not acceptable behavior.

For example:

- The behavior of Pre-Flood Society:

The land was corrupt before G-d... For all flesh had corrupted its way.

The Talmud states: A braisa of the academy R' Yishmael has taught: anywhere that the term "corruption" is used, it is only in reference to sexual matters or idolatry.¹

- Sodom & Gemorah
- The abominations of Egypt: *You shall not commit the deeds of the Land of Egypt wherein you dwelt.²*

Although this was commanded to Jews, the Torah and Midrashim describe Egypt's deeds as "abominations." Many commentaries discuss whether this implies that the deeds of Egypt are prohibited to Noahides as well.

- Behavior of the Canaanites:

Likewise, the deeds of the land of Canaan, the where I shall bring you, you not do; neither shall you walk in their statutes³; and,

There shall not be found among you one who asses his son or daughter through the fire, one who uses divinations, and illusionist, an auger, or a sorcerer... because of these abominations, Hashem your G-d is banishing them from before you.⁴

The Talmud states: *God would not punish these nations unless he had warned them against such acts.⁵*

The implication of these examples is not always clear. Let's take a close look at the Canaanites.

¹ [Sanhedrin 57a.](#)

² Lev. 18:3

³ Lev. Ibid.

⁴ Deu. 18:10-12.

⁵ [Sanhedrin 56b.](#)

Example: The Canaanites

The Torah, in Lev. 18:3, introduces the list of Jewish prohibited relationships with the following:

You shall not commit the deeds of the Land of Egypt wherein you dwell. Likewise, the deeds of the land of Canaan, the where I shall bring you, you not do; neither shall you walk in their statutes.

The Torah then goes on to list all of the relationships prohibited to Jews in verses 6 to 24. The Torah concludes by stating that the Canaanites lost their land to Israel as punishment for transgressing the laws of sexual morality:

And the land was defiled, therefore I visited their iniquity upon it, and the land vomited out its inhabitants. Therefore, you shall keep My statutes and My ordinances, and shall not do any of these abominations; neither the native-born, nor the convert, for all these abominations have been committed by the men of the land who came before you, and the land is defiled...⁶

Does this Lev. 18:3, referring to the “deeds of Canaan,” imply that the succeeding list of prohibited relationships (verses 6 to 24) equal the abominations committed by Canaan? If we say “yes,” then all of the relationships mentioned in 6 to 24 are also prohibited to Noahides. However, if we say “no,” then we cannot assume that all relationships in the list are prohibited to Noahides.

A proof may be adduced from the Talmud, Sanhedrin 56b. Deut. 18:10-12 lists a number of prohibited forms of sorcery and divination, stating that these were also reasons Canaan was driven from its land. The Talmud states: *God would not punish these nations unless He had warned them against such acts.*

However, things are not so simple. The Talmud⁷ notes that there are relationships mentioned in the list that are, elsewhere, defined as permitted to Noahides. Therefore, the list in verses 6 to 24 cannot be defining the prohibited Canaanite practices. Furthermore, not all of the Tannaim agree to the idea that *God would not punish these nations unless He had warned them against such acts.* If so, then why then does the Torah appear to list these relations as the prohibited “abominations” of Canaan?

As we see from this example, the Torah’s many references to what is or is not acceptable for Noahides, based on ancient practices, cannot be taken at face value.

⁶ Lev 18:28.

⁷ Sanhedrin 56b.

