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THE UNIVERSAL NATURE OF *PRU URVU* AND AN ANALYSIS OF ITS IMPLICATIONS

PRU URVU; THE UNIVERSAL COMMANDMENT

“*P**ru urvu*,” be fruitful and multiply, was said to both animals and humans during the creation of the world¹ and again during its reestablishment after the flood.² The commandment of *pru urvu* was clearly universal in nature and an integral part of God’s relationship with the inhabitants of His world. On the other hand, since the giving of the Torah to the Jews at Sinai, *pru urvu* is obligatory only for the Jews. Is *pru urvu* today the same commandment that existed before the giving of the Torah, and if so, in what way is it affected by its universal origins?

UNUSUAL ASPECTS OF THE COMMANDMENT OF *PRU URVU*

Mishna, *Yevamot*, Chapter 6, *Mishna 6*

“A person may not neglect procreation unless he has children, *Beit Shamai* says two males, and *Beit Hillel* says a male and a female”

Rambam *Hilkhot Ishut* Chapter 15:

“(1). . . but if he has not fulfilled [the commandment of *pru urvu*] then he is obligated to have relations [on a regular basis] until he has children because it is a positive commandment from the Torah, as it says “*pru urvu*”. . . (4) How many children must a man have for this commandment to be fulfilled? A male and a female, as it says: “male and female he created them;” if the son or the daughter does not become sexually mature, he has not fulfilled the commandment. (5) If he had children and they died and left children of their own, he has fulfilled the commandment of *pirya ve-rivya* since grandchildren are like chil-

dren. In what situation [is this true]? If the grandchildren are both male and female and they were born to his children who were both male and female; but if he had a son and daughter and they died and one of them left a son and a daughter, then he has still not fulfilled the commandment. (6) If he had children as a non-Jew and he and his children convert to Judaism, he has fulfilled this commandment. . . .”

The commandment of *pru urvu* is unusual in a number of ways. Perhaps the most striking among them is that it is not fulfilled by any defined action. The fulfillment of *pru urvu* can be best described as “having children who are capable of having children.” There is a disagreement whether actions that lead to this fulfillment (such as marriage and sexual relations) are *ma’ase mitsva*³ or only *bekhsber mitsva*,⁴ but all agree that these actions are not necessary (a convert can have fulfilled *pru urvu* without ever having performed these actions as a Jew⁵) or sufficient (performance of these actions does not remove the obligation of *pru urvu*, i.e., it is not considered a “fulfillment” of *pru urvu*).

Consistent with this lack of defined action is the unusual terminology used to refer to the “fulfillment” of *pru urvu*. The *mishna* states the obligation of *pru urvu* in the negative, “A person may not neglect procreation unless he has children,” describing having the necessary number of children as the removal of a prohibition rather than the fulfillment of an obligation. Rambam presents *pru urvu* as a positive commandment; “he is obligated to have relations [on a regular basis] until he has children,” but continues “*kama banim yibyu le-ish ve-titkayem mitsva zu beyado . . .*”⁶ This is the only place in the *Mishna Torah* where Rambam uses the passive term “*titkayem*” when referring to the fulfillment of a commandment. *Sefer ha-Hinukh* does not even use the term “*kiyumi*” at all. He says “*ve-kama banim yibyu lo ve-yipater*,”⁷ focusing on the removal of the obligation rather than the fulfillment.

Even more unusual than the lack of a required action is the converse; that there is no action or sequence of actions which necessarily fulfills *pru urvu*. The same actions sometimes result in fulfillment and sometimes do not. Even one who fulfills *pru urvu* can not do so in a definitive manner. Rather, he performs the necessary actions, and whether or not those actions result in a fulfillment remains out of his control. This is philosophically troubling; how can there be a commandment that is fundamentally out of one’s control to fulfill?

Also striking is the terminology used by Rambam to describe the obligation of one whose children die childless. Rambam uses the phrase “*adayin lo*

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kiyem,⁸ implying that the commandment was never fulfilled. Can the previous fulfillment be taken away simply because one's children died?

Another troublesome aspect of *pru urvu* is raised by *Minbat Hinukh*.⁹ He discusses the question of whether or not a person fulfills *pru urvu* by having children who are *mamzerim*. *Minbat Hinukh* concludes that having an illicit relationship which leads to the birth of a *mamzer* would not be considered "*mitsva ha-ba be-aveira*" because the action which constitutes the sin is not part of the commandment of *pru urvu*, but only *heklsher mitsva*. On the other hand, *Minbat Hinukh* can not accept the conclusion that one can be *yotsei yedei hova* by proliferating *mamzerim*. He leaves this as an unanswered question.

What I suggest in this article is that these unusual features of the commandment of *pru urvu* are all consequences of *pru urvu* having been commanded to *bnei Noah* and not repeated at Sinai.

