

The Obligation of *Berit Milah in the Reform Movement*.  
*From the 1840's to Today*

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The Reform Movement and the Obligation of *Berit Milah*: From the 1840's to Today**I. Introduction**

Since making aliyah and moving to Kibbutz Hannaton in 2010, I have attended many *berit milah* ceremonies, for sons of Orthodox, Conservative, Reform and secular parents alike. The readiness to fulfill the mitzvah of *berit milah* seems universal, without regard to denominational affiliation or level of personal religious practice. Although parents, myself included, often approach the event with a healthy amount of trepidation, before, during and after the ceremony,<sup>1</sup> the decision to proceed, for the vast majority of families, is generally a given, a *fait accompli*, and largely unquestioned in any meaningful way.<sup>2</sup>

Despite this apparent consensus, I recently have found myself wondering more and more whether male ritual circumcision—an objectively drastic and physically permanent act—truly serves a significant and meaningful Jewish purpose. I ask this question in part because it is performed on an extraordinarily sensitive part of the body, and typically on a

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<sup>1</sup> See Hoffman, Lawrence A., *Covenant of Blood: Circumcision and Gender in Rabbinic Judaism* (The University of Chicago Press 1996), pp. 218-19 (discussion about seminar in which young rabbis “harbored intense rage” at themselves and at the *mohel* for performing, and sometimes even making mistakes during, circumcisions); Herzbrun, Michael B., “Circumcision: The Pain of the Fathers,” *CCAR Journal* 38, no. 4 (Fall 1991), pp. 1-13.

<sup>2</sup> There are exceptions to this general rule, which some now characterize as a growing trend. See, for example, Ahituv, Netta, “Even in Israel, more and more parents choose not to circumcise their sons” in *Ha’aretz Magazine* (June 14, 2012) (Available at: <http://www.haaretz.com/weekend/magazine/even-in-israel-more-and-more-parents-choose-not-to-circumcise-their-sons-1.436421>) (“An informal online survey conducted in 2006 by the Israeli parenting portal Mamy found that of 1,418 parents of boys, 4.8 percent did not have them circumcised”); Boorstein, Michelle, “A small but growing number of Jews are questioning the ancient ritual of circumcision,” *The Washington Post* (December 29, 2013) (Available at: [http://www.washingtonpost.com/local/a-small-but-growing-number-of-jews-are-questioning-the-ancient-ritual-of-circumcision/2013/12/25/d24c5a4e-6403-11e3-aa81-e1dab1360323\\_story.html?hpid=z5](http://www.washingtonpost.com/local/a-small-but-growing-number-of-jews-are-questioning-the-ancient-ritual-of-circumcision/2013/12/25/d24c5a4e-6403-11e3-aa81-e1dab1360323_story.html?hpid=z5)).

There are ongoing calls to challenge the assumption that *berit milah* is, or should be, a sacramental rite. See, for example, Misgav, Uri, “Let’s talk about circumcision” in *Ha’aretz* (Jan. 2, 2014) (Available at: <http://www.haaretz.com/opinion/.premium-1.566724>) (“The idea that Judaism is inextricably linked to circumcision must be challenged and corrected.”). The decision not to circumcise one’s Jewish son nevertheless remains an exception, one that continues to make news, perhaps particularly where the parent refusing to perform *berit milah* on their child is well known. See, for example, Cohen, Anne, “‘Clueless’ Advice: Alicia Silverstone Won’t Circumcise Son,” in *The Shmooze* (May 5, 2014) (Available at: <http://blogs.forward.com/the-shmooze/197651/clueless-advice-alicia-silverstone-wont-circumcis/>)

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non-consenting infant; in part because it is a medical procedure, which by definition comes with risks of physical danger;<sup>3</sup> in part because, as a symbol of kinship, its value is questionable because the site of the ritual is invisible from others at almost all times; and in part because it is a gender-based, male-only ritual that fundamentally challenges my beliefs in a gender-egalitarian Judaism.

I now also ask this question as a future Reform rabbi. Suppose a non-Jewish man who had deep and earnest desires to convert to Judaism asked me to serve on his *beit din*, but advised me that he had an equally deep and earnest fear of or aversion to being circumcised? Or suppose a parent/the parents of a newborn asked me to officiate over a *berit* or naming ceremony for their son, but advised me that they refused to have him circumcised? Or if an uncircumcised boy asked that I train him for his bar mitzvah, or officiate at his wedding? Or if our local *chevra kadisha* asked me whether a community member who was discovered to be uncircumcised could be buried in our local cemetery?

These questions and others like them have led me to realize that it would be useful to learn more about the Reform Movement's perspective about *berit milah*, and in particular, whether or not we, as a movement, consider it to be a mandatory ritual. The issue, like most, is not straightforward. The Reform Movement and its leaders have published no fewer than 74 responsa specifically addressing the topic of male ritual circumcision.<sup>4</sup> Many of these address practical questions about *berit milah* (When? Where? By whom? How?) that already assume the ritual will be performed. More than a dozen separate responsa,

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<sup>3</sup> Jewish Telegraphic Agency, "Pittsburgh mohel sued for severing baby's penis during circumcision" in *Ha'aretz* (December 30, 2013) (Available at: <http://www.haaretz.com/jewish-world/jewish-world-news/.premium-1.566222>); Jewish Telegraphic Agency, "New York infant contracts herpes during circumcision" (Feb. 3, 2014) (Available at: <http://www.haaretz.com/jewish-world/jewish-world-news/1.572114>).

<sup>4</sup> A comprehensive index of the Reform Movement's published responsa relating to *berit milah* is attached as Appendix A to this paper.

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however, address in one form or another whether *berit milah* should be performed in the first place.

As I intend to demonstrate in this paper, these responsa reveal several historical and religious patterns:

First, the responsa tend to address separately the question of *berit milah* for a Jew-from-birth and *berit milah* for a Jew-by-choice. They also distinguish between *berit milah* ceremonies for infants, and ceremonies for older children and adults.

Second, with regard to both Jews-from-birth and Jews-by-choice, there is no consensus among the responsa. Some are permissive, and dispense with the obligation to perform the ritual under any circumstance. Others take a middle-of-the road approach and exempt the performance of a *berit milah* under limited circumstances. Others still require that the ritual be performed in all but the most extreme situations.

Third, and again with regard to both Jews-from-birth and Jews-by-choice, there has been a tendency over time to be less lenient in exempting Jews from *berit milah*, and to be more emphatic about affirmatively requiring it. Responsa have evolved in the direction of characterizing *berit milah* as a fundamental and obligatory *mitzvah*, and one that Reform rabbis should actively and strongly encourage their constituents to perform. More permissive platforms, papers and responsa that were written in the mid- to late-nineteenth century have been reinterpreted, and at times even disavowed over time, particularly during the late twentieth century to the present.

In this paper I will outline the history of these responsa and the patterns they reveal. I will then consider the ways in which different responsa address or fail to address core Reform values, including personal autonomy and gender egalitarianism. I will demonstrate that there is an unresolved tension between Reform precedent, fundamental Reform principles of autonomy and egalitarianism, and current Reform practice and custom. Finally, I will explain why I believe the Reform movement should resolve this tension in favor of the

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principles of autonomy and egalitarianism by continuing to affirm its permissive precedent from the nineteenth and early twentieth centuries, and by continuing to affirm informed decisions by Jews-by-birth and Jews-by-choice not to perform *berit milah* on their sons and not to undergo *berit milah* themselves.

### **II. The Role of Reform Responsa**

The majority of the primary sources drawn upon and examined in this paper are Reform responsa and other platforms and position papers authored by Reform rabbis and leaders. For a movement that places such heavy emphasis on personal autonomy, not only for movement leaders but also for members of its laity, one might legitimately wonder whether such emphasis is warranted. Even though an impressive number of Reform platforms, resolutions and responsa are freely and publicly available on the Internet,<sup>5</sup> Reform Jews are unlikely to study them meaningfully before deciding upon a Jewish course of action, even one as momentous as whether to circumcise one's son to whether to proceed with conversion if it entails circumcision. Reform Jews are unlikely to choose to perform *berit milah* "merely" because one or more Reform responsa might conclude it is a mandatory Jewish ritual, and are equally unlikely to not to perform *berit milah* "merely" because one or more Reform responsa might conclude it is discretionary.

The decision to focus this paper on Reform rabbinic literature is prompted by several considerations, including intellectual, historical and pastoral. First, as reflected in the appendix to this paper, Reform rabbis have invested an enormous amount of thought and writing to the topic. The sheer number of responsa, the wide range of responses they offer, and the equally wide range of considerations informing each responsum's conclusions, are all a testament to the seriousness with which Reform Judaism, as a movement, has approached the issue. It behooves us to take advantage of this reservoir of knowledge

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<sup>5</sup> See <http://ccarnet.org/rabbis-speak/>.

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rather than presuming to begin the discussion on a blank slate, or solely on the basis of personal, secular or modern considerations alone (although these, too, all have a rightful place in the discussion).

Second, the platforms, resolutions and responsa studied in this paper are the best historical evidence of the Reform Movement's lived experience of Judaism. Reform rabbis have written *teshuvot* over time because Reform Jews over time have asked *she'elot*. These questions are often prompted by Jews earnestly wrestling with uncertainty about what it means to live a full and fulfilled life as a Reform Jew, and how to reconcile Jewish values and practices that outwardly seem to be in conflict or even irreconcilable. The responsa discussed in this paper and the Reform questions that prompted them to be written, thus ground our own questions today, weaving them into the rich tapestry of Reform Judaism and enabling us to continue an intergenerational dialogue about them.

Third, and perhaps most importantly, even if some Reform Jews would be unlikely to consult with rabbinic responsa before reaching a decision about Jewish law, custom and practice, they might very well consult with a rabbi before breaking with a tradition as ingrained as *berit milah*. Reform rabbis are, for their part, more likely to consult with their peers and with the writing of their predecessors about such weighty matters. By collecting, indexing and synthesizing the Reform Movement's responsa since the 1840's, this paper can serve as a resource for rabbis who might face questions from their congregants—including prospective converts, parents of newborn sons, extended family members who learn that relatives have chosen not to circumcise their son—about the role and status of *berit milah* today.

Ultimately, the weight of any individual responsum, and even the collective weight of them all, is entirely dependent on the authority that leaders and laity choose to give them. The home page for the CCAR's online collection of responsa emphasizes its point:

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The Reform responsa provide answers to questions about Reform Judaism and Jewish living. Unlike resolutions, which are adopted by vote at a CCAR convention, *responsa provide guidance, not governance*. As a body of literature, the responsa published by the Reform Movement reveals a broad consensus as to mainstream Reform Jewish thinking on important issues facing contemporary Judaism. *Individual rabbis and communities retain responsibility, however, to make their own determinations as to the stance they will take on individual issues.*<sup>6</sup>

The responsa discussed in this paper are thus only the beginning of the discussion.

They provide information and insight that allows us to then probe our own, personal relationship with Judaism and Jewish identity.

### **III. Jews-From-Birth**

#### **A. The Nineteenth Century**

"In the premodern Jewish community, there was no question that every healthy son would be circumcised."<sup>7</sup> *Berit milah* was (and arguably still is) considered to be the boundary of all Jewish boundaries: "The right of circumcision has steadfastly remained the single most obvious boundary issue, marking the limits beyond which Jews felt they could not go without at the same time leaving Judaism."<sup>8</sup>

In the middle of the nineteenth century, however, during the time of Jewish Emancipation, Jewish Enlightenment and the emergence of Reform Judaism as a denomination, this began to be questioned. Some openly asked whether *berit milah* was or ought to be obligatory. The first collective challenge to *berit milah* during this era in Jewish history took place in Frankfurt, Germany in 1842. A group of Jewish lay leaders and intellectuals, in response to the perception that the rabbinate was acting too slowly to the changing religious demands of the day, organized a group called the "Frankfurt Society for

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<sup>6</sup> *Id.* (Emphasis added). See also, *infra*, n. 114.

<sup>7</sup> Meyer, Michael A., "Berit Mila Within the History of the Reform Movement" in *Berit Mila in the Reform Context*, Lewis M. Barth (ed.), (Berit Mila Board of Reform Judaism 1990), p. 142.

<sup>8</sup> Hoffman, p. 12.

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the Friends of Reform.”<sup>9</sup> The leaders of this group adopted an initial platform of five principles, the third of which expressly disavowed *berit milah* as either a religious act or symbol.<sup>10</sup> This position was not taken in a vacuum. It was adopted in the wake of the refusal of several Jewish fathers to circumcise their sons, who nevertheless sought to have their sons registered as Jews by the local authorities and included as part of the local Jewish communities in which they lived.

Although the group's position concerning *berit milah* was eventually edited out of a subsequent version of the platform so as to focus on general principles rather than particular rites or observances, the original platform was leaked.<sup>11</sup> By the time the revised platform was published, “the sentiments of its members were well known, and [the group] became identified with the anti-circumcision agitation.”<sup>12</sup> As a result, the organization's emergence on the religious scene “called forth a storm of opposition and denunciation that was in truth

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<sup>9</sup> For a detailed history of the formation and eventual demise of this group, see Philipson, David, “The Reform Movement in Judaism. IV. The Frankfort Society of the Friends of Reform,” *The Jewish Quarterly Review*, Vol. 17, No. 2 (January 1905), pp. 307-353. See also Meyer, pp. 142-144; Glick, Leonard B., “Jewish Circumcision: An Enigma is Historical Perspective,” in *Understanding Circumcision: A Multi-Disciplinary Approach to a Multi-Dimensional Problem* (George C. Denniston, Frederick Mansfield Hodges, Marilyn Fayre Milos Springer, editors) (Kluwer Academic/Plenum Publishers 2001); Cohen, Shaye J.D., *Why Aren't Jewish Women Circumcised? Gender and Covenant In Judaism* (University of California Press 2005), pp. 207-214; Judd, Robin, *Contested Rituals: Circumcision, Kosher Butchering, and Jewish Political Life in Germany, 1843-1933* (Cornell University Press 2007), pp. 21-57; Hoffman, pp. 2-10.

<sup>10</sup> The five principles of the group's initial platform stated:

- (1) that they consider the Mosaic religion capable of continuous development;
- (2) that they do not consider binding the various ritual, dietary, and other laws concerned with bodily practices that emanated from the ancient polity;
- (3) that they did not consider circumcision to be binding either as a religious act or a symbol;
- (4) that they do not recognize the Talmud as authoritative; and
- (5) that they do not expect or long for a Messiah who will lead the Jews back to Palestine, but regard the country to which they belong either by birth or citizenship as their only father land.

Philipson, p. 322.

<sup>11</sup> Hoffman, p. 5-6.

<sup>12</sup> Philipson, p. 341.

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overwhelming.”<sup>13</sup> Non-Reform rabbis by the dozens, concerned not only with the position of the “Friends of Reform” and their supporters, but also with newly proposed governmental regulation and oversight over the performance of circumcisions, published articles and responsa unambiguously defending the practice of *berit milah*. These Jewish leaders vehemently underscored their view that *berit milah* served a fundamental purpose in Jewish individual and communal life, and that the government should not, directly or indirectly, inhibit Jews from practicing the ritual on their children, despite opposition from a minority of vocal laypeople.

Because of this public and intensely heated backlash, the German Reform rabbis who met as a rabbinical assembly each year from 1844 to 1846 avoided discussing whether or not *berit milah* was obligatory.<sup>14</sup> This is so even though one of the leaders of the Reform Movement, Rabbi Abraham Geiger, acknowledged in private correspondence his aversion to

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<sup>13</sup> Philipson, p. 328.

<sup>14</sup> Central Conference of American Rabbis Yearbook, Vol. 1 (1891), pp. 81-84 (Braunschweig Conference 1844), pp. 85-94 (Frankfurt Rabbinical Convention 1845), and pp. 95-99 (Third Conference of German Rabbis, Breslau, Germany); See Meyer, pp. 145-46.