Categories of Prohibited Relations

There are a number of categories in this prohibition:

- **Relationships that are biblically forbidden** – We will see shortly how these are derived.
- **Relationships that are prohibited by decrees of ancient Noahides (i.e. Shem)** – the sages record a few relations that, although permitted by the Torah, were prohibited by ancient Noahides and their courts. Their ability to make such prohibitions, as we shall see, derives from the *mitzvah* of *dinim*, establishing rule of law. A few of these decrees continue to apply today, yet there are others that either do not apply today or whose application is uncertain.
- **Permitted, Yet Not Practiced** – As mentioned in the above discussion, the Torah refers to a number of relationships as “abominations” even though they are fundamentally permitted to Noahides. Is this term meant to imply that they are only abominations from the viewpoint of the Jewish *mitzvos*? Or, is it saying that they are abominations even when committed by non-Jews? The problem is the word “abomination,” a term meaning socially, morally, or emotionally repulsive behavior. It is out-of-place in a discussion of law. Yet, if the permission/prohibition of an act is based on a social judgment or emotional reaction to an act, then the act must have been considered repulsive even before it was prohibited by law. Yet, we see that many of the acts called “abominations” in Lev 18:6-24 are not prohibited to Noahides. The conclusion, as we shall see, is that these acts are permitted, yet should not be practiced.

Source of the Basic Subdivisions

*Therefore, a man shall leave his father and mother
and cling to his wife and they shall become one flesh.*⁸

From this verse the Talmud derives five prohibitions for the descendants of Adam:

⁸ Gen. 2:24.

- ***Therefore, a man shall leave his father...*** The Talmud explains that “leaving his father” means that one cannot have relations with that which is or was his father’s, meaning his father’s current or former wife. This applies for all time, even if one’s father has died or has divorced the woman.⁹ What makes the woman prohibited to the son (or the son to her) is that she and the father had formed a bond of marriage. This bond created the prohibition. The definition of this bond will be discussed below.
- ***...and mother...*** Using a similar reasoning as in the previous case, this prohibits incest between a man and his mother. The prohibition of relations between a man and his biological mother is prohibited even if the woman was never actually married to the man’s father.¹⁰
- ***...and cling to his wife... His wife and not the wife of another man.*** This forbids adultery between a man and a woman who is another man’s wife. This prohibition is based on the marital bond, which will be explained below. We should note that polygamy is permitted to Noahides as it is for Jews. However, Jewish courts universally banned the practice over 1000 years ago. For reasons that will be discussed in the class, this should not be practiced by Noahides either.
- ***...to his wife...*** This forbids male homosexual relationships. *Wife*, being of female gender, precludes a relationship between a male and a male. Lesbianism, although it cannot be derived from this verse, is nevertheless prohibited. The source for its prohibition is not agreed upon by all. Some view it as a subcategory or derivation from male homosexuality. Others prohibit it because it is one of the “abominations” practiced in Egypt, in combination with a number of other concerns. It may also be the subject of an earlier decree.

The Talmud indicates that granting civil recognition to homosexual unions (equating them with marriage) is prohibited for Noahides.¹¹

⁹ [Hilchos Melachim 9:6](#).

¹⁰ *Hilchos Melachim ibid.*

¹¹ In [Chullin 92b](#), Ulla laments that the Non-Jews of his time were sunk in the grossest forms of idolatry and immorality. However, he praised them for retaining three practices: 1) they did not write a marriage contract for homosexual unions, 2) they did not sell flesh in the marketplace (it is unclear to what this refers – see Rashi), and 3) despite all of their idolatry and immorality they still showed respect for the Torah.

- *...and they shall become one flesh.* This indicates the ability of a man and a woman to create *one flesh*, a child, through their union. This precludes relations between species that cannot produce offspring. Hence, all forms of bestiality are prohibited, whether one is male or female, or the active or passive partner.

There is a sixth biblical prohibition of incest between siblings. However, this prohibition does not have as clear a derivation as the others:

And Avimelech said to Abraham: 'What motivated you to do such a thing [to say "she is my sister"]?' And Abraham said: 'Because I thought: Surely the fear of God is not in this place, and they will slay me on account of my wife. And moreover she is indeed my sister, the daughter of my father, but not the daughter of my mother; and so she became my wife.'