COMMANDMENTS THAT WERE GIVEN TO BNEI NOAH AND NOT REPEATED AT SINAI

The Gemara in *Sanhedrin* 59a discusses the status of commandments that predate the giving of the Torah. There are two types of such commandments; those that were given to *bnei Noah*¹⁰ and repeated at Sinai (hereafter referred to as repeated commandments) and those that were given to *bnei Noah* and not repeated at Sinai (hereafter referred to as non-repeated commandments). The status of repeated commandments is learned by example from idol worship. Since the prohibition of idol worship is repeated at Sinai and non-Jews continue to be punished for idol worship, all repeated commandments apply from Sinai onwards to Jews and non-Jews. Non-repeated commandments must be different from those that are repeated, and since it is inconceivable that a commandment would apply only to non-Jews and not to Jews, the Gemara concludes that these commandments must apply from the time of Sinai onwards to Jews only.

The Gemara discusses three commandments as possibly being in the category of non-repeated commandments: *gid ha-nashe* according to R. Yehuda,¹¹ *pru urvu*, and *brit milah*. The Gemara suggests that *brit milah* can also be understood as having been repeated at Sinai.¹² Rambam is apparently of the opinion that *milah* was repeated at Sinai and *Sefer ha-Hinukh* is of the opinion that it was not.¹³ Since we do not hold like R. Yehuda in *gid ha-nashe*, in practice *pru urvu* and possibly *milah* are the only non-repeated commandments.^{14, 15}

THE NATURE OF NON-REPEATED COMMANDMENTS

Rambam, *Peirush ha-Mishnayot*, *Hulin* chapter 7 *mishna* 6:

“And notice the fundamental principle which is included in this *mishna*, that it says ‘from Sinai they are prohibited’, because you must know that everything that we avoid or do today we do only because of God’s commandment to Moshe, not because God said it to prophets that preceded him. For example, the fact that we do not eat a limb from a living animal is not because God prohibited this to Noah, but because God prohibited us to eat a limb from a living animal in that he commanded at Sinai that the prohibition of eating the limb of a living animal be maintained. Similarly, we do not circumcise because Avraham circumcised himself and his household, but because God commanded us through Moshe that we should circumcise just like Avraham did. And also *gid ha-nashe* we do not go after the prohibition of Yaakov, but the prohibition from Moshe to us. So you see that what they said ‘613 commandments were said to Moshe at Sinai’ and all of these are included in these commandments.”

This statement of Rambam creates some confusion as to his understanding of the concept of non-repeated commandments. On the one hand, this statement is based on the opinion of the Rabanan which is that *gid ha-nashe* was commanded at Sinai.¹⁶ In addition, *pru urvu*, the only non-repeated commandment according to Rambam, is not listed here among the examples. These points imply that this statement is not meant to refer to non-repeated commandments, which remain obligatory because of their original commandment to *bnei Noah*.

On the other hand, Rambam concludes by saying that this principle, i.e., that everything that we do today is done only because it was commanded to Moshe at Sinai, is what is meant by “613 commandments were said to Moshe at Sinai.” This, together with the fact that Rambam includes *pru urvu* among these 613 commandments (*Sefer ha-Mitsvot*, positive commandment #212) implies that he is referring to non-repeated commandments as well.

There are a number of different interpretations of Rambam’s understanding of non-repeated commandments.¹⁷ The interpretation which is the most consistent with the wording of Rambam both in the *Peirush ha-Mishnayot* and in *Hilkhot Melakhim* is that which seems to be the understanding of *Mishne la-Melekh*.

Mishne la-Melekh’s opinion of how Rambam understood the concept of non-repeated commandments can be deduced from two statements:¹⁸

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About the nature of non-repeated commandments, he says:

“For it is well known that our assertion that every commandment that was said to *bnei Noah* and not repeated at Sinai was said to *bnei Yisrael* and not to *bnei Noah* is referring to from Sinai onwards, since when they came to Sinai, *bnei Yisrael* who became holy continued their prohibition, but the idol worshippers had it taken away from them. And this is all explained by Rashi in *Sanhedrin* 59a, but before Sinai it is obvious that the commandment of *pru urvu* was obligatory to all of *bnei Noah*, and *milah* also according to the first answer in the Gemara . . . but when they came to Sinai it was taken from the *bnei Noah* and remained for *bnei Yisrael*.”

About Rambam’s statement in *Peirush ha-Mishnayot*, he says:

“And the fact that Rambam made his statement based on the words of the Rabanan is not a proof that R. Yehuda disagrees and holds that we are prohibited in *gid ha-nashe* because the *bnei Yaakov* were prohibited, but rather because in the words of the Rabanan it is explicitly stated that ‘from Sinai they are prohibited;’ therefore he made his statement according to them, but really R. Yehuda also admits that nothing is considered a commandment except what was commanded at Sinai, for on this point they do not disagree. . . .”

These two statements of *Mishne la-Melekh* seem to contradict each other. The first clearly states that non-repeated commandments are a continuation of commandments that existed before Sinai, and the second says that R. Yehuda and the Rabanan agree that nothing is considered a commandment except what was commanded at Sinai. I suggest that the solution to this apparent conflict lies in the distinction between the source of a commandment and the source of the obligation to keep the commandment.

