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JEWISH CHAPLAINCY

TO THE EDITOR OF *TRADITION*:

I read with interest the article "The Jewish Chaplaincy" (*TRADITION*, Fall 1967) by Rabbi Mark Elovitz and, as a career Jewish chaplain in the Armed Forces, I feel compelled to comment on it.

Much of the description of the career chaplain's position in the military service presented by Rabbi Elovitz tends to give the reader a one-sided view of the life of a rabbi-in-uniform. Perhaps it is because a chaplain who has spent only two years in the military chaplaincy (of which the first year is largely a training period) fails to see the whole picture.

Twenty-one Jewish career chaplains now serve in the Armed Forces and have found it a challenging and rewarding ministry. The dedication and devotion of these military rabbis to young servicemen, the cream of our Jewish youth, stationed all over the globe, needs no emphasis here. Each of these chaplains has received hundreds of letters from men whom they have brought closer to Torah

and exposed to *Yiddishkeit*. Many of these servicemen would have been lost to our people, were it not for their chaplains.

In Vietnam, at installations overseas and stateside, as well as at my post, Fort Knox, I have been told by numerous young men that only in the military has Judaism become a meaningful experience and a way of life. Military personnel constantly seek reading material to further their knowledge of Torah and learn their faith. Why is this true in the military? Because in the military atmosphere, separated from his family, isolated from the traditional community structure, and surrounded by non-Jews, the Jewish lad opens his eyes to the undeniable fact that he is a Jew and is different. Judaism becomes important and meaningful in his search for self-identification. He must sustain himself with the everlasting truth that stems from Sinai and which has been, for countless generations of Jews, a tree of life. Through the chaplain, the Torah becomes a significant sustainer of faith and life.

When I am confronted by a soldier who tells me that he has not thought much about Judaism since

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his Bar Mitzvah, but that he is now interested in becoming a real Jew, in obeying the commandments, in living according to Torah ideals, I rejoice and thank the Almighty for having given me this special opportunity to save a *neshamah* in Israel. Other chaplains have had similar uplifting experiences. How often do civilian rabbis encounter this opportunity in their congregational surroundings?

Of course, there are material disadvantages for the rabbi in the military chaplaincy! But so, too, are there difficulties in the civilian rabbinate. Yes, there are some senior grade Jewish chaplains who are involved in administration and other facets of military organization. Is this such an ignominy? Yes, senior Jewish chaplains must often assist non-Jews in terms of the logistics of the military. Is this a horrible *chilul Ha-Shem*? They are rabbis first — officers, second.

There are halakhic problems, no doubt. There is family separation, of course. There are perpetual crises, true. But if all rabbis were interested only in the smug comfort of suburbia, who would care for our Jewish sons? Torah and *derekh eretz* complement each other. In the military, I have found that the Jewish chaplain who honestly desires to study Torah and lead a Jewish life, can do so as easily as he can in most civilian communities. What is required of him is the strength and the willingness to make the necessary sacrifices. Too often, rabbis critical of the chaplaincy are rationalizing their own unwillingness to live lives of struggle and hardship in order to give

greater glory to God, to be of greater service to Israel, and to accord the Torah fitting respect and honor.

Chaplain (Maj.) E. David Lapp
Fort Knox, Kentucky

RABBI ELOVITZ REPLIES:

Chaplain Lapp's letter is only one of a rather large number of comments that have reached me since my chaplaincy essay appeared. Notably, — as a Congressman might respond — my mail (as well as dozens of verbal reactions to me) from chaplains and ex-chaplains is running better than 15-1 in concurrence with my stance regarding the career chaplaincy. Let statistics, however, not bear any weight here. Rather, I have been affectionately chided for not going far enough, for failing to publish what would have been tantamount to an exposé. That was not and is not my intent. Quite the contrary. Had Chaplain Lapp paused to fully digest the thrust of my thoughts, it would have become evident that I am among the advocates who passionately sustain the notion that "youthful rabbis entering the military (should) view the chaplaincy as a temporary albeit worthwhile and most experiential and educational aspect of their fledgling rabbinic careers." Elsewhere in the essay I averred that service in the military can yield "a noble, worthwhile and dedicated career as a Jewish chaplain." Apparently Chaplain Lapp, in his ardor to rise to the defense, inadvertently glossed over the crucially instructive terms: worthwhile, experiential, educa-

tional, dedicated, noble!