From here, the authorities derive that a maternal half-sister, and all the more-so a full sister, is prohibited. The bond of marriage between any of the parents of these siblings is irrelevant here. Biological relation is enough to establish the prohibition.¹² Curiously, this only prohibits a sister with whom one is maternally related. Paternal half-sisters are permitted for marriage.¹³ It appears that having the same mother is the benchmark for the biblical definition of siblings for the purpose of this prohibition. The exact reasons for this are a matter of interpretation.¹⁴

Prohibited by Early Decree

We know of a few prohibitions prohibited by early decree. However, it is clear that this category included many other relations not mentioned here. The “abominations” that are fundamentally permitted to Noahides may be relations that were voluntarily prohibited by the early Noahides. Therefore, although they are permitted, they are unacceptable. The following decrees, however, we know with certainty to be binding even today:

¹² [Issurei Biyah 2:2-4](#).

¹³ Maimonides [Hilchos Melachim 9:5](#) and [Hilchos Issurei Biyah 14:10](#).

¹⁴ The [Jerusalem Talmud](#), *Yevamos 11*, however, derives the prohibition of sibling incest from Gen. 2:24, along with all of the other biblical prohibitions. However, even the Jerusalem Talmud debates as to whether or not it applies to all type of siblings.

- **Father and Daughter** – Another omission from this list is relations between a daughter and her father. Fundamentally, such relationships are not prohibited.¹⁵ However, [Nachmanides](#)¹⁶ and [Rashi](#)¹⁷ write, that this practice was banned in the very early days of mankind as a repulsive practice.
- **Noahide & Idolater** - In the story of Judah and Tamar, we have to ask: by what authority was Judah able to decree death for Tamar? The Talmud in [Avodah Zarah 36b](#) records that, in ancient times, Shem and his court prohibited Noahide cohabitation and marriage with idolaters. The reason is that a family's religious commitment cannot be built on two faiths. Inevitably, one will be forced to assimilate or be subjugated to the other. Therefore, Noahides may not marry practicing idolaters. The commentaries explain that his decree stands until today.

This is only discussing when a committed Noahide knowingly marries an idolater. Any other situation (i.e. one becomes a Noahide after having already married) is not included in this decree. Any practical questions as to how this applies must be presented to a competent *posek*. We will discuss this in much greater detail in the live class.

Permitted, yet Not Practiced

There are a number of other unions that, although fundamentally permitted, the Torah appears to condemn them as “abominations.”¹⁸ This is an extremely murky area. For reasons that will be discussed in the live class, caution is appropriate in all of the acts defined as “abominations” of Egypt and Canaan. Such acts include:

- One should not marry his mother's full or maternal half-sister. However, a paternal half-sister of his mother is completely permitted.¹⁹

¹⁵ Sanhedrin 58b; Shulchan Aruch YD 29:3.

¹⁶ Gen. 19:32.

¹⁷ Gen. 20:1

¹⁸ See [Sifrei](#) and *Peirush HaMishnayos*, Sanhedrin 7. These are derived from many of the above mentioned verses pertaining to the Canaanites and Egyptians. Although these acts are fundamentally permitted, and one does not incur punishment for doing them, the Torah itself may dissuade them, calling them “abominations.” See Maimonides Hilchos Issurei Biah 14:10.

¹⁹ *Nachmanides to Yevamos 98; Shulchan Aruch Yoreh Deah 269:3.*

- Some hold that some paternal aunts are also called “abominations.”²⁰ However, this conclusion is doubtful.²¹ [Editor’s Note: I do not see sufficient reason for stringency in this particular situation; it would be a *chumra yeseira* – an unsubstantiated stringency. The reasoning of the *Shach*, who bring this rule, is far more than just “doubtful.” See footnote 21]
- Marrying a both woman and her daughter (his stepdaughter). Although it is fundamentally permitted,²² it is also called an abomination.²³
- Uncle, brother, or son’s ex-wife.²⁴

This is only a partial list and many other relationships may be included. There is ample proof²⁵ that the generations immediately after the flood took on additional, voluntary prohibitions in sexual matters. Although it is unclear as what all of these prohibitions are, they may have included these things labeled “abominations” in Egypt and Canaan that are, technically, permitted to Noahides. If this is the case, then all of these “abominations” would be called “prohibited by early decree.”