Such a distinction is made by Rambam with regard to the seven Noahide laws. In his description of the seven Noahide laws in *Hilkhot Melakhim*, Rambam says “God commanded them in the Torah and we were informed by Moshe that the *bnei Noah* were previously commanded in them.”¹⁹ This implies that the source of these commandments for non-Jews is the original commandments to *bnei Noah*, but the obligation for non-Jews to keep these commandments after the time of Sinai stems from God having told Moshe that non-Jews should continue to keep these commandments.

According to the *Mishne la-Melekh*, the same distinction applies to non-repeated commandments. The source of the commandments con-

tinues to be the original commandments to *bnei Noah*, but the obligation for Jews to keep these commandments after Sinai stems from the fact that God told Moshe that the Jews should continue to keep these commandments.

According to this understanding, despite Rambam's principle that the obligation to perform all commandments, even those not repeated at Sinai, stems from Moshe, the nature of non-repeated commandments is still affected by the fact that they were commanded to *bnei Noah*, and this can have practical implications in *halakha*. For instance, according to R. Yehuda,²⁰ who holds that *gid ha-nashe* is a non-repeated commandment, the prohibition of *gid ha-nashe* applies even to non-kosher animals because the commandment of *gid ha-nashe* predates the commandment of non-kosher animals. Another example can be found in *Minhat Hinukh*²¹ who claims that a Canaanite slave is obligated in *pru urvu* because non-Jews were obligated in *pru urvu* before Sinai, and the obligation was only removed from them because they lost their holiness. Therefore a slave who has some amount of holiness (he is obligated in the same commandments as women) would remain obligated in *pru urvu*. This clearly indicates that he believes that the commandment of *pru urvu* in which the Jews are obligated since Sinai is the same commandment in which all people were obligated before Sinai.

The idea that *pru urvu* for the Jews today is the same commandment in which all people were obligated before Sinai is consistent with the way in which Rambam and the *Sefer ha-Hinukh* describe *pru urvu*:

Rambam *Sefer ha-Mitsvot*, Positive Commandment number 212:

“The command which we were commanded to be fruitful and multiply and to intend for the preservation of the [human] species, and this is the commandment of *pirya ve-rivya*.”

Sefer ha-Hinukh, *Mitsva* 1:

“One who violates [*pru urvu*] has violated a positive commandment and his punishment is very great for he has shown that he does not want to complete God's wishes to populate his world.”

These explanations of the purpose of *pru urvu* and the reason for its punishment indicate that *pru urvu* after Sinai remains universal in nature, relating to populating the world and maintaining the human species, despite being obligatory only for the Jews. This implies that *pru urvu* relates to all of humanity, but at Sinai it was constrained to be obligatory only for the Jews as representatives of the human race.

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NON-REPEATED COMMANDMENTS ARE NOT INCLUDED IN THE COVENANT MADE AT SINAI

The commandments given by God to the Jews through Moshe constitute a covenant between the nation of Israel and the God of Israel. The creation of this covenant is described in *Parshat Mishpatim* (*Shemot* 24) and the fact that it defines the relationship between the nation of Israel and the God of Israel is learned from the verse: “and now if you will listen to my voice and keep my covenant then you will be for me unique among all of the nations. . .” (*Shemot* 19:1-8).

The obligation of non-Jews to keep the seven Noahide laws is obviously not part of this covenant between God and the nation of Israel, despite the fact that according to Rambam their obligation to keep these commandments after Sinai stems from what God told Moshe at Sinai. Similarly, it is possible that non-repeated commandments, which continue to be obligatory for the Jews after Sinai, may not be part of the covenant between God and Israel since these commandments, like the seven Noahide laws for non-Jews, were not actually commanded at Sinai.

EXCLUSION FROM THE COVENANT AFFECTS THE CONSEQUENCES OF KEEPING OR VIOLATING NON-REPEATED COMMANDMENTS.

According to R. Soloveitchik,²² there are two aspects of forgiveness that correspond to two consequences of sin. *Mehila* (and *khapara*) refer to the cancellation of the punishment for sin, whereas *seliha* (and *tabara*) refer to the repair of the negative impact that the sin had on the soul of the sinner and on his relationship with God.

These two consequences of sin presumably have a parallel in the consequences of keeping positive commandments, namely, a reward and a positive impact on the individual's relationship with God. These are in addition to the natural consequence of fulfilling obligatory positive commandments, i.e., the removal of the obligation.

There are many sources indicating that the concept of punishment for sin and the ability to avoid punishment through repentance apply to non-Jews as well as to Jews. The most prominent among them is the Book of *Yona*, where the entire city of *Ninve* repents and God accepts their repentance and does not destroy them. However, an analysis of the use of the terms *seliha* and *tabara* with respect to sin, reveals that these terms, referring to the repair of the damaged relationship with God, are used in

Tanakh exclusively in reference to *bnei Yisrael*.²³ I suggest that this is because the effect on the relationship with God which results from keeping the commandments does not apply to non-Jews.²⁴ R. Akiva's famous saying; "You are praised Israel, before whom are you purified? Who purifies you? Your Father in Heaven . . . so the Holy One, Blessed is He, purifies Israel" (*Yoma* 85b), points out the fact that *tahara*, with respect to the relationship between man and God, is unique to *bnei Yisrael*.