Were my essay an attempt to caustically besmirch and debunk the not-so-obvious, but certainly vital service that enthusiastic Jewish chaplains can and do perform, then Chaplain Lapp's remarks might attain creditability. Pointedly, however, my three (not two) years as an Air Force Jewish Chaplain were not spent jousting with the military establishment nor delicately balancing a chip on my shoulder in protest against service in the military. A case in point, the U.S.A.F. Commendation Medal awarded me stated that "Chaplain Elovitz's outstanding professional skill, knowledge, and leadership aided immeasurably in identifying problem areas in the European Jewish Chapel Program. Chaplain Elovitz not only served his congregation in an excellent manner, but other military congregations throughout Europe. . . . The distinctive accomplishments of Chaplain Elovitz reflect credit upon himself and the United States Air Force." I cite this in all humility as undisputed credentials for speaking out on an issue that has heretofore been treated with kid gloves as "too hot and too delicate to handle." Perhaps, now that both the Orthodox and Conservative rabbinical groupings have dropped their participation in the chaplaincy draft, the time has come for a forthright, unequivocal, no-holds-barred discussion of the chaplaincy and its pros and cons. Perhaps it is time to reassess and enlighten our knowledge of just what a Jewish chaplain is and does. Perhaps it is time that rabbinical students' understanding

of the chaplaincy not be garnered "from the street" and from whispered rumors in the hallowed halls of our seminaries, as it were. Perhaps, now that newly ordained Orthodox and Conservative rabbis are no longer to be drafted into the chaplaincy, the Jewish Welfare Board, the rabbinical organizations and the seminaries will adopt creative measures to insure the availability of Jewish chaplains for our men in uniform. But then this underlies the entire issue of Chaplain Lapp's letter and my essay.

Specific points in Chaplain Lapp's letter require more direct confrontation. Initially, there is the inference that a chaplain who has spent only two years in the military cannot see the whole picture. Possibly. Nonetheless, having spent three years overseas bouncing about on all manner of military aircraft in the service of Jewish troops in Scotland, England, Netherlands, Luxembourg, Spain, Italy, Libya, Berlin and Wiesbaden . . . permit me to submit that my exposure was not only extensive, but encompassed a panorama of life — especially Jewish life — in the military which was as deep as it was broad. That my essay did not confront in detail the positive aspects of the career chaplaincy is due to the fact that the essay was specifically devoted to an explication of why Jewish chaplains overwhelmingly tend to "get out" of the military. (Note: during my tour of duty I served with 22 Jewish chaplains of whom 18 requested release from the chaplaincy after their initial tours of duty overseas!)

It is indeed true as Chaplain

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Lapp asserts that chaplains receive numerous letters from men whom they have brought closer to Torah and exposed to *Yiddishkeit*. It is also correct that some of these men would have been lost to our people were it not for their chaplains. But is it not more to the point that the "opportunity to save a *neshamah*" is certainly not relegated to "career" Jewish chaplains. Here too the critical crux is that — to paraphrase the conclusion of my essay — there is absolutely every reason and sufficient precedent to believe that if the Jewish chaplaincy slots were filled with zestfully motivated, positively oriented youthful, *non-career* rabbis these men would be quite well equipped to cope with the military rabbinate, to "save" whatever *neshamot* there are to be saved and to function not only adequately, but often in an outstanding and excellent manner. Again, there is no inference that career chaplains are inferior; neither is there the notion that they have the slightest monopoly on recapturing wayward souls or rejuvenating somnolent spirits!

Furthermore, it is a distortion to submit that my essay suggests that it is a *chillul HaShem* or an ignominy to assist non-Jews in terms of the logistics of the military. Nonetheless, it would seem to be incumbent upon any rabbi to query "what corner of a rabbinically oriented mind may be cordoned off to the cause of . . . involvement with Christian concerns and correspondingly decreased activity and contact with Jews and Jewish affairs? It cannot be overemphasized that a rabbi's answering concerns should be to minister to Jews. This

is equally applicable to the Jewish chaplain, isn't it?