At the Third Conference, the rabbis did adopt seven rules regarding circumcision, but none addressed the ritual's status as either mandatory or voluntary. The rules adopted were more technical in nature, mostly relating to safety: (1) Every "mohel" should be required to pass an examination, after being instructed by a surgeon, and should prove by his credentials his authority to perform the operation. (2) A mohel who has bodily defects (such as hand trembling and near-sightedness) that would prevent him from performing a circumcision safely should not be allowed to perform the ritual; (3) The so-called "peri'ah" may be performed with a surgical instrument if the assisting surgeon prefers this to the finger-nail, which, as a rule, is used for the purpose. (4) The "mezizah" is to be dispensed with. (5) A physician should treat the child after circumcision. (6) A physician should examine the child before circumcision, and decide whether the operation can be safely performed, or whether on account of sickness or bodily weakness it had best be postponed. (7) If parents have had the misfortune to lose a child, or a child has become a chronic invalid, owing to the operation, and they fear to have other children circumcised, they may postpone the rite until the physician declares that there is absolutely no danger from its performance. *Central Conference of American Rabbis Yearbook*, Vol. 1, p. 97.

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the ritual,<sup>15</sup> and another, Samuel Holdheim, published a pamphlet concluding that circumcision was not religiously obligatory.<sup>16</sup> The topic was simply too controversial, even among Reform rabbis, to warrant public discussion by the assembly.<sup>17</sup>

The status of *berit milah* was not publicly addressed again by the Reform Movement until more than twenty years after the debates sparked by the Friends of Reform, this time in the United States. At the movement's Philadelphia Conference, which was convened from November 3-6, 1869, a resolution was adopted declaring that a son born to a Jewish mother was Jewish, regardless of whether he was circumcised:

the male child of a Jewish mother is, no less than her female child, in accordance with a never-disputed principle of Judaism, to be considered a Jew by descent, even though he be uncircumcised.<sup>18</sup>

A similar resolution was adopted by the Second Synod at Augsburg, Germany, which was held from July 11-17, 1871:

While the synod presupposes the high significance of the circumcision as undoubted in Judaism, it, nevertheless, declares in answer to the question addressed to it that a boy who was born of a Jewish mother is to be regarded as a Jew, even though he had not been circumcised, the reason for the

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<sup>15</sup> Geiger opposed the political strategies of the Friends of the Reform because, among other things "instead of proceeding calmly and sanely, it aroused the greatest antagonism by attacking at once the rite of circumcision, which was considered a very fundamental of Judaism." Philipson, p. 144-45. Geiger nevertheless sympathized with the group's substantive position: "As for myself, I must confess that I cannot comprehend the necessity of working up a spirit of enthusiasm for the ceremony merely on the ground that it is held in general esteem. It remains a barbarous bloody act...However tenaciously religious sentiment may have clung to it formerly, at present its only supports are habit and fear, to which we do not want to erect any shrines." *Id.*

<sup>16</sup> Philipson 348-49; Judd, pp. 34-35, n. 44.

<sup>17</sup> Hoffman, p. 8 ("A request to add [circumcision] to the agenda was unanimously rejected on the grounds that the better wisdom would be to omit all discussion of an issue about which people felt so passionately").

<sup>18</sup> *Central Conference of American Rabbis Yearbook*, Vol., 1 (1891), p. 120; Meyer, p. 146; "Conferences, Rabbinical" in *Jewish Encyclopedia* (1906) (available at: <http://www.jewishencyclopedia.com/articles/4592-conferences-rabbinical>).

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neglect of circumcision having no bearing at all on the fact of his being considered a Jew to all intents and purposes in all ritual relations.<sup>19</sup>

Individual congregations and rabbis took public action affirming these positions. In 1885, for example, the Chicago Sinai Congregation unanimously passed the following resolution: “*Resolved*, That the Abrahamic rite is not an essential condition, the compliance with which must precede or follow admittance to membership in Sinai Congregation.”<sup>20</sup>

In summary, public debate in Germany during the 1840's focused on the fundamental question of whether or not *berit milah* was, or ought to be, obligatory. These public debates were sparked by lay leaders, not rabbis. Indeed, even sympathetic Reform rabbis shied away from addressing such a divisive question openly. Resolutions adopted by Reform religious leaders later in the nineteenth century were more cautious in scope, focusing exclusively on the *consequences* of the absence of a *berit milah* ceremony, without taking any express position as to whether a Reform rabbi should require or encourage that the ritual be performed by members of the community. Politically, this was a more palatable position to take, since even talmudic and medieval rabbinic sources supported it.

### **B. The Twentieth Century: The 1960's and 1970's**

The Reform movement published only five responsa about *berit milah* through 1956, none of which addressed the ritual's fundamental character. In the 1960's, however, the Reform movement and its leaders published ten separate responsa concerning *berit milah*, several of which expressly considered whether the ritual was mandatory.

In one responsum, a Reform congregational rabbi from New York asked, in connection with a congregant whose son was not circumcised as an infant: “Must [the mother] insist upon the circumcision of this thirteen-year-old boy in order that he be officially

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<sup>19</sup> *Central Conference of American Rabbis Yearbook*, Vol. 1 (1891), p. 115, section 24; Meyer, p. 146.

<sup>20</sup> “Response of Dr. Emanuel Schreiber,” *Central Conference of American Rabbis Yearbook*, Vol. 2 (1892-93), p. 110.

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and unmistakably a Jew?"<sup>21</sup> Rabbi Freehof cut to the chase from the very outset of his responsum: "The question amounts to this: If a boy grows up uncircumcised, is he to be considered a Jew or not?"<sup>22</sup> Rabbi Freehof concluded, based on his analysis of rabbinic sources including Talmudic passages and sections of rabbinic codes including the *Shulchan Aruch*, that under ordinary circumstances and during ordinary times, someone who purposefully refuses to undergo *berit milah* is "a Jew in every regard except that he is a sinner in this one regard."<sup>23</sup> He could be a kosher butcher, be buried in a Jewish cemetery, get married to a Jew, and even offer the Priestly blessings during prayer services if he was a *kohen*.

Rabbi Freehof offered two addenda relating to the status of *berit milah*, one pastoral and one historical. First, he concluded his responsum by noting that "[I]t is incumbent upon the rabbi to use all persuasion" to convince the teen to undergo ritual circumcision, even in the absence of any negative practical or communal consequences if the child were to refuse to do so. Second, Rabbi Freehof acknowledged that "in times of anticircumcision propaganda," stricter consequences may be imposed and stricter rules "may be justified temporarily."<sup>24</sup> To support this distinction, Rabbi Freehof cited to the situation in 1840's Germany:

In discussing this matter, we must distinguish between opinions uttered in times where there was special propaganda against circumcision and normal times when there is none. There were two such periods of special propaganda among Jews against circumcision...the second was at the beginning of the Reform movement in Germany, when a group of young Reformers in Frankfurt declared the circumcision was unnecessary.<sup>25</sup>

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<sup>21</sup> Freehof, Solomon, "Circumcision of Jewish Adult," *Reform Responsa* (1960), p. 100.

<sup>22</sup> *Id.*

<sup>23</sup> *Id.* at 103.

<sup>24</sup> *Id.* at 102.

<sup>25</sup> *Id.* at 101.

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While Freehof thus ultimately upheld the lenient rulings adopted by the Philadelphia Convention and the Augsburg Synod during the latter half of the nineteenth century, he undercut the voluntary status of the rite by (1) labeling a person who refuses to undergo ritual circumcision a sinner (a “mumar l’arolos”), (2) urging rabbis to encourage their members to undergo *berit milah*, even as a teenager or adult, and most significantly, (3) expressing disapproval of the position taken by the “Friends of Reform” in Germany a century earlier, characterizing their position concerning *berit milah* as “propaganda,” and offering at least tacit approval of the vehement reaction visited upon Reformers by rabbis during the nineteenth century.

Rabbi Freehof addressed many of the same issues and reached many of the same conclusions six years later in response to a question asking whether an uncircumcised Jewish boy could celebrate his *bar mitzvah* in the synagogue.<sup>26</sup> Rabbi Freehof reaffirmed that there was “no basis for saying that he is not a Jew,” and concluded that the boy should be permitted to celebrate his *bar mitzvah*.<sup>27</sup> But he cautioned the enquiring rabbi that “[i]t is your duty to persuade the family to have the boy circumcised” and that if those efforts fail, and the boy did not have himself circumcised as an adult, “he has committed a sin and will be punished at the hands of heaven.”<sup>28</sup>

Additionally, building on his earlier responsum concerning the rights of the community during times of “special propaganda against circumcision,” Rabbi Freehof impliedly granted Reform rabbis the right to refuse to participate in the *bar mitzvah* of an uncircumcised boy if there appeared to be an emerging trend in the community protesting *berit milah*. Rabbi Freehof grounded this right in the rabbi’s obligation to “protect the community”:

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<sup>26</sup> Freehof, Solomon B., “Bar Mitzvah for an Uncircumcised Boy,” *American Reform Responsa* (1966), pp. 79-80.

<sup>27</sup> *Id.* Rabbi Freehof went so far as to say: “You ask about Reform practice in America. I do not know of any Reform congregation that would refuse such a boy *Bar Mitzvah*. *Id.*”

<sup>28</sup> *Id.*

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a *Beit Din* (i.e., a rabbi or a community) has the right to make special prohibitory laws in times of emergency (*Lemigdar Milta*). If, for example, there were in Paris at this time a growing habit of parents to refuse to have their children circumcised, you would have the right to protect the community in this emergency by refusing to allow this boy to be *Bar Mitzvah*. But if there is no such emergency, you have no such right.<sup>29</sup>

Rabbi Walter Jacob concurred with Rabbi Freehof's overall conclusions in a responsum he published in 1976 concerning uncircumcised Jews with mental disabilities.<sup>30</sup>

Rabbi Jacob noted in particular that "[a]n uncircumcised adult male Jew is [] to be considered a Jew for every ritual of his life...He has sinned, but remains a Jew."<sup>31</sup> Rabbi Jacob, like Rabbi Freehof before him, also expressly distanced twentieth-century Reform Judaism from its nineteenth-century German predecessors:

In early Reform Judaism, there was considerable controversy about circumcision. Some of the more radical reformers wished to abolish the custom. Their stand was, however, not widely adopted, and the only element of this which remains is that we would not absolutely require circumcision of a convert.<sup>32</sup>

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<sup>29</sup> *Id.*

<sup>30</sup> Jacob, Walter, "Status of an Uncircumcised Retarded Adult," *American Reform Responsa* (1976). Rabbi Walter concluded that a mentally disabled adult should not be circumcised, not necessarily because of the mandatory/permissive status of *berit milah* as a ritual *per se*, but because under the particular circumstances before him, "it would be cruel to circumcise an adult male who would suffer pain while being unaware of the reasons for the ritual." Other Reform Responsa have similarly ruled against *berit milah* for reasons unrelated to the status of the ritual itself. See "Berit and Baptism," *New American Reform Responsa* (1987) (Available at: <http://ccarnet.org/responsa/narr-173-174/>) (Mohel must not perform a *berit milah* where the interfaith parents have indicated that they intend to have the child baptized after the *berit milah*); "Berit for 'Messianic Jews'," *New American Reform Responsa* (1987) (Available at: <http://ccarnet.org/responsa/narr-175/>) (Mohel must not perform a *berit milah* where the mother is a practicing Messianic Jew, and therefore not Jewish in the eyes of Reform Judaism).

<sup>31</sup> "Status of an Uncircumcised Retarded Adult," *supra*.

<sup>32</sup> *Id.* The requirement of circumcision by Jews-By-Choice will be discussed below, in Section III.

This is not the only Reform responsum to refer to the "Friends of Reform" as "radical reformers." See, for example, "Circumcision of Infants," *American Reform Responsa*, pp. 218-19 (1982) ("There was considerable discussion in the middle of the last century among radical reformers about the need for circumcision. The question was raised in 1843 by the Frankfurt Reform Association, which encouraged its members to abandon the rite").

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In summary, Reform responsa through the 1970's affirmed prior platforms and positions normalizing the legal status of an uncircumcised Jew. An uncircumcised Jew was considered Jewish in all respects relating to Jewish practice in the community. Nevertheless, these responsa began to expressly disavow the notion that the decision whether or not to perform a *berit milah* was value-neutral under Jewish law. Rabbis Freehof and Jacob directed Reform rabbis to take proactive steps to persuade Jewish parents to ritually circumcise their children; expressly characterized (mentally competent) uncircumcised Jewish adults as sinners; disavowed the position take by anti-circumcision Reformers in 1840's Germany; and even sanctioned the right of Reform rabbis to prevent uncircumcised Jews from participating in other rites of passage or communal events in the synagogue, if needed to protect the community in extreme situations.

### **C. The Twentieth Century: The 1980's**

Reform responsa continued to evolve in the direction of requiring *berit milah* for Jews-by-birth through the end of the twentieth century. In 1980, for example, in response to a question as to the status of a male child born to an unmarried Jewish couple living together, Rabbi Freehof answered unambiguously: "Certainly he must be circumcised."<sup>33</sup> In a 1980 addendum to responsa originally published in 1918 and 1919, the Responsa Committee expressly rejected the position taken by the Friends of Reform in the 1840's: "There also are references to the early Reformers who named and consecrated uncircumcised baby boys (*though we do not subscribe to this practice*) in the synagogue."<sup>34</sup>

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<sup>33</sup> Freehof, Solomon "Circumcising the Child of an Unmarried Couple," *New Reform Responsa* (1980), pp. 58-61. Rabbi Freehof opined that the *berit milah* should be conducted privately, and not at the synagogue, so as not to give the appearance of approval to the fact that the parents were not married. *Id.*

<sup>34</sup> "Nolad Mahul (Born Circumcised)," *American Reform Responsa* (1918, 1919) (1980 Addendum available at: <http://ccarnet.org/responsa/arr-149-151/>) (Emphasis added).

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In 1982, in response to emerging opinions that circumcision was no longer medically necessary and no longer even routinely suggested by doctors, the CCAR Responsa Committee, chaired by Rabbi Jacob, was equally unambiguous:

Current medical fashions are irrelevant in this matter as we consider circumcision to be a religious rite, not a health measure. Unless ill health or serious medical problems prevent the circumcision of a male infant on the eighth day, he should be circumcised on that day...Circumcision realigns for us an essential sign of the covenant. We have affirmed it since the days of Abraham, our Father, and continue to affirm it.<sup>35</sup>

The tone of this responsum was particularly strong. In addition to requiring circumcision in the absence of a compelling health or medical issue, it singled out circumcision as “one of the most important commandments” in Jewish law.<sup>36</sup> To emphasize this latter point, the responsum highlighted that *berit milah* had “already led to martyrdom in Maccabean times.”<sup>37</sup> The invocation of martyrdom raised the stakes rhetorically by suggesting that if ritual circumcision was important enough for Jewish ancestors to die over, it *a fortiori* ought to be important enough for twentieth Reform Jews to perform, where there was no similar threat to the free and open practice of Judaism.

The most recent published Reform responsum to address the issue took the severest stance of all. A congregational rabbi from New York asked what the appropriate response was for a Jewish mother who refused to perform a *brit milah* for her newborn son because she “has been influenced by current medical fashion which indicates that circumcision may not be necessary for health reasons,” but wanted her son to be named in the synagogue.<sup>38</sup> After quoting several key sentences from the Responsa Committee’s 1982 responsum, the

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<sup>35</sup> “Circumcision of Infants,” *American Reform Responsa* (1982), pp. 218-219.