The distancing between man and God which results from sin and which is unique to *bnei Yisrael* can be viewed as a personal application of the concept of *hester panim*, God's hiding his face. This parallel between the distancing of God from man and the concept of *hester panim* can be seen in *Yeshayahu* 59:2; "But only your sins were separating between you and your God and your transgressions hid his face from hearing you." In addition, there are other sources in *Tanakh* which associate *hester panim* with sin²⁵ and the end of *hester panim* with *seliha* and *tahara*.²⁶

This comparison with *hester panim* can teach us about the nature and cause of the individual distancing from God which results from sin. The only source for the concept of *hester panim* in the Torah, *Devarim* 31:17-18 and 32:20, links *hester panim* directly to the violation of the covenant with God; ". . . and they will leave me and violate the covenant that I have consecrated with them. And I will get angry with them on that day and I will leave them and I will turn my face from them. . . ." Other sources in *Tanakh* link the end of *hester panim* with the reestablishment of the covenant with God.²⁷

These sources imply that the closeness between God and *bnei Yisrael* depends on *bnei Yisrael* keeping or violating their covenant with God. Extending this to the personal level suggests that the distancing between the sinner and God is a result of the fact that by sinning, the sinner has violated the covenant of God. This explains why the concepts of *seliha* and *tahara* apply only to Jews; the distancing between the sinner and God which is repaired by *seliha* and *tahara* applies only to Jews because they are the only ones who have a covenant with God.

According to the suggestion above, that non-repeated commandments are not included in the covenant made at Sinai, violation of these commandments would not constitute a violation of that covenant, as do other commandments. As a consequence, violation of these commandments would not distance the sinner from God. These commandments would still have reward and punishment, but they would not directly impact on the individual's relationship with God.

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PRU URVU IS THE ONLY COMMANDMENT FOR JEWS WHOSE FULFILLMENT DOES NOT AFFECT ONE'S RELATIONSHIP WITH GOD

The concept of a commandment for Jews whose fulfillment does not have an effect on one's relationship with God is unique to the commandment of *pru urvu*. According to Rambam, *pru urvu* is the only non-repeated commandment, and according to the *Sefer ha-Hinukh* who holds that *brit milah* was also not repeated at Sinai, the fulfillment of *brit milah* would presumably have its own unique effect on one's relationship with God because, as its name implies, it is itself a covenant with God.²⁸

It is important to note that the lack of an effect on the relationship with God resulting from the fulfillment of the commandment of *pru urvu* does not mean that having a child does not bring one closer to God. There is another aspect of having a child, that of becoming a partner with God in the creation of a new life,²⁹ which most certainly has the potential to bring one closer to God. However, this aspect of having a child is entirely independent of the commandment of *pru urvu*, as it applies to every child which is born, whether or not the child's birth fulfills the commandment of *pru urvu*.

ACTION AND FULFILLMENT

How does the fact that *pru urvu* has no effect on one's relationship with God affect the definition of its fulfillment?

R. Soloveitchik explains³⁰ that, according to Rambam, all commandments have two aspects; action and fulfillment. In many commandments they are identical; the performance of the action is itself the fulfillment. However, in some commandments, such as prayer, joy, and repentance, among others, these aspects are distinct; the performance of the action is a means to bring about the emotional and/or intellectual experience or the state of being which constitutes the fulfillment.

In commandments in which the action and the fulfillment are distinct, there exists the possibility of performing the action but not attaining the fulfillment. For instance, one can perform all of the required actions related to the commandment of being joyous on the festivals, but not manage to attain an emotional state of joy. Does this person receive reward for his actions even though he has not fulfilled the commandment? An example of this can be found in Rashi in *Berakhot* 6b. Rashi explains that the Gemara's statement "the reward for learning Torah is for

running” refers to the majority of people who run to hear a Torah lecture. Since they don’t understand it well enough to teach it to others, they don’t receive reward for learning Torah, but they still receive reward for running to learn Torah. This implies that one who performs the required actions with the proper intentions but does not fulfill the technical requirements of the commandment receives some, but not all, of the reward received by one who does fulfill the commandment.

I suggest that these two levels of “reward” are the same two consequences mentioned above, namely; the reward and the positive impact on the individual’s relationship with God. The actions of a commandment constitute a “good deed,” and result in reward. However, the impact on the relationship with God, which is a consequence of the fulfillment of the covenant, requires a technical fulfillment of the commandment.

According to this, when the fulfillment of a commandment is distinct from the action of the commandment, the action is associated with reward and punishment and the fulfillment is associated with the improvement or degradation of the individual’s relationship with God. As we saw from Rashi’s explanation of the reward for running to learn Torah, this reward for action applies even when the action is only *behshever mitsva* and not technically part of the commandment itself. Therefore, independent of whether the actions associated with *pru urvu* are considered *ma’ase mitsva* or *behshever mitsva*, the reward and punishment for *pru urvu* would be associated exclusively with these actions and not with the fulfillment. The technical fulfillment of *pru urvu*, however, would also have no effect on the relationship with God because *pru urvu* is not part of the covenant between God and the people of Israel.