As to the glib and baiting remark that the suburban rabbi nests cozily in the smug comfort of the suburban womb, let it be abundantly clear that it is neither smug nor comfortable. Perhaps service in the chaplaincy has deadened Chaplain Lapp's perceptivity. The Jewish trooper "needs" his chaplain; the suburban Jew often only tolerates his rabbi and is frequently totally unaware or only vaguely cognizant of his Jewish needs. As such, the civilian rabbi's task becomes all the more challenging, i.e. to arouse that need and then to guide it creatively! The smug and comfortable rabbi is an egregious blight upon whatever community he serves, civilian or military.

And finally, let it not be callously proposed that "too often rabbis critical of the chaplaincy are rationalizing their own unwillingness to live lives of struggle, etc." The vast majority of us who have been vocal in our "discussion" of the chaplaincy have indeed served as chaplains. Some of these rabbis served in Vietnam, a number served in Korea, still others courageously hit the beaches with the troops in World War II. Our rabbis are not men who are critical of the chaplaincy out of a desire to be argumentative; they question because they are in the mold of the prophets. They posit honest doubt and consternation because the prophetic tradition is dissatisfied with the status quo. They seek creative improvement because the wisdom of our sages tells them that silence is an agreement. It is all too evident

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at this juncture that all is not as it should be with the chaplaincy. It seems equally clear that the entire American Jewish community must recognize its obligation to provide rabbis to minister to Jews in uniform. It is further becoming apparent that the same community recognizes that service as a career chaplain is a matter of personal predilection. Just as the civilian rabbi should not assume a patronizing posture because he chooses to serve civilians, so it is understandably curious to see a military rabbi self-righteously and sanctimoniously claiming sacrifice because he "chose" life as a career Jewish chaplain.

But enough polemics. Our concern is neither whether career Jewish chaplains are self-appointed sacrificial lambs nor whether civilian rabbis are smug and comfortable. Rather, what is now to become of the Jewish chaplaincy and how shall the American Jewish community meet the "real" needs to minister to Jewish troops in the military? It is to this question to which we should now address our creative thought and action.

I

CONTRACEPTIVES

TO THE EDITOR OF *TRADITION*:

In his reply to my communication (*TRADITION*, Summer 1967) Dr. Tendler writes: "For the benefit of my colleagues, I cite references (to show) . . ." Yet all his references, spread over three pages of *TRADITION*, are copied —

mistakes and all — directly from the *Otzar HaPoskim* encyclopedia. Not only does he fail to acknowledge that his citations are from a secondary source; he misuses that source as well.

In Section I of his reply, for example, (from *Otzar HaPoskim*, Vol. IX, pp. 163-4) the references are supposed to prove that "onanism is a Biblical prohibition." Dr. Tendler relays only the citations according to which onanism may be *d'oraita*, then stops short and omits the rest of *Otzar HaPoskim's* list of those declaring affirmatively that it is not.

His eclectic list is then artificially lengthened by making, for example, *Eshel Avraham* and *Mishb'tzot Zahav* into two authors, as he does with *Tokhachat Chayyim* and *Chayyim V'Shalom*.

Incredibly, in some cases, Dr. Tendler *alters* the quotations to make them conform. The *Mabit*, for example, had composed his *Kiryat Sefer* for the express purpose of determining "which of the laws (of the Rambam) are from the Written Torah; which derived therefrom by interpretation; which are *halakhah leMosheh mi-Sinai*; which are from the Rabbis; etc." In our subject, the *Mabit* recognized the difficulties of assigning *hashchatat zera* to the proper category; he therefore concluded "*efshar*" (repeating that cautionary word twice in one brief paragraph) "*perhaps*" it is *d'oraita*. In Dr. Tendler's hands this citation is changed from *v'efshar she-hu d'oraita* to *v'zeh havei d'oraita!*

Moreover, the listing by Dr. Tendler of *Kiryat Sefer* in this con-

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nection is inadmissible, since another authority, the *Minchat Yechiel*, also appears on his roster. Had Dr. Tendler actually consulted it, he would have found that its author quotes Trani's "efshar" and then remarks: *harei she-gam hu mistappek baze!*

Dr. Tendler's other references in his section I only serve to prove that there are genuine halakhic problems associated with the assertion "that onanism is clearly a Biblical prohibition." The *Arukh L'Ner*, for example, is quoted there as declaring that the *issur* is *halakhah leMosheh mi-sinai*. Dr. Tendler, however, omits telling us that the author (in both his *Arukh L'Ner* and in his *Responsa Binyan Tziyyon*) says so by contrast to *d'oraita*; the author resorts to this conclusion because, as he says, there is no express Biblical prohibition.