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> “Naming an Uncircumcised Child,” *Contemporary American Reform Responsa* (1986)

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committee concluded that the rabbi should not permit the family to name their child during a synagogue service:

[W]e consider the circumcision of male infants an essential and fundamental commandment...As this boy will be raised as a Jew, the lack of circumcision will embarrass him throughout life...We urge that every effort be made to convince the parents that the boy should be circumcised. *Such a youngster should not be named at a synagogue service* and everything should be done to assure his circumcision.<sup>39</sup>

### **D. Summary**

With this responsum, the Reform Movement can be said to have evolved considerably concerning *berit milah* and the consequences for failing to perform it:

- In the 1840's, a minority of lay Reformers advocated for the outright abolition of circumcision as part of any religious ritual.
- Backlash among rabbis prompted the first Reform conferences and assemblies during the nineteenth century to abstain from taking a position on this charged issue, and instead to focus on the less polarizing issue of consequences - and the absence of legal and communal consequences for a Jew who remained uncircumcised;
- This status quo remained in place until the second half of the twentieth century, when Reform rabbis reaffirmed the lack of consequences from the lack of a *berit milah*, but began to refer to uncircumcised Jewish men as sinners; to expect rabbis to affirmatively encourage their members to circumcise their children; to vocally distance themselves from the positions advanced by the early Reforms; and to empower Reform rabbis to take more extreme positions to safeguard the community if extreme and pervasive circumstances warranted it.
- In the 1980's, responsa expressly singled out *berit milah* as one of the most important *mitzvot* in Judaism; characterized it as an "essential" Jewish ritual that justified Jewish martyrdom in the past; and, contrary to the positions adopted by the Reform conferences

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<sup>39</sup> *Id.* (Emphasis added).

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and synods in the late-nineteenth century, imposed punitive consequences for the first time on a family who chose not to circumcise its son—even where there was no indication that any other member of the community was similarly inclined not to circumcise their sons.

### **IV. *Jews-By-Choice***

Reform responsa have addressed the obligation of *berit milah* separately for Jews-From-Birth and Jews-By-Choice. There is historical and sociological logic to this distinction. According to classical rabbinic Judaism, a child born to a Jewish mother automatically inherits his status and acquires the identity of “Jew.” Future acts or omissions by the child (or the parent until he reaches the age of majority) might certainly affect whether some deem him to be a faithful Jew who is living in conformity with Jewish law, practice and custom. But his status as a “Jew” is permanent. He acquires and maintains this status by mere accident of birth, without choice or consent by him or anyone else.

Not so in the case of a Jew-By-Choice, from both the perspective of the prospective convert and the rabbi(s) called up to oversee and ultimately sanction the conversion process. To be sure, a Jew-By-Choice who has completed the process of conversion is forever thereafter a full-fledged Jew who is expected to contribute to and be accepted unconditionally into the Jewish community. A Jew-By-Choice has the same rights and obligations as a Jew-From-Birth with regard to practice and custom. According to classical Jewish law, it is forbidden for one to even raise the fact that someone is a Jew-By-Choice rather than a Jew-From-Birth.<sup>40</sup>

On the other hand, conversion is a rite of passage. It is a privilege (in the legal sense of the word) and not a right. For a Reform rabbi asked to participate in a conversion, the process has profound implications. The rabbi serves the critical function of gate-keeper, in that she or he must decide whether Judaism and the prospective convert are compatible,

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<sup>40</sup> m. Bava Metzia 4:10.

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lifelong matches for one another. There is no failsafe method to assess this, of course.

Mistakes might occur—by both declining to convert someone who might actually be an appropriate match for Judaism, or by proceeding with the conversion of someone whose motivations and whose sincerity are later found to have been lacking. But the rabbi nevertheless owes a sacred duty to the potential convert and to the Jewish community as a whole to ensure that the conversion process is not used or abused for improper purposes.

One way for the rabbi to fulfill this goal is to develop a sustained relationship with the potential convert, through sacred and pastoral conversations and through a process of study. For most of Jewish history, *berit milah* also helped the rabbi fulfill the gate-keeper function. As a sensitive, painful and permanent physical rite of passage, *berit milah* was viewed as an identity marker and maker for Jews-By-Choice, akin to birth for a Jew-By-Birth. It was an objective and easily verifiable test of commitment to the process of conversion.

As we shall see in the following section, however, beginning in the nineteenth century, Reform Judaism began to question openly whether the sacred function of gate-keeper could be fulfilled by accepting converts even without resort to *berit milah*.

### **A. The Nineteenth Century**

While the question of *berit milah* for Jews-from-birth arose in the 1840's, the debate did not carry over meaningfully to the question of whether *berit milah* was mandatory for Jews-by-choice until more than forty years later. Until then, the traditional understanding prevailed that male proselytes would be required to undergo ritual circumcision in order to complete their conversion.<sup>41</sup> In July of 1890, Rabbi Henry Berkowitz of Kansas City, Missouri, raised the question for movement-wide discussion when he sent an open letter to

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<sup>41</sup> The Milath Gerim Question, Response by Dr. Isaac Schwab, Central Conference of American Rabbis Yearbook Vol. 2 (1892-93), p. 74. (“[W]e have to assert as an incontrovertible fact that all our ancient theologians held fast to the initiatory rite [of male circumcision] as the indispensable condition of the admission among Jews of proselytes, who wished to become full members for all national religious purposes”).

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Reform rabbis in the United States asking for their opinion as to whether *berit milah* should remain a mandatory part of the conversion process.<sup>42</sup> Rabbi Berkowitz noted that he was reticent to decide the question himself due to “the danger to Judaism which is likely to arise from a self-fulfillment and unauthorized treatment of important ritual questions.” He also believed that collective decision-making by the Central Conference of American Rabbis would give legitimacy to any final decision reached, enabling him and others “to proceed in accordance with acknowledged authority, and thus obviate the just reproach incurred by arbitrary action.”<sup>43</sup>

Rabbi Berkowitz received a wide array of responses from his colleagues that were diverse in terms of the considerations, legal and social, that informed their opinions. The CCAR yearbook published fourteen responses to Berkowitz’s letter, as well as two independent position papers addressing the topic. Most rabbis expressed their belief that *berit milah* was not, and should not be, required in order to finalize a conversion, although some qualified their opinions with interesting caveats:

- Rabbi Aaron Hahn recommended that if the Central Conference abolishes the ritual of *milat germ*, it should nevertheless require “that every Jewish minister (members of the Central Conference) [] communicate that decision to his congregation, and shall, in his official functions, consider himself duty bound to abide by the decision of his congregation.”<sup>44</sup>
- Rabbi B. Felsenthal supported dispensing with *berit milah* for Jews-by-choice, but recommended that candidates for conversion be expressly advised that, if they choose not to be circumcised, they risked having their conversion not be recognized by

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<sup>42</sup> Berkowitz, Henry, “Milath Gerim: An Open Letter to the Rabbis of the United States of America,” *Central Conference of American Rabbis Yearbook*, vol. 2 (1893-93), pp. 84-85.

<sup>43</sup> *Id.*

<sup>44</sup> “Response of Dr. Aaron Hahn,” *Central Conference of American Rabbis Yearbook*, vol. 2 (1893-93), p. 69.

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communities, and Orthodox communities in particular, who continue to require this ritual as a prerequisite for conversion.<sup>45</sup>

- Rabbi A. Moses recommended distinguishing between *berit milah* for an adult male, which should be dispensed with altogether, and for an infant, for whom circumcision continued to be acceptable because the wound heals quickly and because the procedure confers hygienic benefits on the child.<sup>46</sup>
- Rabbi Isaac Schwab insisted that any decision be made with historical and political integrity: "If any changes in the mode of admitting [proselytes] have to be made, it *must*, we propose, be done on the independent account that modern American reform Judaism is desirous of it...But it must not be attempted under the cover of a relative authority from the so-called Rabbinical age. There is, so far as we are aware, none such to be found by the way of honest and accurate research."<sup>47</sup>

These materials were all referred to a committee to devote further study to the issue, and to propose recommendations to be voted on at the following year's annual conference. The committee presented its findings in a twenty-five page responsum in 1893.<sup>48</sup> The responsum engaged in an historical analysis of pertinent biblical and rabbinic sources, and, contrary to Rabbi Schwab's opinion, concluded that *berit milah* for a proselyte: was not required or mentioned in the Torah or the Mishnah; was still a topic of dispute and

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<sup>45</sup> "Response of Dr. B. Felsenthal," *Central Conference of American Rabbis Yearbook*, vol. 2 (1893-93), pp. 87-88.

<sup>46</sup> "Response of Dr. A. Moses," *Central Conference of American Rabbis Yearbook*, vol. 2 (1893-93), pp. 100-01.

<sup>47</sup> "Response of Dr. Isaac Schwab," *Central Conference of American Rabbis Yearbook*, vol. 2 (1893-93), p. 83.

<sup>48</sup> "Circumcision for Adult Proselytes," *Central Conference of American Rabbis Yearbook*, Vol. 3. pp. 69-95 (1893).

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disagreement “down to the last of the Tannaim;” and that mandatory *berit milah* for converts later became “customary, but never became canon law.”<sup>49</sup>

Based on these findings and the committee’s recommendations, the Conference adopted the following resolution:

That the Central Conference of America Rabbis, assembled this day in the City of New York, considers it lawful and proper for any officiating rabbi, assisted by no less than two associates, to accept into the sacred covenant of Israel and declare fully affiliated to the congregation any honorable and intelligent person, who desires such affiliation, without any initiatory rite, ceremony, or observance whatever: provided, such person be sufficiently acquainted with the faith, doctrine, and canon of Israel; that nothing derogatory to such person’s moral or mental character is suspected; that it is his or her free will and choice to embrace the cause of Judaism; and that he or she [make certain verbal and written declarations attesting to their belief in God, in being governed by God’s laws, and in being bound to the Jewish people].<sup>50</sup>

This resolution—which sanctioned the decision of a Jew-by-choice to remain uncircumcised—was thus even more permissive than the positions taken at Reform conferences and synods in the nineteenth century concerning Jews-from-birth.<sup>51</sup>

### **B. The Twentieth Century**

For the first half of the twentieth century, the issue of *berit milah* for Jews-by-choice went largely unaddressed in any public statements or responsa from the Reform Movement. Then in 1947, Rabbi Solomon Freehof presented a report by the Special Committee on Inter-marriage at the CCAR’s annual conference. The “Report on Mixed Marriage and Inter-marriage” addressed various topics, including the conversion of non-Jewish spouses

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<sup>49</sup> *Id.*, at pp. 94-95.

<sup>50</sup> *Id.*

<sup>51</sup> The responsum upon which the 1893 resolution was based justified the distinction between Jews-from-birth and Jews-by-choice based on the biblical laws of circumcision. The bible required Jewish fathers to circumcise their Jewish sons. According to this responsum, the Bible did not require circumcision for a convert. The responsum noted, however, that once a male proselyte’s conversion process was completed, he had the same status as a Jew-from-birth, and was biblically obligated to circumcise his own Jewish children. “Circumcision for Adult Proselytes,” *supra*.

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and the conversion of children born to a non-Jewish mother. In both instances the report discussed the process of conversion, and reaffirmed the resolution adopted by the CCAR in 1893.

Specifically, according to the report, *berit milah* would not be required in order to convert non-Jewish newborns. Instead,

[w]ith regard to infants, the declaration of the parents to raise them as Jews shall be deemed as sufficient for Judaism...Children of religious school age should likewise not be required to undergo a special ceremony of conversion, but should receive instruction as regular students in the school. The ceremony of Confirmation at the end of the school course shall be considered in lieu of a conversion ceremony.<sup>52</sup>

Similarly, concerning adult converts, the report reaffirmed that: "Reform Judaism has consistently declared that the ritual elements, circumcision and the ritual bath, are no longer prerequisites" to conversion.<sup>53</sup> The conference adopted all of the recommendations in the report, reaffirming the overall position that *berit milah* was not necessary for a male convert of any age.

Approximately twenty-five years later, Reform responsa began to address the topic once again, sending mixed messages during the 1970's and 1980's. On the one hand, in 1977 Rabbi Solomon Freehof reaffirmed the CCAR's position taken in 1893,<sup>54</sup> as did the

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<sup>52</sup> "Report on Mixed Marriage and Inter-marriage," *Central Conference of American Rabbis Yearbook*, vol. 57 (1947), pp. 170-71.

<sup>53</sup> *Id.*, p. 172.

<sup>54</sup> Freehof, Solomon, "Circumcision of Proselytes," *Reform Responsa for Our Times* (1977), pp. 71-79. ("The American Reform movement, because of the early decision, has long ceased to insist upon circumcision for proselytes.") Interestingly, Rabbi Freehof gently challenged the methodology employed by Rabbi Wise in his 1893 responsum. In particular, Freehof noted that his nineteenth century predecessors placed almost exclusive emphasis on biblical sources. Rabbi Freehof opined that later rabbinic authorities should also be considered in formulating options: "The *total* tradition is vital to us as guidance, at least, if not as rigid governance." *Id.* This difference in perspective and philosophic decision making notwithstanding, Rabbi Freehof adhered to the overall conclusion reached in the 1893 report.

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Responsa Committee in a 1980 paper addressing the conversion of young children.<sup>55</sup> In 1982 the Responsa Committee advised rabbis to inform male converts about circumcision or *tipat dam* and to even encourage prospective converts “to proceed in these directions if that is the custom of the community; however, neither ceremony was to be considered mandatory.”<sup>56</sup>

On the other hand, certain responsa began to take more stringent views. In 1978, for example, the CCAR Responsa Committee suggested that for adopted children “there should be a circumcision in precisely the same manner and with the same ritual as a circumcision for natural children,” although *tipat dam* for an adopted child who already was circumcised remained optional.<sup>57</sup> Another 1978 responsum noted that while theoretically, *berit milah* could be dispensed with for a convert based on the CCAR’s 1893 resolution, “[i]n practice, circumcision has...been a virtually universal requirement.”<sup>58</sup> The responsum concluded: “The prospective convert should be encouraged to undergo circumcision although, strictly speaking, this requirement may also be waived according to the earlier Reform decision.”<sup>59</sup> A 1981 responsum concerning the conversion of a non-Jewish young boy from a first marriage concluded: “In the case of boys who are not circumcised, circumcision should occur if at all

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<sup>55</sup> “Conversion of a Young Child,” in *Contemporary American Reform Responsa* (1980) (“the Reform movement has placed its stress on careful instruction with more attention on intellectual rather than ritual requirements. The Central Conference of American Rabbis, in 1892, abolished the requirement of any ritual including circumcision.”) The responsum nevertheless went on to note the reality that “most liberal rabbis” actually require circumcision. *Id.*

<sup>56</sup> “Conversion Without Formal Instruction,” in *American Reform Responsa* (1982).

<sup>57</sup> “Adoption and Adopted Children,” in *American Reform Responsa* (1978); see also “Adoption and Mixed Marriage,” in *Contemporary American Reform Responsa* (1984).

<sup>58</sup> “Prospective Convert who Fears Circumcision,” in *American Reform Responsa* (1978).

<sup>59</sup> *Id.*

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possible. If a child was already circumcised, some parents may want to undertake *tipat dam*, but that remains optional.”<sup>60</sup>

We thus see that the first steps in departing from the more permissive rules of the nineteenth century and the 1947 Report on Mixed Marriage and Inter-marriage included: (1) requiring circumcision but dispensing with *tipat dam* if a Jew-by-choice was already medically circumcised at the time of conversion; (2) affirmatively encouraging converts to undergo *berit milah* as part of the conversion process; and (3) encouraging *berit milah* even more strongly in the instance of infants and young children.

### **C. The Late-Twentieth and Early Twenty-First Centuries**

Reform responsa changed course more drastically in the 1990's and the turn of the millennium. Multiple responsa began to overtly call into question, and eventually to disavow outright, the CCAR's 1893 and 1947 statements and resolutions.

In an excursus to a responsa published in 1992 concerning *berit milah* for conversions, for example, the Responsa Committee acknowledged that rabbis were permitted to perform conversions without any initiatory rites based on the CCAR's 1893 resolution. In the very next breath, however, the committee questioned whether that resolution was still applicable to Reform rabbis of the day:

The question has been raised: what does this century-old resolution mean to us, rabbis operating in a vastly different religious climate? Are we still bound by its provisions? If so, how does this affect the guidance which this Committee may offer on *she'elot* that touch upon conversion to Judaism?