THIS UNIQUENESS OF PRU URVU CAN EXPLAIN THE HALAKHIC AND PHILOSOPHIC ISSUES RAISED EARLIER.

The lack of an effect on one’s relationship with God leaves the actual fulfillment of *pru urvu* as a purely technical distinction of whether or not the individual is still obligated in *pru urvu*.³¹ This definition of the fulfillment of *pru urvu* explains a number of the unusual features mentioned above. Firstly, it explains the negative wording of the *mishna*, the passive language of Rambam and the use of the term “*ve-yipater*” by the *Sefer ha-Hinukh* instead of “*ve-yikayem*.” They are highlighting the fact that the fulfillment of this commandment is different from that of all other commandments because its only consequence is the removal

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of the obligation. In addition, the inability to define an action by which *pru urvu* can be fulfilled, the concept of the fulfillment being removed if a child dies childless, and a convert having fulfilled the commandment without having done anything as a Jew are all easily explained by the fact that “fulfillment” for this particular commandment means nothing more than “lack of obligation.”

This understanding also answers the question raised by *Minhat Hinukh* of how it can be that one is “*yotze yedei hova*” by proliferating *mamzerim*. *Minhat Hinukh* is presumably bothered by the fact that being “*yotze yedei hova*” of a commandment is generally associated with a fulfillment of the covenant with God and the resulting improvement in the individual’s relationship with God. This is inconsistent with having brought a *mamzer* into the world, which is clearly not a way of coming closer to God. However, if the technical “*kiyum*” of *pru urvu* has no impact on the individual’s relationship with God, then *Minhat Hinukh*’s question does not apply. There is no conflict between bringing a *mamzer* into the world and the removal of the obligation to have children, which is all that the “*kiyum*” of *pru urvu* means. As for the reward for having performed the commandment of *pru urvu*, that is associated exclusively with the actions that lead to the fulfillment, not with the fulfillment itself. Since in the case where the child is a *mamzer* these actions were sinful, the individual would obviously not receive reward for having performed them despite their having led to the “*kiyum*” of *pru urvu*.³²

ADDITIONAL CONSEQUENCES OF THIS UNDERSTANDING OF *PRU URVU*

There are two other important philosophical consequences of the suggestion that the technical fulfillment of *pru urvu* has no effect on one’s relationship with God. Firstly, one who performs the appropriate actions with the proper intentions, but does not achieve fulfillment of the commandment of *pru urvu*, gets exactly the same reward as one who does achieve fulfillment.³³ Unlike all other commandments, for *pru urvu* there is no additional improvement in the relationship with God which applies only to one who actually fulfills the commandment. This is an important point for those who unfortunately have difficulty fulfilling the commandment of *pru urvu*. Secondly, due to the effect on one’s relationship with God which is associated with the fulfillment of commandments in general, there is a tendency to feel that one’s inability to fulfill a commandment is itself a punishment, because it is as

though God does not want to provide the opportunity to become closer to Him. This concept tends to add a feeling of guilt to all the other negative feelings experienced by couples who have difficulty having children. However, according to the theory presented here, this concept does not apply to *pru urvu* because the technical fulfillment of *pru urvu* does not have any effect on the individual's relationship with God.

ONE WHO IS NOT COMMANDED AND PERFORMS

Another consequence of *pru urvu* not having an effect on one's relationship with God relates to the concept of "one who is not commanded and performs."

There are a number of possible explanations of the famous concept of R. Hanina that "one who is commanded and performs is greater than one who is not commanded and performs" (*Kiddushin* 31a, *Bava Kama* 38a and 87a). One straightforward explanation is that one who is commanded and performs has two consequences in addition to the removal of the obligation: one of having done a "good deed" and one of having fulfilled a "commandment," whereas one who is not commanded and performs has only the consequence of having done a "good deed."³⁴

These two consequences of performing a commandment could be the same as those mentioned above; a reward and an improved relationship with God. The reward is for having performed a "good deed" and is independent of being commanded, and the closer relationship with God, which is a consequence of having fulfilled a "commandment" of God, is unique to one who is commanded. According to this explanation, the "relationship with God" consequence of fulfilling commandments is the advantage that R. Hanina is referring to of "one who is commanded and performs" over "one who is not commanded and performs." This implies that the term "commanded" in the concept of "one who is commanded and performs" refers specifically to commandments and individuals who are included in the covenant created at Sinai.³⁵

If the only difference between one who is commanded and performs and one who is not commanded and performs is the effect on one's relationship with God, then for *pru urvu*, which has no effect on one's relationship with God, there would be no difference between one who is and is not commanded. For this reason, a man who is obligated in *pru urvu*, a man who is no longer obligated in *pru urvu*, a woman (who was never obligated in *pru urvu*), and even a non-Jew, all receive the same reward for trying to have children. The difference between the

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man who is obligated and the others is that he also receives a punishment if he intentionally avoids having children, whereas the others do not. Therefore, in the case of the convert, he actually already earned his reward when he performed the actions necessary to have children as a non-Jew, and the question of whether or not he has fulfilled the commandment of *pru urvu* is simply a question of whether or not he is obligated to try to have more children upon converting.