Male & Female Liability

All of the above categories of prohibited relations apply equally from both the female and male sides. The Talmud learns this from the phrase “... *they* shall become one flesh.” Therefore, a woman’s maternal half-brother is prohibited to her just as a man’s maternal half-sister is prohibited to him. A woman is prohibited to her son just as a man’s mother is prohibited to him.

²⁰ *Shach to Yoreh Deah 269:4.*

²¹ [Rabbi Bloomenstiel: This *Shach* contradicts the generally held view of the Rishonim. As we saw in very early lessons, an *Acharon* (i.e. the *Shach*) cannot contradict a consensus of *Rishonim*. This particular issue depends on a dispute between Rabbi Eliezer and Rabbi Akiva in Sanhedrin 58b. Though the *Shach* follows Rabbi Eliezer, this is against the majority of the Rishonim (Maimonides, Nachmanides, Smag, etc.) who conclude that the law is like Rabbi Akiva.]

²² Nachmanides, *Rashba, Nemukey Yosef* and other Rishonim to Yevamos 98.

²³ [*Mitzvos HaShem*](#) p. 398. *This is among the relations termed “abominations” by the Sifra to Lev. 18:3.*

²⁴ *Ibid.* and Shulchan Aruch Yoreh Deah 269.

²⁵ *Bereshis Rabbah* 70:12 & 80:6.

Defining Marriage

The details of Noahide marriage will be dealt with at great length in a future lesson. We must at least define marriage here because many of the prohibitions we have discussed depend upon it. Marriage is a means by which a woman becomes prohibited to all other men except for her husband. The man, by way of marriage, accepts certain obligations of support and protection for his wife.²⁶ By pursuing the ideal of Marriage, both parties are fulfilling the divine expectation of *yishuv haaretz*, settling and civilizing the world (which we will also discuss in a future lesson). For Noahides marriage involves, minimally, two components:

- 1) **A mutual agreement to accept the status of husband and wife and the prohibitions and expectations that come with that status.** Once this agreement has been made, the man and woman are considered betrothed. At this point, all the prohibited relations discussed above take effect. However, one is not yet liable for punishment for transgressing them.
- 2) **Consensual intercourse.** Once this has taken place, the man and woman are liable for both transgression and punishment for all of these prohibitions.

Once a couple has fulfilled these two requirements, they are considered husband and wife in Torah law.

A man and woman who live together for an extended period of time may acquire the status of “betrothed,” even if they have never agreed to do so. In certain situations, they may even be considered married.²⁷ As such, both would acquire the prohibitions and statuses implied therein. For this reason, it is not advisable for a man and woman to live together prior to marriage.

Precautionary Laws

In Jewish law there are a number of restrictions on interactions between the genders. For example, a man and woman who are prohibited to each other may not hug, hold hands, kiss, or engage in any other expression of physical intimacy (this does not apply to parents and their children or siblings – a parent may kiss or

²⁶ These obligations, however, are not explicit Torah obligations. According to many, they may fall out under the family of *dinim*, establishing rule of law, because society determines the moral and legal expectations of a man for his wife. For Jews however, these obligations are very strictly defined by the Torah.

²⁷ This issue impacts both Noahides and Jews. See *Hilchos Kiddushin 1*.

hug his child). Similarly, such a couple may not be isolated together in an inaccessible or locked room.

Do these prohibitions apply to Noahides as well?