It is true that the resolution's accompanying argumentation, authored by Rabbi Isaac Mayer Wise, is couched in language and expresses ideas which strike many of us as outdated. Nonetheless, it remains the official statement of the policy of the Central Conference until such time as it is amended or repealed. This Committee, unlike individual Reform Jews, rabbis, or congregations, is an agency of the Conference and in that sense is bound by explicit statements of Conference policy. At the same time, in judging how such a resolution should be applied in practice, we need to look not only to its

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<sup>60</sup> “Conversion of a Young Child of a First Marriage,” in *Contemporary American Reform Responsa* (1981).

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wording but also to the history of its interpretation. We need to get a sense of how this statement has been implemented in Reform Jewish religious life for the past hundred years: how have Reform rabbis (and the Responsa Committee) understood its terms and provisions.<sup>61</sup>

The committee went on to acknowledge that Reform rabbis, in actual practice, have continued to include initiatory rites, including circumcision, in conversion rituals. The responsum attempted to harmonize what it labeled a “nuanced reality” between the 1893 resolution that was still on the books, and the actual, day-to-day practice of reform rabbis in the field. It did this by highlighting that *berit milah*, while not required for conversion, was not prohibited either: “Our practice, in other words, has determined that the 1892 resolution does not *demand* the elimination of ritual requirements for conversion and that the restoration of these requirements violates neither the letter of the resolution nor the spirit of Reform Judaism.”<sup>62</sup>

The question arose again four years later. A congregational rabbi from Virginia asked the Responsa Committee to offer him guidance in connection with a family from his congregation that had adopted an eight-year old uncircumcised boy who was not Jewish from birth. Although the boy participated in religious school and attended services and other religious event at the synagogue with his family, he refused to be circumcised, and his parents did not feel strongly enough about *berit milah* to compel him to undergo the ritual. The rabbi asked the committee whether it was acceptable for him to call the boy a Jew, and to call him to the Torah as a Bar Mitzvah when he reached the age of thirteen.

The Responsa Committee began its analysis by referencing the 1893 resolution, which seemed to offer a dispositive answer to the question - no circumcision was required. The Committee nevertheless explained that it “cannot be satisfied with a simple restatement of that resolution,” for two reasons, one scholarly and one historical. From a scholarly

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<sup>61</sup> “*Hatafat Dam BeBerit* for a Three-Year-Old Child of a Mixed Marriage,” (CCAR Responsa 5752.2) (Available at: <http://ccarnet.org/responsa/tfn-no-5752-2-241-248/>).

<sup>62</sup> *Id.*

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perspective, the committee challenged Rabbi Wise's responsum: "The 1893 resolution is accompanied by a lengthy report which justifies its conclusions on the basis of proofs drawn from biblical and rabbinic tradition. Those proofs rest upon readings of the sources that are, at best, questionable, and our concern for scholarly accuracy requires that we subject those arguments to critical analysis."<sup>63</sup> After analyzing biblical and rabbinic sources anew, the committee concluded that "the 1893 report fails to prove its principal contention: that Jewish law does not require initiatory rites for converts. It follows, therefore, that the resolution of that year which dispensed with the requirement of circumcision and immersion for converts is not justified on the basis of the Jewish legal tradition."<sup>64</sup>

Historically, the committee noted that the Reform Movement's views concerning *berit milah* had evolved during the preceding century:

A great deal has changed, to put it mildly, during the past one hundred years. American Reform Judaism at the close of the nineteenth century displayed an attitude toward ritual and ceremonial observance that differed greatly from our own. Today, at the close of the twentieth century, our practice with regard to conversion suggests that we have journeyed down a different path than the one our predecessors advocated.<sup>65</sup>

The committee observed that circumcision and ritual immersion for converts "have achieved the status of widespread custom (*minhag pashut*) among our communities," and based on that widespread practice, the committee articulated a strong statement of policy: "We reject with utmost vigor all ideological criticisms of the practice of circumcision."<sup>66</sup>

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<sup>63</sup> "Circumcision of an Eight-Year-Old Covert," (CCAR Responsa 5756.13) (Available at: <https://ccarnet.org/responsa/rr21-no-5756-13/>). In a subsequent 2009 responsum, the Responsa Committee stated even more bluntly that the "scholarship" upon which the 1893 resolution was based was "faulty, inaccurate and unreliable." "Patrilineal Descent, Conversion, and Rejection of Circumcision," (CCAR Responsa 5769.4) (Available at: <http://ccarnet.org/responsa/nyp-no-5769-4/>).

<sup>64</sup> "Circumcision of an Eight-Year-Old Covert," *supra*.

<sup>65</sup> *Id.* See also "Patrilineal Descent, Conversion, and Rejection of Circumcision," *supra*. ("During the past several decades, however, our thinking on this subject has gone undergone a deep transformation of its own.")

<sup>66</sup> *Id.*

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Despite its rejection of the 1893 resolution, the Responsa Committee again declined to disavow it, since it remained an official CCAR resolution that, to be nullified, would have to be either formally amended or repealed. Instead, the Responsa Committee limited the scope of the 1893 resolution drastically, declaring it to be an exception that should be applied in difficult cases only: "Although we do not believe it to be an accurate interpretation of Jewish law, and although we do not think it reflects a sound religious policy for our movement, the resolution remains on the books, offering a practical solution for particularly difficult cases like the one before us...It can be viewed as an expression of the spirit of the law of conversion, which relaxes certain ritual requirements when to insist upon their observance would make conversion impossible."<sup>67</sup>

The Responsa Committee reaffirmed its negative view of the 1893 resolution in 2007<sup>68</sup> and 2009,<sup>69</sup> and recommended that Reform rabbis adopt the "preferred option" of insisting on circumcision for converts of all ages, except in rare situations:

The CCAR has never repealed its 1893 [resolution] abolishing the requirement of the initiatory rites; therefore, rabbis who create conversion rituals that do not include these rites can do so within the scope of the Conference's stated policy. Yet...that policy has been significantly revised over the last several decades, both in terms of the practice of our colleagues who now insist upon these rites and in the official pronouncements by the Conference and its constituent bodies supporting their use. We would term this new, revised policy one of "preferred option": although *milah* and *tevilah* are not absolutely required for conversion, our colleagues *ought* to use them,

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<sup>67</sup> *Id.* This position is still more lenient than that adopted by the Conservative Movement's Committee on Jewish Law and Standards. See, Mandl, Herbert J., "Conversion to Judaism Without Circumcision Due to Medical Complications" (YD 268:1.1994) (Available at: [http://www.rabbinicalassembly.org/sites/default/files/public/halakhah/teshuvot/19912000/mandl\\_conversion.pdf](http://www.rabbinicalassembly.org/sites/default/files/public/halakhah/teshuvot/19912000/mandl_conversion.pdf)) ("If a man has a serious medical threat to life or health which cannot later be resolved in his life, then he should be advised that acceptance into the Jewish faith through Halakhic conversion is impossible for him, and that he be encouraged to follow the seven Noahide Laws and be considered among the 'righteous gentiles' of the world.")

<sup>68</sup> "Adoption, Conversion, and 'Patrilineal Descent'," (CCAR Responsa 5767.2) (Available at: <http://ccarnet.org/responsa/nyp-no-5767-2/>).

<sup>69</sup> Patrilineal Descent, Conversion, and Rejection of Circumcision," *supra*.

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for adults as well as for children, unless the exigencies of a particular case dictate otherwise.<sup>70</sup>

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We do not...accept the medical or ethical objections against circumcision. The rabbi who requires milah for the purpose of conversion should not alter that policy in the face of these arguments.

We stress that the above applies only when parents raise principled arguments against circumcision, that is, when they attack the procedure as harmful or immoral. Such arguments, precisely because they call into question the very institution of milah, must be rejected, and the rabbi must do nothing to suggest that he or she agrees with them. Suppose, however, that the parents' concern was not the mitzvah of circumcision per se but the potentially traumatic effects that circumcision might have upon their sons, who are old enough to be frightened of the procedure but not old enough to understand its Jewish religious significance. That sort of "objection," targeted not at milah itself but at its application in a particular case, might well lead to a different response on our part. In a previous responsum we suggested a Jewish legal theory that would argue for accepting the conversion of an eight-year-old boy without circumcision. In general, we think that the 1893 resolution of the Conference which officially annulled the requirement of milat gerim applies quite well to the conversion of preteen boys, even for those of our colleagues who make milah a normal part of their conversion procedure.<sup>71</sup>

#### **D. Summary**

As was the case regarding responsa concerning Jews-from-birth, recent responsa concerning Jews-by-choice have become more hostile to the choice not to undergo *berit milah*. The change in position has not been absolute, however. On the one hand, the Committee: did not overrule or repeal the CCAR's 1893 resolution on *berit milah* for converts (although this may be simply based on the political reality that the Responsa Committee is not empowered to annul resolutions adopted by the CCAR); did not forbid individual rabbis from continuing to follow the guidelines in that resolution; and suggested that preteens might be exempted, at least temporarily, from the obligation to undergo *berit milah* until such time as they can understand its religious significance. On the other hand, the Responsa

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<sup>70</sup> "Adoption, Conversion, and 'Patrilineal Descent'," *supra*.

<sup>71</sup> "Patrilineal Descent, Conversion, and Rejection of Circumcision," *supra*.

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Committee: criticized the scholarly research underpinning the CCAR's 1893 resolution for being fundamentally incomplete and even faulty; articulated a new and "preferred" position concerning the process of conversion that was in direct opposition to the CCAR's 1893 resolution; strongly encouraged Reform rabbis to insist on *berit milah* as part of the conversion process; and called on Reform rabbis to categorically reject any medical and ethical objections to the practice of circumcision.

### **V. *Reflections on the Evolution in Reform Responsa Concerning Berit Milah***

What accounts for the change in perspective that is reflected in the responsa from the past two decades? Why are Reform rabbis today more inclined to insist on *berit milah* for both Jews-by-birth and Jews-by-choice? There has been no meaningful change in the ritual itself that would justify these new positions. Instead, it would seem that any significant change has been in the perspective of the Reform movement and its rabbis, either towards the performance of religious rituals in general, or towards *berit milah* in particular, or a combination of the two.

#### **A. *Evolution in the Reform Movement's Perspective Towards Rituals Generally***

A recent article in the New York Times profiled Rabbi Joshua M. Davidson, the new senior rabbi of Temple Emanu-El in Manhattan, one of the Reform movement's flagship synagogues in the United States.<sup>72</sup> The article highlighted, among other things, the fact that the rabbi had "alternative" ideas and practices that were a departure from the customs of the community up until then, customs that were generally in line with classical Reform practice. As an example, the article cited the change in Rabbi Davidson's religious attire at services, which apparently shocked many in the pews:

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<sup>72</sup> Otterman, Sharon, "At a Temple Proud of Its Traditions, a New Rabbi With 'Alternative' Ideas," *The New York Times* (December 5, 2013) (Available at: [http://www.nytimes.com/2013/12/06/nyregion/at-a-temple-proud-of-its-traditions-a-new-rabbi-with-alternative-ideas.html?\\_r=0](http://www.nytimes.com/2013/12/06/nyregion/at-a-temple-proud-of-its-traditions-a-new-rabbi-with-alternative-ideas.html?_r=0)).

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Rabbi Davidson has already begun making his mark. He broke with an older Reform tradition of not wearing a Jewish skullcap and prayer shawl, by wearing them when he began to lead services this summer — resulting in an audible gasp from the congregation. But he also wore his robes, in a sign that custom and change could go hand in hand.<sup>73</sup>

Rabbi Davidson's decision to wear a kippah and tallit to services can be appropriately viewed as part of a larger trend in the Reform movement to adopt and accept anew Jewish rituals and practices that had once been set aside by Reform rabbis in the nineteenth and twentieth centuries. A Reform responsum from the turn of the millennium highlighted this trend, and the growing modern tendency in the movement to reclaim certain Jewish practices once considered tribal and archaic:

In recent decades, many of us have reclaimed ritual observances abandoned by previous generations of Reform Jews, from the generous use of Hebrew in the liturgy, to the wearing of kippah, talit and tefilin, to the dietary laws (kashrut), to the ceremonies surrounding marriage and conversion. These examples—and more could be cited—testify that our approach to traditional ritual practice differs significantly from that of our predecessors. This difference stems, no doubt, from the divergent religious agenda that we have set for ourselves. *If our predecessors regarded their acculturation into the surrounding society as a predominant objective, we who benefit from the social and political gains that they achieved are more concerned with taking active measures to preserve our distinctive Jewishness.* Thus, where they may have viewed many ritual observances as barriers to social integration and as obstructions to "modern spiritual elevation," we may find them an appropriate and desirable expression of our Jewish consciousness. When a particular observance strikes us as moving and meaningful, even though our founders may have explicitly excised it from their communal practice, we have no qualms about restoring it to our own.<sup>74</sup>

According to this responsum, the shift in religious practice and in Reform Judaism's perspective towards ritual has shifted fundamentally over time almost in recognition of the successes achieved by the Reform movement during the preceding centuries. During the period of Jewish Emancipation and Jewish Enlightenment, Reform Judaism placed a

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<sup>73</sup> *Id.*

<sup>74</sup> CCAR Responsa, "The Second Day Festival and Reform Judaism," (5759.7) (Available at: <http://ccarnet.org/responsa/nyp-no-5759-7/>) (emphasis added). See also Phillips, Bruce A., "A Brief Assessment of the Significance of Reform Mohalot in a Social-Historical Context," in *Berit Mila in the Reform Context*, Lewis M. Barth (ed.), (Berit Mila Board of Reform Judaism 1990), pp. 82-86 ("The Trend Toward Tradition").

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premium on integrating Judaism with surrounding cultures and societies, a goal that was seen as requiring the reappraisal, and at times the abandonment, of rituals and practices that perpetuated undesirable schisms between Jewish religious and secular cultures and identities.

To be sure, the goal of acculturation failed the test of history in Germany and the rest of Europe by the middle of the twentieth century, as a result of the Nazi extermination of European Jewry. But the goal has been realized with tremendous success in the United States. American Jews enjoy an unprecedented level of prosperity and social, political and economic freedom. History will surely judge twentieth century Jewish life in America as reflecting a second "Golden Age," akin to that experienced in Spain during the Middle Ages.

In the wake of this successful acculturation into larger American culture, and with Jews enjoying relative peace and freedom of expression, it is hardly surprising that some might yearn to reconnect with the unique and distinctive practices that historically bound the Jewish people together as a nation. Connecting with the past is a decidedly human endeavor, whether it is expressed in the passion over family trees and genealogy, in modern archeology, or even in reclaiming religious customs and practices. Rituals and customs practiced by our ancestors allow even acculturated Jews to maintain a distinct connection with generations of Jews that preceded them, sometimes in visceral ways that defy logic or explanation. As Chaim Bialik explained poetically in his 1917 essay "Halakhah and Aggadah":

Just as a dark path cut in the mountain's side may sometimes shorten our journey by many miles, and bring us suddenly beneath a new heaven; so an obscure and baffling remnant of ancient days, when we probe its mystery and make it speak to us, may transport us at a bound to the yonder-side of a thousand generations.<sup>75</sup>

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<sup>75</sup> Bialik, Haim Mahman, "Halachah and Aggadah" in *Revelment and Concealment: Five Essays* (Ibis Editions 2000).