AN HISTORICAL BASIS FOR NON-REPEATED COMMANDMENTS BEING “AS THOUGH THEY WERE NOT COMMANDED AND PERFORMED”

According to Rashi,³⁶ *Mishne la-Melekh*, and *Minhat Hinukh*, among others, commandments which were given to *bnei Noah* were obligatory for everyone before Sinai. At Sinai the Jews became different from everyone else. *Minhat Hinukh* describes this process as “it was taken away from the nations because their holiness was removed.”³⁷ This description implies that the relationship between God and the Jews that began at Sinai was not a new concept, but rather it was a focusing of the relationship that previously existed between God and all of humanity to now be only between God and the Jews. Non-repeated commandments, although universal in nature, are part of this relationship between God and humanity, and were therefore constrained together with the relationship itself to apply only to the Jews after Sinai. In this sense, *pru urvu*, the obligation of the Jews to physically maintain the human species, parallels the concept of *or la-goyim*, being a light unto the nations, the role of the Jews in maintaining the moral wellbeing of all of humanity.

This approach is consistent with the idea presented by R. Yosef that prior to giving the Torah to the Jews, God saw that the nations of the world were not keeping the seven Noahide laws and he therefore changed the seven Noahide laws to be “as though they were not commanded and performed” (*Bava Kama* 38a).³⁸ If being “commanded and performed” means being part of the covenant with God, as suggested above, then the conversion of the seven Noahide laws to “as though they were not commanded and performed” just prior to the giving of the Torah at Sinai is consistent with the “special relationship with God” having applied to all of humanity before Sinai, and having been removed from everyone except the Jews at the time of Sinai. According to R. Yosef, since Sinai, the consequences of non-Jews keeping the seven Noahide laws are “as though they were not commanded

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and performed” even though they remain obligated and are punished for not keeping these commandments. This highlights the fact that the term “commanded” in the concept of “commanded and performed” does not refer to the obligation itself, but rather refers to the commandment being part of a special relationship between God and the commanded individual.

Non-repeated commandments are similar to the seven Noahide laws in that they were not commanded as part of the covenant at Sinai, except that since they weren’t repeated as part of the covenant, as were the seven Noahide laws, they remain obligatory after Sinai exclusively for the Jews instead of for the non-Jews. It follows therefore, that R. Yosef’s idea, i.e., that just prior to Sinai the commandments to the *bnei Noah* became “as though they were not commanded and performed,” should apply to non-repeated commandments as well.

CONCLUSION

The nature of *pru urvu* remains that of a universal commandment despite its having been limited in scope to be obligatory only for the Jews. This is seen in both its philosophical aspects, that it is viewed as a fulfillment of God’s plan to maintain the human species and populate the world, and in its halakhic aspects, that its fulfillment lacks the consequence which is unique to commandments that are part of the covenant between God and the Jews. The universal nature of *pru urvu*, the obligation of the Jews to maintain the human species, can be seen as symbolic of the role of *Bnei Yisrael* as God’s chosen people.

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NOTES

I would like to take the opportunity of the publication of this article to express praise and gratitude to *ha-Kadosh Barukh Hu* for giving me and my wife, Leah, the privilege of fulfilling the *mitsva* of *pru urvu*.

I am grateful to my father, Rabbi Dr. Harold Neustadter, Rabbi Aharon Batt, and Dr. Saul Stokar for reviewing some of the sources for this article with me and helping me to clarify my understanding of them and their implications. I am also grateful to Dr. Hillel Chiel and my wife, Leah Neustadter, for reviewing drafts of this article and providing me with insightful and constructive comments.

1. *Bereshit* 1:22, 28. These verses can be interpreted as blessings or as commandments, but the implications for the universality and centrality of *pru urvu* is the same.
2. *Bereshit* 8:17, 9:1, 7. The commandment of *pru urvu* to *Noah* after the flood can be interpreted as being associated with the Covenant of the Rainbow as an attempt by God to convince Noah to cooperate in repopulating the Earth (*Kli Yakar* on *Bereshit* 8:18 and *Or ha-Hayyim* on *Bereshit* 9:7). This association between *pru urvu* and the first covenant consecrated between God and all living beings highlights the universality and centrality of *pru urvu*. Note, however, that this covenant, in contrast to the covenant of *milah* and the covenant at Sinai, does not include the formation of any relationship between God and mankind. This is highlighted by the fact that this covenant is not only with mankind, but with all living creatures.
3. *She'iltot* in *She'ilta* 165 implies that getting married is part of the *mitsva* of *pru urvu*, and *Tosafot* in *Baba Batra* 13a “*kofin*” and in *Hagiga* 2b “*lisa*” (the second one) imply that sexual relations are part of the *mitsva* of *pru urvu*. Rambam (*Hilkhot Ishut* 15:1) also says that sexual relations are obligatory as long as *pru urvu* has not been fulfilled, implying that it would be considered a *ma'ase mitsva*.
4. *Minhat Hinukh, Mitsva* 1, paragraphs 8,14. Note: all references to *Minhat Hinukh* are referenced by paragraph number in the *Makhon Yerushalayim* edition.
5. Even the opinion in the Gemara (*Yevamot* 62a) that a convert is obligated, does not suggest the reason that he has not performed any action, but rather the fact that a convert is considered like a newborn in that he is not considered to be related to his/her spouse and/or children.
6. *Hilkhot Ishut*, chapter 15, *halakha* 4
7. *Sefer ha-Hinukh, Mitsva* 1
8. *Hilkhot Ishut*, chapter 15, *halakha* 5
9. *Minhat Hinukh, Mitsva* 1, paragraph 8
10. There are a number of opinions as to exactly when and to whom the commandments that predate Sinai were given (Rambam *Hilkhot Melakhim* chapter 9 *halakha* 1-3, *Mishne la-Melekh* on *Hilkhot Melakhim*, chapter 10, *halakha* 7), but in any case, the phrase “*nitnu li-vnei Noah*” here simply means the commandments that were commanded to individuals before the