- [*Minchas Chinuch*](#)²⁸ – Yes. These prohibitions on contact and situations are not safeguards. Rather, they are intrinsically part of the biblical prohibitions. One does not transgress the biblical prohibition only by sexual congress, but by any pleasurable physical contact. This view is heavily disputed by other authorities and may only apply to Jews.
- *Bereshis Rabbah 70:12 & 80:6* – Yes. The generation after the flood accepted extra precautions on issues of sexual morality. However, we cannot use the Midrash as a proof because it is not clear if these precautions were general precautions on physical contact and intimate situations. We only know for certain that these measures included precautions on specific relations between specific partners.
- [*Chavas Yair*](#)²⁹ and [*Chida*](#) as cited in the [*Sdei Chemed*](#)³⁰ - No. A proof can be made by comparison of the laws pertaining to relations between Jews and non-Jews and the laws of relations between Noahides and Noahides. However, it is not clear that the situations mentioned are analogous. In the laws pertaining to relations between Jews and non-Jews, all of the restrictions involved fall on the Jew's side, not on the Non-Jew's. The fact that these prohibitions (from the Jew's side) are the dispositive ones is not proof that Noahides have no such prohibitions (we will clarify this in the live class).
- [*Mitzvos HaShem*](#)³¹ – Yes. Noahides are forbidden to have contact or create situations that could lead to transgression. However, this purely is a logically compelled practice, and not an actual Torah obligation.

The *Mitzvos HaShem*'s point is the most compelling. It makes sense because there is a general principle that we can never trust ourselves when it comes to the sexual desire.³²

²⁸ Mitzvah 188.

²⁹ 108.

³⁰ III: 38.

³¹ P. 479.

³² This is repeated many times in the Talmud and other Torah literature.

Since these precautions have a practical motivation, a Noahide may practice them even according to the Jewish laws. Many recent writers and teachers on Noahism have advocated that Noahides do so.

With tremendous deference and respect to these writers, it appears that their endorsement of this practice for Noahides may not be fully thought-out (this will be discussed more in the live class). For many reasons, Noahides must determine their own boundaries in these matters within a very broad set of guidelines.

For example, Noahides should use only Jewish law to determine what is permitted to them in these areas, and not what is forbidden in these areas. For example:

- A doctor seeing a female patient in an examination room – since this is permitted for Jews it is certainly permitted for Noahides.
- Socially acceptable forms of greeting (handshakes), since fundamentally permitted to Jews, are always permitted for Noahides.

As far as prohibitions are concerned, their determination is based on sensibility. Rabbi Bloomenstiel has suggested that any situation in which a wife would just have to “trust her husband,” or a husband would have to “trust his wife” would be a situation that calls for precautions. The nature of these precautions is up to Noahides to determine. Such situations would include:

- **A man taking a business trip with a married female co-worker.**
- **A girl living in a college dorm.** Technically, premarital intimacy is permitted for Noahides. However, there are reasons to be strict that will be discussed in the live lesson.
- **A woman allowing another man into her home for a social visit if her husband is out of town. This is in a case when they would be alone.**
- **A man sleeping in or sharing a room with a man who is suspected of homosexual desires or activity.**

Socially acceptable forms of greeting (handshakes, etc.) are always permitted for Noahides.

Contact that implies intimacy should not be had between those who are prohibited to each other. The exceptions are normal expressions of love between immediate family members. This will be discussed in the live lesson.

Summary of the Lesson

1. Even though the Torah includes many apparent examples of sexual immorality pre-Sinai, these examples are not always clear prohibitions.
2. The fundamental prohibitions are learned from Gen 2:24 and from Abraham's words to Avimelech.
3. Many relations were prohibited by Noahides in ancient times. Only a few are known for certain to be in effect today. However, this may have included those things permitted for Noahides, yet called "abominations."
4. There are a number of relations that are fundamentally permitted, yet should not be practiced.
5. Liability for transgressing these prohibitions falls upon both the male and female transgression of these laws.
6. Marriage is the result of 1) agreeing to become man and wife, and 2) consensual sexual relations.
7. Logical precautions should be observed to avoid coming to transgress these laws.