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The Reform Movement's history in Israel is younger and perhaps more complicated, given the near monopoly of the Rabbanut over Jewish rituals relating to personal status (such as marriage, divorce and conversion) and religious practice in areas such as *kashrut*. Yet the very existence and recent growth on the Israeli Reform Movement is itself a testament to evolving views and standards within Reform Judaism. Classical Reform Judaism rejected Zionism and considered the Diaspora a diaspora no more. Section 5 of the 1885 Pittsburgh Conference stated:

We recognize, in the modern era of universal culture of heart and intellect, the approaching of the realization of Israel's great Messianic hope for the establishment of the kingdom of truth, justice, and peace among all men. We consider ourselves no longer a nation, but a religious community, and therefore expect neither a return to Palestine, nor a sacrificial worship under the sons of Aaron, nor the restoration of any of the laws concerning the Jewish state.<sup>76</sup>

The Reform Movement expressed a very different attitude towards Israel in Pittsburgh 114 years later, when it proclaimed that "Israel gives meaning and purpose to our lives," and affirmed the following principles:

We are committed to (*Medinat Yisrael*), the State of Israel, and rejoice in its accomplishments. We affirm the unique qualities of living in (*Eretz Yisrael*), the land of Israel, and encourage (*aliyah*), immigration to Israel.

We are committed to promoting and strengthening Progressive Judaism in Israel, which will enrich the spiritual life of the Jewish state and its people.<sup>77</sup>

### **B. Evolution in the Reform Movement's Perspective Towards *Berit Milah* in Particular**

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<sup>76</sup> Central Conference of American Rabbis, "The Pittsburgh Platform" (Adopted at the 1885 Pittsburgh Conference) (Available at: <http://www.ccarnet.org/rabbis-speak/platforms/declaration-principles/>).

<sup>77</sup> Central Conference of American Rabbis, "A Statement of Principles for Reform Judaism" (Adopted at the 1999 Pittsburgh Convention) (Available at: <http://www.ccarnet.org/rabbis-speak/platforms/statement-principles-reform-judaism/>). See also Central Conference of American Rabbis, "Reform Judaism & Zionism: A Centenary Platform" (Miami, Florida 1997) (Available at: <http://www.ccarnet.org/rabbis-speak/platforms/reform-judaism-zionism-centenary-platform/>) (outlining history and evolution of Reform Movement's views towards Israel) ("We believe that the renewal and perpetuation of Jewish national life in Eretz Yisrael is a necessary condition for the realization of the physical and spiritual redemption of the Jewish people and of all humanity.")

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This modern evolution in Reform Judaism's approach to rituals and questions of individual and communal status has spilled over into the issue of *berit milah*. The Responsa Committee suggested in 2007 that the trend to require *berit milah* reflected the movement's change in perspective towards initiatory rites more generally, a trend that, in the instance of conversion, is

evidence of a different way of thinking about *giyur*. Conversion in this view is no longer exclusively a matter of personal religious transformation but, as well, the ritual process that signifies one's entry into the Jewish people, and act of identification with this history and traditions of Israel. It follows that a Gentile who enters the covenant ought to do so through the formal procedures that have historically accompanied that transition, the same ritual process that, according to our tradition, our ancestors undertook prior to their entry into the covenant at Sinai.<sup>78</sup>

According to the Responsa Committee, there are communal components to conversion to Judaism that require more than personal study and private affirmations. Becoming a Jew means becoming part of the Jewish people, and that process requires an initiation rite, a marker demonstrating one's formal entry into the group in a way that is recognizable by other members of the group.

In a 2008 article in *Reform Judaism Magazine*, Rabbi Mark Washofsky used different words to reach the same conclusion when attempting to explain why the Reform Movement had not abandoned *berit milah*.<sup>79</sup> According to Rabbi Washofsky, "the only reason we do it" is because circumcision is an "ancient tribal rite," which he defined as "a means by which the members of our 'tribe' express their identity as a people, as a community covenanted with God, through the performance of a 'rite' meaningful *only* within the context of that covenant."<sup>80</sup>

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<sup>78</sup> Adoption, Conversion, and 'Patrilineal Descent,'" *supra*; "Patrilineal Descent, Conversion, and Rejection of Circumcision," *supra*.

<sup>79</sup> Washofsky, Mark, "Why Reform Never Abandoned Circumcision," *Reform Judaism Magazine* (Fall 2008) (Available at: <http://reformjudaismmag.org/Articles/index.cfm?id=1390>).

<sup>80</sup> *Id.*

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From an anthropologic perspective, Judaism is not unique in placing a value on group membership markers.<sup>81</sup> Dr. Jared Diamond of UCLA recently noted, on an episode of *This American Life* dedicated to group identity:

It's whenever there's a group, you have the problem of figuring out who really is a member of your group. And who is just pretending to be a member of the group for advantages. That may be part of the reason why humans have these very complicated cultures, including languages and body mutilation.<sup>82</sup>

If I come into a group and I say, I'm really a long-lost member of your group but I can't speak your language and I haven't tattooed myself. Then it'll immediately be obvious that I'm not a member of your group. *So all groups have what are called "expensive" ways of identifying themselves honestly so that you can't just fake it.*<sup>83</sup>

Circumcision is certainly an “expensive” initiation rite, insofar as it calls for removing a particularly sensitive part of one’s already sensitive sex organ. It is arguably even more expensive in the anthropological sense of the word when performed in parts of the world where, unlike in the United States and Israel, the majority of the male population is uncircumcised. In such places, a person would be unlikely to circumcise his or her son, or undergo circumcision himself, unless his commitment to the Jewish people was particularly

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<sup>81</sup> Washofsky, *supra* (“Every tribe in the world behaves in this way, proclaiming its sense of community through the performance of rituals that allow the tribe to tell its story and to recount its sense of self.”)

<sup>82</sup> I have quoted Dr. Diamond for his insights about group identity and “expensive” initiation rites undergone for the sake of group identity. Although Dr. Diamond does not mention *berit milah* in his interview, and does not suggest that he views circumcision as “genital mutilation,” I am sensitive to the fact that many who advocate against circumcision often refer to *berit milah* as genital mutilation. My choice to quote Dr. Diamond here should not be taken to suggest that I believe *berit milah* is genital mutilation in the political sense of the word.

<sup>83</sup> Diamond, Jared in “Tribes,” on *This American Life* Episode 491 (Originally Aired March 29, 2013) (Transcript available at: <http://www.thisamericanlife.org/radio-archives/episode/491/transcript>) (emphasis added).

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strong, and the benefits of group identity outweighed the risks and aversion that otherwise would come from a procedure like circumcision.<sup>84</sup>

In addition to being an expensive initiation ritual that, in the words of Rabbi Washofsky, has value as a tribal ritual, the Responsa Committee also highlighted that *berit milah* has special value as a Jewish ritual because of its historical significance.<sup>85</sup> Not only have male Jews-by-choice undergone *berit milah* for centuries, if not millennia, but the ritual was also used by the patriarchs and their progeny as a symbol of covenant with God prior to divine revelation at Sinai, as recorded in the book of Exodus. Just as divine revelation at Sinai was God's way of establishing a covenant with the entire Jewish people, so too *berit milah* today serves as a symbol of covenant between God and the entire Jewish (male) population, since that was the covenantal ritual employed by the patriarchs and their sons.

### **C.     *The Tension Between Reform Precedent and Evolving Reform Practices and Customs***

The general trend towards reclaiming Jewish rituals and practices not observed by our Reform ancestors highlights an almost paradoxical tension in Reform Judaism: the Reform Movement was born out of a desire to leave the Jewish ghetto, both literally and figuratively, and to shed practices that continued to drive what were perceived to be unnecessary wedges between ones Jewish and secular identities. The pendulum has begun to swing in the other direction, with Reform Judaism considering observances that highlight the very distinctiveness of Jewish identity and Jewish practice that prior generations

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<sup>84</sup> Arguably, the performance of *berit milah* in the United States is a less "expensive" initiation rite for Jews, since the majority of non-Jews also are circumcised. Circumcision therefore is less likely to be an indication that one is Jewish, than in other parts of the world, where circumcision is much less common.

<sup>85</sup> Adoption, Conversion, and 'Patrilineal Descent'," *supra*; Patrilineal Descent, Conversion, and Rejection of Circumcision," *supra*. See also Union for Reform Judaism Board of Trustees, "Resolution on Anti-Circumcision Initiatives," (Brooklyn, NY June 13, 3011) (male circumcision is "an integral part of the divine covenant that has existed for five thousand years between God and the Jewish people").

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of Reform Jews eschewed. From one perspective, this evolution is quite “Reform,” in the sense that Reform Judaism invites ongoing assessments about the needs of Jewish communities, based on the place and the time in which communities exist. Yet these reassessments raise the question of what role, if any, precedent plays in Reform Judaism, and whether there are any core principles of Reform Judaism that might outweigh the desire to reclaim Jewish “distinctiveness” as reflected through age-old rites and rituals.

The same 2000 responsa that observed the modern Reform trend towards the increased performance of certain rituals acknowledged this tension—a tension between the history of pre-movement Judaism and the history of Reform Judaism:

the mere fact that a congregation wishes to restore [a former religious practice] may not be a good enough reason to justify its abandonment of a teaching that has for so long characterized our movement. For though we are drawn to the traditions of our people, the tradition of our own Reform Jewish community also makes a powerful call upon us. We, the Reform Jews of today, are members of a religious experience that transcends the boundaries of individual congregations. To identify ourselves as Reform Jews is to acknowledge our participation in the historical religious enterprise that our predecessors founded. We look upon them, in a sense that is deeply significant, as our rabbis. Their conception of Jewish life has done much to shape our own; accordingly, their teachings demand our attention and our prayerful respect. *That respect, we think, forbids us from discarding the instruction of our teachers in the absence of good and sufficient cause.*<sup>86</sup>

What constitutes “good and sufficient cause?” The Responsa Committee elaborated, offering the following additional insights:

We Reform Jews respect the customs of our ancestors; we do not dismiss them with scorn or disdain or for no good reason. *But when those customs no longer serve the purposes for which they were adopted, it makes no sense to insist they be maintained merely because they are ancestral customs. This is especially true when maintaining them becomes counter-productive, when powerful considerations that reflect our deeply-held religious values argue against their strict preservation.*<sup>87</sup>

When considering the ongoing role played by principles and statements articulated by our Reform ancestors, and the customs and practices of Reform rabbis and

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<sup>86</sup> “The Second Festival Day and Reform Judaism,” *supra* (emphasis added).

<sup>87</sup> *Id.* (emphasis added).

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congregations during the preceding two centuries, one should thus consider at least two questions: (1) Does the historical practice and custom—in this case, the decision not to require *berit milah* for both Jews-from-birth and Jews-by-choice—continue to serve the purpose for which it was adopted? and (2) are there deeply-held religious values that argue against maintaining the historical practice and custom? I believe that the answer to the first question is yes, and the answer to the second question is no.

### 1. **Core Reform Value: Personal Autonomy**

*Berit milah*, particularly in the context of conversion, touches on the foundational question of “Who is a Jew?” Certain rabbis and certain segments of the Jewish population refuse to recognize Jews-by-Choice whose conversions have been presided over by Reform rabbis under all circumstances, all the more so if the conversion ritual did not include *mikveh* and *berit milah*. The issue of “Who is a Jew?” has geo-political significance in Israel, where there is limited separation between religion and state, and where, for example, the ability to immigrate to Israel and to be married or divorced in Israel is governed by the opinion of a small, non-representative group of rabbis who hold especially conservative, and expressly anti-Reform, views.

*Berit milah* is thus seen by some as an indispensable component of a ritual (conversion) that confers on the participant the objective status of “Jew.” But as David Ellenson has observed, the question “Who is a Jew?” has not only objective indicia of status, but also subjective indicia of identity:

‘Who is a Jew?’ involves matters of both status and identity, and while the meanings of these two terms may overlap, they are two distinct referents that are not necessarily identical. Status, stemming as it does from the Latin word meaning ‘standing,’ refers to the condition of a person in the eyes of the law. When employed in regard to a person’s relationship to a group, the person’s own definition of that relationship may be totally irrelevant...

Identity, in contrast, embraces a more subjective and personalistic component. Its etymological root, derived from the ancient Greek *idios*, means ‘private’ or ‘individual.’ When the term ‘identity,’ as opposed to ‘status,’ is utilized to refer to a person’s relationship to a group, it may simply signify

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the psychological orientation of that individual towards the group. Simply put, it reflects the individual autonomous understanding of who she is.<sup>88</sup>

Status and identity as indicia of Jewishness once converged. Jewish Emancipation and the Jewish Enlightenment changed that for many Jews. This period in Jewish history brought about political and religious freedom that “granted the individual the right to participate in the community and affirm her identity as a Jew or, if she chose, elect not to participate in it.”<sup>89</sup>

We are, each of us, autonomous beings living in communities that themselves are autonomous. We have the ability, and as characterized in modern language, the “right” to choose how we live our Judaism. We have the freedom to become part of Jewish communities that share our choices and the values that underlie them - or at least enough of those choices and values that we feel comfortable continuing to stay in that community. Should the community we choose to inhabit no longer reflect the core expression of our chosen Judaism, we have the freedom to seek out a new community, or to establish a new community with other like-minded people. All the while, when we perform mitzvot, when we subsume ourselves to a higher authority, we do so, in principle if not in fact, because we have *chosen* to do so, and for no other reason. Those who say that they are obligated by mitzvot, are actually saying that they *choose* to be obligated by mitzvot, even if they themselves would not express it as a choice.

This reality—that Judaism is a bundle of choices and commitments grounded in personal autonomy, and not something to be forced upon someone by others—has been one of the greatest contributions that Reform Judaism has made to Jewish history.

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<sup>88</sup> Ellenson, David, “‘Who is a Jew?’: Issues of Jewish Status and Identity and Their Relationship to the Nature of Judaism in the Modern World,” in *Berit Mila in the Reform Context*, Lewis M. Barth (ed.), (Berit Mila Board of Reform Judaism 1990).

<sup>89</sup> *Id.*, p. 72

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Personal autonomy is a core Reform value, as reflected in one of the movement's most recent statements of principles:

*Reform Jews respond to change in various ways according to the Reform principle of the autonomy of the individual. However, Reform Judaism does more than tolerate diversity; it engenders it. In our uncertain historical situation we must expect to have far greater diversity than previous generations knew. How we shall live with diversity without stifling dissent and without paralyzing our ability to take positive action will test our character and our principles. We stand open to any position thoughtfully and conscientiously advocated in the spirit of Reform Jewish belief.*

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The past century has taught us that the claims made upon us may begin with our ethical obligations but they extend to many other aspects of Jewish living, including: creating a Jewish home centered on family devotion: lifelong study; private prayer and public worship; daily religious observance; keeping the Sabbath and the holy days: celebrating the major events of life; involvement with the synagogues and community; and other activities which promote the survival of the Jewish people and enhance its existence. *Within each area of Jewish observance Reform Jews are called upon to confront the claims of Jewish tradition, however differently perceived, and to exercise their individual autonomy, choosing and creating on the basis of commitment and knowledge.*<sup>90</sup>

The Reform Movement's 1983 resolution concerning matrilineal descent is perhaps the best modern embodiment of this commitment to personal autonomy and commitment:

The Central Conference of American Rabbis declares that the child of one Jewish parent is under the presumption of Jewish descent. This presumption of the Jewish status of the offspring of any mixed marriage is to be established through appropriate and timely public and formal acts of identification with the Jewish faith and people. The performance of these mitzvot serves to commit those who participate in them, both parent and child, to Jewish life.

Depending on circumstances, mitzvot leading toward a positive and exclusive Jewish identity will include entry into the covenant, acquisition of a Hebrew name, Torah study, Bar/Bat Mitzvah, and Kabbalat Torah (Confirmation). For those beyond childhood claiming Jewish identity, other public acts or declarations may be added or substituted after consultation with their rabbi.<sup>91</sup>

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<sup>90</sup> Central Conference of American Rabbis, "Reform Judaism: A Centenary Perspective," (San Francisco, California 1976) (Available at: <http://www.ccarnet.org/rabbis-speak/platforms/reform-judaism-centenary-perspective/>).

<sup>91</sup> CCAR, "Report of the Committee on Patrilineal Descent on the Status of Children of Mixed Marriages" (March 15, 1983) (Available at: <http://ccarnet.org/responsa/arr-appendix/>).

