

THE YESHIVA PIRCHEI SHOSHANIM SHULCHAN ARUCH PROJECT

The Noahide Laws - Lesson Forty



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Lifecycle III: Conception & Contraception

Lesson

40

Introduction

In the last lesson we explored marriage, the beginning of the Noahide lifecycle. In this lesson we move onto the next stage: starting a family. This lesson will address questions of conception and contraception, touching on a number of other issues along the way.

Reproduction & *Yishuv HaAretz*

Adam and Noah were both commanded in “be fruitful and multiply.” However, this commandment was not repeated at Sinai. As we learned in prior lessons: any *mitzvah* given before Sinai, yet not repeated at Sinai, applies only to Jews.¹ Therefore, *peru u’revu*, be fruitful and multiply, is not a Noahide *mitzvah*.

In the last lesson, we learned about the obligation of *yishuv haaretz*, settling and civilizing the world. This commandment includes the expectation of reproduction and building a family. What is the difference, though, between the commandment of *yishuv haaretz* and *peru u’revu*, “be fruitful and multiply? If they are the same, then why do we need them both?

¹ Sanhedrin 59a.

There are big differences between the two *mitzvos*:

- ***Yishuv HaAretz*** is a general obligation to reproduce, raise children, and through doing so build and perfect human society. This applies to both men and women.
- ***Peru U'Revu***, “be fruitful and multiply” is a very specific commandment applying only to Jewish men. One fulfills this commandment by fathering at least 1 boy and 1 girl. Furthermore, it creates a number of de facto negative commandments. For example, contraception is technically prohibited until this *mitzvah* is fulfilled.²

Conception & Contraception

May contraception be used by Noahides? What if a man and woman want to wait to have children? What if pregnancy would pose medical risks to the woman? There is no Torah-based reason to prohibit contraception for Noahides. However, certain methods of contraception may pose problems. Let’s examine them one-by-one:

Coitus Interruptus

At first glance, it appears *coitus interruptus* is absolutely prohibited. After all, the Talmud tells us this practice is one of the acts that brought the flood.³ Furthermore, Er and Onan, the sons of Judah, were specifically punished for doing this.⁴

However, things are not as clear as they look. Before Sinai, Noahides were obligated in “be fruitful and multiply.” After Sinai, they were not.⁵ Therefore, we have to ask the question:

² There are a number of allowances for contraception depending on the circumstances of the couple. Jewish couples must consult a *posek* to determine when contraception may be used.

³ Rashi to Niddah 13a; [Sanhedrin 108b](#). Genesis 6:12 states: “All flesh has corrupted its way upon the earth,” is understood by the Talmud as a reference to onanism.

⁴ Gen. 38:9. See [Yevamos 34b](#) for the Talmud’s discussion of their deaths.

⁵ Sanhedrin 59a.

Were Er, Onan, and the generation of the flood punished for an independent transgression of spilling seed? Or, was it because they had spurned their obligation of “be fruitful and multiply?”

If they were punished for spilling seed, then it may apply even to Noahides today. However, if it was due to “be fruitful and multiply,” then it is not relevant to Noahides today.

Another issue depending on this question is the permissibility of male masturbation. If the prohibition is only because of spurning “be fruitful and multiply,” then male masturbation may be permitted to Noahides. However, if it is an independent prohibition of spilling seed, then male masturbation is specifically prohibited.

Tosafos to Sanhedrin 59b takes the latter approach: Er, Onan, and the generation of the flood were punished for spurning “be fruitful and multiply.” Since this obligation does not apply to Noahides today, there is no reason why the acts of Er, Onan, etc. should be prohibited.

However, [Nachmanides](#)⁶ holds that spilling seed is a prohibition independent of “be fruitful and multiply.”⁷ All of the other major [Rishonim](#) ([Rashba](#), [Ran](#), [Ritva](#) and others) concur with him. This would mean two things:

- 1) *Coitus interruptus* is a prohibited form of contraception, and
- 2) Male masturbation is prohibited.