All of the authorities on Tendler's list — who actually locate the source of the *issur* not in the Onan narrative but in *lo tin'af* or *dor hamabbul* — grapple with the theoretical problems involved in calling onanism *d'oraita*. My original objection thus remains: to state that "onanism is clearly a Biblical prohibition" is to dismiss the body of authoritative opinion that denies it, as well as the body of opinion (Tendler's own section 1) that doubts it because of formidable theoretical problems.

Even the entries in *Otzar HaPoskim* from which Dr. Tendler took his information are subsumed there under the heading, with apt judiciousness, of *remez*: "*M'kor ha-issur hu m'rumaz ba-Torah.*" My refer-

ence to *Sefer HaBrit* demonstrated that even a book of *musar* rather than halakhah had to admit that the Biblical source is no more than *remez*.

Obviously, the halakhic authorities quoted or left unquoted by Dr. Tendler could not share in his astonishing assertion that *hamur mikol averot sheba-Torah* — the *Shulchan Arukh's* phrase based on the Zohar — means *d'oraita*. I have made this point at length not because I "obviously represent" a more "liberal" position, but because exegetic principles require it and halakhic rulings presuppose it.

II

Even stronger exception must be taken to Dr. Tendler's statements in the realm of practical halakhah. He rejects the obvious distinction between the Talmudic *mokh* and the modern pessary — a distinction made and accepted in principle even before the pessary/diaphragm became available. On that basis he mistakenly attributes a prohibition of diaphragm to several authorities. He declares "pessary" a generic term that can refer to a variety of contraceptive devices. However, it was for that very reason that Maharsham was careful to describe the kind of pessary he was talking about; hence I quoted his description: the diaphragm (that) "covers the uteral os and simulates the condition of pregnancy when, too, the uteral os is (naturally) closed."

My quotation from the *Emek Halakhah* ought also not to have been dismissed; that author's reference to the condom was clearly by

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contrast with diaphragm usage.

III

Dr. Tendler attempts to prove his point by citing R. Mosheh Feinstein. I shall merely set the actual text of the latter's *teshuvah* against Dr. Tendler's quote (let the reader judge). Dr. Tendler says:

The lack of distinction between tampon and diaphragm is further attested to by another of his sources, the *teshuvah* of my father-in-law, shelita, in *Iggrot Mosheh*, No. 63, where he states (I quote in verbatim translation): "The rubber that a woman places in her uterus clearly has the halakhic status of *mokh*."

What R. Mosheh Feinstein had actually written was:

"The rubber that a woman places in her uterus clearly has the halakhic status of *mokh*, and should be permitted."

The full context of that *teshuvah* (p. 162 of Vol. *E.H.*) makes it clear that R. Feinstein is showing the diaphragm *to be worse than mokh* — it is permissible even according to the stricter of the two schools of thought he had outlined there. Hence, the purport of the *teshuvah* is exactly the opposite of what Dr. Tendler's foreshortened "quote" would have us believe.

IV

Dr. Tendler writes: Especially objectionable is his (Feldman's) questioning that R. Akiva Eger's responsum refers to a life-threatening situation; when the text clearly states: "*v'tamid*

hi bikhlal sakkanah." The *Iggrot Mosheh* clearly assumes this, as do the other *gedolei ha-poskim*. For the erudition of my colleagues, I cite, etc.

If this "questioning" is "objectionable," his quarrel is not with me but with *Iggrot Mosheh* (which he again misrepresents) and with the *Chazon Ish* (whom he ignores) though my questioning cited both of them.