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The resolution privileges identity over status, choice over accident of birth, autonomy over compulsion. As Ellenson explained: "Jewish identity [as] a matter of choice and not a given, immutable legal status, is not simply acknowledged as a description of contemporary social reality. Rather, it is enshrined as a foundational premise of liberal Judaism and, consequently, Jewish identity."<sup>92</sup>

Personal autonomy remains a core Jewish principle in the Reform movement to this day. This principle permeates the daily lives and activities of Jews around the world. Some Reform Jews are punctilious in their observance of *kashrut* while others do not observe *kashrut* at all; some Reform Jews find meaning in the traditional observance of Shabbat, others create new Shabbat observances to enhance the spirit of the day, and others still find personal meaning in Judaism elsewhere; some Reform Jews will choose to visit and use a ritual bath on a regular basis, others only before special lifecycle events, and others still not at all.

The list goes on, of course, to include the full gamut of Jewish expression, from rites and rituals, to questions of theology. Jews all along the spectrum of practice and belief find a home in Reform Judaism, without being labeled a sinner, or a "bad Jew," precisely because Reform Judaism empowers individuals, individual rabbis, and the individual communities in which they live together, to choose a path that allows them to express their Judaism most fully, without prejudging the details of what that path must or must not look like. It is enough for a Reform Jew to practice Judaism in a way that fulfills her or his connection to God and the Jewish people, to consider herself or himself an heir to Judaism's

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<sup>92</sup> Ellenson, p. 74, 76 ("Reform affirms voluntarism and choice as integral parts of modern Judaism").

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traditions and memories, and to choose Judaism as the lens through which to see, experience, engage and improve the world.<sup>93</sup>

An uncircumcised Jew can live this expression of Judaism and be a fulfilled and contributing member of a Jewish community and the Jewish people no less than a circumcised Jew. Our reform ancestors intuited and gave expression to this reality. The same value of personal autonomy that Reform Jews continue to practice today led lay leaders in the burgeoning Reform movement to reject mandatory *berit milah*; led Reform rabbis towards the end of the nineteenth century to affirm the status and identity of Jews who did not undergo circumcision, and led Reform rabbis then, and again in the middle of the twentieth century, to dispense with the obligation to require *berit milah* for Jews-by-choice.

Any countervailing desire that has evolved towards the end of the twentieth century and the beginning of the twenty-first century to “preserve Jewish distinctiveness” through *berit milah* need not come at the expense of personal autonomy. *Berit milah* should be no different than other Jewish ritual practices, like *shatnez*, *tzitzit*, *lulav and etrog*, *kashrut*, *mikveh*, *shabbat*, fasting, and the like. *Berit milah*, like all other Jewish ritual practices, should be expressed, if at all, through the autonomous and voluntary commitment of the individual Jew, the individual rabbi, and the individual community.

For Jews committed to Reform Jewish theology and philosophy, this might seem self-evident. Reform Jews often take for granted the right (and, some might appropriately point out, the responsibility) to decide for themselves which Jewish practices to adopt and which to forego. This freedom, and the ability to take it for granted, is an incredible symbol of the

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<sup>93</sup> I have adapted this articulation of Jewish identity from Daniel Boyarin. See Boyarin, Daniel, *Carnal Israel: Reading Sex in Talmudic Culture* (University of California Press 1995), p. 20 (“My province is rabbinic Judaism both because I practice that religion and consider myself to be an heir to its traditions and memories and also because I have chosen it as my province of intellectual discourse.”)

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success of Reform Judaism as a movement for more than 150 years. Yet for the historical, sociological and anthropological reasons discussed throughout this paper, *berit milah* is perceived, rightly or wrongly, as being qualitatively different than other religious rites, rituals and observances, if not entirely *sui generis*.

On the one hand, Reform Jews typically are comfortable with their personal choices regarding their (non-)observances of kashrut and shabbat, even if their choices are unorthodox. On the other hand, completely secular Jewish families will often insist on *berit milah*. Extended family members are likely to exert intense and overpowering pressure to ensure their grandchild or nephew is circumcised, even if they would not object to or involve themselves in their relatives' other religious practices and customs.

*Berit milah* is unique in this regard. For many it represents a boundary that cannot be crossed without paying a price too dear. It is precisely at moments like these, where the exercise of personal autonomy is seen to come at too great a cost, that we must reaffirm it as a core Reform value. In so doing, we empower our fellow Jews to take responsibility for their own Judaism, and to create sacred connections with God and the Jewish community based not on compulsion, but on decisions grounded in free-will.

### **2. Core Reform Value: Gender Egalitarianism**

There are other compelling and principled reasons as a Reform Jew and future Reform rabbi to object to mandatory *berit milah* for all Jews-from-birth and Jews-by-choice. Reform Judaism has evolved over the last century as one of the most progressive Jewish

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movements when it comes to gender egalitarianism.<sup>94</sup> Reform Judaism has consistently removed barriers to Jewish women assuming roles of leadership as rabbis, cantors, scribes, and, even *mohalot*. Reform Jewish women are lay leaders in congregations and communities around the world, leading services, reading, studying and teaching Torah, participating in life-cycle events, and taking full advantage of everything Judaism has to offer. The CCAR has taken bold steps in the name of gender egalitarianism, some seen by many as especially radical—such as allowing for patrilineal descent. For many Reform Jews, including myself, gender egalitarianism is a core Jewish value and a pillar of twenty-first century Judaism. It is not surprising, then, that one Reform responsa have referred to gender egalitarianism as “one of the most fundamental commitments of Reform Judaism.”<sup>95</sup>

The insistence on *berit milah* for Jewish males poses a fundamental challenge to this value. *Berit milah* is a ritual for males only. It highlights, almost from the moment of birth, a male-female binary opposition<sup>96</sup> that results in maleness being privileged over femaleness; in males, but not females, being blessed with an ongoing role in divine covenant.

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<sup>94</sup> See, e.g., *Women in Reform Judaism* (Resolution Adopted by the CCAR 1975) (Available at: <http://ccarnet.org/rabbis-speak/resolutions/all/women-in-judaism-1975/>) (“the Reform movement has ever affirmed the religious equality of women”); *A Statement of Principles for Reform Judaism* (CCAR) (Pittsburg 1999) (“We pledge to fulfill Reform Judaism's historic commitment to the complete equality of women and men in Jewish life.”) (Available at: <http://ccarnet.org/rabbis-speak/platforms/statement-principles-reform-judaism/>); \_\_\_\_\_, *Commentary on the Principles for Reform Judaism* (2004) (Available at: <http://www.ccarnet.org/rabbis-speak/platforms/commentary-principles-reform-judaism/>) (“the Reform Movement has been in the forefront of providing equal opportunities for women and men”).

<sup>95</sup> See, for example, CCAR Responsa Committee, “Bar/Bat Mitzvah Observance Prior to Age Thirteen” (5774.2) (Available at: <http://www.ccarnet.org/responsa/bar-bat-mitzvah-observance-prior-age-thirteen/>).

<sup>96</sup> See Eilberg-Schwartz, Howard, *The Savage in Judaism: An Anthropology of Israelite Religion and Ancient Judaism* (Indiana University Press 1990), p. 171 (since circumcision binds together men within and across generations, it also establishes an opposition between men and women”); Baskin, Judith R., “Implications for Jewish Women” in “Circumcision,” *Encyclopaedia Judaica, Second Edition* (Michael Berenbaum and Fred Skolnik, editors) Vol. 4. (Detroit, Macmillan Reference 2007) p. 733.

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Some have proposed that the proper response to this gender imbalance is to create new *berit* rituals for females. Increasing numbers of such rituals are available in Reform publications and online.<sup>97</sup> Although the creation of new rituals can indeed be a meaningful way for Jews to further develop their connection to God and the Jewish community, with regard to *berit milah* this proposed solution is lacking in at least two respects.

First, there can be no real parity between *berit milah*—with its weighty sense of danger and solemnity and purpose that accompanies the ritual through the use of knives, the obligation to draw blood, and the permanent physical markings of sex organs—and any ritual for girls that lacks a corresponding physical act. A proposed *berit* ritual in the 1970's actually called for girls to undergo a hymenotomy, in order to infuse a female *berit* ceremony with a physical component akin to circumcision.<sup>98</sup> It is easy to understand why there has been, and almost surely would never be, any groundswell of support for this type of ritual, or a ritual calling for something even less invasive, like *tipat dam* on a girl's genitals.

Second, and even more fundamentally, the non-egalitarian nature of *berit milah* is in the ritual itself. It cannot be cured by simply creating a new ritual for girls to co-exist beside

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<sup>97</sup> Maslin, Simeon J., ed., *Gates of Mitzvah: A Guide to the Jewish Life Cycle*, p. 15 section B-6 (CCAR Press, 1979) ("It is a mitzvah to bring daughters as well as sons into the *berit*. Reform Judaism is committed to the equality of the sexes, and in consonance with this principle, parents should arrange a *berit* service for girls either at home or in the synagogue"); Stern, Chaim, "The Covenant of Life," in *Gates of the House: The New Union Home Prayer Book- Prayers and Readings for Home and Synagogue* (CCAR Press 1977), pp. 114-17; "B'rit Bat: Ceremony for Welcoming a Baby Girl," ReformJudaism.org (Available at: <http://www.reformjudaism.org/brit-bat-ceremony-welcoming-baby-girl>) (Accessed May 21, 2014).

Other communities rely on more time-tested ceremonies used to welcome Jewish girls into the community, such a *simchat bat* or *zevet bat*. See Shaye, pp. 214-215; Keenan, Zev, ed., "Seder Zevet Habat," in *Va'ani Tefillati: An Israeli Siddur* (Miskal-Yedioth Ahronot Books and Chemed Books 2009), pp. 253-55.

<sup>98</sup> See Shaye, pp. 216-17 (Referencing ritual proposed by Jewish feminist Mary Gendler in the 1970's involving the ritual rupture of a girl's hymen with a sterilized needle.) Shaye noted: "As far as I know, this suggestion has never actually been implemented, and there are no signs that it will ever be implemented; in fact when first published it was met by shock and derision. But the origins of the idea are clear; if circumcision is the archetypal Jewish birth ceremony, what can we do for girls?" *Id.*

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it. The objectionable nature of *berit milah* would still remain, and its patriarchal essence would still be validated by Jewish history and our sacred texts. As one Jewish author who struggled with whether to have his son ritually circumcised explained:

Circumcision, it became clear, is the single moment of the reproduction of patriarchy. It's when patriarchy happens, the single crystalline moment when the rule of the fathers is reproduced, the moment when male privilege and entitlement is passed from one generation to the next, when the power of the fathers is enacted upon the sons, a power which the sons will someday then enact on the bodies of their own sons. To circumcise our son, then, would be, unwittingly or not, to accept as legitimate 4000 years not of Jewish tradition, but of patriarchal domination of women.<sup>99</sup>

What this author referred to a "patriarchy," Lawrence Hoffman referred to as a "male lifeline," of which circumcision is the first lifecycle—a "single focal point"<sup>100</sup> in a larger male-centric construct that modern Jews inherited from their pre-Emancipation and pre-Enlightenment ancestors:

Rites of initiation [] posit social states into which the initiants are inducted. The classical construction of states through which people pass in traditional rabbinic culture, however, has little to do with "individuals" and everything to do with individual "men." The rabbinic rites that celebrate human life do not constitute a story of individuals who are born, grow up, and die; they proclaim instead an eternal covenant carried by males from father to son throughout the generations. Circumcision in the rabbinic system of meanings is the first ritualized display of what matters—not individual people, but the corporate covenant of Torah that transcends them all, and this, secondarily, the men who carry its sign stamped upon their flesh.<sup>101</sup>

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<sup>99</sup> Kimmel, Michael S., "The Kindest Un-Cut: Feminism, Judaism, and My Son's Foreskin," *Tikkun*, 16(3) (May/June 2001) (Available at: [http://www.tikkun.org/article.php?story=may2001\\_kimmel](http://www.tikkun.org/article.php?story=may2001_kimmel)). Kimmel went on to explain his and his wife's decision not to circumcise their son by noting: "we decided that we want him to live in a world in which male entitlement is a waning memory, and in which women and men are seen—in both ritual and in reality—as full equals and partners."

<sup>100</sup> Hoffman, p. 25. Hoffman drives the point home when he says: "[M]y whole point is that the Rabbis made Judaism inseparable from the male lifeline. Like it or not, they had no idea of a female lifeline. They identify Jewish culture in its fullness only with men's consents, men's growth, men's maturity; women exist only insofar as they enter the orbit of men."

<sup>101</sup> Hoffman, p. 81. Hoffman refers not to employ the word patriarchy for historical/anthropological reasons, not for political reasons. See Hoffman, *supra*, p. 24.

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*Berit milah*, as a ritual and as a sign of covenant, is by definition and in its practice incompatible with gender egalitarianism, a core value in Reform Judaism. There are thus compelling grounds to maintain that Reform Judaism should not perpetuate it, even if it has been part of our collective history and religious practice for time immemorial.<sup>102</sup> At a minimum, Reform Judaism should not mandate *berit milah*, but instead should respect the decisions of those who choose not to perform it on their son, or on themselves.

If we, as a movement, deem it important and worthwhile to celebrate a lifecycle event upon the birth of a child to give personal and communal recognition to the creation of new life, the connection of a new soul to the Jewish people, and the Jewish covenant to which we hope this new soul will commit, we ought to do so, but in a way that is blind to gender.<sup>103</sup> We already live out this goal elsewhere in our Reform lives and liturgy: blessing God for creating each of us, men and women alike, in the divine image (rather than having males recite the traditional blessing thanking God for not creating him a woman); blessing God through the invocation of all our ancestors (rather than the patriarchs alone); publishing commentaries of the Torah that specifically give voice to the perspectives of women;<sup>104</sup> celebrating the bat

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<sup>102</sup> CCAR Responsa Committee, "A Woman as a Scribe" (5755.15) (Available At: <http://www.ccarnet.org/responsa/tfn-no-5755-15-177-183/>) (As a "matter of religious principle," "our movement rejects any attempt to draw distinctions in ritual practice on the basis of gender. Over the years, we have worked to remove the barriers that deny women equal access to all avenues of Jewish religious expression, learning, and leadership.")

<sup>103</sup> See Shaye, p. 214 (The first attempt at such a ritual took place in 1843 in Germany by Joseph Johlson, a teacher in a Jewish school aligned with the Friends of Reform).

<sup>104</sup> Eshkenazi, Tamara Cohn, *The Torah: A Women's Commentary* (URJ Press 2008).

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mitzvah and mar mitzvah equally and at the same age;<sup>105</sup> allowing women, no less than men, the opportunity to wear religious garments like the tallit<sup>106</sup> or *kippah*.<sup>107</sup>

As a movement, we have “pledge[d] to fulfill Reform Judaism's historic commitment to the complete equality of women and men in Jewish life.”<sup>108</sup> We should not shirk at the obligation to live up to that pledge in the case of *berit milah*, particularly where precedent from our Reform ancestors give us ample bases to do so.

### **D. Summary**

In this section we have explored the potential reasons underlying the Reform movement's recent evolution on the issue of *berit milah*. We have seen that there are historical bases to account for the difference between contemporary Reform practice and the practice of our Reform predecessors. In particular, our Reform predecessors were responding to a new and largely unprecedented reality, in which Jews were afforded the freedom to participate fully in secular life and culture. Many Reform Jews to shed practices and observances that they believed were an impediment to successful acculturation. By the end of the twentieth century and the turn of the millennium, Reform Jews, and Jews in general, have achieved unprecedented levels of political, social, economic and religious

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<sup>105</sup>“Bar/Bat Mitzvah Observance Prior to Age Thirteen,” *supra* (“In our communities, of course, girls as well as boys become b’nei mitzvah at [] age [thirteen]. This is due to our commitment to gender equality and to the separate (though related) fact that girls and boys learn together in our religious schools and therefore satisfy our educational requirements for Bar/Bat Mitzvah at the same time.”)