Accordingly, any form of contraception that wastes seed should be prohibited. This would preclude the use of condoms. The same reasoning would also prohibit sexual relations with a woman who is infertile. However, there is another factor to consider.

⁶ In his novellae on the Talmud.

⁷ There is some disagreement as to Nachmanides’s underlying reasoning. See *Mateh Abaron* cited in [Sdei Chemed VII](#) and [Mishneh LaMelech](#) to *MelaChim* 10:7. They read Nachmanides as saying that this is a biblical prohibition. However, *Toras Chesed* to *Even HaEzer 43* argues that Nachmanides’s understands this is a rabbinic prohibition. However, [Pnei Yeboshua II EH 44](#) brings strong proofs that this prohibition is biblical. According to the *Pnei Yeboshua*, anytime the Torah says something is “wicked in God’s eyes,” it is communicating an absolute biblical prohibition upon all peoples.

The Marital Bond & Sexual Intimacy

Part of the marital bond, and even a prerequisite of it, is the sexual intimacy between a man and a woman.⁸ Sexual intimacy is as much a special part of the marriage as emotional, spiritual, and intellectual intimacy. The sex act does exist merely for procreation, but is essential to establishing a bond between a man and a woman. Sex is not viewed in Torah religious thought as sinful, taboo, or purely utilitarian. In the right context it is meant to be indulged and enjoyed.

The *poskim*⁹ have written extensively on this topic and their conclusions are universal: expelling seed during intercourse is part of the act of sexual intimacy between a man and woman. Therefore, even though a woman may be infertile, there is no issue for her husband from the side of “spilling seed.” However, as we see from the example of Er and Onan, the semen must not be expelled outside of the woman’s body.

Condoms

The problem with condoms is that the man’s semen is collected within and then discarded. Obviously, this should violate the prohibition of “spilling seed.” However, it is not so clear. Since expelling seed is permitted as part of marital intimacy, perhaps the use of a condom is permitted. After all, the seed is not expelled outside of the woman’s body when a condom is used.

The *poskim* discuss and compare condoms to IUDs, which are permitted.¹⁰ Both devices block semen from reaching the uterus, and all agree semen that later exits the woman’s body poses no issue for the man. He is only liable for semen actually expelled outside the woman’s body. The question comes down to whether or not the complete imposition of a condom between the man and woman makes it as if the semen is expelled outside the woman’s body and therefore is not truly part of the marital act.

⁸ Most *poskim* learn this from the implication of the phrase in Gen 2:24: “...shall cling to his wife...” the word for “clinging” in Hebrew connotes sexual as well as other forms of intimacy.

⁹The conclusion brought here is accepted as a fact in Torah law by all *poskim*. For specific details of the derivations and proofs, see [Rabbeinu Asher](#) cited in [Bais Yosef](#) to *Even HaEzer* 23. See also [Rama](#), [Bach](#), and *Bais Shmuel* cited there.

¹⁰ See *Shut Achiezer* III:24; *Shut Maharshag* II:243; *Pri HaSadeh* III:53; *Igros Moshe* EH I:63.

Although the *Sefer Sheva Mitzvos HaShem (The Divine Code)* permits the use of condoms, the issue does not appear to be conclusively decided.¹¹

Surgical Sterilization

The [Tannaim](#)¹² dispute whether or not sterilization is an independent biblical prohibition for Noahides. Rabbi Chidka and the School of Manasseh hold that it is a biblical prohibition from the verse:

...swarm on the earth, and multiply upon it...¹³

However, the other Tannaim view this verse as a statement of blessing, not a commandment.

