The Essential Agus
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I DISSENT from the line of reasoning pursued in this responsum. It is forced, contrived, inconclusive, and beside the point. It does not deal, on the personal plane, with the rightness of sex in marriage as an expression of love, and on the global front, it does not take account of birth control as an ideal.

1. From the standpoint of Jewish law, as it was developed in keeping with the literal interpretation of verses and with due regard for Qabbalistic and proto-Qabbalistic notions, birth control is prohibited in normal circumstances, the chief reason being precisely the implied “interference” with divine action. This is the biblical sin of Anan. All pilpul-istic quibbles are irrelevant, since they do not touch the moral issue at the core of the problem.

2. As a Conservative body of rabbis, we do not accept the Law as such, turning and twisting it toward a predetermined goal, but we proceed to the heart of the matter by examining the principles involved in this situation:

(a) Do we believe that the sexual act is in itself sinful, becoming admissible and even holy only when it is used for procreation? There are certainly many trends in Judaism affirming the unclean nature of marital love, but we today do not accept them. We find ourselves in accord with the many passages which assert that marital love is an
expression and fortification of a holy union. Marriage is a sacred bond of love, quite apart from the raising of children.

"It is not good that the man should be alone; I will make a help meet for him" (Genesis 2:18). We affirm that husband and wife should seek the fulfillment of sexual intimacy as an attestation of their love, after taking due contraceptive precautions, without the slightest trace of fear or guilt in their hearts. "Man and woman, if they merit it, the Divine Presence is with them."

(b) Do we believe that certain children are "destined" to be issued from certain unions, so that contraception prevents them from being born? Again, there are passages reflecting such ideas, but they belong to the infancy of our tradition. Whatever is God's will is not given to us to frustrate. It is by heeding the call of holiness in our hearts that we most nearly approach the will of God, and love is the chief ingredient of holiness. If married love, with contraceptive methods used, is good and holy, it is in accord with the divine will.

(c) Do we believe that the quantity of human life is more important than its quality? It is possible to make out a good case in Jewish tradition in favor of quality as against quantity. In dealing with the poverty-stricken and overpopulated areas of the globe, this is precisely the issue. A positive effort in the direction of planned parenthood is needed throughout the world. Such an undertaking requires more than a tacit acknowledgment that it is permitted only if parents can convince themselves of the existence of danger to themselves or to the children. We need a frank and healthy affirmation of the rightness of marital companionship and love, regardless of the duty of raising a family.

Jacob Agus, 1960
Not official CJLS (not voted on)

NOTE

1. In the original responsum by Rabbi Agus, this verse is quoted in Hebrew.