That the reader may again judge for himself, I quote the words of these two *gedolim*. On p. 159 of R. Mosheh's *teshuvah* we read:

In my opinion, we are compelled to say that R. Akiva Eger's position relates to a woman not in real danger, but to one who gives birth in great pain. . . . Such a one is considered by R. Akiva Eger in the category of a healthy woman with normal risks present in every childbirth. . . . This explains why he wrote "there is no precedent that explicitly permits (*mokh*);" for if he meant to forbid even in situations of danger, this statement would be astonishing indeed, for he himself cites *Rishonim* who permit in cases of danger. . . . Therefore . . . we must say as I explained his view . . . he is not talking about danger at all; in a case of danger he would probably permit, like the *Rishonim* he quotes.

And the *Chazon Ish* (*Even HaEzer*, 37, 5):

All of what R. Akiva Eger said relates to a woman not in definite danger, but to one who gives birth in pain, as is evident from all he says. It is even more evident from his conclusion of the

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second Responsum (No. 72), where he concedes that post-coital cleansing which removes external seed is acceptable but not one which would remove absorbed seed, and he adds: "but I see no use in doing so." If he were talking about danger, he would have forbidden coitus *without* the mokh, or even *with* the kind of mokh usage that he describes, which is not effective contraception.

A voluminous literature is extant on this and on other points of R. Akiva Eger's two relevant Responsa. Dr. Tendler believes that he "will remove all confusion" by giving *the text* of the opening words of the Responsum; this suggests his unawareness of the vast literature. In any case, he ought not to ignore it when its existence is pointed out.

V

In another area of practical halakah, Dr. Tendler is misled and also misleads by his dependence on secondary sources. Section IV of his references (from *Otzar HaPoskim*, *ibid.*, p. 229) lists a recent work, *Chai Nefesh*, among those authorities who "consider chemical spermicides halakhically more acceptable than diaphragm." Dr. Tendler is wrong in copying this reference to *Chai Nefesh*, whereas its author, the late R. Israel Zalmonovitz, does report that the *Chazon Ish* had written him, in a *teshuvah*, of the permissibility of spermicides.

Had Dr. Tendler consulted that *sefer*, or, in fact, had he carefully scanned that same page of *Otzar HaPoskim*, he would have noticed

still another notation, to the effect: When a choice has to be made, R. Zalmonovitz added that he "heard from reliable men that the *Chazon Ish* declared the uteral diaphragm, as defined by Maharsham, to be preferable to the use of spermicides, for many reasons!"

Another example, on Dr. Tendler's list of those who prefer "spermicides to mechanical devices" is *Pekudat Elazar* of R. Elazar Lev. The merest glance at this *teshuvah* will show that, despite its juxtaposition in *Otzar HaPoskim*, R. Lev suggests just the opposite.

Failing that, still another *teshuvah* on Dr. Tendler's list, that of Maharam Brisk, includes a note at the end about *Pekudat Elazar's* apprehensiveness with respect to spermicides.

VI

If Dr. Tendler fails to relay with accuracy what the *Otzar HaPoskim* places before him, he can hardly be expected to be aware of the number of Responsa by *Acharonim* not referred to in *Otzar HaPoskim*, which hold spermicides to be definitely inferior to diaphragm. I cite just three of them: *Melammed LeHo'il* (R. David Hofmann), Vol. III, No. 18; *Seridei Esh* (R. Yechiel Weinberg), Vol. III, No. 16; and *Tzitz Eliezer* (R. Eliezer Yehudah Waldenberg), Vol. IX, No. 51.

The first of these recommends a closing of the uterus with a covering "know to them as an occlusion. In this I see not the slightest prohibition; the seed is not being destroyed, it is merely being prevented from entering the uterus." The second, R. Weinberg, this

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method as permissible while "chemical means" are forbidden. Finally, R. Waldenberg (p. 217) writes:

Spermicides destroy the seed immediately upon its entry into the vaginal canal, unlike the pessary. . . . How can they prefer halakhically the others (spermicides, douche, etc.) to a pessary/diaphragm where no destruction takes place? Perhaps because they think that spermicides merely neutralize the sperm, when actually they destroy it.

Dr. Tendler had set out to present the "true halakhic point of view" in his article and his reply. I am confident, now that he will welcome this opportunity for critical reassessment.

(Rabbi) David M. Feldman
Brooklyn, New York

DR TENDLER REPLIES:

I will limit myself as much as possible to a point-by-point response to Rev. Feldman's questions. The obvious counter-question that comes to mind, concerning the psychological or sociological tensions inducing him to return after our last exchange of information, will best be answered by each reader of this present exchange.