<sup>106</sup> Freehof, Solomon B., “Woman Wearing a Talit,” in *American Reform Responsa*, pp. 55-56 (Available At: <http://www.ccarnet.org/responsa/arr-5-8/>) (“in our Reform Movement, where special emphasis is placed upon the religious equality of men and women, there can be no real objection to young women putting on the Talit when they participate in the service”)

<sup>107</sup> CCAR Responsa Committee, “Kippot for Women and Men,” in *New American Reform Responsa* (1990) (Available at: <http://www.ccarnet.org/responsa/narr-20-23/>) (“if a woman wishes to wear a kippah or any other head covering in order to indicate a mood of worship akin to men it would be appropriate for her to do so in a Reform setting.”)

<sup>108</sup> \_\_\_\_\_, *A Statement of Principles for Reform Judaism* (CCAR) (Pittsburg 1999) (Available at: <http://ccarnet.org/rabbis-speak/platforms/statement-principles-reform-judaism/>)

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freedom in many places in the world, including the United States, which is home to the largest population of Reform Jews. At a time when acculturation can be taken for granted in ways it could not in nineteenth century Germany, Reform Jews have been more open to reclaiming rituals and observances that were once viewed as arcane. The widespread contemporary practice of *berit milah* among Reform Jews, and the widespread contemporary insistence on *berit milah* for Reform Jews-by Choice, is one example of this shift.

Trending in the direction of increased insistence on ritual practice within Reform Judaism is not without its challenges. This is especially true when the trend departs from Reform precedent, as is the case with regard to *berit milah*. The very flexibility built into the system of Reform Jewish practice allows for departures from prior movement-wide principles and observances. Yet the challenge is particularly pronounced when the proposed practice or observance conflicts with core Reform values and principles that continue to inform the movement's understanding of Judaism.

Personal autonomy is one such value, which has been a guiding principle for Reform Judaism since it was first established. Jewish Emancipation and Jewish Enlightenment came with the dual blessing and challenge of choice—whether, to what extent, and how to practice one's Judaism. The spirit of personal autonomy continues to guide Reform Jews, Reform rabbis and Reform communities to this day, and weighs heavily indeed against singling out *berit milah* and imposing this special ritual requirements on Jewish males.

Gender egalitarianism, while not a driving force undergirding Reform Judaism in the nineteenth century or the beginning of the twentieth century, has evolved to become one of the defining principles of Reform Judaism today. Egalitarianism has enriched the fabric of Judaism by ensuring that all of its members have equal access to positions of professional and lay leadership, and are otherwise able to take full part in the splendor that is our Jewish history and heritage. *Berit milah* is unquestionably a non-egalitarian ritual, both in purpose and practice. The Reform movement's ongoing commitment to a gender egalitarian

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Judaism supports the informed decision, by Reform professionals and laity alike, to forego perpetuating the *berit milah* ritual.

**VI. Conclusion: Personal Reflections on Practical Questions Relating to *Berit Milah***

In validating and embracing diversity in Jewish practice and beliefs, the Reform movement acknowledges that there is no single, objective "Truth," certainly not when it comes to questions of faith and religious rituals. The strong responses provoked by *berit milah*, and by the suggestion that *berit milah* be dispensed with, is a testament to the fact that most Jews continue to consider it a fundamental religious practice. The preceding discussion cannot, and does not intent to, undermine the importance with which many view and experience *berit milah*. It strikes such a deep cord for those in favor and those against the perpetuation of the practice precisely because it simultaneously seems so grounded and so groundless. As one author aptly put it recently:

Circumcision is a barbaric, primitive, irrational, bizarre, pleasure-reducing, possibly painful, strange, nonsensical, patriarchal and essentially permanent. And it is ancient, sacred, profound, familial and foundational to Jewish maleness, Jewish identity and Jewish religious practice. Both-and, not either-or.<sup>109</sup>

Despite this visceral ambivalence, Jews and rabbis are confronted with questions and situations that sometimes require a choice. Those choices must at times lead to answers that privilege one value over another. So it is with many of the questions presented in the introduction to this paper.

In the following section, I offer brief, personal observations and recommendations concerning contemporary questions relating to *berit milah*. These observations are premised on the discussion in the preceding sections of this paper.

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<sup>109</sup> Michaelson, Jay, "Embracing the Irrationality of Circumcision and Kashrut," forward.com (May 12, 2014) (Available at: <http://forward.com/articles/197974/embracing-the-irrationality-of-circumcision-and-ka/>).

The Reform Movement and the Obligation of *Berit Milah*: From the 1840's to Today**A. Governmental Action Mandating or Prohibiting *Berit Milah***

The Union for Reform Judaism has taken public stances against governmental initiatives intended to prohibit performing *berit milah* (often referred to as “non-medical circumcision”). In a recent pronouncement, the URJ’s board highlighted the historical significance of the ritual, and then adopted a resolution “[s]upport[ing] the right to male circumcision as a core manifestation of free exercise of religion for Jews and others who hold it as a central religious ritual.”<sup>110</sup>

I believe this is the correct position for Reform Judaism to take. Even if I would not encourage one to undergo *berit milah* or perform it on one’s child based on my personal convictions related to gender egalitarianism, I do not believe that secular or religious governmental bodies should have the authority to prevent one from performing *berit milah* under the penalty of criminal or civil sanctions.

For the same reasons, I do not believe that any government should *require* a Jew to undergo *berit milah*. Jews should enjoy the freedom to determine for themselves what religious rites and rituals they shall perform on themselves and their children, without governmental interference or compulsion. Personal autonomy in religious practice and belief demands no less.

The Reform Movement in Israel has consistently spoken out against the *rabbanut*’s anti-Reform rhetoric, and its monopoly on Jewish practice when it comes to issues such as

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<sup>110</sup> “Resolution on Anti-Circumcision Initiatives,” *supra*.

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marriage<sup>111</sup> and conversion,<sup>112</sup> and the recognition of Reform rabbis as religious leaders.<sup>113</sup>

As it should. The Reform Movement should speak out just as strongly with regard to mandatory *berit milah*, on the seemingly rare occasions when the *rabbanut* tries to impose its will on parents. Compulsory *berit milah* is especially egregious and warrants a strong reaction where the *rabbanut* threatens civil or criminal penalties for not complying with its specific interpretation of Judaism.

### **B. Berit Milah for Jews-From-Birth**

Reform Judaism should respect the personal autonomy of parents, and respect their informed decision to either circumcise or not circumcise their sons. Based on precedent from the Reform movement, the decision not to circumcise one's son should not come with any penalty or disadvantage, in terms of personal status or the family's communal involvement or affiliation with a religious community. Consistent with established Reform precedent, an uncircumcised Jew should continue to be recognized as a Jew for all purposes and throughout life. No communal or governmental privileges should be withheld from an uncircumcised Jew. The decision to remain uncircumcised, and to forego circumcising one's son, should remain a valid religious choice for Reform Jews, consistent with the core Reform values of personal autonomy and gender egalitarianism.

I would respect a parent's choice to circumcise her or his son. However, based on my own personal religious convictions concerning gender egalitarianism, I would not officiate over or participate in a *berit milah* ceremony as a rabbi or even as an invited guest. As a

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<sup>111</sup> Kariv, Gilad, "Civil Marriage - A Hot Potato" (April 28, 2013) (Available at: <http://www.reform.org.il/eng/About/NewsItem.asp?ContentID=1406>).

<sup>112</sup> Shalev, Chemi "Reform leader demands Netanyahu reprimand MK," in *Ha'Aretz* (February 5, 2014) (Available at: <http://www.haaretz.com/jewish-world/jewish-world-news/.premium-1.572700>) (MK David Rotem said Reform movement is 'another religion' and that its members 'aren't Jewish.' ADL's Foxman calls remarks 'offensive and unjustified.')

<sup>113</sup> \_\_\_\_\_, "Reform Movement gets state budget to pay local authority rabbis," in *Ha'aretz* (February 21, 2014) (Available at: <http://www.haaretz.com/news/national/1.575553>).

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rabbi, I would make myself available to officiate over gender-neutral ceremonies for girls and boys alike. Depending on the family's wishes, the ritual could be framed as a welcoming ceremony, or a ceremony focusing on the ongoing *berit* (covenant) between God and the Jewish people.

### **C. *Berit Milah for Jews-By-Choice***

#### **1. *Participation in Conversions Without Berit Milah***

As a Reform rabbi, and consistent with the CCAR's 1893 resolution, I would serve on a *beit din* to convert a Jew-by-choice without requiring or recommending *berit milah* as part of the conversion process. If a potential convert advised me that he wanted to undergo *berit milah* or *hatafat dam berit milah*, I would respect that choice, but would abstain from participating in or witnessing or attesting to the performance of the ritual.

#### **2. *Recognition of Conversions Performed by Other Reform Rabbis***

The CCAR, in a recent responsum, has acknowledged that tensions can arise between the potentially conflicting principles of rabbinic authority and reciprocity:

On the one hand, we are firmly committed to the idea of rabbinic autonomy... The Central Conference of American Rabbis (CCAR), our rabbinic association, recognizes the autonomy of its members over questions of religious observance. Although the Conference may adopt resolutions that formulate a communal rabbinical position on these matters, these resolutions are seen as nonbinding upon its members. The individual Reform rabbi retains the freedom to determine his or her own standards of religious practice.

On the other hand, the Reform rabbinate is more than an aggregation of isolated individuals. We are a community...we regard each other as colleagues, as fellow practitioners, as co-workers in a common enterprise. We therefore accept that our individual rabbinical autonomy is limited to some extent by a sense of collegial responsibility, the desire to honor and respect the actions of our colleagues in the exercise of their legitimate rabbinical functions.<sup>114</sup>

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<sup>114</sup> CCAR Responsa Committee, "Rabbinical Autonomy and Collegiality," (5761.3) (Available at: <http://ccarnet.org/responsa/nyp-no-5761-3/>).

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The responsa committee offered various example to explain the contours of this tension, and to share guidance as to how that tension could and should be resolved among CCAR members. The first case presented concerned differences in practice among Reform rabbis in performing conversion ceremonies:

A person converts to Judaism under the guidance of Rabbi A, who does not require t'vilah (ritual immersion) as part of the conversion procedure. The Jew-by-choice then joins the congregation of Rabbi B, who does require t'vilah for conversion. Rabbi B should accept this individual as a true proselyte, because there is a consensus of practice within the American Reform Movement to accept converts even if they do not undergo the traditional rites of circumcision and immersion. This stance has been affirmed by this Committee, even though our responsa have tended to encourage Reform rabbis to insist upon these rites, as well as by the Conference as a whole in its "Guidelines for Rabbis Working with Prospective Gerim," adopted in 2001, even though that document encourages rabbis to educate potential Jews-by-choice concerning the traditional rites. A conversion has the status of a *maaseh beit din*, a "court action"; each Reform rabbi is expected to give "full faith and credit" to such actions performed by other Reform rabbis.<sup>115</sup>

Even though this responsum was published in 2001, already in the midst of the Reform movement's evolution in the direction of being more demanding about the performance of initiation rites for conversions (as discussed in sections II. and III. of this paper), the responsum committee acknowledged that the choice not to insist on initiation rights, including *berit milah*, remained a legitimate religious practice in Reform Judaism. Because of this, the committee expressed an "expectation" that Reform rabbis give reciprocity to conversions performed by other Reform Rabbis, whether or not initiation rites were included in the conversion process.

As a general rule, I believe this is the correct conclusion. I would recognize a conversion presided over by a fellow Reform rabbi, even if the conversion include a *berit milah* ritual. I would hope and expect that my fellow Reform colleagues would in turn recognize conversions that I might oversee, even if it did not include *berit milah*. Yet, if only for the sake of Jews-by-choice who have asked me to oversee their conversions, I would not

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<sup>115</sup> *Id.*

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presume that all of my future colleagues would follow the responsum committee's non-binding recommendations about reciprocity. I would therefore take the advice of nineteenth century Reform Rabbi Felsenthal,<sup>116</sup> and expressly advise prospective converts that if they choose not to be circumcised, they risk having their conversion not be recognized by rabbis and communities, including not only Orthodox and Conservative rabbis, but even Reform rabbis, who continue to require this ritual as a prerequisite for conversion.

### **D. My Sons and Me**

My two sons and I are already circumcised. At the time of my sons' circumcisions and *hatafat dam berit milah* ceremonies, I had not explored in depth or wrestled in earnest with the issue of gender egalitarianism in Judaism, except as it related to same-sex marriage and relationships.<sup>117</sup> I do not have any present plans to have more children. The issue of *berit milah* is therefore less "live" for my family and me at this stage in our lives. Moreover, given my family's past choices about *berit milah*, we are not exposed to any of the negative consequences that those who forgo the ritual today could face at the hands of others who might not respect their religious choices. One might therefore suggest that my personal stake in any discussion about *berit milah* is arguably less compelling, and that my views are "easier" to express since they will not affect my own family's status.

I am not the first to confront this type of situation. Rabbi Lawrence Hoffman wrote about his experience sitting in a seminar with a group of young rabbis and talking about *berit milah*. In the intimacy of that setting, many of the participants felt comfortable sharing their

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<sup>116</sup> "Response of Dr. B. Felsenthal," *Central Conference of American Rabbis Yearbook*, vol. 2 (1893-93), pp. 87-88, discussed *supra* at note 48.

<sup>117</sup> Even if I had reached then the conclusions that I reach now about *berit milah*, it is impossible for me to predict what my family would have done concerning our sons. If I were a single parent, I would like to believe that I would have had the courage of my convictions and forgone circumcision for my sons. As one member of a two-parent household, however, I cannot say that my views would have prevailed. As a future rabbi, I expect that there might be very challenging and compelling pastoral opportunities for me to help parents with conflicting views about *berit milah* to decide what to do about any sons they welcome into the world.

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ambivalence, and outright hostility to the ritual. Some among the group had already performed *berit milah* ceremonies on their own children, and others, still too young to have reached that stage in their lives, participated in *berit milah* ceremonies for their congregants. Hoffman described what happened next when emotions at the seminar began to run especially high:

“Then maybe we should get rid of circumcision,” one voice suggested.

Silence ensued. I broke in by adding, “But we haven’t. Is there anyone here who has had a son but not circumcised him?”

Silence became anger. In a way, I had no right to participate in the debate. It was true, as someone there charged, “It’s easy for you to talk. You have already had all of your children. We still have to worry about it.” Besides, as an academic, I could afford the comfort of theoretical discourse. But these were rabbis in congregations who faced the dilemma of circumcision every time a baby boy was born to one of their members, not to mention to themselves.<sup>118</sup>

I identify in part with Rabbi Hoffman’s observations. Indeed, I feel a certain amount of trepidation expressing my personal views about *berit milah*, and not only because of my own family’s choices to date. The positions I have taken in this paper are by any objective measure unpopular, at least based on the percentages of families who continue to perform the ritual, and based on the most recent statements in Reform responsa discussed throughout this paper. I am certain there are those who would claim that the rejection of *berit milah* threatens the very foundations of Judaism. I too have internalized this message until very recently.

Yet I take comfort knowing that I stand on the shoulders of Reform rabbis wiser than I who have not hesitated to speak out in the past when warranted. I also take comfort in Rabbi Hoffman’s observation that while I might be part of a minority view, increasing numbers of rabbis today also seem willing to speak out : “Some rabbis are less resistant to

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<sup>118</sup> Hoffman, p. 218.

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admit their ambivalence over circumcision; more and more of them are voicing their misgivings, at least to each other, and often in print.”<sup>119</sup>

Ultimately, contrary to the belief Rabbi Hoffman expressed in the wake of his seminar experience, as a future Reform rabbi I believe it is my sacred obligation to participate in the debate, and to share my views about *berit milah*. It is and will continue to be my responsibility to encourage Jews to take responsibility for their own religious decisions; to act, and not to react; to exercise their personal autonomy and to make choices based on knowledge, and not the lack of knowledge; to have the courage of their convictions; to aspire, through their thoughts and deeds, to be the very best Jews they possibly can be. As a Jewish leader, I have a precious opportunity to help others make a connection with God, with Jewish community, and with the rich tapestry of Jewish texts, traditions, customs and practices that inspire those connections.