- giving of the Torah through Moshe at Sinai.
11. The Rabanan disagree and say that *gid ha-nashe* was commanded at Sinai (*Hulin*, chapter 7, *mishna* 6).
 12. In the list of 613 commandments at the beginning of the *Mishne Torah*, the source brought for the commandment of *milah* is the verse in *Tazria* (*Vayikra* 12:3) “and on the eighth day you should circumcise . . .” and in *Hilkhot Melakhim* (chapter 10, *halakha* 8), Rambam says that the *bnei Ketura* are obligated in *milah*, which implies that it was repeated at Sinai, otherwise the obligation of the *bnei Ketura* should have disappeared at the time of the giving of the Torah at Sinai.
 13. *Minhat Hinukh* between *mitsva* 1 and 2, comment on the *Sefer ha-Hinukh*’s statement “*Parshat Eileh Toldot Noah ein ba mitsva.*”
 14. The *Sheiltot*, *sheilta* 165, says that *pru urvu* applies to non-Jews as well, and *Ha’emek She’eila* suggests an alternate interpretation of the Gemara in *Sanhedrin* that is consistent with this; however, this is not the accepted opinion.
 15. There is another source for an obligation to have children, which is learned from “*lo tohu vera’am lashevet yetzara*” (*Yeshayahu* 45:18). The Gemara suggests this verse as a source for defining the requirements of the commandment of *pru urvu* (*Yevamot* 62a), as well as for requiring a half-slave to be freed in order that he can marry (*Pesahim* 88b). According to the Gemara (*Bekhorot* 47a) this verse applies to non-Jews as well as Jews, and would presumably apply to women as well. It is not clear whether the obligation learned from this verse applies on an individual basis, or whether it is a universal obligation for the human race to settle the world. In any case, it is certainly not a Biblical commandment, and I limit the scope of this article to an analysis of the Biblical commandment of *pru urvu*.
 16. We know that the point of disagreement between R. Yehuda and the *Rabanan* in this *mishna* is whether or not *gid ha-nashe* is considered to be “commanded to *bnei Noah* and not repeated at Sinai” because the Gemara in *Sanhedrin* 59a says explicitly that *gid ha-nashe* is considered to be “not repeated at Sinai” only according to R. Yehuda.
 17. For example, *Yefe Toar* (*Bereshit Raba*, *Parsha* 1, *Siman* 3) suggests that Rambam’s statement in *Peirush ha-Mishnayot* does not refer to non-repeated commandments. The statement refers only to repeated commandments, and indicates that they are to be kept by Jews after Sinai only because of the repetition at Sinai. This does not preclude the existence of non-repeated commandments that continue to be performed because of their original commandment which predates Sinai. *Maharats Hayot* (*Sefer Torat Nevi'im* – R. Tsvi Hirsch Hayot, chapter 11 “*Torat Avot ve-ein lemeidim davar min kodem matan Torah*”) takes the opposite extreme, claiming that not only does Rambam believe that there are no obligations today based on commandments that predate Sinai, but that such commandments were never obligatory, even before Sinai.
 18. *Mishne Lamelekh* on *Hilkhot Melakhim*, chapter 10, *halakha* 7.
 19. *Hilkhot Melakhim*, chapter 8, *halakha* 11.
 20. *Hulin*, chapter 7, *mishna* 6.
 21. *Minhat Hinukh*, *Mitsva* 1, paragraph 19.
 22. *Al ha-Teshuva*, pages 263-265.