I. *General comment:* Rev. Feldman cannot rewrite my article and must not attribute to it that which it does not contain. A torrent of words that permit a posture of erudition is no substitute for lucid

statements in accord with ethical standards of scholarship. On page 6, line 10 of my paper, I clearly state the purpose of the presentation: "I present for considered judgment a point of view based on the primary sources of our faith (Orthodox Judaism) — the words of the Talmud and its commentaries."

II. Feldman states, "The article succeeds only in subverting its stated purpose. Certainly it cannot pretend to be based, as its author claims, on the words of the Talmud and its commentaries. The Talmud and its commentaries would not support, for example, his declaration that onanism is clearly a Biblical prohibition . . . is there one let alone many who could." (TRADITION, Vol. 8, No. 4, pp. 205-207.)

The fact: Our society looks askance at the "bluff" or "big lie" technique. After I cited 13 references for my statement that I considered onanism a Biblical prohibition, Feldman should have sent an apology for his denial that there was even "one". Instead, he hopes to confuse the reader by questioning *one of my sources*. He also levels a charge that I did not list other authorities who are no more lenient in halakhic practice but suggest a rabbinic origin for this halakhah. Surely, in the light of my stated purpose, Feldman's attempt to introduce as a flaw in my article — which was not designed as a library survey — the omission of extraneous material, must be viewed as malice aforethought.

III. Feldman states that I erred

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in considering the *Shulchan Arukh* and the *Aruch l'ner* as sources for the Biblical prohibition of onanism because the first considers onanism *d'oraita*, and the second considers it *halach l'Moshe m'Sinai*. I am sure the reader realizes the tragic-comedy of this comment. Feldman, confused by the Conservatives' denial of the Divine Origin of our Torah, makes this ludicrous error. He is unaware that the terms Biblical, *d'oraita*, *halacha l'Moshe m'Sinai*, and *min-Hatorah* all are expressions indicating a Biblical prohibition as contrasted with a prohibition ordained by the Sages of Israel, a rabbinic ordinance. I can sympathize with the questioner's confusion. While claiming to be defenders of our Tradition, the Conservatives have, in his life-time, permitted desecration of the Sabbath, eating of *treifa* sturgeon and swordfish, marriage of a divorcee to a Kohen, and by their silence and conduct denied the binding nature of *nida* laws and many more. The boundary lines of Biblical or rabbinic, permitted or prohibited are indeed blurred in their theology.

IV. Feldman cites as evidence for the non-biblical origin of the prohibition of onanism the fact that the copy editor of *O. H. Otzar Haposkim* "subsumes there under the heading . . . *veifo hu m'rumaz baTorah*." He is making a *Hekesh* of *m'rumaz* and *remez* which he obviously interprets as "hint." It is astounding that he offers this proof based on the exegetical development of the editor's subtitle. No doubt many of the readers will be reminded of the "Purim Torah" de-

livered with appropriate pontification during the *chagiga* festivities. What is missing is Feldman's rhetorical *kushya* as to why, under a *remez* heading, there is found more than 15 unequivocal statements that onanism is of Biblical origin.

V. He is disturbed by his recent discovery of the *Otzar HaPoskim*, and questions my intellectual integrity in using a secondary source for my reference. This "debator's maneuver" needs no rebuttal, but it does need comment as to his motives. Surely he is aware that in my article I did not see the need to cite any of these references. He is also aware that the ninth volume of *Otzar HaPoskim* was printed in 1965. Every reference I cited can be found in a hundred student notebooks and tens of audio tapes recorded prior to 1960. Indeed, I use this fine reference work when necessary a work of the Orthodox rabbinate attesting to the vital modernity of a Torah oriented life.

VI. Concerning the Biblical prohibition of onanism, I cite 13 references. The *Otzar HaPoskim* cites 19 such references. Surely there was no need to "artificially lengthen my list by citing both *Esthel Avraham* and *Mishbatzot Zahav*. But it is perfectly proper and indeed highly desirable to quote, in a list of references, two works by the same author, especially in halakhic literature where error and reversal of opinion is possible.

