

## Daniel Jeremy Silver Collection Digitization Project

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MS-4850: Daniel Jeremy Silver Papers, 1972-1993.

Series III: The Temple Tifereth-Israel, 1946-1993, undated. Sub-series A: Events and Activities, 1946-1993, undated.

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Women's Association, Lecture Series 1972, notes for "Judaism and Birth Control", 1972.

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Nahmanides challenges him reverently but boldly in his Iggeret Ha-Kodesh, the "Epistle of Holiness," written to a friend on the subject of marriage. 89 "Know," he says, "that sexual intercourse is holy and pure when carried on properly, in the proper time and with the proper intentions."

No one should claim that it is ugly or unseemly. God forbid! For intercourse is called "knowing" (Gen 4:1) and not in vain is it called thus . . . . Understand that if marital intercourse did not partake of great holiness, it would not be called "knowing." The matter is not as our Rabbi and Guide—of blessed memory—supposed, in his Guide For The Perplexed, where he endorses Aristotle's teaching that the sense of touch is unworthy. God forbid. That Greek scoundrel 90 is wrong and his error proceeds from his view of the universe. Had he believed that one God created the world he would not have slipped into such error. But we who have the Torah and believe that God created all in his wisdom [do not believe that he] created anything inherently ugly or unseemly. If we were to say that intercourse is repulsive then we blaspheme God who made the genitals . . . Hands can write a Sefer Torah and are then honorable and exalted; hands, too, can perform evil deeds and then they are ugly. So the genitals . . . Whatever ugliness there is comes from how a man uses them. All organs of the body are neutral; the use made of them determines whether they are holy or unholy...

in the affirmative. (He manuncertain to the questione

Therefore engage her first in conversation that puts her heart and mind at ease and gladdens her. Thus your mind and your intent will be in harmony with hers. Speak words which arouse her to passion, union, love, desire and eros<sup>91</sup>—and words which elicit attitudes of reverence for God, piety and modesty. Tell her of pious and good women who gave birth to fine and pure children . . . Speak with her words, some of love, some of erotic passion, some of piety and reverence . . .

Never may you force her, for in such union the Divine Presence cannot abide. Your intent is then different from hers, and her mood not in accord with yours. Quarrel not with her, nor strike her, in connection with this act; as our Sages taught (T B P' sahim 49b) "Just as a lion tramples and devours and has no shame, so a boorish man strikes and copulates and has no shame." Rather win her over with words of graciousness and seductiveness... Hurry not to arouse passion until her mood is ready; begin in love; let her "semination" 92 take place first...

in the affirmative. (He may uncertain to the questione marriage. To this the R. Judaism's attitude to sexthey may excite him to proever, they should be read time.)

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## The Baraita of The "Three Women"

Whatever interpretation or application the "act of Er and Onan" may find in rabbinic law, the bulk of the voluminous literature of birth control legislation in the Responsa bases itself not upon that biblical text but upon another pivotal Talmudic one. This is the baraita (literally "outside," referring to a text which is not part of the official Mishnah but does derive from Mishnaic times and, therefore, although "outside" that canon, still partakes of comparable authority in the Talmud) of shalosh nashim, the baraita of the "Three Women." This passage appears, with minor variations, no fewer than five times in the Talmud¹ and once more in the Tosefta.² It reads as follows:

R. Bebai recited before R. Nahman: Three [categories of] women must [or may; see on] use a mokh in marital intercourse: a minor, a pregnant woman, and a nursing mother. The minor, because [otherwise] she might become pregnant and die. A pregnant woman, because [otherwise] she might cause her foetus to become a sandal.

A nursing woman, because [otherwise] she might have to wean her child prematurely, and he would die. And what is a minor? From the age of eleven years and a day until the age of twelve years and a day. One who is under or over this age carries on her marital intercourse in the usual manner—so says R. Meir. But the [other] Sages say; The one as well as the other carries on her marital intercourse in the usual manner, and mercy be vouchsafed from intercourse in the usual manner, and mercy be vouchsafed from Heaven, for [Scripture says, (Psalms 116:6)], "The Lord preserveth the simple." 3

the case, now, of chastity is reasonable instituted. The R. Judah in this Tamission from slaven ganism before mar period is necessary. he (R. Yosei) belies

## The "Act of Er and Onan"

When a ministerial committee joined forces with the Planned Parenthood League in Poughkeepsie, N.Y., in 1952, the Dean of Catholic clergy for Dutchess County denounced the non-Catholic ministers who supported the League, saying: "This is a point on which Catholic, Protestant, and Jews should all be agreed, since it is the Bible which expressly forbids birth control." He was, says the author of the report, referring to the biblical narrative (Gen. 38:7-10) concerning Judah; his two sons, Er and Onan; and his daughter-in-law, Tamar:

Er, Judah's first-born, was wicked in the sight of the Lord, and the Lord slew him. And Judah said unto Onan: "Go unto thy brother's wife and perform the levirate duty and raise up offspring for thy brother." Now Onan knew that the offspring would not be his; and it came to pass, when he went in unto his brother's wife, that he would spill [it] on the ground, lest he should give seed for his brother. And the thing which he did was evil in the sight of the Lord; and He slew him also.

<sup>1</sup> As quoted in The Time Has Come; A Catholic Doctor's Proposal to End the Battle Over Birth Control, by John Rock, p. 82.