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23. One of the more explicit instances of this is found in King Solomon's prayer upon dedicating the First Temple (*Kings* I, chapter 8, compare verses 38-40 with 41-43). He describes the use of the Temple by Jews separately from its use by non-Jews, and a prominent difference between the descriptions is that the Jews obtain *seliba* from God, whereas the concept of *seliba* is not mentioned for the non-Jews.
24. This suggestion is supported by the opinion of Mabit on the nature of *teshuva* of non-Jews found in *Bet Elokim*, *Sha'ar ha-Teshuva*, chapters 13 and 14. Mabit says that although *teshuva* is effective for all people, there are a number of differences between the *teshuva* of Jews and the *teshuva* of non-Jews. This is learned from the verse "return Israel to *Hashem* your God" from which the Sages learn (*Yoma*, chapter 6) that doing *teshuva* returns one's soul to the throne of God. The verse refers specifically to Jews because only the souls of Jews are carved from the throne of God. He continues to explain that whereas a Jew's *teshuva* helps in this world and in the world to come, the *teshuva* of a non-Jew helps only in this world to avoid punishment. This, he explains, is because the higher level of *teshuva* which returns one's soul to God applies only to those who were given the Torah.
25. *Yeshayahu* 64:6, *Yirmiyahu* 33:5, *Yehezkel* 39:23-24.
26. *Yirmiyahu* 33:8.
27. *Yirmiyahu* 32:40; although in a separate prophecy, this refers to the same ingathering of the exiles referred to in the following chapter verse 5—*Yehezkel* 37-39; the description of the redemption which begins with the covenant in the end of chapter 37 ends with the promise of no more *hester panim* in the end of chapter 39.
28. The essence of the covenant of *milah* is the creation of a new relationship of "to be for you a God and for your descendants after you," and the fulfillment of the commandment of *milah* is the "sign" of this new relationship (*Bereshit* 17:7-11). Note that the punishment of *karet* for one who intentionally avoids having a *brit milah* is not presented as a punishment for not fulfilling the commandment of God, but rather as a consequence of violating the covenant of God ("*et briti hefer*"—*Bereshit* 17:14). Fulfillment of the commandment of *milah* would therefore presumably also include an aspect of improving one's relationship with God through the fulfillment of the covenant of *milah*, even if the commandment of *milah* is not included in the covenant consecrated at Sinai.
29. *Kiddushin* 30b, "There are three partners in a person, the Holy One blessed be He, his father, and his mother."
30. *Al ha-Teshuva* page 40.
31. That is, whether or not he would be punished for intentionally not having children, whether or not he is allowed to marry an infertile woman, whether he should divorce a woman with whom he cannot have children, and so on. . . . The requirements and restrictions which result from the obligation of *pru urvu* are a subject unto themselves, but are beyond the scope of this article.
32. This would be identical to a case of *hekhsher mitsva* which is an *aveira*, such as the case mentioned by *Minhat Hinukh* (*mitsva* 1 paragraph 8) of carrying *matsa* from private property to public property on *Shabbat* so that you can eat it on *Pesah* night. Even if you would ordinarily get reward for

- carrying *matsa* as *heksheh mitsva*, you certainly would not get reward for the carrying in this case, even though you do get the reward for eating the *matsa*. Since in *pru urvu* there is no reward associated with the *kiyum* and the action was an *aveira*, we are left with no reward at all.
33. The suggestion that one who performs the actions without fulfilling *pru urvu* gets the same reward as one who does fulfill *pru urvu* is supported by the implication in the Gemara that the obligation of the individual is to perform the actions, not to achieve the fulfillment. This is implied by the wording of the Gemara with respect to the commandment of *pru urvu* in *Shabbat* 31a, *Berakhot* 10a, and *Yevamot* 63b. In all three places the Gemara uses the phrase “*asakta be-pirya ve-rivya*” or “*osek be-pirya ve-rivya*,” “be involved in *pru urvu*” rather than “procreate” or “fulfill the commandment of *pru urvu*.” The use of the term “*osek*” instead of “*kiyem*” implies that what is expected of the individual is not necessarily to achieve fulfillment, but to perform the actions that are within his control to try to achieve fulfillment.
 34. Ritva, *Kiddushin* 31a says in the name of the Ramban that “one who is commanded has fulfilled the commandment of the King and therefore his reward is much greater than one who has not fulfilled the commandment of the king,” and the Ramban on *Kiddushin* 31a says “one who performs a commandment of the Torah correctly even though he was not commanded in it, for example women, receives reward because *kol derakheha darkhei no’am ve-khol netivoteha shalom*.”
 35. This connection between the definition of “one who is commanded and performs” and the covenant created at Sinai can be seen in *Minhat Hinukh*’s explanation of why a blind person is obligated in the seven Noahide laws. *Minhat Hinukh* (*Mitsva* 2 paragraph 25) says “[a blind person] was not made holy at Sinai, but the holiness of the *bnei Noah* was certainly not removed from him.” This implies that the reason that a blind person is considered one who is “not commanded and performs” is because he is not included in the covenant made at Sinai.
 36. *Sanhedrin* 59a, *Yevamot* 62a.
 37. *Minhat Hinukh*, *Mitsva* 1, paragraph 19.
 38. R. Yosef learns from *Habakuk* 3:6 that when God saw that the nations of the world were not keeping the seven Noahide laws he removed their obligation. The Gemara concludes that he cannot mean that they have no obligation at all, because that would be like getting a reward for not keeping the commandments, and he can’t mean that they are still obligated but get no reward because we know that non-Jews who keep the commandments do get a reward, so he must mean that they only receive a reward as “one who is not commanded and performs.” The verse in *Habakuk* refers to God’s survey of the nations of the world before giving the Torah to *bnei Yisrael* at Sinai (see Rashi and Radak on the preceding verses), so this is presumably when R. Yosef is suggesting that this change took place.