VII. Feldman accuses me of being "misled and misleading" about

my references for the preference of chemical spermicides to the mechanical barrier of the diaphragm. After displaying his ignorance of the physiology of contraception by misunderstanding the pharmaceutical company's letter, which he quoted previously (TRADITION, No. 4, p. 206) he would have done well to clarify the "realia" of the situation. I include both the *Chai Nefesh* and the *Pekudot Elazar* reference among the 12 I cite because they clearly state their preference for the spermicidal but express concern because of the biological information which they had. Our present understanding about "immobilizing the sperm" which Feldman previously mentioned clarifies the fact and places these authorities on the side of the spermicidals.

VIII. Now for my "misquotes."

(A) Rev. Feldman misread the *Mabit*. The "efshar" indicating uncertainty refers to the "shtay mishkavos yesh l'isha" and is based on the Rambam's ruling on *beah shelo kedarka*. Under these conditions he questions whether onanism would be prohibited by Biblical or rabbinic injunction. But the act of onanism is clearly stated to be *d'oraita* along with Lesbianism.

(B) He requotes the *Maharsham* with utter immunity to intellectual assault. Indeed, any elementary biology text would have clarified his confusion. The pessary referred to by the *Maharsham*, and his quote is accurate, "covers the uteral os." It is placed there by a *physician* and left there for long periods of time — as the pessary was indeed so used. The term "*pee ha'aym*"

correctly translated as "uterual os" is confused by Feldman with the *cervical os* covered by the modern-day diaphragm. Since the *Maharsham* is no more specific than as quoted, I was careful to point out in my previous answer that the pessary "took many forms — some similar to our modern I.U.C.D." More important than Feldman's biological naiveté is his refusal to read the *Maharsham* and admit that the *Maharsham prohibits* the use of the pessary except in medical emergencies. I quote *Teshuva 58*. "The question concerns a woman with severe cardiac disease . . . and if she become pregnant she may die suddenly." In his response, the *Meharsham* concludes, "We can be lenient since there is danger to life."

(C) I quoted the language of the Rav Feinstein, shelita, *teshuva* to show that *mokh* and diaphragm are halakhically identical. What does Feldman mean by referring to my quote as "foreshortened"? If his intent is to introduce the words "is permissible" so as to mislead the readers, it is knavery! Rav Feinstein prohibits the diaphragm except when medical emergency exists — exactly the "point of view" expressed in my article. Lest there remain any doubt in the reader's mind, I quote verbatim, neither "foreshortened" nor rear-lengthened, from *Teshuva 64* in which Rav Feinstein objects to detailed halakhic treatises on marital laws in the lay journals; I quote, "Which is like lecturing before thousands, some of them simple people, lacking fear of Heaven and searching only for a hint or permissibility to fool themselves . . . in actual prac-

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tice when I receive a question concerning birth control, I investigate very thoroughly to ascertain that indeed the woman is in serious danger (medical), and also that husband and wife are God-fearing and modest in their conduct lest they be more lenient than I permit. Also they must not discuss it with others lest they tempt others to transgress. When I permit use of a contraceptive technique, it is only for a short, finite period after which I once again investigate to ascertain that the medical condition still exists and I warn them once again about the severity of the prohibition . . . therefore there are very few couples who have received my permission. Even a uniquely competent rabbi should so conduct himself. The average rabbi should not dare to rule on such serious matters."

IX. Feldman bemoans my neglect of "other sources" with a more liberal view. As always, I am pleased to review any sources cited or books published on this subject. The rules of Haroah, rabbinic deci-

sion, are still largely the province of the Oral Law — essentially rejected by the Conservatives. How a properly-ordained Rav chooses the halakhic authorities upon which to base his legal ruling is studied as part of the ordination process leading to *Semicha*. Surely Feldman does not deny my right and privilege to express "my point of view based on the primary sources of our faith."

X. One last point requires comment: In halakhic practice, my point of view accurately reflects the opinions of Rav Feinstein, shelita, and the Chazon Ish, zatzal. Yet, I retain the intellectual freedom to prefer my reading of the Akiva Eger Responsum above other opinions. My quote clearly indicates that other interpretation violate the literal meaning of the text. Since the *Otzar HaPoskim* lists 14 authorities who agree with my interpretation, I feel no compulsion to alter my view.

No more correspondence on this issue can be published. —Ed.