The reality remains that there are Jews, however small in number at present, who are choosing not to circumcise themselves or their sons. They need to know that they are not outcasts because of that choice, and that they can, and should, lead full and rich lives as Jews. Uncircumcised Jews and their families must know that there are rabbis willing to be their allies, and to offer appropriate guidance and rituals to acknowledge their rightful stake in Judaism. I count myself among those willing and ready to accept this responsibility in the name of Reform Judaism and for the sake of Jewish civilization as it continues to develop and evolve.

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<sup>119</sup> Hoffman, p. 218. See also Moss, Lisa Braver, “Choosing not to circumcise - last frontier of Jewish inclusion,” jweekly.com (February 13, 2014) (Available at: <http://www.jweekly.com/article/full/70838/choosing-not-to-circumcise-last-frontier-of-jewish-inclusion/>).

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The Reform Movement and the Obligation of *Berit Milah*: From the 1840's to Today**Appendix: Index of Published Reform Responsa on Ritual Circumcision**

The following is an index of Reform responsa addressing the topic of male ritual circumcision, or *berit milah* (ברית מילה). The responsa are listed chronologically, from the earliest to the most recent responsum. Abbreviations used for the printed sources are listed at the end of the index. Online links are provided for response that are available on the internet. This index is current as of the end of 2013.

	<b>Title</b>	<b>Year</b>	<b>Printed Source</b>	<b>Online Availability</b>
1	The Milath Gerim Question	1892-93	CCAR Yearbook, vol. 2, pp 66-128	
1a	Circumcision for adult proselytes	1893	ARR, 216	<a href="http://ccarnet.org/responsa/arr-216-237/">http://ccarnet.org/responsa/arr-216-237/</a>
2	Born Circumcised	1918	ARR, 149	<a href="http://ccarnet.org/responsa/arr-149-151/">http://ccarnet.org/responsa/arr-149-151/</a>
3	Fermented Wine Not Required for Sacramental Purposes	1920		<a href="http://www.ccarnet.org/responsa/arr-123-127/">http://www.ccarnet.org/responsa/arr-123-127/</a>
3a	Report on Mixed Marriage and Intermarriage	1947	CCAR Yearbook, Vol. __, pp. 158-184	
4	Circumcision on day other than 8 day	1954	ARR, p. 143	<a href="http://ccarnet.org/responsa/arr-143-144/">http://ccarnet.org/responsa/arr-143-144/</a>
5	Circumcision on day other than 8 day: A Dissent	1954	CCAR Journal (1954), pp. 41-42	
6	The Status of a Gentile-Born Child Adopted into a Jewish Family	1956		<a href="http://www.ccarnet.org/responsa/arr/">http://www.ccarnet.org/responsa/arr/</a>
7	Circumcision Before Eighth Day	1960	Reform Responsa	

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	<b>Title</b>	<b>Year</b>	<b>Printed Source</b>	<b>Online Availability</b>
8	Circumcision of Dead Child	1960	Reform Responsa	
9	Circumcision of Jewish Adult	1960	Reform Responsa	
10	Who May Circumcise?	1960	Reform Responsa	
11	Circumcision and Naming and Orphan	1963	Recent Reform Responsa	
12	Naming a Child when Circumcision is Delayed	1963	Recent Reform Responsa	
13	Circumcising Son of Gentile Wife	1963	Recent Reform Responsa	
14	Anesthetic for circumcision	1965	ARR, p. 146	<a href="http://ccarnet.org/responsa/arr-146-149/">http://ccarnet.org/responsa/arr-146-149/</a>
15	Bar Mitzvah for uncircumcised boy	1966	ARR, p. 89	<a href="http://ccarnet.org/responsa/arr-89-91/">http://ccarnet.org/responsa/arr-89-91/</a>
16	Circumcision of Child of Unmarried Mother	1969	Current Reform Responsa	
17	Circumcision for Children of Mixed Marriages	1971	Modern Reform Responsa	
18	Status of an uncircumcised retarded adult	1976	ARR, 208	<a href="http://ccarnet.org/responsa/arr-208-209/">http://ccarnet.org/responsa/arr-208-209/</a>
19	Circumcision of Proselyte	1977	Reform Responsa of Our Time	

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	<b>Title</b>	<b>Year</b>	<b>Printed Source</b>	<b>Online Availability</b>
20	Woman Doctor as Mohel	1977	Reform Responsa of Our Time	
21	Bar Mitzvah of a Convert	1977		<a href="http://www.ccarnet.org/responsa/carr-237-238/">http://www.ccarnet.org/responsa/carr-237-238/</a>
22	Circumcision prior to 8th day	1977	ARR, p. 145	<a href="http://ccarnet.org/responsa/arr-145-146/">http://ccarnet.org/responsa/arr-145-146/</a>
23	Berit Milah	1978		<a href="http://ccarnet.org/responsa/carr-48/">http://ccarnet.org/responsa/carr-48/</a>
24	Rabbi or Mohel at a Moslem Circumcision	1978		<a href="http://ccarnet.org/responsa/carr-51-53/">http://ccarnet.org/responsa/carr-51-53/</a>
25	Adoption and Adopted Children	1978		<a href="http://www.ccarnet.org/responsa/arr-203-207/">http://www.ccarnet.org/responsa/arr-203-207/</a>
26	Role of a Godfather in the Circumcision Ceremony	1978		<a href="http://ccarnet.org/responsa/carr-49-51/">http://ccarnet.org/responsa/carr-49-51/</a>
27	Prospective Convert who fears circumcision	1978	ARR, p. 238	<a href="http://ccarnet.org/responsa/arr-238-239/">http://ccarnet.org/responsa/arr-238-239/</a>
28	Circumcising the Child of an Unmarried Couple	1980	New Reform Responsa	
29	Conversion of a Young Child	1980		<a href="http://www.ccarnet.org/responsa/carr-83-85/">http://www.ccarnet.org/responsa/carr-83-85/</a>
30	Conversion of a Young Child of a First marriage	1981		<a href="http://www.ccarnet.org/responsa/carr-81-83/">http://www.ccarnet.org/responsa/carr-81-83/</a>
31	Conversion Without Formal Instruction	1982		<a href="http://www.ccarnet.org/responsa/arr-211-215/">http://www.ccarnet.org/responsa/arr-211-215/</a>

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	<b>Title</b>	<b>Year</b>	<b>Printed Source</b>	<b>Online Availability</b>
32	Circumcision of infants	1982	ARR, p. 141	<a href="http://ccarnet.org/responsa/arr-141-143/">http://ccarnet.org/responsa/arr-141-143/</a>
32 a	Status of Children of Mixed Marriage	1983		<a href="http://www.ccarnet.org/rabbis-speak/resolutions/1983/status-of-children-of-mixed-marriages-1983/">http://www.ccarnet.org/rabbis-speak/resolutions/1983/status-of-children-of-mixed-marriages-1983/</a>
33	Patrilineal Descent and a Questionable Background	1983		<a href="http://www.ccarnet.org/responsa/carr-68-6/">http://www.ccarnet.org/responsa/carr-68-6/</a>
34	Adoption and Mixed Marriage	1984		<a href="http://www.ccarnet.org/responsa/carr-61/">http://www.ccarnet.org/responsa/carr-61/</a>
35	Infant Conversion	1984		<a href="http://www.ccarnet.org/responsa/carr-80-81/">http://www.ccarnet.org/responsa/carr-80-81/</a>
36	Wimpeln	1986		<a href="http://www.ccarnet.org/responsa/narr-41-42/">http://www.ccarnet.org/responsa/narr-41-42/</a>
37	Naming an Uncircumcised Child	1986		<a href="http://ccarnet.org/responsa/carr-49/">http://ccarnet.org/responsa/carr-49/</a>
38	A Swimming Pool as a Miqveh	1986		<a href="http://www.ccarnet.org/responsa/carr-76-79/">http://www.ccarnet.org/responsa/carr-76-79/</a>
39	A Gentile as a Kevater at a Berit Milah	1987		<a href="http://ccarnet.org/responsa/narr-167-169/">http://ccarnet.org/responsa/narr-167-169/</a>
40	Name Change of an Adopted Child After the Berit	1987		<a href="http://www.ccarnet.org/responsa/narr-187-188/">http://www.ccarnet.org/responsa/narr-187-188/</a>
41	Conversion of a Child with Two Non-Jewish Parents	1987		<a href="http://www.ccarnet.org/responsa/narr-200-201/">http://www.ccarnet.org/responsa/narr-200-201/</a>
42	Berit and Baptism	1987		<a href="http://ccarnet.org/responsa/narr-173-174/">http://ccarnet.org/responsa/narr-173-174/</a>
43	Berit for "Messianic Jews"	1987		<a href="http://ccarnet.org/responsa/narr-175/">http://ccarnet.org/responsa/narr-175/</a>

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	<b>Title</b>	<b>Year</b>	<b>Printed Source</b>	<b>Online Availability</b>
44	Berit Milah in the Evening	1988		<a href="http://ccarnet.org/responsa/narr-159-161/">http://ccarnet.org/responsa/narr-159-161/</a>
45	The Pressured Mohel	1988		<a href="http://ccarnet.org/responsa/narr-161-163/">http://ccarnet.org/responsa/narr-161-163/</a>
46	A Berit For a Child of an Unmarried Mother	1988		<a href="http://ccarnet.org/responsa/narr-151-153/">http://ccarnet.org/responsa/narr-151-153/</a>
47	A Circumcision without Parental Consent	1988		<a href="http://ccarnet.org/responsa/narr-149-151/">http://ccarnet.org/responsa/narr-149-151/</a>
48	Jewishness of an Adopted Child	1989		<a href="http://www.ccarnet.org/responsa/narr-185-187/">http://www.ccarnet.org/responsa/narr-185-187/</a>
49	Doubts about a Soviet Berit	1989		<a href="http://ccarnet.org/responsa/narr-165-166/">http://ccarnet.org/responsa/narr-165-166/</a>
50	Terminated Pregnancy and Berit	1989		<a href="http://ccarnet.org/responsa/narr-155-156/">http://ccarnet.org/responsa/narr-155-156/</a>
51	Anesthesia for a Berit Milah	1989		<a href="http://ccarnet.org/responsa/narr-163-164/">http://ccarnet.org/responsa/narr-163-164/</a>
52	Sandeq and Mohel at Public Services	1989		<a href="http://ccarnet.org/responsa/narr-166-167/">http://ccarnet.org/responsa/narr-166-167/</a>
53	Elijah and the Berit	1989		<a href="http://ccarnet.org/responsa/narr-169-170/">http://ccarnet.org/responsa/narr-169-170/</a>
54	A Horror of Circumcision	1990	Today's Reform Responsa	
55	Circumcising Child of Apostate Mother	1990	Today's Reform Responsa	
56	Circumcision of Twins	1990	Today's Reform Responsa	
57	Caesarean and Circumcision	1990	Today's Reform Responsa	

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	<b>Title</b>	<b>Year</b>	<b>Printed Source</b>	<b>Online Availability</b>
58	Tipat Dam	1990		<a href="http://ccarnet.org/responsa/narr-171-172/">http://ccarnet.org/responsa/narr-171-172/</a>
59	Second Marriage Ceremony	1990		<a href="http://www.ccarnet.org/responsa/narr-338-341/">http://www.ccarnet.org/responsa/narr-338-341/</a>
60	A Berit Milah Plate	1990		<a href="http://ccarnet.org/responsa/narr-170/">http://ccarnet.org/responsa/narr-170/</a>
61	Caesarean and Berit	1990		<a href="http://ccarnet.org/responsa/narr-153-155/">http://ccarnet.org/responsa/narr-153-155/</a>
62	A Berit Milah in the Synagogue	1990		<a href="http://ccarnet.org/responsa/narr-158-159/">http://ccarnet.org/responsa/narr-158-159/</a>
63	A Minyan and Berit Milah	1990		<a href="http://ccarnet.org/responsa/narr-157/">http://ccarnet.org/responsa/narr-157/</a>
64	Naming a Dying Baby	1991		<a href="http://www.ccarnet.org/responsa/narr-183-184/">http://www.ccarnet.org/responsa/narr-183-184/</a>
65	Circumcision and AIDS	1991		<a href="http://ccarnet.org/responsa/narr-164-165/">http://ccarnet.org/responsa/narr-164-165/</a>
66	Hatafat Dam Berit for a Three-Year-Old Child of a Mixed Marriage	1992		<a href="http://www.ccarnet.org/responsa/tfn-no-5752-2-241-248/">http://www.ccarnet.org/responsa/tfn-no-5752-2-241-248/</a>
67	Atheists, Agnostics and Conversion To Judaism	1994		<a href="http://www.ccarnet.org/responsa/tfn-no-5754-15-147-152/">http://www.ccarnet.org/responsa/tfn-no-5754-15-147-152/</a>
68	Delayed Berit Milah on Shabbat	1995		<a href="http://ccarnet.org/responsa/tfn-no-5755-12/">http://ccarnet.org/responsa/tfn-no-5755-12/</a>
69	Circumcision for an Eight-Year-Old Convert	1996		<a href="http://ccarnet.org/responsa/rr21-no-5756-13/">http://ccarnet.org/responsa/rr21-no-5756-13/</a>
70	Conversion for Adopted Children	1999		<a href="http://www.ccarnet.org/responsa/rr21-no-5759-1/">http://www.ccarnet.org/responsa/rr21-no-5759-1/</a>

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71	Adoption, Conversion, and "Patrilineal" Descent	2007		<a href="http://www.ccarnet.org/responsa/nyp-no-5767-2/">http://www.ccarnet.org/responsa/nyp-no-5767-2/</a>
72	Caesarian and Circumcision	2008		<a href="http://ccarnet.org/responsa/rr21-no-5768-4/">http://ccarnet.org/responsa/rr21-no-5768-4/</a>
73	Patrilineal Descent, Conversion, and the Rejection of Circumcision	2009		<a href="http://ccarnet.org/responsa/nyp-no-5769-4/">http://ccarnet.org/responsa/nyp-no-5769-4/</a>
74	Circumcision of a Transgender Female	2009		<a href="http://ccarnet.org/responsa/nyp-no-5769-6/">http://ccarnet.org/responsa/nyp-no-5769-6/</a>
75	Conversion Beit Din via Videoconference	2013		<a href="http://ccarnet.org/responsa/conversion-beit-din-via-videoconference/">http://ccarnet.org/responsa/conversion-beit-din-via-videoconference/</a>

**ARR** - American Reform Responsa, Walter Jacob, ed, 1983.

**CARR** - Contemporary American Reform Responsa, Walter Jacob, ed., 1987

**CCARJ** - [CCAR Journal](#) (publication of the CCAR since 1953)

Was titled Journal of Reform Judaism [or JRJ] from Spring 1978 to Spring 1991.

**CoRR** - Contemporary Reform Responsa, Solomon Freehof, 1974.

**CuRR** - Current Reform Responsa, Solomon Freehof, 1969.

**HAL** - Halakhah, Solomon B. Freehof Institute of Progressive Halakhah

**JRJ** - Journal of Reform Judaism (see CCARJ)

**MRR** - Modern Reform Responsa, Solomon Freehof, 1971.

**NARR** - New American Reform Responsa, Walter Jacob, 1992

**NRR** - New Reform Responsa, Solomon Freehof, 1980.

**NYP** - *Not Yet Printed*, responsa published by the Responsa Committee, but not yet in bound collections.

**RR** - Reform Responsa, Solomon Freehof, 1960.

**RRR** - Recent Reform Responsa, Solomon Freehof, 1963.

**RRT** - Reform Responsa for our Time, Solomon Freehof, 1977.

**TFN** - Teshuvot for the 1990's, W. Gunther Plaut and Mark Washofsky, 1997.

**TRR** - Today's Reform Responsa, Solomon Freehof, 1990.