The [Rishonim](#) and [Acharonim](#) are divided as to which Tannaic opinion is the *Halacha*, actual practice:

- There is an independent prohibition of sterilization – The Talmud rules that a Jew may not have a Noahide castrate his (the Jew's) animal.¹⁴ The reason, apparently, is that a Noahide is enjoined against castration.¹⁵ The Jew, by asking the Noahide to carry out such an act, is “placing a stumbling block before the blind.”
- There is no prohibition against sterilization – Most later *poskim* reject this line of reasoning, pointing out that a Jew is also prohibited from asking a Noahide to do anything that he himself, as a Jew, cannot do. Since Jews are biblically prohibited from sterilization, they may not ask a Noahide to

¹¹ Pirchei Shoshanim consulted a number of *poskim* on this question. Of the two American *poskim* consulted, one tentatively permitted condom use and the other held it was prohibited. Rav Bloomenstiel consulted *HaRav HaGaon* Chaim Kanievsky, *sblit"u*, one of the leading *poskim* in the world, who said: “Possibly, it is permitted. There is no liability [punishment] for doing so.” The Rav was clear that this was not a *psak*, a conclusive statement. Similarly, *HaRav HaGaon* Shmuel HaLevi Wosner, *sblit"u* said that he has not yet seen any strong proofs to decisively permit or prohibit condom use for Noahides and that the issue still requires study.

¹² Sanhedrin 56a.

¹³ Gen. 9:7.

¹⁴ Bava Metzia 90b and numerous commentaries.

¹⁵ See *Kiryas Sefer* on Issueri Bia 16:13. See also the discussion in the *Beis Yosef* on *Even HaEzer* 5.

do so. However, there is no implication that Noahides are also prohibited from castrating animals.¹⁶

Although the issue continues to be debated, it appears as if this discussion has passed into the realm of academic speculation. The large majority of *poskim* permits sterilization to Noahides and bring strong reasons for their rulings.¹⁷

While the *Halacha* is that there is no independent prohibition of sterilization for Noahides, *sterilization* poses another issue.

As we will learn in future lessons, a person is forbidden from causing any destruction or permanent damage to his body.¹⁸ This includes many surgeries not deemed medically necessary.¹⁹ Without a compelling medical reason, surgical sterilization should not be used as a method of contraception.

Tubal ligation however, does not appear to pose a problem.²⁰ Today, it is a relatively minor, reversible procedure causing no permanent damage to the body.

Pharmaceutical Contraceptives

Pharmaceutical contraceptives (such as “the pill”) which do not result in any permanent physical damage are certainly permitted.²¹ Similarly, a woman may use contraceptive film or foam.

¹⁶ See Maimonides, *Issurei Biah* 16:13 with the *Maggid Mishnah*. See also the *Maggid Mishneh's* commentary to *Hilchos Sechirus* 13:3; Rosh, Rashi, and others to Bava Metzia 90a.

¹⁷ It is difficult to find any contemporary *poskim* who rule there is a prohibition of sterilization for Noahides. The following is just a sampling of the more authoritative and extensive treatments of the subject: [Arukh HaShulchan, Even HaEzer](#) 5; *Shut Nishmas Chaim* 133; *Shut Zivchei Tzedek CM* 2; *Chelkas Yaakov Even HaEzer* 28; *Shut Ateres Paz* I, YD 14 & EH 7.

¹⁸ The *Minchas Chinuch*, though he appears to hold that sterilization is an independent prohibition, adds that causing harm is another reason to prohibit.

¹⁹ Cosmetic surgery, in many situations, is an exception to this rule. We will discuss it in a future lesson.

²⁰ *Igros Moshe, Even HaEzer* III:15.

²¹ *Shulchan Aruch, Even HaEzer* 5:12.

Summary of the Lesson

1. Noahides are not obligated in *peru u'revu*, be fruitful and multiply. However, they are obligated in *yishuv haaretz*.
2. Contraception is permitted for Noahides. However, certain methods pose issues.
3. *Coitus interruptus* is prohibited to both Noahides and to Jews.
4. Sex is not purely utilitarian in Torah thought. It is part of forming the bond between husband and wife and is meant to be enjoyed.
5. Condoms are a permitted form of contraception for Noahides.
6. Surgical sterilization is prohibited if it renders one permanently sterile.
7. Pharmaceutical contraception is permitted.